

SOVEREIGNTY AND STAKEHOLDERS: A POLITICAL ECOLOGY
OF THE COQUILLE FOREST

by


CHAUN M. MACQUEEN

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Dennis Galvan, Chair of the Examining Committee

12/1/84

Date

Committee in Charge: Dennis Galvan, Chair
Peter Walker
George E. Smith

Accepted by:




Dean of the Graduate School

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As part of the Coquille Indian Tribe's economic self-sufficiency plan, the Coquille Forest consists of lands restored to the Tribe by Congress for purposes of providing a stable source of revenue and restoration of Tribal culture. Local stakeholders, concerned about the local economy and Pacific Northwest forests, are anxiously watching activities on this land. Some think that the Tribe will provide an example of sustainable forestry, addressing multiple ecological, economic, and cultural goals; others see the creation of the Tribal forest as a ploy by the timber industry to gain access to timber on federal forests. Each stakeholder brings to the table a different socially constructed identity and worldview of the Coquille Indians that underpins their assertions on what the Tribe's managed forestlands should look like, expectations for forest management goals and objectives, and what forest management methods should be implemented by the Tribe to reach these goals and objectives.

CURRICULUM VITAE

NAME OF AUTHOR: Chaun M. MacQueen

PLACE OF BIRTH: Buffalo, New York

DATE OF BIRTH: 01/03/74

GRADUATE AND UNDERGRADUATE SCHOOLS ATTENDED:

University of Oregon
State University of New York College of Environmental Science and Forestry
Canisius College

DEGREES AWARDED:

Master of Science, 2004, University of Oregon
Bachelor of Science, 1996, State University of New York College of
Environmental Science and Forestry

AREAS OF SPECIAL INTEREST:

Political Ecology
Sustainable Community Development

PROFESSIONAL EXPERIENCE:

Outreach Coordinator, Community Energy Project, Inc., Portland, OR
2003-present

Graduate Teaching Fellow, Environmental Studies Program, University of
Oregon, 2001-2003

Education and Outreach Specialist, Benton Soil and Water Conservation District,
Resource Assistance for Rural Environments, University of Oregon,
Americorps, and Peace Corps Fellows, Corvallis, OR, 1999-2001

Community Forestry Extensionist (volunteer) United States Peace Corps
Khalanga, Dandeldhura, Nepal, 1997-1999

Research Aide, Research Foundation of the State University of New York
(SUNY) SUNY-College of Environmental Science and Forestry,
Syracuse, NY 1994-1996

Teaching Assistant, Summer Program in Field Forestry, New York State Ranger
School, SUNY-College of Environmental Science and Forestry,
Wanakena, NY 1996

GRANTS, AWARDS AND HONORS:

Robin Hood Oak Award for Service and Leadership, SUNY-College of
Environmental Science and Forestry, 1996

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PREFACE

Political and Ethical Considerations for this Research Project

In an effort to link the academy with a community, I chose to work not only with faculty advisors, but also with a community advisor designated by the Coquille Indian Tribe. In my interpretation of this material, I unavoidably interpret the meaning for events and interview participants' statements through my own perspective and worldview. I do not speak for any of the stakeholders—my interpretation of events and information does not count for their voice. I am presenting the information through my perspective as a non-Tribal outsider, trained in forest resource management.

I was unaware of the extent of the history of problems with research and indigenous peoples. I had some basic historical knowledge of human rights issues in this area, but no idea what would be an appropriate role (if there is one) for a descendent of European colonizers. To my disappointment and even disillusionment, I found that many words or actions I may have said or done in the past were well intentioned, but had unforeseen (to me) disempowering effects to the point of perpetuating some of the modern colonization of knowledge.

This research is directed to the entities that participate in formulating and implementing federal and Tribal forest management policies, on a government-to-government level. Both Tribal representatives with which I worked have expressed that they do not act as spokespersons for the Tribe unless specifically asked to do so by the Tribal Council for a particular purpose. Since the Tribal Council designated the primary contact person to act as the spokesperson for the purpose of overseeing this research project, I also consider the Tribal representatives that participated in this study to be legitimate spokespersons on issues related to the management of the Coquille Forest and speak for the Tribal membership. It could be interpreted by some that I am unwittingly privileging Tribal government over Tribal members. However, as an outsider, I tried to respect the Tribe's official protocol for formal decision-making. I leave the work of addressing any concerns around internal processes regarding decision-making, government-to-government communication, and research policy to the members of the Tribe and its governing body. Therefore, I consider the Tribal Council's existing protocol regarding research on Coquille Tribal issues to be adequate, just as I would for existing protocol for the federal government's natural resource agencies' policies to participate in academic research. I am attempting to work within the existing power structures to gather information on the Coquille Forest. This has its own set of limitations and concerns, but I ask the reader to remember this context—to know that these limitations exist and I have done my best to work within these constraints.

Definitions and Limitations of Analysis

When I refer to the “Coquille Indian Tribe,” I mean only to present the official policy position/governmental level as it was shared with me through contacts appointed by the Tribal Council, per the Tribe’s public/governmental decision-making process, or cited from official publications. When I refer to the “United States” or “federal government,” again, I only mean to present what was shared with me by elected officials, hired staff, or cited from official publications. My use of “The Coquille Indian Tribe” and “United States” could not possibly account for the inherent diversity of political opinion, worldview, belief, identity, etc. within the pool of humanity that makes up both entities. Other terms, such as “ancestral homelands,” “Indians,” “the Tribe,” are the terms used by the Coquille Indian Tribe’s governing body, and are self-defined. These terms do not address historical or anthropological debates around terms such as, “Indians,” “Native Americans,” “indigenous people,” “First Nations,” or “ancestral lands/homelands/territory.” When I use the terms “indigenous” or “First Nations,” etc., I am citing the source’s use of these terms from the literature or from stakeholder interviews. When I refer to the specifications of the “Coquille ancestral homelands,” I am citing the Tribe’s official demarcation as stated in Tribal and federal government publications and statute. This again does not answer the concerns of the historical or anthropological debates over “indigeneity,” or of privileging mid-19th century reality over previous periods of human existence. Official Tribal publications and Tribal representatives have provided the pronunciation of the Tribe’s name as Coquille (*Ko-*

kwel), which is pronounced differently than the name of the city in southwestern Oregon, Coquille (*Ko-keel*). In this study, I use the terms and pronunciations as self-described by the representatives and literature of the Coquille Indian Tribe.

I've attempted to provide an analysis of what I have learned about the Coquille Forest, the stakeholders' views, and the effects of people's actions on others and on the management of the forest. This paper is just one more perspective on the issues and events surrounding the Coquille Forest up until summer 2003.

CHAPTER I

INTRODUCTION

Overview of Thesis

To say that the environmental impacts of timber sales have been a topic of great debate in the Pacific Northwest would be a significant understatement. Characterizing the debate as having only two sides (i.e. environmentalists vs. loggers; or salmon vs. timber) disregards the complexity of the issue and undermines any attempt to implement an effective solution. The controversy surrounding timber sales in the Pacific Northwest is tangled with conflicts of worldviews (or fundamental views of nature), political ideologies (e.g. regarding public land use, control, and access), livelihoods, identity, socio-economic class conflicts, tribal sovereignty, self-determination, and cultural survival. The nature and complexity of stakeholder interactions has generated several impacts on social, cultural, economic, and environmental systems in the area. In this study, I investigate a unique example in Southwestern Oregon where stakeholder interactions affect the management of the Coquille (Ko-kwell) Forest, the interests of the Tribal landowner, and the government-to-government relationship between the United

States and the Coquille Indian Tribe. Local stakeholders, concerned about the local economy and the environmental impacts of “human activities” on Pacific Northwest forests, are anxiously watching the Tribe’s forest management activities on this land. Some think that the Tribe will provide an example of sustainable forestry, addressing multiple ecological, economic, and cultural goals, while others see the creation of the Tribal forest from a previous federal ownership as a ploy by the timber industry to gain access to timber on federal forests. Buried within each of the stakeholders’ assertions are socially constructed identities of the Coquille Indians that reveal implied expectations for the Tribe’s forest resource management goals and outcomes of management activities.

The Coquille Forest consists of lands restored to the Coquille Indian Tribe by Congress (Coquille Forest Act, P.L. 104-208) as part of its economic self-sufficiency plan for purposes of providing a stable source of revenue and a means for restoration of Tribal culture. The restoration of the lands to the Tribe was also to provide a measure of atonement for the unjust taking of the Tribe’s ancestral homelands in the mid-1800s. It is the only Tribal forest subject to the Northwest Forest Plan, which creates a unique opportunity for non-Tribal citizens to intervene in a governmental relationship between an Indian Tribe and the United States.

I chose a political ecology for a frame of analysis for this study because of the conflict between stakeholders over access and control of the Coquille Forest land designation (transfer of federal lands from one agency to another creating Indian trust land), forest

management activities, and public recreational access. Political ecology has been useful for me as an outsider seeking to make sense of the Coquille Forest case. It remains to be seen if political ecology can be of any use to the community in understanding stakeholder dynamics around the Coquille Forest. I've also included some concepts from sustainable development, American Indian sovereignty, Tribal forestry, and government-to-government relationship and associated federal trust responsibility as helpful tools in understanding the legal and political realities and implications for different stakeholder groups.

Through a lens of political ecology, I illustrate the various stakeholder views and the strategies they used to influence the management of the forest, the responding strategies of other stakeholders, and resulting effects on forest management goals and outcomes established by Congress and the Tribe for management of the Coquille Forest. Stakeholders supporting the Tribe's forest management activities and formation of the Coquille Forest argue that the Coquille Tribe is in a cultural and political position to provide an example of multi-faceted, sustainable forest management. Other stakeholders are suspicious of the motives behind creating the Coquille Forest from transferring federally owned land into Tribal trust land. They believe it is a ploy of the timber industry to "free up logging" on federal lands. Issues of access, sovereignty, livelihoods, endangered species, and legal standing of various stakeholders underpin competing visions of forest/ecosystem management and sustainability on the Coquille Forest. Some tools of control and resistance used by various stakeholders include: use of television,

newspaper, and internet media to gain support for stakeholder agendas, litigation, forest protests, road-blocking mechanisms, vandalism, and strategic use and interpretation of identity, history, and cultural values.

Through this research, I attempt to answer two main questions: 1.) Do stakeholders believe it is feasible for forest managers to achieve a balance between ecological, economic, cultural, social goals for sustainability through natural resource management activities? How should this quest for balance be implemented? 2.) What is/are the driving forces underlying the conflict around the restoration of lands and management of the Coquille Forest by the Coquille Indian Tribe?

In the first chapter, I will explain the process for negotiating methods for conducting this research with the Coquille Indian Tribe, guiding principles used from existing literature on research and American Indian Tribes and the literature on community-based, negotiated research methods, and resulting methodology.

In Chapter two, I provide a brief background and history of: the formation of the Coquille Forest, the Tribe's relationship to the U.S. government, Coquille Forest physical characteristics, changes in forest land tenure, and the creation of the Coquille Forest Resource Management Plan. Chapter three consists of a review of literature as it relates to the Coquille Forest on political ecology, American Indian sovereignty, the government-to-government relationship between the United States and Indian Tribes and

associated federal trust responsibility. I briefly explain the elements of the Coquille Forest Resource Management Plan and current forest management activities in Chapter four. Chapter five functions as a synthesis and analysis of the various stakeholder views gathered through semi-structured interviews. Chapter six wraps up the study and includes a section on lessons learned, shared by participating stakeholders.

CHAPTER 2

BACKGROUND: THE COQUILLE FOREST

Forest Physical Characteristics

The Coquille Forest— Past and Current Conditions

There is no static “prehistoric condition” of the forest, as ecological and geological processes have formed the current landscape. For over 11,000 years (G. Smith et. al. 1998) people have lived in and participated in the ecosystem of the coast range, also leaving their mark on the system. The displacement and genocide of the local Tribal peoples and lifeways combined with the colonization of the area by Euro-Americans’ natural resource extractive industries severely altered and accelerated the changes in the landscape. There was a marked reduction in biodiversity as species became threatened, endangered and even extirpated from the area. The pre-contact condition of the forestland consisted of about 71% of the area with trees over 80 years old and 47% containing trees more than 200 years old (Coast Range Association 2001).

Originally, the Coquille Tribe requested the transfer of 59,000 of the over 780,000 acres of their ancestral homelands from the Bureau of Land Management (BLM) to the Bureau

of Indian Affairs (BIA) for Tribal management of forest resources and cultural and sacred sites. The Coquille Forest was eventually created through an act of Congress in (Coquille Forest Act, 1996) after much controversy. The resulting Tribal forest contained a total of 5,410 acres in 12 non-contiguous parcels “intermingled with privately owned forest land and the surrounding Bureau of Land Management (BLM) lands of the Coos Bay district” (G. Smith et. al. 1998). The Coquille Forest parcels are located in the Coast Range, in the watersheds of the Middle, South, and East Forks of the Coquille River, which are heavily forested with Douglas-fir, as well as some cedars and western hemlock. Some of the parcels contain some old growth¹ trees while others had been recently (within last 5-6years) cut-over by the BLM before the land transfer. There are over 3,000 acres of riparian reserves in the forest, which have heavy restrictions on logging, except for salvaging after catastrophic events consistent with Aquatic Conservation Strategy objectives or thinning to enhance aquatic habitat (G. Smith et. al. 1998, 24-25). There are also some documented threatened and endangered species on the BLM lands adjacent to the Coquille Forest. If the species are documented on BLM lands near the Coquille forest parcels, then the resource management plan considers them for ESA protection on the Coquille Forest (G. Smith et. al.1998, Appendix C). Some of these include the bald eagle, Peregrine falcon, northern spotted owl, marbled murrelet, and salmonids. There are

¹ There are many different definitions of what is considered “old growth” trees or forest. Some definitions focus on the structure and function of the forest, e.g. has multi-layered canopy, down logs, snags, as well as regeneration in the understory, wildlife habitat and so on. Other definitions focus on mere tree size, which can be misleading, especially in the Pacific Northwest, where “young” trees of only 60 years old may have a large diameter at breast height. Tree size depends on the nature and ecology of different species, local site and climate. For this paper, I am focusing on the structure-function definition of “old growth.”

old forest roads throughout the area that are to be maintained or decommissioned to preserve water quality. Human population centers are in Myrtle Point and Bridge.

Potential Environmental Impacts

Environmentalists are concerned with the impact of all timber sales, and this one is no exception. Environmentalists opposed to the timber sale are mainly focusing on the effects on salmon, particularly Oregon coastal Coho. Many of the resource-extractive activities that began with unprecedented intensity after the 1850's have greatly degraded our ecosystems. Logging activities typically result in increased sedimentation into streams, which creates a turbidity problem and makes it difficult for salmon to survive. Also, the construction of roads and landing areas also increase this risk, as potential non point sources of pollution increase with increasing activity. State law protects riparian areas and logging activities are heavily restricted in these zones. Since salmonids are sensitive to stream conditions, many environmental groups look at the health of fish populations as an indicator of overall ecosystem health. When the salmon populations decline, then the nutrient cycling is greatly affected. Spawning salmon (especially when they die after spawning) bring phosphorus and other nutrients back into the local soil as predators and scavengers carry the fish upland as they feed.

Brief History and Reclamation of Coquille Forest Land

The Coquille Indian Tribe

The Coquille Tribe has been working to restore their land base, economic self-sufficiency, culture and language for over a century. From the time of European-American contact and colonization (from the mid 1800's), "the tribe had suffered over 100 years of official U.S. policies aimed at annihilation, segregation, acculturation, and ignorance" (G. Smith et al. 1998, 9). The Treaty of 1855 between the Coquille Indians and the United States was never ratified by Congress, and the Coquille Tribe did not receive any reservation land or other promised compensation for the relinquishment of their ancestral homelands. In 1954, the federal government passed the Termination Act that ended all federal recognition of the "Coquilles" as a tribe or as Indians and ended the government-to-government relationship and federal trust protection. As a consequence, many Coquille people lost some lands, which had been individually allotted because these lands were no longer in trust status. For 35 years, the Tribe experienced another wave of cultural transformation as some people had moved to other areas for education, employment, marriage, etc. During this period, several members of the Tribe continued to be active in keeping the Tribal members connected to each other and cultural traditions alive, while lobbying Congress for restoration of federally recognized status and

restoration of a Tribal land base (Interviews T1 and T2, 2003). Finally, after the perseverance of the descendents of the Coquilles, another act of Congress restored the Coquilles as an officially recognized tribe in 1989 (G. Smith et al. 1998). Part of the requirements of restoration of tribal status set forth in the Restoration Act was the creation of an economic self-sufficiency plan.

(Re)claiming part of the ancestral Coquille Forest

One path toward restoring the culture and livelihood of the Coquille Tribe is through the management of the Coquille Forest, which was transferred into trust status to the Tribe in September 1998. The Coquille Tribe worked with an independent Interdisciplinary Scientific Advisory Team made up of the same six individuals who wrote the Northwest Forest Plan.² Originally, the Coquille Tribe was asking for the transfer of 59,000 of the over 780,000 acres of their ancestral homelands from the Bureau of Land Management (BLM) to the Bureau of Indian Affairs (BIA) for Tribal management of forest resources and cultural and sacred sites. The Tribe had planned on giving 80% of the timber revenue from the restored land to local and state governments and school districts, 10% to the Bureau of Indian Affairs (BIA), and the remaining 10% for the Coquille people.

² The Interdisciplinary Scientific Advisory Team consisted of: Dr. John Gordon (chair) Pinchot Professor of Forestry, Yale University; Dr. Jerry Franklin, Professor of Ecosystem Analysis, University of Washington; D000r. Stanley Gregory, Professor of Fisheries & Wildlife, Oregon State University; Dr. K. Norman Johnson, Professor of Forest Resources, Oregon State University; Dr. William McComb, Professor of Forest Science and Fisheries & Wildlife, Oregon state University; and Dr. John Sessions, Professor of Forest Engineering, Oregon State University.

By the time the Coquille Tribe finally did receive some of their land, only 5,400 acres had been transferred and none of the revenues ended up going to Coos County; 10% went to the Bureau of Indian Affairs and the rest went to the tribe (Interview T2, 2003).

This plan, supported by Senator Mark Hatfield, R-Ore., was subject to several levels of review. Initially, the Tribe had the support of the chamber of commerce and some of the county commissioners, but very little support from the general public. Land transfers from one federal agency to another that are to be held in trust for an Indian Tribe must be approved by an act of Congress. However some members of Congress had issues with the land transfer to the BIA to be held in trust for the Coquille.

Some Congressmen were afraid that this was going to spark a rash of land transfers to tribes all over the country. Jeff Stier, aid to Rep. Peter DeFazio D-Ore. said, "If this goes forward, there's going to be a line that starts at the door here and goes a good ways down the block of the other tribes that want similar kinds of legislation," (Griffith 1996).

Senator Hatfield then decided to link another issue with the Coquille land transfer in an effort to push two important issues through Congress before he retired. The environmentalists³, who have been fighting for the preservation of Opal Creek, an old growth forest grove, contacted Hatfield several times to urge him to separate the two issues. The actions of the environmentalists disappointed the Tribe, whose members expressed that they were the first environmentalists on this land (Meehan 1996). Also,

³ I use the term "environmentalists" for a segment of the population who strongly advocate for preservation of the natural environment with minimal or no impacts from human activities. I mean it in a general sense, because the range in environmentalist ideology is derived from many different philosophies.

the Coos County Commissioners would rather see the land being transferred to state ownership under the Oregon & California Counties Association. The County conducted a citizen's advisory vote to survey public support/concern about the land transfer (Griffith 1996a). The result was not reported consistently between groups or the press, however the average result was over 85% of the public failing to support the land transfer. Since the Coquilles did not have local support for the transfer, Hatfield prepared a scaled-down version of the transfer, which includes only 10% of the land that the Tribe originally requested, for a total of 5,400 acres. This new version of the Coquille land transfer was pushed through Congress and the Coquille Forest Act (P.L. 104-208) eventually passed as part of the federal appropriations bill on September 30, 1996.

The Coquille people do not see their culture and way of life as separate from nature, but rather, they exist as part of it, participating in it, they have declared "every needle, every leaf, rock, slug," etc. a cultural resource (Interview T2, 2003). By defining every part of the forest a cultural resource, the Tribe has some form of power over the ways those resources are used and not used. This places extra constraints on their forestry activities, but the "preservationist environmentalists" do not see that the Coquille Tribe is going above and beyond the Endangered Species Act and required buffer sizes for riparian zones (Interview T2, 2003).

The majority of local, non-Tribal citizens of Coos County initially opposed the land transfer. They felt that the land "should not go to the Indians." Starting in the mid

1800's, the colonists or "new" settlers began to build communities and commerce at the expense of the Tribal people's human rights and the integrity of the natural resources.

The local natural resources extraction economy in the Coos Bay area was very rich and dynamic, while it lasted. These communities were dependent on a single industry, namely timber. Coos Bay was unique in that while most timber companies were slowing down in the 1930's, employees were still working triple shifts up until the 1970's. The people living in the area were subject to the waves of the market influence as the industry grew at the turn of the 20th century. There were periods of high productivity and a shortage of labor meant better wages for locals. These times often alternated with market gluts and low prices of timber, which resulted in less-than-desirable conditions for workers and the environment (Robbins 1988).

Beginning in 1999, there was a lot of controversy around the Tribe's first timber sale, the Chu-aw Clau-she timber sale. One element of controversy was an allegation that the amount of timber that the Tribe was planning to cut was more than what was written in the Coquille Forest Resource Management Plan. The management plan states that the volume used in the forest projection models was set very conservatively for the second entry into the stand and that the harvest volume from commercial thinning was not considered (Smith, et al. 1998, 49). The citizen watch group representative says that the Coquille tribe was going to log more than the annual allowable cut of two million boardfeet (Interview C1, 2003). However, this was a multi-year timber sale with the

volume to be harvested within the annual allowable cut for the 10-year management plan (Interview T1, 2003).

The timber sale was appealed and later halted due to a dispute under the Endangered Species Act (ESA). In September 2001, Judge Michael Hogan lifted the coastal Coho salmon's protection under the ESA, ruling that hatchery fish and wild Coho must be given equal consideration and protection in making federal listing determinations. This allowed many logging companies to cut timber, "since the Coho were no longer federally protected." On December 14, 2002, environmentalists won an appeal that restored federal protection under the ESA for coastal Coho salmon, which resulted in an order for timber companies to halt all cutting operations. The citizen watch group reported logging activities in violation of the court order on the Clu-Aw Clau-she timber sale on December 20th and 31st. They said that 2-3 acres were clearcut over a three-day period. One environmental group announced in July 2002 that the "federal government has committed \$40,000 for forest restoration work as sanctions for illegal logging" that occurred late in 2001 (Associated Press 2002). The restoration work is to occur downstream from the logging activities in the Big Creek sub-watershed unit in the Coquille Forest.

More detailed examination of the matter indicates that there never was an admission or determination of illegal logging by the federal government or Tribe. The small amount of logging that occurred after the reinstatement of the Coho listing was accomplished under a timber removal plan approved by the BIA. While no determination of

wrongdoing was made, the federal government and plaintiffs agreed to a \$40,000 settlement to preclude further costly litigation related to removal of timber which had already been cut on the Chu-aw Clau-she timber sale (Interview T1, 2003).

In the early 1990's the Coquille Tribe bought one of the old plywood mills in North Bend, OR and created The Mill Casino, which generates revenue for the Tribe and jobs for locals. It seems that the economic tables have been turned, with the Tribe in a "better off" position than the descendents of the colonizers currently living in the area. (This, of course, is a generalization, and does not take into account the vast amount of healing from the many human rights violations to the Coquille people and the vestiges of colonization that are still apparent today.) However, this element might be behind some of the responses by local non-Tribal people that the land transfer was "unjustified" and that "the Tribe has enough economic development tools already." In an article in the Oregonian, Peter Sleeth reported that, "in a relatively short time... [the Coquilles have changed from] a band of disenfranchised locals into an economic powerhouse," (1996). This particular article, which appeared just before the citizens' advisory vote, makes statements about affiliations of the tribal people involved, the amounts of money certain people were reported to receive from the timber sale, and how certain people would stand to benefit from timber sales. This is an interesting dynamic, because the people who had displaced the Coquille people are being replaced themselves. The influx of exurban migrants creating "personal parks" around beautiful homes that drive the property value and taxes up and influencing local policy is making it more difficult for the now disenfranchised "locals" (Brown 1995). The more obvious presence of the Coquille

Tribe and their slowly growing economy appears to be sort of a mixed blessing for people in an economically depressed area. To the non-Tribal people, it seems that the tribe has “moved in.” For the Tribe, they have always been there, and are not planning to leave (Interview T2, 2003).

Negotiated Methodology

The methods for this study are based on the principles from Linda Tuhiwai Smith's *Decolonizing Methodologies: Research and Indigenous Peoples*, existing literature on research and American Indian Tribes, and literature on community based, negotiated research methods. I conducted four informal orienting interviews/site visits in February and March 2003 to become familiar with key federal agency land managers, consulting foresters and biologists, Tribal officials, and made two visits to the Coquille Forest. From April to June, I conducted 11 non-tape recorded, semi-structured interviews with stakeholders representing various perspectives such as: Coquille Indian Tribal officials and members, federal agency officials from the Bureau of Land Management and Bureau of Indian Affairs, county commissioners, environmental interest representatives, and a local timber company representative in Douglas and Coos Counties in southwestern Oregon. I was unable to include a neighboring private landowner, an off-road recreation interest, and local watershed council due to scheduling constraints. I did not include individual Coquille Indian Tribal members and non-Tribal members of the local community. Since I am limited to an analysis of stakeholder interactions as they relate to

Indian affairs and forest management policies on a government-to-government level, I did not interview non-governmental Coquille Tribal members or individual non-Tribal citizens not directly involved in the litigation and government-to-government relationship between the Tribe and federal government around the Coquille Forest.

Decolonizing Methodologies was written by and for indigenous people to become researchers of their own issues, history, and culture (L. T. Smith 1999, 17). For perspectives on research and indigenous peoples written by both indigenous and non-indigenous authors, I referred to various journal articles and book chapters (Fernandez and Herzfeld 2000; McAvoy et al. 2000; McDonald et al. 2000; Deloria 1991; Wax 1991; Mihesuah 1993) for guidance with appropriate research methods and context for working with American Indian Tribes and First Nations.

“Researchers have to remember that the research occurs in a legal, political and cultural context when communities are still engaged in reversing the colonial intrusion of settler governments into their tribal lives” (McDonald et al. 2000, 293). Even research involving “bicultural indigenous/non-indigenous partnerships” are working through “inevitably political processes” (Teariki and Spoonley 1992, cited in L. T. Smith 1999, 178) where the “research needs to be carefully negotiated, and that the outcomes of research need to be thought through before the research is undertaken” (L. T. Smith 1999, 178). There are too many cases where non-indigenous research on indigenous peoples has turned out products resulting from theft and subsequent copyrighting of indigenous

knowledge or has promoted harmful and incorrect interpretations of tribal cultures and activities (L. T. Smith 1999, Deloria 1991, Wax 1991, Mihesuah 1993, McDonald et. al. 2000). Many of the harmful effects of research are a result of the “ethnocentric blinders of the researcher and the epistemological boundaries of Western science” (McAvoy et al. 2000, 485).

Many tribes require that researchers go through a formal consent process where the tribal councils and cultural committees review the proposal and make a decision whether or not to grant permission to conduct the research. Some research activities can have real impacts on tribal resources, from interfering with ongoing management activities to providing a new perspective on resource management. Tribes may decide to terminate a study if the tribal council finds the research methods or products to be inappropriate or unacceptable (McDonald et al. 2000, 293-294).

For this study, I have participated in a formal consent process with the Coquille Indian Tribe and have agreed to work under specific conditions, in a situation similar to what I described above. I did not approach the Tribe cold. I had learned of the Coquille Forest case from professors who directed me to this topic, and to a member of the Tribe with whom I began the initial phases of research (newspaper articles, Tribal publications, and federal government websites). Through initial exploratory research papers, which were reviewed by a few officials of the Coquille Indian Tribe, I was able to provide a sample of my writing for initial scrutiny, something like an “interview.” The initial contact

person from the Tribe suggested I meet with the Tribal Forest Manager and discuss the possibility of a more in-depth research project. I met with the Forest Manager and discussed possible directions for research and the required protocol for requesting permission to conduct research on the Coquille Forest. I drafted a letter requesting permission to conduct the study and submitted it to the Chair of the Tribal Council.

The Tribal Council discussed my proposal for this study. I later learned that my request to do research and the fact that I was an “environmental studies student” made some of the members uneasy regarding my intentions because of the current litigation between the Tribe and some environmental groups concerning the Clu-aw Clau-she timber sale. Apparently, my previous interactions with a Tribal member at the University, my intention not to tape record interviews, and that I was open to the requirement that the Tribe will have a final review of the document may have facilitated the Tribal Council’s decision to approve the proposal for this study.⁴ The Coquille Indian Tribal Council granted permission for this study under certain conditions—similar to what I had anticipated (see Appendix C for CIT letter of permission). I would be required to work with a designated contact person, chosen by the Tribal Council, who would coordinate contacts, act as the spokesperson for the Tribe on issues related to Coquille Forest management and stakeholder issues, and provide feedback during the writing process. Other conditions included the prohibition of the use of tape recorders during interviews

⁴ The University of Oregon Office of Human Subjects Compliance requires researchers working with Tribes to obtain written permission and provide the Tribe an opportunity to conduct a final review of the thesis and a copy of the completed document.

and that entire project is subject to cancellation with 10 days written notice from the Tribal Council if any research activities were deemed inappropriate or harmful to the Tribe. I agreed to all the conditions and began to formally work on the Coquille Forest Study in January 2003.

Some successful studies on outdoor recreation with American Indian Tribes used “personal, semi-structured interviews” and focus groups (McDonald and McAvoy 1997, cited in McAvoy et al. 2000, 484). Mailed surveys have typically not been successful and even receive a zero response rate in some Tribal communities (McAvoy et al. 2000, 485). Prior to sending my request letter to the Coquille Tribal Council, I discussed appropriate research methods with the designated contact person for the Tribe. We discussed conducting a few informal orienting interviews/field visits and then following up with semi-structured interviews with key stakeholders. This discussion helped me anticipate some of the conditions the Tribal Council might set for writing my proposed research project. In my request for permission to do this study, I included a proposed idea of what methods I might use and that I was open to any suggestions for appropriate methods.

Since I was working under specific, agreed-upon conditions with the Coquille Indian Tribe, I applied the same conditions to all participants in this study. The designated Coquille Tribe contact person facilitated initial contacts with Tribal officials and local government officials at the federal, state, and county level. I was also able to contact

non-Coquille community stakeholders on my own as a graduate student and citizen. I drafted some interview questions and shared them with my thesis committee and the Coquille Indian Tribe Chairman (see Appendix D for questions used in this study).

In *Decolonizing Methodologies*, the author writes about the importance of “‘reporting back’ to the community and ‘sharing knowledge’” (L. T. Smith, 1999, 15). This is important because it changes a historically embedded habit of researchers “taking” from researched communities and using the gathered knowledge and information for the benefit of the researchers (L.T. Smith 1999). For this study, I provided an opportunity for all interview participants to review and provide comments on my paraphrased interview notes from the semi-structured interviews. All research participants received a copy of the final thesis. I was asked by the Coquille Tribe’s designated contact person to set up a “workshop” with the Tribal Council to share/present the findings and analysis from this study. I also shared copies of final drafts of this thesis for review by Tribal officials and several professors from various departments at the University of Oregon.

CHAPTER 3

REVIEW OF LITERATURE

Sustainable Livelihoods and Political Ecology

In this chapter, I will attempt to outline some of the supporting concepts from the literature on political ecology, sustainable development, and on American Indian sovereignty and associated government-to-government relationship between Indian Tribes and U.S. government as it relates to forest policy in management of the Coquille Forest.

The Contested Meaning of “Sustainability”

The meaning of the word “sustainability” seems to depend on who is defining and using the idea for what purpose. Sustainable development is often characterized as “an old philosophy revived to cope with new problems. It says that care for the environment is essential to economic progress; that the natural resources of our planet are the base of all

agriculture and industry; and that only by sustaining that base can we sustain human development” (Peterson 1997, 6). Many recent articles begin this discussion with *Our Common Future*, published in 1987 by the World Commission on Environment and Development (WCED), which brought this concept into the mainstream (Peterson 1997; Lele 1991). Most often, sustainable development as it is described in *Our Common Future*, is usually applied to an international development aid context where the “global North” comes up with schemes to intervene, or “help,” the “global South” become a “more effective participant” in the global economic system for the “good” of people communities in the global South (Redclift 1987). Many authors discuss problems in framing the idea and some even challenge the effectiveness and meaning of sustainable development as institutions have attempted to apply it to various contexts (Redclift 1987, Chapter 2; Lele 1991; Toman 1992; Peterson 1997; Holland 2000; McNeill 2000).

Tarla Rai Peterson provides an analysis of sustainable development as the term emerged from tribal cultures, Gifford Pinchot, Aldo Leopold, and recently, *Our Common Future*, and explores sustainable development rhetoric as it has been interpreted and used through the years (1997). She says that “[t]he term sustainability offers an alternative to the ecocentric/anthropocentric dichotomy for framing ethical questions about natural or ecological integrity” (Peterson 1997, 1). In other words, using the term “sustainability” offers a middle ground between ecocentrism and anthropocentrism in hopes of finding a practical solution to addressing the concerns of environmental integrity and the need for human livelihoods, which have, in recent history, been at odds with each other.

However, Surachchandra Lele is more skeptical and said, “[sustainable development] is in real danger of becoming a cliché like appropriate technology – a fashionable phrase that everyone pays homage to but nobody cares to define” (1991, 607). Some argue while sustainability may promise to unite traditionally divergent interests and goals under a broad idea (Peterson 1997; Lele 1991; McNeill 2000), the conceptual “fuzziness” around the term may lead to clouding of the issues and can create real problems on the ground in the lives of local people through ineffective or harmful policy; policies that are counterproductive to economic, ecological, and social sustainability (McNeill 2000; Lele 1991).

Many of the perspectives that are promoted by mainstream discourse on sustainable development get translated into policies that can facilitate a trajectory towards a number of vastly different goals. Lele argues that failure to clearly articulate the meaning and vision of sustainable development can lead to dismissal of the idea as “another development fad or being coopted by forces opposed to changes in the status quo” (1991, 618).

Some authors argue that sustainability is inherently anthropocentric and views nature in an instrumental sense, that is, nature only as it is used for meeting human needs (Lee 2000). However, other authors argue that a view of sustainability that is too ecocentric creates stress on social and economic systems to the point of violating local communities’

human rights; specifically, the right to self-determination (Leff 2000; Folke, Berkes, and Colding 1998). Several authors try to link ecological and social systems (including economics, culture, policy etc.) to reach a better understanding of how the different systems affect each other and respond to “perturbances” of equilibria (Gunderson and Holling 2002). It appears that a predominately “Northern” (or “western/scientific”) theoretical development of the concept of a linkage between social and ecological systems requires a considerable amount of effort and study to re-connect the pieces and learn to recognize again the relationships that have been obvious to other cultures for millennia (Peterson 1997; IFMAT 2003).

This attention to the relationships between these systems seems to be the way some “Northern/Western scientists” understand how disturbances (sometimes referred to as stresses or shocks to the system) create unanticipated changes, even shifts in equilibrium states of a forest, of an economy and a society. How does this relate to communities? To people’s situated lives and realities? Through resilience of social, ecological and economic systems, communities respond to stresses and shocks imposed on their way of life. Resilient communities and/or individuals have real alternatives from which to choose to avoid or buffer stresses and shocks. A sustainability scheme for a local community would last for generations and allow members to define and develop their own responses and strategies to cope with/address external stresses and shocks (Chambers and Conway 1992; Galvan 2002).

Along with social, cultural, ecological, and economic contexts around how people make a living, there also exists a political climate around the availability, distribution, and social/political sanctioning of livelihoods. The various scales of politics from household and local politics to national and global affect how a community can achieve sustainable livelihoods. The concept of governance (as opposed to “government” or “leadership”) is defined as: “the conscious stewardship of regime structures (or rules) with a view to enhancing the legitimacy of the public realm, i.e. the arena in which the state and society actors operate and interact to make authoritative decisions” (Hyden 1998, 6). Governance can function from a level of a local community to global civil society used to settle conflicts over whose rules prevail, for example, between preserving a rare species and protecting the livelihoods of already marginalized communities (Hyden 1998) – both which are on the brink of survival.

Linking governance to sustainable livelihoods reveals a need to address the larger scale political influences on local communities’ efforts to sustain a living without precluding their children from making a living in the future. Hyden describes an approach developed by the International Institute of Environment and Development to envision what appropriate governance structures should include as priorities in order to realize sustainable livelihoods:

The first concerns the devolution of power to enable communities and groups to have greater access to financial and economic resources. The second refers to the distribution of responsibilities for development. The third focuses on the institutionalization of rights that allow citizens to take initiatives of their own and, if necessary, challenge authorities in substantive policy fields. The fourth

concerns the nature of the relations between different levels of authority in the political system (1998, 12).

In other words, creating a governance structure that:

- 1.) does not impede a local community's economic self-determination,
- 2.) has a balance of responsibility between state and local governance structures,
- 3.) local actors' human rights are protected in a way that enables them to influence decisions that will affect them, and
- 4.) the relationship between actors on all levels to be grounded in trust and reciprocity of benefit and responsibility (Hyden 1998, 12-14).

The governance structures to which Coquille Forest management activities are subject have undermined each of Hyden's suggestions for an effective governance structure. For instance, because the Coquille Forest is subject to the Northwest Forest Plan as well as several other statutes meant for tribal forests, there exists a "loophole" for individual non-Tribal citizens or interest groups to intervene in the Tribe's forest management activities on Tribal trust land at a level outside the government-to-government relationship that the federal government and Tribes usually operate. This also undermines the Tribe's right to economic self-determination. All of the stakeholders may argue that they are restricted from "influencing decisions that will affect them" because of each stakeholder's interpretation of legal standing or personal stake is either recognized or not recognized by the courts, or even other stakeholders. Clearly, in this case, the existing governance structure is not adequately linked to a feasibility of realizing sustainable livelihoods or devolution of power to a community, in this case the Coquille Indian Tribe, to work towards economic self-sufficiency or self-determination.

Political Ecology

Political ecology “seeks to understand the complex relations between nature and society through a careful analysis of what one might call the forms of access and control over resources and their implications for environmental health and sustainable livelihoods” (Watts 2000, 257). It is different from environmental politics; which examines “the role of government and interest groups in shaping specific environmental policies” (Walker 2003). Watts traces the “intellectual origins of political ecology” through Western European concepts from various fields such as: political economy (broadly defined), ecological anthropology/ cultural ecology, geography, environmental security (human response to hazards/disasters) and ecosystem/cybernetics theory (2000). Political ecology combines “human and physical approaches to land degradation...through an explicitly theoretical approach to ecological crisis capable of addressing diverse circumstances” (Watts 2000, 259). In political ecology, it is impossible to consider environmental impacts outside of society, as “environmental problems [are] social in origin and definition. Analytically, the fulcrum of any nature-society study must be the ‘land manager’ whose relationship to nature must be considered in a ‘historical, political, and economic context’” (Blaike and Brookefield 1987, 239 in Watts 2000, 259). For instance, Watts points out that “rapid deforestation in eastern Amazonia...need[s] to be understood in terms of” the local stakeholders’ claims and uses of power that “were shaped by larger political-economic forces,” in particular, the Brazilian state in the context of a global economic system as well as state alliances with particular sectors of

their society, and how those relationships affected the land base and land managers in local communities (2000). As the field continues to grow and evolve, there have been many new ideas to inform the “first generation political ecology” which focused on rural, male land managers in the “third world.” Newer additions to this field include social constructions of nature, marginality, knowledge, science, gender, households, language, discourse, ideology, property systems, history and culture (Walker 2003). A new debate on where to apply political ecology theory has emerged as some authors have argued that these concepts may inform environmental problems in the “first world” (McCarthy 2002; Sheridan 2001; Walker 2003).

James McCarthy argues that by categorizing political ecology in a first world/third world binary, we are allowing the focus on the “first world” status to eclipse the fact that many “advanced capitalist countries” started out as European settler colonies, which has also had “lasting consequences for environmental governance” (2002). Some authors’ solution to the problematic first/third world binary is to identify “regional political ecologies” (Walker 2003, McCarthy 2002, Sheridan 2001). Walker looks at the political ecology of land use visions in the “exurban Sierra” in Nevada County, California (2003). Sheridan looks at ranching on the Arizona-Sonora borderlands (2001). McCarthy examines the Wise Use movement in the American West (2002). These studies use regional names to situate their cases.

I would argue that local names for places, self-described by the people living there are less problematic than those labels imposed on them by outsiders. In this case, I called this study “a political ecology of the Coquille Forest” to bring the scale down even smaller, to the local level. I do not bring it to the household or individual level, nor do I attempt to bring it to the level of one self-described segment of the population and their personal/collective cultures (i.e. environmentalists, Coquille Tribal members, fishermen, etc.). I am attempting to highlight the particularity of stakeholder interactions on a contested land base in direct connection to the policy and litigation layers of Coquille Forest political ecology, while touching on history, culture, economics, and social justice as it informs those layers of analysis (albeit limited by my perspective, experience and worldview).

Identity and Land Tenure

In Louise Fortmann’s article, “Bonanza—the Unasked Questions: Domestic Land Tenure Through International Lenses,” she brings up an interesting parallel between popular culture and history. For example, the fact that horror movies “turn on title disputed between present living owners and past dead ones” gives us some notion of the American landowner paranoia that Indian Tribes are preparing to throw everyone else off the continent). It seems that there is a sentiment of fear stemming from guilt and “just how the Cartwrights got all this land” in the first place (Fortmann 1996, 3-4). In other words,

without addressing it directly, it seems that there is an “unspoken rule” in American society that is similar to “not airing the family’s dirty laundry”—that in word and deed, Americans (descendants of the colonizers) should not give power to these “ghosts” by naming them and talking about them. In *Decolonizing Methodologies: Research and Indigenous Peoples*, Linda Tuhiwai Smith gives an interesting example of how colonizers attempt to keep such claims from resurfacing. She states, “In Tasmania, where experts had already determined that Aborigines were ‘extinct,’ the voices of those who still speak as Aboriginal Tasmanians are interpreted as some political invention of a people who no longer exist and who therefore no longer have claims” (L.T. Smith 1999, 72-73). In both pieces, Fortmann (1996) and Smith (1999) mention certain powers: the power to define, assign labels, attribute meaning, and of interpretation of history. These powers are used every day in countless ways to reinforce the silence of the truth behind the history of “land ownership and tenure.” Anything not conforming to assumptions and associated expectations is said to be a fabrication by those who would gain control or economic benefit from the land.

In his analysis of Eritrean nationalist movements, Tekle M. Woldemikael states that, “[e]very level of group identity, including ethnic, religious, and nationalist identity, is in a constant process of construction” (1993, 182). Constructivist interpretations of identity are not a “given,” rather, they allow for a placement of a self-defined group in time/history in a specific location/space, where group identity is created through various social mechanisms at the individual and group level to the point of achieving a group consciousness, and culture (Young 1992, 23-24). Socially-constructed identities are constantly evolving and

responding to the physical, social, political world around us, and “identity thus understood is not a ‘fixed essence’ but a ‘strategic assertion’” (Kondo 1990, cited in Young 1992, 24). We see examples of this every day as groups seek to highlight different aspects of their collective identities – “we are just like you; we are different from you; we have specific needs, etc.” to fit a political agenda. In this study, we will see examples of how different stakeholders assert alliance or affinity with the Tribe for either total, or “qualified” support for restoring forest lands to the Coquille Indian Tribe, while other stakeholders assert that the timber industry is using the Tribe and the Coquille Indian identity (and associated sovereignty) for political/economic gain.

The stakeholders opposing the Coquille Forest management activities argue that the timber industry that is using a primordial, or essentialist interpretation of the Coquille worldview (holistic forestry) that facilitates the industry’s (political) use of the Tribal forest designation as a way to circumvent federal regulations.

Moral Economy and the Production Landscape

Moral economy has been interpreted and applied in many different ways, some of which have “departed from” the original definition (Neumann 1998). Neumann explains in detail in his book, *Imposing Wilderness: Struggles over Livelihood and Nature Preservation in Africa*, how the term originated, evolved, has been criticized, misused,

and clarified (1998). According to Neumann, the use of the term moral economy originated with E.P. Thompson, who “had retrieved it from late-eighteenth-century anti-capitalist polemicists” (1998, 37). He then makes important distinctions about which interpretation he uses in his analysis of how he intends to use the term. He says:

...[James C.] Scott [(1976)] is concerned with peasants’ normative evaluation of surplus extraction in the form of rents and taxes, while Feierman [(1990)] is concerned with the way in which state soil conservation policies—more indirectly related to surplus extraction than rents and taxes—are resisted because they threaten subsistence rights. Nevertheless, my investigation is quite different from the state policies Feierman examined, which essentially were about increasing agricultural production for greater state revenue. In the case of natural resource protection policies, increased production and surplus extraction are not the central issues. National parks in Tanzania have taken land out of production, albeit to generate revenue, but not through direct surplus extraction from rural communities. The cutting off of access to land and resources is thus the source of the tensions surrounding the moral right to subsistence (1998, 43).

In taking land “out of production,” it is important to recognize that nature preservation for “non-consumptive” recreational or aesthetic use is actually consumption of resources. Land taken out of production means that humans (labor) are also taken out of the land (Foster 2000; Neumann 1998) and those histories, cultures, and associated rights to that land are silenced, or erased in the minds of the dominant neocolonial settler culture. The quest for humanless landscapes have generated many fictions about the history of peoples across the globe who have inhabited places that are now called “wilderness areas” or “national parks,” both in the U.S. and abroad, which has allowed descendents of the original colonizers to forget about who was there and what the landscape looked like before the park. In fact, Neumann says, “[i]n Africa, European colonial authorities were responsible for establishing the Yellowstone model of national parks, which in many

ways helped to legitimate and reinforce imperial rule” (1998, 9). In Tanzania, taking land out of production directly interferes with the local people’s ability to not just “make a living,” but to survive. In the rural American West, for instance, McCarthy (2002) and Sheridan (2001) illustrate cases where “wise use” advocates and ranchers have been unable to secure a living, but the argument of environmentalists (and others) is that these people should simply “do something else” to secure a living, and anyone not willing to change with the times is “too stupid and stubborn” to recognize this as inevitable. (McCarthy 2002). The argument given by some of the stakeholders on the Coquille Forest is that if we (the U.S.) do not produce at least some of our own resources from local materials (timber, agricultural crops, etc), then we will become dependent on other countries for exports and increase environmental degradation if we import from places with lower environmental standards and “less scientific” management, as well as hurt our own local economies and ecosystems. Some environmentalists are in between both sides and say that “sustainable harvest” of local resources is key, but argue for a different system of economics and ecosystem management.

In Peter Walker and Louise Fortmann’s paper on contested visions of landscape (land use) and quality of life in Nevada County, California (2003), the authors point out that the “landscape of production,” (agriculture, ranching, mining) has been slowly changing into a “landscape of consumption” (enjoyment of recreational uses, aesthetics, and

wildlife). Class conflict also enters the mix as “exurban migrants”⁵ move to the “country,” gentrifying the area and marginalizing the longtime residents, who have displaced the indigenous people a several generations ago. Opponents of the new vision for Nevada County “frequently frame the contest as an uneven fight between the hardworking rural poor and a privileged exurban elite who can afford to see in the landscape only aesthetic values” (Walker and Fortmann 2003). In this situation, it appears that the new, privileged vision conflicts with the moral economy of longtime residents involved in traditional mining and ranching activities.

American Indian Sovereignty and Government-to-Government Relationship

To understand the source of misunderstanding and conflict among Coquille Forest stakeholders, one must be familiar with the concepts of American Indian sovereignty, the government-to-government relationship between federally recognized Tribes and the US government, and the associated federal trust responsibility. Much of the litigation around Coquille Forest management activities centers not only on salmon and timber, but Tribal rights to assert sovereignty (however limited) and self-determination. The statutes and legal precedents are prolific and often inconsistent from Tribe to Tribe, and at different points in history.

⁵ Exurban migrants usually refers to people moving out of urban areas to rural areas for increased quality of life per their expectations of a particular socially-constructed view of nature, rural quality of life, and values (Brown 1995).

American Indian sovereignty and the government-to-government relationships between the United States and American Indian Tribes have a long, complex history. Various authors from various Tribes/Nations and from the U.S. federal government have documented the history of the government-to-government relationship and interpretations of American Indian sovereignty much better than I ever could (USDA Forest Service 1991; USDI Bureau of Indian Affairs 1986; Deloria and Lytle 1984; Murphy 1989; Morishima 1997; Welch 2001). Rather than restating well-done, existing work, I will defer to those sources and present the highlights as they relate to this study.

Origin of Definitions of Sovereignty and Federal-Tribal Relationships

In the *Northwest Ordinance*, a “document establishing the governing principles” for that territory was ratified by the Continental Congress in 1787. The pre-constitutional U.S. government stated its definition of the relationship with Tribes, which, by definition, recognized each of them as sovereign nations of people distinctly different from the colonizing settlers and new government:

The utmost good faith shall always be observed toward the Indians; their lands and property will never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made for preventing wrongs being done to them, and for preserving peace and friendship with them. (Article the Third, Northwest Ordinance, 1 stat. 51. Ratified by the Continental Congress, July 13, 1787, in USDA Forest Service 1991, 4).

“This formal recognition” is the first U.S. Government acknowledgement of Indian people having an ownership status in the land. Land ownership along with the Indians’ superior numbers and habitation were the basic principles defining the sovereign status of Indian people (USDA Forest Service 1991, 5). “The adoption of the U.S. Constitution [in 1789] and all the subsequent treaties up to 1871, in combination with other Acts of Congress and Supreme Court cases since 1810, contribute to the current well established existence of Indian Tribes as sovereign nations. In 1831, Chief Justice John Marshall made the first decision in *Cherokee Nation v. Georgia*, and reinforced it again in 1832 with *Worcester v. Georgia* (Murphy 1989, 1), that “confirmed that Indian nations were distinct, self-governing political entities that were nonetheless dependent upon the United States as their guardian. This case also described the tribes as ‘domestic dependent nations; hence the term ‘Nations within a Nation’. Indian Tribes are distinctly different, independent, sovereign entities, which “are subject to the complete and absolute power of Congress” having certain rights that only Congress can alter (USDA Forest Service 1991, 6).

This sovereignty is a status rigorously guarded and maintained in a political spotlight by Tribal governing bodies. It is not something that Indian Nations delegate elsewhere for representation; just like executive order and treaty reserved rights are not delegated to other entities or organizations. Indian Tribal governments have always maintained sole responsibility to perpetuate their status as sovereign nations and to exercise their rights as defined by treaty or other statute (USDA Forest Service 1991, 6).

It is important to recognize that the government-to-government relationship between the US federal government and Tribes functions at the level of elected officials; not staff or individuals from either government. The definitions of rights and responsibilities are negotiated between the two governments and have specific conditions that can only be

altered at the federal/Tribal governmental level. This is not the same as the situation between individual members of the population governed by the United States government, where almost anyone can challenge laws, actions of governments at various levels, businesses, or other individuals (whether or not they are successful, or have adequate standing, is another issue). It is important to recognize that Tribal rights and individual rights are not interchangeable terms. "For instance, the right to harvest fish off reservation [where provided by Treaty rights] is controlled by the Tribal Council, as it is a Tribal right, not an individual right; not asserted by individuals by independent actions" (USDA Forest Service 1991,7). On the Coquille Forest, there were "left over" (unmerchantable/culled) timber which were not needed to satisfy the habitat requirement for leaving "late successional legacies" such as down logs of certain diameters and linear feet. The Coquille Tribe created a permit system where individual Tribal members could apply for a permit to take some of the wood for heating homes. An individual Tribal member cannot just harvest forest products from a Tribal forest at will; they must apply for a permit from the Tribe (Interview T1, 2003).

The U.S. Constitution provides for the federal authority over Indian Tribes through the Commerce Clause (Constitution of the United States, Article I, Section 8, Clause 3 and Article I, Section 2, Clause 3), the Treaty Clause (Article II, Section 2, Clause 2), the Supremacy Clause (Article VI, Clause 2), and the 14th Amendment (Indians not taxed-- Article 1) (USDA Forest Service 1991; USDI Bureau of Indian Affairs 1986). Through the years, various treaties, laws, and federal court cases have formally documented definitions,

descriptions, and regulations related to the federal-Tribal relationship (USDA Forest service 1991; USDI Bureau of Indian Affairs 1986; Welch 2001; Morishima 1997; Gordon et. al 1997; Murphy 1989). In other words, only at the level of the U.S. federal government (Congress, Supreme Court) can policy or law be made or enforced regarding American Indian Tribes. For instance, in the Coquille forest case, some environmental stakeholders were surprised that an individual Tribal member or individual citizen does not have legal standing to appeal a Tribal timber sale, except by demonstrating direct economic harm by the sale action. However, these stakeholders found a different route, and appealed the timber sale on the grounds specific to the Survey and Manage requirements of the Northwest Forest Plan.

Current Trends in Interpreting and Applying Indian Sovereignty

After the American Revolution, the new United States government continued to recognize Indian Nations as “distinct, separate, but not always equal, entities. This separate nation status provided Tribes with their own right of ownership of natural resources (USDI Bureau of Indian Affairs 1986, 1-3). Besides federal recognition of Tribes as domestically dependent sovereigns, the federal government also has “trust responsibility” to Tribes, “which was a promise by the United States to provide support and aid to emerging Indian communities. A part of this trust responsibility involved the protection and management of Tribal timber resources” (USDI Bureau of Indian Affairs 1986; Murphy 1989). The

important thing to remember about “federal trust responsibility” is that it is defined for each distinct relationship the federal government has with each individual, federally recognized Tribe.

The federal government’s obligations to various Indian communities depends upon the specific treaties, statutes, and Executive orders affecting those Indian groups. Moreover, Indian forests are not ‘private forests’ in the sense of a corporate or individual wood lot. Indian people, however, are the beneficiaries of reservation forests in a different manner than the general public is the beneficiary of the national forests (USDI Bureau of Indian Affairs 1986, 1-3).

Tribes must comply with NEPA and other environmental laws/statutes through special policies established for compliance, which are different from policies governing public lands, and recognize Indian sovereignty and the federal trust responsibility (Zellmer 1998).

An example of Indian Tribes’ “special relationships” with the U.S. federal government “can be seen in the treaty reserved right to access usual and accustomed fishing grounds and stations -- which constitutes a property right or encumbrance on the land, regardless of ownership status. No other state or local government has this consideration as a sovereign nation” (USDA Forest Service 1991, 8).

Since the 1950’s, the federal government’s interpretation of Tribal sovereignty and federal trust responsibility seemed to sway radically back and forth along a continuum of policies from termination to self-determination (Welch 2001). Welch has noted that over the past 15 years or more, the change in U.S. Supreme Court rulings have strayed farther and farther from Nixon’s policy of self-determination in the 1970’s (2001).

Rather than supporting a policy of self-determination, the Supreme Court now bases its decisions on the demographic, social, political and economic interests of non-Indians, a process which will ultimately rein in the sovereignty of Indian Tribes (Getches, cited in Welch 2001,13).

Welch goes on to say “[w]hereas previous courts relied on the unique foundations of Indian law going back to the early 1800’s, the current court [under Chief Justice William Rehnquist] all but ignores those foundations” (2001, 13). Case by case, precedents are set by Supreme Court rulings that have allowed non-Indian jurisdictions to adjudicate on levels below the established government-to-government relationship that existed between the U.S. and Tribal governments for over 200 years. For instance, recent precedents have been set which stated “Tribes do not have jurisdiction over the conduct of state officials on reservations” (Nevada v. Hicks 2001), “nullified Tribes’ criminal jurisdictions over non-member Indian activity on the reservation” (Duro v. Reina 1990), and *Oliphant v. Suquamish* (1978) “gave states criminal jurisdiction over non-Indians on the reservation” (Welch 2001). This means that Tribes lose their right and opportunity to pursue their own remedies and assert their own sovereignty for [issues] that directly affect them. Even with the Tribal court victory in the case of *California v. Cabazon Band of Mission Indians* (1987), the Supreme Court included a provision that said “if the gambling offends the value system of a state enough, that state may regulate gambling on the reservation” (Welch 2001,16). In other words, “mainstream American values” would trump sovereignty if the people of the State of California showed that gaming would offend their moral values. Unfortunately, there are fewer and fewer legal provisions for Tribes if the actions or

policies of non-Indians on Indian land offend the moral values of the different Tribes, bands, or nations.

Again, we see another situation where one of Hyden's elements of an effective linkage between governance structures and sustainable livelihoods (1998) are undermined. Specifically, the balance between state, federal, and in this case tribal governance is skewed. It seems that Tribes are getting caught up in the "tug-o-war for power between the federal government and the states... History has largely ignored Indian nations in [this] struggle" (Bragaw, quoted in Welch 2001, 16). As a result, Indian Tribes are forced to comply with more and more layers of regulation with less and less power to assert their sovereignty on their own land. During this period of "states rights" gaining ground over federal-Tribal relationship and regulations, Tribes appear to be in an awkward position of being regarded as "nations" but subject to levels of government below U.S. (national) federal law. Some scholars say that the "purpose of federal Indian law is to control and suppress Tribal sovereignty" (Porter, quoted in Welch 2001, 17). Others argue for a return to the treaty process, and a more direct government-to-government relationship:

Tribes cannot even rely on the trust relationship, because one never knows how a judge will interpret it... The best way to solve the disarray of federal Indian law is to return to the treaty process... Tribes could sit down with federal negotiators and modify treaty provisions to bring them up to contemporary standards (Wilkins, quoted in Welch 2001, 17).

This is relevant to the Coquille case because judges have allowed interference and adjudication below the government-to-government level, when a state or even individual

citizens/interest groups can take actions to undermine Tribes' abilities to assert their own remedies or practices on issues affecting Tribal lands or people.

Government-to-Government Relationship and Tribal Forestry

From the perspective of the Coquille Indian Tribe, USDA Forest Service, USDI Bureau of Indian Affairs and Bureau of Land Management, Tribal forest management functions on the level of a federal-Tribal government relationship (USDA Forest Service 1998; USDI Bureau of Indian Affairs 1991; Morishima 1997; Gordon et al. 1997; Murphy 1989; G. Smith et al. 1998; IFMAT 2003).

The role of the federal government in relation to tribal forests is very complex. There exists a situation between tribes and the federal government that has a "dual characteristic of Indian tribes as both sovereigns and wards" (Morishima 1997, 7). The trust responsibility of the federal government to the tribes was to protect their interests from opportunism for exploitation that could result from their unfamiliarity with colonial laws and values. Under this trust arrangement, the tribes' desires to realize self-determination was often stifled and repressed by the federal government's lack of confidence in tribes' abilities to make "wise" decisions (Morishima 1997). The BIA is the federal agency in charge of managing the tribal trusts, including the Coquille Forest. The BIA's

administrators and others have publicly expressed concern that they have fallen short of their responsibility because of a severe lack of funding and staff (Gordon et al. 1997).

With this sense of history, we can see why the BIA has changed its mission and acted, usually in a minimally effective (due to funding/staff shortages mentioned above) manner, to provide trust protection for tribes. However, it becomes a problem when trust responsibilities that foster paternalism overlap with the service of technical assistance to Indian forest managers. In an independent report published in the *Journal of Forestry*, John Gordon, Jerry Franklin, and others recommend, after an evaluation of the Indian Forest Management Assessment Team's (IFMAT) report on the status of Indian forests, that

[t]he federal government's role in discharging its trust responsibility should be redefined so that tribal governments have primary responsibility for directing Indian forestry. The US government should provide financial support, technical assistance, research access, and trust oversight. Technical assistance and trust oversight should be independent of each other (1997,12).

In this same article, the authors point out that a major gap exists such that the "Tribal members emphasize different visions and goals for their forests than BIA forestry employees. Tribal members value resource protection most, for example, whereas BIA forestry employees place more emphasis on the forest's economic benefits" (Gordon et al. 1997, 11).

In the case of the Coquille Forest, the Coquille Indian Tribe is carrying out the management plan, which was adapted from the USDI Bureau of Land Management's (previous government landowner) resource management plan, which was subject to the

Northwest Forest Plan, as well as NIFRMA (National Indian Forest Management Act). I explain the various layers of regulation in the next chapter, which describes the Coquille Forest Resource Management Plan and statutes.

CHAPTER IV

IMPLEMENTATION OF COQUILLE FOREST RESOURCE MANAGEMENT PLAN

Overview of Coquille Forest Management Direction

I feel that it is necessary to include a an overview/interpretation of the Coquille Forest Resource Management Plan (RMP) and associated statutes so the reader can appreciate the complexity of regulation and how the plan has been designed to take into account this complexity. I also wish to reveal the overlapping authorities for managing a Tribal Forest, specifically, the National Indian Forest Management Act (NIFRMA), the Northwest Forest Plan, and Secretarial Order No. 3206, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act, and 1996 Coquille Forest Act (P.L. 104-208). This chapter closely examines the Coquille Forest RMP.

The resource management plan for the Coquille Forest consists of two major directions; the “federal management direction, standards, and guidelines adopted from the federal forest land on adjacent forest lands (as required by Coquille Forest Act P.L. 104-208) and the

“Tribal management direction, standards and practices for archaeological and cultural resources” as required by the Tribal Council (G. Smith et al. 1998).

The restoration of a small portion of forest land back to the Coquille Indian Tribe has legal origins and requirements, alongside cultural restoration and affirmation of Tribal self-determination.

The Coquille Forest Act (P.L. 104-208, Division B, Title V) allows the modern Coquille Tribe an opportunity to reaffirm tribal stewardship over a small piece of its ancestral homelands, and to reestablish many of the tribal cultural traditions and customs that were once practiced on these landscapes. For the Tribe today, the Forest represents heritage reclaimed in remembrance and avowal of a history replete with tragic circumstances and loss. And for future generations, the Forest begins a legacy of tribal dedication to cultural rejuvenation and self-determination (9).

The [Coquille] Restoration Act [P.L. 101-42] established a [federal] requirement and provided the authority for the Tribe to develop a plan for economic development. The Tribe complied with the requirement by developing a Self-Sufficiency Plan and having it approved by the Department of the Interior. The Self-Sufficiency Plan identified a number of economic development projects which, when taken together, could lead to the Coquille Tribe’s ability to substantially provide for its own needs. The economic development projects were planned to blend with the strengths and needs of the local community and to benefit both the Tribe and the community. Over time, as the projects become operational, the reliance upon federal appropriations to fund Tribal government programs would be diminished (10).

The Coquille Forest activities are a significant part of the diverse economic development activities meant to support the members of the Coquille Indian Tribe, as well as benefit local non-Coquille community members. “Reacquiring a portion of the Tribe’s ancestral homeland would provide a permanent and productive land base for the Tribe, enable the

Coquille people to strengthen their cultural and spiritual link to the land, and develop and long-term revenue source for the Tribal government” (10).

The main point of the federal management direction, taken from the Northwest Forest Plan, was created to meet the needs for forest habitat and forest products within a framework of federal mandates and statutes (13). The main point of the Tribal management direction is to meet the needs of the Coquille Tribe to re-connect Tribal members with their homelands for purposes of cultural restoration, archaeological preservation, and economic benefit. This may sound much simpler than it is. There is clearly a tension between federal and tribal management, and this tension is straightforward, but how it plays out in reality (politically, in the courts, etc.) is not very simple. In the next section I attempt to outline the various layers of regulation, policy, and legal restrictions, standards, and requirements governing the management of the Coquille Forest.

Layers of Regulation, Law, and Policy Governing the Management of the Coquille Forest

The Coquille Forest Act is Title V of the larger Oregon Resource Conservation Act (July 2, 1996). In the language of the Coquille Forest Act, Section 501 (d), paragraph (5) states:

Management -- The Secretary of the Interior, acting through the Assistant Secretary for Indian Affairs, shall manage the Coquille Forest under applicable State and Federal forestry and environmental protection laws, and subject to critical habitat designations under the Endangered Species Act, and subject to the standards and

guidelines of Federal forest plans on adjacent or nearby Federal lands, now and in the future. The Secretary shall otherwise manage the Coquille Forest in accordance with the laws pertaining to the management of Indian Trust lands and shall distribute revenues in accord with [National Indian Forest Resources Management Act] Public Law 101-630, 25 U.S.C. 3107 (Coquille Forest Act 1996).

Management of Indian forestlands in the United States are subject to the National Indian Forest Resources Management Act (NIFRMA). Anything not specifically addressed by the Coquille Forest Act is subject to the statutory requirements of NIFRMA. The Act states that the Coquille Forest [should/will] be managed under the “standards and guidelines of federal forest plans on adjacent or nearby federal lands,” which would be the standards and guidelines for the Pacific Northwest US Forest Service (USFS) and Bureau of Land Management (BLM), i.e., the Northwest Forest Plan. More specifically, the Bureau of Indian Affairs determined that the Coos Bay District BLM’s final Resource Management Plan (CBD-RMP) and Environmental Impact Statement (EIS) would be the “most efficient and effective manner to comply with this management mandate” (Smith et al. 1998). Part I of the Coquille Forest Resource Management Plan (RMP) is made up of the “adopt[ed] information, management direction, and standards and guidelines from the CBD-RMP.” Included in the adoption of the CBD-RMP are the following Records of Decision: Northwest Area Noxious Weed Control Program, Western Oregon Program-Management of Competing Vegetation, and Pacific Yew Management Program.

Part II of the Coquille Forest RMP consists of the Tribal management direction, which adds further requirements, standards, and restrictions on forest management activities to “protect archaeological and cultural resources on Coquille Forest lands” (75- 81).

The Endangered Species Act requirements are included through the Northwest Forest Plan and Secretarial Order No. 3206, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act. The Order “clarifies responsibilities and provides policy guidance within the Departments of Interior and Commerce when actions taken under authority of the Endangered Species Act...affect, or may affect Indian lands, tribal trust resources, or the exercise of American Indian tribal rights, as defined in the Order. Policies and Provisions enumerated in this Order will be considered in implementing provisions of the ESA in management of the Coquille Forest” (12).

The Coquille Forest Act also states in paragraphs (6) and (7) that the State of Oregon has regulatory and civil jurisdiction over several subjects outlined in paragraph (10); including enforcement of hunting and fishing regulations, water rights, boating and navigation, fill and removal from State waters, mining activities, regulation of water quality, regulation of use of herbicides and pesticides, and enforcement of public health and safety standards (1996). The Tribe is also required to

enter into a Memorandum of Agreement with the State of Oregon relating to the establishment and management of the Coquille Forest. The MOA shall include, but not be limited to, the terms and conditions for managing the Coquille Forest in a manner consistent with paragraph (5) of this subsection, preserving public access, advancing jointly-held resource management goals, achieving tribal restoration objectives and establishing a coordinated management framework. Further, provisions set forth in the MOA shall be applicable to Indian trust lands and paragraph (5) of this subsection (Coquille Forest Act 1996, paragraph (7)).

Under "public access," paragraph (8) of the Coquille Forest Act states:

The Coquille Forest shall remain open to public access for purposes of hunting, fishing, recreation and transportation, except when closure is required by state or federal law, or when the Coquille Indian Tribe and the State of Oregon agree in writing that restrictions on access are necessary or appropriate to prevent harm to natural resources, cultural resources or environmental quality; provided, that the State of Oregon's agreement shall not be required when immediate action is necessary to protect archaeological resources (1996).

Coquille Forest Resource Management Plan

The guiding scientific strategy for the Northwest Forest Plan and the Coquille Forest is ecosystem management. As stated in the Coquille Forest RMP, this strategy "involves the use of ecological, economic, social and managerial principles to achieve healthy and sustainable natural systems. Ecosystem management emphasized the complete ecosystem instead of individual components and looks at sustainable systems and products that people want and need" (G. Smith et al. 1998, 17). All of the forest management activities take place under the Coquille Indian Tribe's requirements for cultural restoration and economic self-sufficiency.

In the Northwest Forest Plan, there are different management strategies for Riparian Reserves, Late-Successional Reserves, and the Matrix lands which include General Forest Management Areas and Connectivity/Diversity Blocks. Riparian (streamside) Reserves are strips of land on either side of a stream where logging activities are greatly restricted or prohibited and function as a buffer between harvested areas and streams for the protection

of water quality. Late Successional Reserves include lands that consist of old growth or late successional⁶ tree species and associated flora and fauna. Matrix/General Forest Management Area describes the land use designation where active forest management activities may occur with the least effect on water quality or endangered species. All of the land use designations are subject to different management direction specific for each, but subject to protecting biodiversity and water quality. The Coquille Forest contains two of these designations—Riparian Reserves and Matrix/General Forest Management Area, with the Riparian Reserve allocation overlaying the Matrix/General Forest Management Areas.

The total acreage of the Coquille Forest is 5,410 acres, with 3,104 acres in Riparian Reserves and 2,306 acres in Matrix/General Forest Management Area (17). This means less than half the acreage of the 12 non-contiguous parcels that make up the Coquille Forest are lands that can be managed for timber harvest. The management activities of the 3,104 acres of Riparian Reserves are subject to the Aquatic Conservation Strategy Objectives (18-20) and ground disturbing activities are not permitted in riparian reserves except 1.) when restoration work is required to address catastrophic events resulting in degraded riparian conditions, 2.) when a watershed analysis or riparian reserve assessment determines that a management activity (e.g. thinning) will enhance Aquatic Conservation Strategy (ACS) Objectives, or 3.) management practices are required to restore and re-establish stands and obtain desired vegetation characteristics that meet Aquatic

⁶ from field of plant ecology – the term “succession” is an ecological theory describing “community change over time” e.g. “late successional” forest structure and function indicates a community at the point of achieving a “climax” of species; before fire or human intervention resets the forest structure and function back to the pioneer species phase, consisting of plant and animal species that are usually the first to colonize a disturbed site (Barbour et al. 1987).

Conservation Strategy Objectives (25). The 2,306 acres of Matrix/General Forest Management Area must be managed in accordance with the Matrix standards and guidelines and ACS objectives of the Northwest Forest Plan. Management strategies in the Coquille Forest RMP for the General Forest Management Area include 1.) "produc[ing] a sustainable supply of timber and other forest commodities to provide jobs and contribute to community stability," 2.) "produc[ing] habitat for a variety of organisms associated with both late-successional and younger forests," 3.) "provid[ing] for important ecological functions such as dispersal of organisms, carryover of some species from one stand to the next, and maintenance of ecologically valuable structural components such as down logs, snags, and large trees," and 4.) "provid[ing] early-successional habitat" (30).

Cultural Resources Management

In addition to the standards, guidelines and practices outlined in the federal management direction portion of the Coquille Forest RMP, the Tribal Management Direction portion of the RMP (Part II) places an overarching vision and set of goals and objectives for the preservation of archeological and cultural resources and provisions for revitalization of Coquille Tribal culture. In fact, the Coquille Indian Tribe sees archeological, cultural and natural resources as inseparable.

The Tribe's ancestral archeological and cultural resources are inseparable. These resources not only include lands designated as the Coquille Forest, but include natural floral, faunal and aquatic resources on homelands ... (G. Smith et al. 1998:75).

The Coquille Tribe states in the RMP that it is their intent “not only to provide adequate protection for the cultural resources owned by the Tribe, but also to lead by example, by displaying the appropriate and responsible measures necessary in respectful cultural resource management on Tribal and non-Tribal lands” (75). The guiding vision for management of the Coquille Forest calls for a holistic approach to “intensive management” of their forest resources.

The Coquille Forest will be managed intensively for spiritual, cultural, biological, recreation, aesthetic, and economic values. Management direction and practices will ensure sustainable ecosystems which provide these multiple resource values for current Tribal members and generations to come. Assessment, protection and management of cultural resources will be given priority equal to other resource values in the planning and implementation of management activities. Inventory of cultural resources will be completed at a level which will enable achievement of Tribal goals for protection and management of these resources. From this inventory information, significant resources will be identified and protection and/or management measures will be recommended by the Tribal Culture Committee. Based on consideration of these recommendations, the Tribal Council will provide cultural resources protection and management direction to resource managers to be incorporated into proposals for management activities (75).

For instance, some of the cultural management activities include: a donation of cedar timbers for the supporting beams of the Many Nations Longhouse at the University of Oregon, conducting Kid’s Day in the forest where Tribal children planted trees and participated in educational activities on the forest, the restoration of the ancestral gathering place at Euphoria Ridge, and creation of a permit system for gathering secondary forest products (CIT Forestry Program Report to the General Council, June 2003).

Public Access, Recreation, and Education

Both federal and Tribal management direction portions of the Coquille Forest RMP relating to public access to the forest are taken from the requirements outlined by the 1996 Coquille Forest Act, Section 501, paragraph (8). Recreational and educational activities are subject to meeting the goals and objectives of the Aquatic Conservation Strategy and of the Coquille Indian Tribe's direction, standards, and practices for protection of archaeological and cultural resources.

Part I, or the federal management direction portion of the Coquille Forest RMP, outlines specifically, "construction of these [recreational] facilities should not prevent future attainment of these [Aquatic Conservation Strategy] objectives" in all areas of the forest, including Riparian Reserves (G. Smith et al. 1998, 27). "Adjustment measures" are required for recreational activities that "retard or prevent attainment of Aquatic Conservation Strategy objectives. Where adjustment measures—such as education, use limitations, traffic control devices, increased maintenance, relocation of facilities, and/or specific site closures—are not effective, eliminate the practice or occupancy" (27). This means that any recreational activity, such as hiking, off-road vehicle riding, or hunting/fishing cannot interfere with watershed structure and function, even in connection with other watersheds and natural systems.

The Tribal Management Direction portion of the Coquille Forest RMP includes specific considerations for forest management activities, public access, and recreation. In addition to the requirements of the Coquille Forest Act and Memorandum of Agreement (MOA) with the State of Oregon, another such consideration stated in Part II of the Resource Management Plan (RMP) includes “activities specifically designed and intended for Coquille Tribal Members as indicated in the “cultural resource” component of this RMP” (81). The Cultural Resource Policy Guidelines include additional “survey and management standards” which apply to all forest management activities (i.e. harvest, planting, site preparation) and forest uses (i.e. recreation, transportation) which are in place to protect “known or high probability” pre-historic, streamside, upland and coastal bluff/headland sites (76-80).

Recreational activities will be permitted, as required by law (Coquille Forest Act and through the MOA with the State of Oregon) but no new activities or structures will duplicate currently existing opportunities on adjacent federal lands. Previously existing (pre-Coquille Forest) vehicle and bicycle trails will remain open, as well as public access to previously identified fishing and hunting grounds. Restriction or closure of public access and recreational activities to these previously identified sites may occur if these activities/access is “deemed detrimental to one or more Tribal cultural resources” (81). For instance, the Coquille Indian Tribe’s Culture Committee found it necessary to install road gates and permanently close some off-road vehicle (ORV) access on Euphoria Ridge because that meadow area was an identified site of archaeological and cultural importance,

as it contained old encampment sites, vision sites, and a place where wild camas plants grow (Interviews T1 and T2, 2003).

CHAPTER V

RESULTS AND ANALYSIS

Synthesis and Analysis of Stakeholder Perspectives

The ecological requirements for management of the Coquille Forest, which were inherited from the Northwest Forest Plan, were meant to enhance biodiversity, maintain old-growth structure and function, provide for a diversity of habitat types from early to late successional habitat, and enhancement of watersheds (upland and riparian habitat). There are also statutory requirements for contributing to the local economy, cultural restoration, and protection of archaeological resources. Given stakeholders' concerns about the condition of the local economy and the state of old growth forests, many people are anxiously watching the management activities on the Coquille Forest. Some think that the Coquille Indian Tribe may be able to provide an example of sustainable forestry meeting multiple ecological, social and cultural goals, while others see the creation of the Coquille forest as a ploy to get more timber out of Pacific Northwest forests. In this chapter, I will attempt to outline the various stakeholder perspectives gathered from 11 semi-structured

interviews with key players in the creation and management of the Coquille Forest. The questions used in the semi-structured interviews are included in Appendix D.

The Coquille Forest as an Example of Sustainability

Everyone agreed that it was possible to connect sustainable livelihoods with ecological sustainability and social justice through forest management activities, however they all disagree on how to achieve this lofty goal. (Interviews T1-2, G1-6, C 1-3, 2003). Some of the stakeholders include cultural restoration in the mix of the all-encompassing goal of sustainability, broadly defined (Interviews T1, T2, G1, G2, G4, C2, 2003). But what does this really mean? Each stakeholder has a specific understanding and interpretation of the concept of sustainability, which is still the center of much debate. The contested definitions and meanings of “sustainable” provide the backdrop for the inconsistent application of the term for natural resource management, city planning, and lifestyle choices.

What forest management activities help to achieve both ecological and economic sustainability? Some stakeholders would argue that certain forest management practices (i.e. clear cuts or regeneration harvests) can never mimic natural cycles (Interviews C1 and C3, 2003), while others argue that regeneration harvests can mimic natural cycles such as fire regimes and regeneration of Douglas-fir stands in the southwestern Oregon coast range (Interviews T1, G1, G2, G4, G5, G6, C2, 2003). One environmental interest stakeholder

argues that small-scale harvest (clusters of trees, less than one acre) and utilization of secondary forest products (e.g. thinning, ecotourism) can provide enough revenue to offset forgone revenue from avoiding regeneration harvest techniques (Interviews C1 and C3, 2003). Some government agency stakeholders argue that using only secondary forest products from domestic forests would create a demand for imported timber. They argue that it is ecologically and socially irresponsible to rely on imported forest products because we cannot control nor have a say on the conditions under which the forest is managed or timber is harvested (Interviews G3 and G6, 2003) and to purchase this timber would be “rewarding bad management” (Interview G6, 2003).

Many stakeholders say that they would like the Tribe to have a chance to “try it out,” to see if the Tribe’s cultural identity and worldview would be the magic ingredient to reach sustainability because of the Tribe’s special relationship with the land (Interviews T1, T2, G1, G4, 2003). This assumption (on part of non-Tribal stakeholders), or assertion (made by Tribal representatives), implies that assuming a primordial identity of the Tribe and therefore “knowing” their worldview and perspectives based on this assumption means knowing what their forest management activities will look like on the ground; the Tribe’s management goals and outcomes of management activities.

No one wants to be the one to say it, but the question dangles: is it possible that the Coquille or the supporting government stakeholders are using an instrumentalist approach in applying a Coquille identity used for political purposes? If so, isn’t it within their right to

do so? Some have essentialized a political cause or political identity to a deep, personal, or spiritual level, or even claim to be able to communicate with the “injured trees” and pledge their life to stop any further “destruction or devastation” of forests. Isn’t it within this person’s right to do so as well? When leaving identity to each party to define and apply to real-world situations, we can find that people will use whatever form of identity that best suits the moment. I argue that a constructivist approach to defining identity is more appropriate, even with its inherent limitations and vulnerability to cooption by various political causes. Identity, as self-described by each party in time and place, can provide insight into a group to better understand motivations and backgrounds behind actions; hopefully (naively?) that better, more relevant communication could be allowed follow. Further, anyone has the right to impose complex, situational identities on themselves for whatever purpose, but no one has the right to impose identities on other people to suit their own political agendas.

Some government stakeholders that opposed the land transfer initially ended up supporting the formation of the Coquille Forest (Interviews G2, G3 G5, G6, 2003). They say that the Tribe has a more “proactive vision,” which could enable them to “see many sides of an issue,” and are capable of meeting diverse Tribal needs (economic, cultural, environmental, etc.) based on their “integrated” worldview (Interviews G4, G5, 2003). Some look at the Tribe’s success in other endeavors such as land developments (hotels, Alzheimer’s care facility, organic cranberries, the Mill Casino, grants to local community projects, etc.) and see that they are successful at creating jobs, funding Tribal social/cultural programs, and

improving the local economy (Interviews T1, G5, G6, 2003). These stakeholders are attributing the Tribe's economic development successes to their interpretation of the Tribe's worldview as "integrated" and holistic, capable of meeting multiple goals, rather than fragmented, single-issue objectives, based on their assumptions of Coquille Tribal identity and worldview.

Some government agency stakeholders argue that the statutes in place (e.g. Northwest Forest Plan, ESA, etc.) are adequate to manage the land sustainably (Interviews G2, G3, G4, 2003) and that the Coquille Tribe is going beyond these statutes by imposing an additional layer from the Tribal management direction (Interviews T1, T2, G1, C2, 2003). Some stakeholders argue that if the Tribe was allowed to effectively assert its sovereignty, then they could escape the legal gridlock under the Northwest Forest Plan, allowing them to actively manage the forest while demonstrating an example of meeting multiple ecological, economic, and social goals (Interviews T1, T2, G1, G4, C2, 2003). A Tribal representative pointed out that the management standards outlined in the Northwest Forest Plan are not the sticking point, but it is the resulting litigation and public interference with the Tribe's sovereignty and self-determination; to define themselves, and to achieve ecological, economic and cultural restoration goals in a manner they (the Tribe) see fit (Interview T1, 2003). Anything that interferes with the Tribe's right to cultural and economic self-determination is interpreted as a violation of the federal trust responsibility that is supposed to protect Tribes from outside interests. The federal government has done plenty to "stifle" Tribal sovereignty as if Tribes are not capable of knowing what is best for

them (Morishima 1997). It doesn't help the situation when an individual, non-Tribal citizen or interest group can so easily do the same. In this case, the environmental stakeholders are seen as an "outside interest" seeking to assert control over how the Tribe uses its resources. The Coquille Tribe, as a sovereign, appears [through information shared in this study] to prefer a government-to-government level of communication and negotiation. Would the loophole in statutes (the Northwest Forest Plan requirement) be considered a breach of federal trust responsibility by the federal government? If the statutes were amended to remove the loophole, what would be the appropriate avenue for a concerned citizen to express ideas or concerns to the Tribe about land use and management? Is there no appropriate avenue? What would it mean to the Tribe for a non-Tribal person to have a stake? The environmental stakeholders have said that they have a stake because they live in the same watershed (Interview C3, 2003) or that their duty as a citizen is to protect the environment in all cases where there was an opportunity and obligation to do so (Interview C2 2003). Other stakeholders defined their stake in the forest from standpoint of: they have a passion about the history of the land and people (Interviews G1, G5, G6, T1, T2, C1, 2003), economic and social welfare of the region (Interviews G5 and G6, 2003), long-term residence (from their ancestors to present generation, from the last 5 generations, or for over 20 years) (Interviews T1, T2, C1, C2, C3, 2003), or that their stake is derived from statute as part of their responsibility as a federal official (Interviews G1, G2, G3, 2003). The reality of who is and is not a Coquille Forest stakeholder is self-identified. Whether or not all other stakeholders recognize them as such is dependent on each person's definition of "stake" and "stakeholder." Stakeholders on all sides may even think that others (usually

those in disagreement with them) are the less-genuine stakeholders, as they are thought to be motivated for political purposes and actually represent a “special interest group.”

One BLM official said he officially opposed the land transfer because the initial proposal (59,000 acres) would have resulted in a loss of two-thirds of the BLM Matrix lands, which would lead to a substantial loss of jobs (Interview G2, 2003). Another BLM official said that he officially opposed the land transfer because of public access concerns—as it was his job to maintain and address the needs of the public (Interview G3, 2003). Both now support the land transfer as agency employee livelihoods were no longer threatened, public access was preserved, and the relationship with the Tribe has significantly improved (Interviews G2 and G3, 2003). However, the second BLM official said his personal view changed from thinking the initial proposal of 59,000 acres was too much to transfer over to the BIA to be held in trust for the Tribe. He now believes that 5,400 acres may not be adequate for the Tribe to meet its economic, cultural, and forest management needs/goals (Interview G3, 2003). A BIA official pointed out that the needs of the public are so broad that it would be impossible to meet all needs in one land ownership. He argued that it is very important for public and private partnerships across regions or watersheds to work together to meet needs for recreation, forest products, aesthetic value, endangered species protection, cultural restoration, etc. (Interview G1, 2003). However the Coquille Tribe is trying to meet all of these needs on a 5,400-acre, non-contiguous land base, which has proven to be a challenge.

The County Commissioners support the restoration of the Coquille Forest lands to the Tribe assuming the Tribe would be able to actively manage forests and harvest timber, to the benefit the local economy (Interviews G5 and G6, 2003). One of the Commissioners kept a neutral stance during the land transfer period (Interview G6, 2003). The other Commissioner pointed out that if the Tribe would not have been unable to actively manage the forest and contribute to the local economy, then he would not have supported the land transfer because he saw no difference between modern day Coquille Indians and non-Indians (Interview G5, 2003). This is another emergence of a constructed identity for the Coquille Indian Tribe, one that does not become activated for a political purpose because the main objectives of the County (to maintain and foster economic development, among many things) are still being met. This may have surfaced if the County official wished to oppose the land transfer on the basis that it wouldn't help the County, and it wouldn't be fair for one group of County citizens to be privileged over others (Interview G5, 2003).

A Congressional staff person for Senator Gordon Smith pointed out that if Senator Smith had been in office during the time of the land transfer, he would have supported it (Interview G4, 2003). Senator Smith is on the Indian Affairs Committee, and a longtime supporter of American Indian Tribes (Interview G4, 2003).

The Coquille Forest as a Back Door Opportunity for Timber Industry

Some stakeholders see the transfer of land tenure from public land to Tribal trust lands as a precedent for other jurisdictions or Tribes to “free up logging” from federal environmental regulations for the timber industry after they fought so hard to protect endangered habitats and species (Interviews C1 and C3, 2003). They do not want to lose the opportunity (or right) to intervene or provide input in forest management activities when land tenure status changes from public to Tribal ownership. One representative from a citizen watch group was “dismayed” to learn that they have no standing to appeal timber sales on Tribal trust land (Interview C1, 2003). Some federal and Tribal government officials believe that this disillusionment stems from a lack of information about the details of Tribal sovereignty issues and the federal-Tribal government-to-government relationship (Interviews G3, G4, and T1, 2003). The citizen watch group representative said that the timber industry planned to use Tribal sovereignty as a “back door” to go around federal regulations and get timber out of Pacific Northwest forests (Interview C1, 2003). The environmentalists used “illegal logging” media coverage as proof of a timber industry influence on the Tribe, to point out that the Coquille Indian Tribe is only interested in economic benefit.

The environmental interests see the Tribe’s use of “conventional forest management tools” as selling out to timber industry, at worst, or the Tribe getting “ripped off” by the industry, at best (Interviews C1 and C3, 2003). These stakeholders believe it is their moral obligation as a citizen to protect endangered resources, species, habitats, and systems

wherever they can (Interviews C1 and C3, 2003). They are, in essence, fighting for the protection of “voiceless” natural processes and species that are threatened by what they see as a system set up for immediate economic benefit, not long-term sustainability.

How do non-Tribal outsiders view the changes in Tribal identities and cultures since European contact? Each Tribe has a different experience with settlers and contemporary American society. Some Tribes, such as the Coquille, did not receive a reservation (or other compensation) as promised in the treaty, were terminated, and restored after many years of assimilation policy and subsequent participation in “mainstream” American society. The Coquille bring to the table, a group of survivors, a changed Tribe, who still identify as Coquille and are active in restoring their culture. For instance, some Tribal members’ (who are also business leaders in their region) sons and daughters are leaders in modern day Coquille cultural restoration (Interview T1, 2003). Both environmental interest stakeholders question the underlying values of the Coquille Indian Tribe, and point out that the Tribe is not like other Tribes that have not been separated from their land base and culture and have assimilated into American society (Interviews C1 and C3, 2003). Would they have trusted them if they were more like other Tribes that have stayed (or were allowed to stay—depends on circumstances) on their reservation or ancestral homelands? Is this primordialist assumption fair to assert on a restored Tribe like the Coquille?

The question is not who is right about which detail—that is easily discovered when reviewing statutes, visiting the forest, and retrieving documents and assessing them for

accuracy. Much of the debate including values and forest management strategies has no one right answer. My question is: if the Tribe managed to successfully (in the eyes of the environmental stakeholders) implement their forest management activities without one hitch; satisfying all portions and every nuance of the requirements of the Northwest Forest Plan on the Coquille Forest, then would it mean that the environmental stakeholders lose their stake? The environmentalists “banked” on several technicalities to stop, or stall the cutting of timber on the Coquille Forest. However, at the end of the day, the trees were still cut. Even if the Coquille Tribe could successfully implement all layers of the statutes, standards, and guidelines for managing the forest, they would still be cutting trees on certain parcels. The Tribe would conceivably be still using the regeneration harvest method of cutting. Would the environmentalists still argue the Northwest Forest Plan is the best management tool and key to sustainability? Probably not, because federal agency representatives and a Congressional staff person argue that the statutes in place are adequate to meet the lofty goals of sustainable forest management. It doesn't happen very often that environmental interests agree fully with federal agencies regarding the adequacy of federal guidelines. Is it possible that the additional Northwest Forest Plan requirement on the Tribal forest creates a situation sufficiently convoluted to provide a foothold in the fight to assert their vision of management on the forest? The Tribal and federal government representatives pointed out that this “complex bureaucracy” imposed on the Tribe actually hinders the Tribe's ability/responsibility to meet economic, cultural, and ecological management goals. The Tribe wants this hindrance removed so they can “get to work,” while the environmentalists do not want the Tribe to “get to work” because the result is still

the same—big trees are cut. In this instance, it appears that the complex bureaucracy helps the resistance, and the authority (the Tribe, the federal government) does not benefit. The pattern of litigation and stalling of natural resource management activities has already led to a movement of weakening environmental laws by the federal government because of legal costs and increased cost of business. This does not help the environmentalists' causes in the long run; however they do gain some short-term victories. To what end?

Political Ecology of Western Land Use: Production vs. Consumption Landscapes

Walker and Fortmann's piece on the contested visions of landscape in Nevada County, California (2003) show how a "landscape of production" (agriculture, mining, ranching) has shifted into a "landscape of consumption" (aesthetics, recreation, wildlife) as a result of exurban migrants' influence on local policy and economy. In the Coquille Forest, there is a tension between two similar visions of a landscape's function or role in society and ecosystems. In just 5,400 acres of fragmented parcels, the Tribe is trying to meet multiple ecological, economic, and cultural goals; they assert that these goals can be united under a comprehensive forest management plan. A Congressional staff person said that the environmentalists have a legitimate idea of what forest management should look like, however they see federal forests not as "working forests" (landscape of production) but as refuges to be managed as parks or reserves (landscape of consumption) (Interview G4, 2003). The Coquille Forest case is one for trying to reconcile both the consumption and

production landscape goals, but the current bureaucracy and multitude of management requirements is too thick to get the work done efficiently.

The Coquille Tribe used the American legal, political, and scientific systems to regain a tiny portion of their ancestral homelands. They used the top scientific foresters in the country to create a plan that “could not be disputed”—and they were successful. The part where they lost the battle was in public relations and outreach (Interview T2, 2003). At first, there was a lot of resistance from the local recreational users in the area: vandalism of signs, some trees were literally shot in half, and some people drove through gates, and drove over a newly constructed sweat lodge with a large truck and destroyed it (Interview T2, 2003). The Tribe has not excluded public access to the forest. In some instances, they have limited the types of access, such as motorized vehicles, and they have limited access in some areas where culturally significant resources, such as “vision sites” and significant archaeological and cultural sites to be protected from disturbance (Interviews T1 and T2, 2003). According to section 8 of the Coquille Forest Act, the Tribe must provide for public access, but at the same time, they must also protect endangered species habitat and cultural/archaeological resources. If they must close or restrict access, then they have to provide alternative public access, which they did. They rerouted the trails to avoid culturally significant sites at Euphoria Ridge. One Tribal representative said that they settled their differences with the off-road vehicle club, and have improved relations (Interview T1, 2003). I did contact the off-road vehicle recreation club, but scheduling constraints prevented an interview with them.

The environmentalists used various media to raise awareness and gain support for their cause. They protested, blocked roads, and camped out on the forest in “direct action” type efforts to stop any logging activities on the Coquille Forest. Through the requirements of the Northwest Forest Plan, they gained access to the tool of litigation to halt timber harvest on forest parcels.

Social Construction of Identity and Resulting Assertions of
Forest Management Visions

The Coquille Indian Tribe’s identity is almost as heavily, but not as directly or publicly, scrutinized as their economic development activities. Some stakeholders who opposed the land transfer and forest management activities on the Coquille Forest claim that the Coquille Tribal members are not like other Tribes, that they have lost their culture and connection to the land and have “European values” (Interviews C1 and C3, 2003). It seems that those who opposed the Tribe’s actions may have “trusted” the Tribe to “do the right thing” if they were living as a snapshot of a Coquille person before termination, or before contact with European settlers. To say that Coquille Tribal identity is static and unchanging seems out of touch with reality—but the environmental stakeholders’ arguments are not that simple. They contend that the Tribe should have a landed, spiritual connection to the land, but do not because of their history of forced separation from their lands, barely surviving total annihilation and loss of “authentic” cultural practices and

traditions. They argue that this makes them somehow different to the point of possibly not being capable of having such a special connection, hence their perceived reliance on narrow, economically-driven forest management goals—the same goals that lead to the destruction of the old growth forests.

Local stakeholders filed an appeal against the Coquille Tribe regarding the Chu-aw Clau-she timber sale. Some members of the Coquille Tribe dispute that some of the complainants were actually Tribal members. The Coquille cultural representative stated that, “the complainants are not Coquille Tribal members and do not have a right to challenge Coquille self-determination in the identification of cultural resources and associated management strategies on Tribal land—even members of other Tribes” (Interview T2, 2003). However the *Oregonian* reported that “a group of 26 citizens, including tribal members, Coquille (the town) business owners and a citizen watch group had appealed the timber sale,” (Bernton, 1999). However, the identity of the complainants who identified themselves as “tribal members” in the *Oregonian* article and by the environmental stakeholders is disputed, as Tribal government representative stated that these people are no longer enrolled members of the Tribe (Interview T1, 2003). The Tribe’s cultural representative argued that only members of the Coquille Indian Tribe can challenge their own constructed, (evolved) identity and means of securing a living.

That same article from the *Oregonian* also reported that Stan Speaks, Northwest regional director for the Bureau of Indian Affairs made the decision to block the timber sale until

more surveys were done on Northwest Forest Plan survey and manage species, citing a ruling by a U.S. circuit judge a few months earlier (Bernton 1999). The environmental stakeholders were unable to challenge Tribal sovereignty directly, but the Northwest Forest Plan requirement allowed them to stick tenaciously to the book to make sure they enforced every guideline that existed in the plan to protect certain rare species. At one point during the litigation, the environmentalists were allowed by the court to survey the halted logging operations with the help of independent scientists that they were responsible for recruiting. This event took three days and was very contentious and emotional for some of the folks involved. Questions of the credibility of the recruited scientists/volunteers, the intentions of the Tribe, and presence of State and Tribal police accounted for being an unpleasant time for all (Interviews T1, C1, C2, 2003).

After contact with European settlers and the establishment of the “new economic/social/cultural order,” some assimilated Indians joined the timber workers as a means of survival since the 19th century, although they may not have decided specifically to “join” the timber people, rather, many continued to be stewards of the land, albeit in a new context overlaid on top of their ancestral lands. In the 1980’s and 1990’s, many timber workers, now both Tribal and non-Tribal, seemingly banded together to resist violations/undermining of their moral economy, or right to subsistence, by the new, hotly contested, forest policies centered around protecting the endangered spotted owl and associated old growth habitat, which have effectively threatened and halted the majority of the local peoples’ livelihood activities (Robbins 1988; Brown 1995). Currently, the Tribe

is being heavily criticized for having “European values” of dominating the earth for capitalist profit because they are using tools of the so-called “new order” of the landscape (Interviews C2 and C3, 2003). In response, the Tribe’s critics are criticized for having essentialist visions of the “noble savage” in place of the modern day Coquille Tribe (Interviews T1 and T2, 2003). However, some environmentalists argue that they do not intend to undermine the self-determination of the Tribe, but the urgency of protecting the resources/ecosystem leads them to act quickly by any means possible to “preserve/restore the integrity of Coast Range watersheds” (Interviews C2 and C3, 2003). Several environmentalists see the formation of the Coquille Forest and associate forest management strategy as a way for the timber industry to “use” the Tribe for a loophole to get more timber cut despite requirements of the Northwest Forest Plan. The Tribe does plan to cut timber, but the distinction is that they want to manage a piece of their own ancestral territory, as their ancestors were the first stewards of the landscape (Interviews T1 and T2, 2003). The “problem” non-Tribal members, especially some environmentalists, are having is that the Coquille Tribe has been extremely successful, relative to their position only 15-20 years ago, in becoming not only economically self-sufficient (as required by the Coquille Restoration Act of 1989), but an “economic powerhouse” in Coos County (Interviews G5, G6, T1, C1, 2003). The Coquille Tribe is not solely dependent on timber revenue from their forest, but it is an important element of a diverse economic self-sufficiency plan. In fact, they are so successful, compared to 15 years ago, because of their ability to adapt to an ever-changing economic environment.

Interactions of Stakeholders, Sovereignty and Federal Statutes

In the case of the Coquille Forest, we can observe on the Congressional, Tribal government, and local government levels, how a Tribe attempts to address multiple societal (Tribal and non-Tribal, environmental, economic, recreational, cultural, etc.) needs on small, non-contiguous acreage. Several unintentional consequences of trying to satisfy too many political agendas at once (i.e. Senator Hatfield's well-intentioned effort to unite preservation, economic revival through forest management, and Tribal self-determination in one bill) can lead to the hindrance of the right hand by the left. By requiring the Coquille Tribe to manage their forest subject to overly complex and duplicitous federal guidelines has lead to interruption of forest management activities and a no-win situation for all parties involved.

CHAPTER VI

LESSONS LEARNED AND CONCLUSION

Lessons Learned—Stakeholders Share Insights

During the interviews, several stakeholders wished to share insights on how to avoid this type of tension in the future. One of the major lessons learned was a need for better communication to the public about the government-to-government relationship between Tribes and the federal government; specifically, defining legal standing of non-Tribal citizens regarding resource management on restored Tribal lands (Interviews T1, G1, G2, G3, G4, C2, 2003). If there were more direct/effective communication on the differences between public and Tribal lands early on in the process, many of the stakeholder concerns would have been addressed sooner (Interview G2, 2003). Federal agency officials underestimated agency employee concerns about job security and the public's desire for more information (Interviews G2 and G3, 2003). Because of this lack of understanding and information, the Coquille Tribe was treated like "a special interest group, which they are not" (Interview G4, 2003).

Congressional members supporting the land transfer underestimated the impacts and extent of litigation occurring under the Northwest Forest Plan and the resulting interference with Coquille Tribal self-determination; specifically in achieving Tribal ecosystem, economic, and cultural restoration goals (Interviews T1 and G4, 2003). A Congressional Staff person said that there is a problem when broad, non-specific environmental regulations trump a sovereign's ability to carry out their cultural and economic development activities (Interview G4, 2003). The Coquille Forest situation provides a lesson; even though the Tribe tried to comply with the multiple layers of standards and guidelines, they were unable to navigate such a complex bureaucracy derived from "duplicious guidelines" to protect endangered species and water quality (the Northwest Forest Plan followed by the US Forest Service and BLM--NIFRMA for the BIA and Tribes) (Interview G4, 2003).

One environmental interest stakeholder pointed out that there is a greater need for and public education on watershed health and function, which will pave the way for creativity in ecosystem management leading to "healthy watersheds" (Interview C3, 2003).

Basically, the whole situation became much more complicated than it needed to be as a result of unintended consequences of a retiring, well-meaning Senator. Senator Hatfield had envisioned that the management of the Coquille Tribal forest under requirements of the Northwest Forest Plan would not hinder achievement of Tribal goals. He could not have predicted the interpretation of statutes governing natural resource management on

Indian lands by different Judges, nor the ever-changing status of endangered species listings, which seems to change with the whim of each Judge or latest comment in the scientific debate about wild vs. hatchery fish. The governing structures appear to be inconsistent; the complex layers of regulation have created too many loopholes for clear, easily implemented standards and rules.

Conclusion

Through this research, I attempted to answer two main questions: 1.) Do stakeholders believe it is feasible for forest managers to achieve a balance between ecological, economic, cultural, social goals for sustainability through natural resource management activities? How should this quest for balance be implemented? 2.) What is/are the driving forces underlying the conflict around the restoration of lands and management of the Coquille Forest by the Coquille Indian Tribe? The various assertions on how the land should be managed and what the results “should” look like on the ground under Coquille Indian Tribe management are linked to inconsistent visions of sustainable forest management, lack of understanding of American Indian sovereignty and the federal-Tribal government-to-government relationship, and underlying contested definitions of a Coquille identity and associated expectations for Tribal forest management goals and outcomes. (More factors may be uncovered at the individual citizen level, which this study is not equipped to give proper attention.)

While all stakeholders agree that it is possible to connect ecological sustainability, livelihoods, and cultural restoration, there are several visions for forest management emerging from the stakeholder perspectives in this study. There is little agreement on how these lofty goals should be achieved. Specifically, two of these visions are especially at odds with one another: one is that improving forest management strategies for the purpose of sustainable use of the forest by humans in perpetuity (meeting societies needs for resources) and the other is to improve forest management strategies for the purpose of preserving the forest from human exploitation for “non-consumptive” (aesthetics, recreation, biodiversity) or low-impact use (education, ecotourism, secondary forest products). Wrapped up in these visions are differing ideas of sustainability, identity and associated values of land managers, and definition of legitimate claim/standing to influence or control what happens on the ground. In one way or another, each stakeholder brings to the table a socially constructed identity of the Coquille Tribe, which underpins their assumptions/assertions on how the Coquille Indian Tribe “should” be managing their forest.

Embedded in the views of sustainability and practicalities of sustainable forest/ecosystem management, is the societal debate over desired land uses in rural areas. Are Pacific Northwest forests landscapes of production or consumption? Can they be a mix of the two? Again, all stakeholders argue for a balance of the two, but what makes up this

balance, and how to achieve it are still under dispute, as is the case in many places in the rural American West.

The majority of the stakeholders were only partially familiar, if at all with American Indian Sovereignty, the Federal-Tribal government-to-government relationship and federal trust responsibility. Those who were the most knowledgeable worked for the BIA or the Tribe. Many had an intuitive, or generalized understanding of these concepts. The difficulty with the lack of understanding across all stakeholders has been a part of the conflicting visions for what a Tribal forest “should” look like under Tribal management. The government-to-government and statutory reality around Tribal forestry is quite complex, and taken out of context, makes way for conflicts arising out of misunderstanding.

In the case of the Coquille Forest, we can observe on the Congressional, Tribal government, and local government levels, how a Tribe attempts to address multiple societal (Tribal and non-Tribal, environmental, economic, recreational, cultural, etc.) needs on small, non-contiguous acreage. Several unintentional consequences of trying to satisfy too many political agendas at once (i.e. Senator Hatfield’s well-intentioned effort to unite preservation, economic revival through forest management, and Tribal self-determination in one bill) can lead to the hindrance of the right hand by the left. By requiring the Coquille Tribe to manage their forest subject to overly complex and

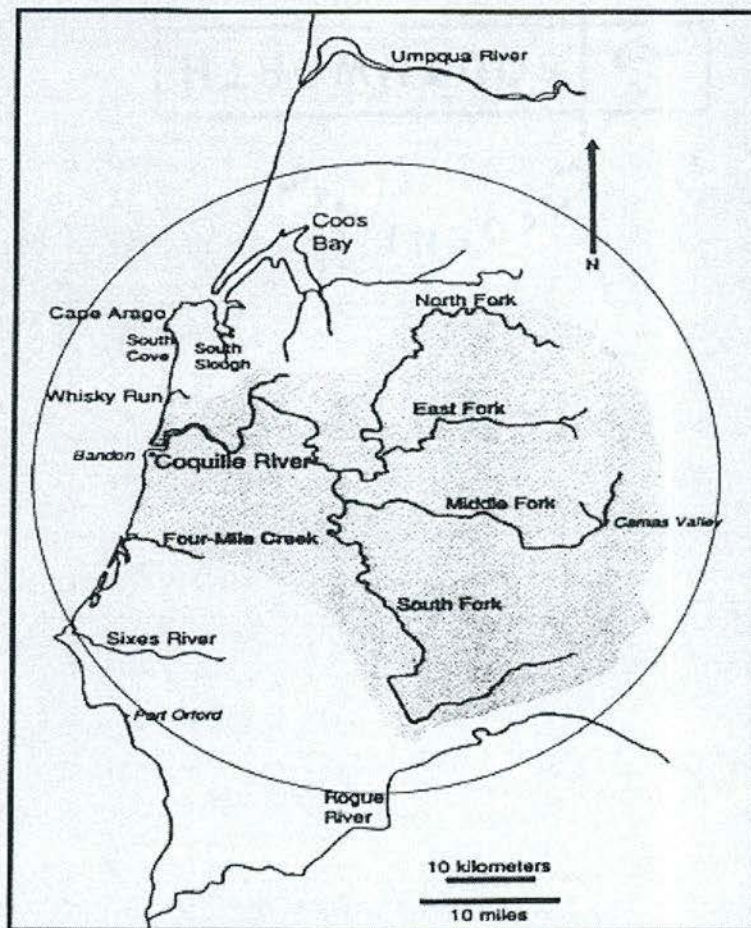
duplicitous federal guidelines has lead to interruption of forest management activities and a no-win situation for all parties involved.

Stakeholders share lessons learned and conclude that with more information around Tribal sovereignty and the government to government relationships, watershed health issues, and intentions of other stakeholders that some (certainly not all) of the conflict could have been avoided, allowing more attention and resources to be directed at managing the forest to meet a variety of ecological, economic, and cultural restoration goals.

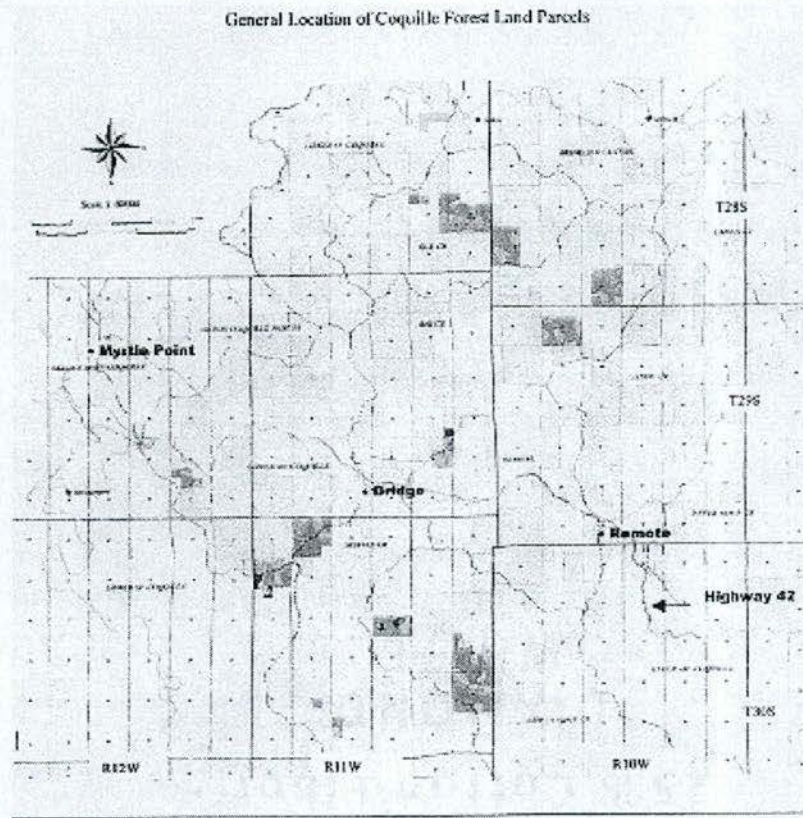
APPENDIX A

MAP OF COQUILLE INDIAN TRIBE ANCESTRAL HOMELANDS

(G. Smith et al. 1998, A-3)

COQUILLE ANCESTRAL HOMELANDS
AND SHARED RESOURCE AREAS

APPENDIX B
MAP OF COQUILLE FOREST PARCELS
(G. Smith et al. 1998, 11)



APPENDIX C
LETTER OF PERMISSION TO CONDUCT STUDY



COQUILLE INDIAN TRIBE

P.O. Box 783 • 3050 Tremont • North Bend, OR 97459
Telephone 541-756-0904 • FAX 541-756-0847

February 13, 2003

Ms. Chaun MacQueen
1017 W. 8th Ave. #10
Eugene, OR 97402

Dear Ms. MacQueen:

This concerns your January 31, 2003 letter requesting permission to work with the Coquille Indian Tribe on a Masters thesis research project. You have expressed an interest in using our Coquille Forest for a case study in sustainable forestry.

The information provided in your letter regarding the proposed project has been reviewed and your request to work on the project with the Tribe is approved subject to the following conditions:

- 1) The method of information gathering will be mutually agreed to between the Tribe and yourself. If you intend to use structured interview questions, the questionnaire will be reviewed and approved by the Tribe prior to conducting interviews. Tape recording of interviews will not be allowed. The Tribe will be provided the opportunity to review interview notes or other written documentation prior to use of the information in preparation of manuscript drafts.
- 2) The Tribe will be provided with drafts of manuscript chapters to review as they are prepared. The final draft of the thesis will be provided to the Tribe for review and edit prior to submission to the U of O graduate school for publication. A copy of the final document will be provided to the Tribe upon successful completion of the project.
- 3) Interviews involving Tribal officials, staff and contractors and all site visits involving the Tribe and its lands will be scheduled and coordinated with the Tribe's designated contact person.
- 4) The Tribe may terminate the thesis research project at any time, upon ten days advance written notice to you of such termination.

L61110.1250

Your proposed hypothesis for the project is of interest to the Tribe. The work involved to successfully complete the project will certainly be challenging. George Smith, Forest Manager, will be the Tribe's contact person for your project work. George can be reached by telephone at 541-756-0904 or by e-mail: gsmithpma@aol.com.

Sincerely,



Edward Metcalf
Tribal Chairman

EM/tb

cc: George Smith

APPENDIX D

QUESTIONS USED FOR SEMI-STRUCTURED INTERVIEWS

During the semi-structured interviews, I asked questions similar to these:

- 1.) What is your affiliation/relationship to the Coquille Forest? (stakeholder?)
- 2.) What is your knowledge/involvement of/in Coquille Forest Management Activities?
- 3.) What is your view of the land transfer and of the formation of the Coquille Forest? Has your view changed over the years? How, Why/Why not?
- 4.) Are you aware of the goals of the Coquille Forest Resource Management Plan? What do you know about them?
- 5.) What is your view of the current forest management activities? Has your view changed? How, Why/why not?
- 6.) What do you think the overall goal of forest management should be? How do you think this goal should be reached?
- 7.) Is it possible to use clearcut harvest methods in forest management activities in an environmentally sound way?
- 8.) Is it possible for people connect livelihoods, ecological sustainability and social justice in natural resource management activities? How, Why/why not?
- 9.) What is your knowledge of Tribal sovereignty issues? (nation within a nation)
- 10.) What do you know about the unique government-to-government relationship of the federal and Tribal governments? Are you aware of the federal government's trust responsibility to Tribes?

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May 22.

Interview G5. 2003. Interview with Coos County Commissioner. April 21.

Interview G6. 2003. Interview with Coos County Commissioner. May 12.

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