The Last Stand: the Quinault Indian Nation's Path to Sovereignty and the Case of Tribal Forestry[1]

By

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Abstract: *This case tells a story of forestry management policies on the Quinault Reservation. In the early years, the Office of Indian Affairs (0IA) and later the Bureau of Indian Affairs (BIA) acted like a landlord, allocating large timber sales to non-Indian timber companies. The Dawes Act fragmented the Quinault Reservation into many small individually owned allotments: the Tribe retained little for the general purpose. Years of mismanagement of Reservation forest lands by the BIA left devastated lands and waters. Legislation and actions by leaders like Joe De La Cruz pushed the envelope to reform the U.S. – tribal trust relationship, eventually returning land use decision-making to the Quinault Indian Nation. The Tribe took over planning, timber sales, and decision-making for forestry as they came to work in partnership with the BIA and neighboring agencies. The challenge was great---large areas of the landbase were cut-over. New decisions about forestry management were made to acquire allotted lands and to transfer them into the tribal ownership so they could be restored.*

Forests in the Balance: Introduction

In 1855, the Quinaults, Queets, Quileutes, and Hohs signed the Treaty of Olympia (sometimes called the Quinault River Treaty) and ceded their aboriginal lands. This treaty established the Quinault Reservation of 10,000 acres around the Quinault village of Taholah. The size of the reservation was increased to 220,000 acres in 1873. Today the Quinault Indian Nation manages a reservation of 330 square acres- 204,000 acres. Located on the southwest side of the Olympic Peninsula in Washington State, the Reservation reaches from the Pacific Ocean to the Olympic Mountains. All but the northeast corner of the Reservation, which reaches 2,769 feet elevation, is at a low elevation.

Several major rivers cross the Quinault Indian Reservation (QIR), including the Queets, the Raft, and the main stem of the Quinault River. The Quinault Indian Reservation is a land of magnificent forests, swift-flowing rivers, gleaming lakes and 23 miles of unspoiled Pacific coastline. (Quinault Indian Nation: http://209.206.175.157) The Reservation is ringed by the Olympic National Forest, Olympic National Park, Washington State Department of Natural Resources lands, Copalis National Wildlife Refuge, the Olympic Coast Marine Sanctuary, and by private commercial timberlands. Within this area are fine examples of temperate rainforest with trees that may grow to 300 feet and live 1000 years. The Reservation has an annual rainfall of 80 to 180 inches.

The North Boundary Area of about 12,000 acres with the highest rainfall is located at the higher elevations.

The usual agricultural policy that the federal government applied to Tribes was virtually impossible to implement on Quinault lands due to the nature of the climate and the natural and cultural resources of the area, and so the emphasis turned to forestry. In the early days much of Quinault Reservation was heavily forested. The responses of Office of Indian Affairs (OIA) and later the Bureau of Indian Affairs (BIA) to the federal policy of fragmentation and subsequent policy responses attempting to provide economic benefit to tribal members shaped the future of the Quinault Indian Nation (QIN) forests. Essentially the agency acted as a landlord, letting out timber sales. This policy assured that timber harvest would remain a key economic activity on which many became dependent. But the ledger that the government created to return the benefits to the Quinault from their rich forest resources was out of balance before the ink dried.

The Dawes Act of 1887 (commonly known as the Allotment Act) fragmented much of the tribal trust land into individual allotments. Although in the beginning most of the allotments were Indian owned, by 1965, 50,000 acres, approximately 25% of the current reservation, went into non-Indian ownership, primarily timber company ownership. The landscape level result was a gigantic checkerboard pattern of clear cuts. (DeLaCruz, 1998) The expansive commercial forestry plus the individual land tenure resulted in drastically changed land use patterns.

The rich resources of the QIN provide a homeland and a sustainable future that inspires deep commitment, even when forces brought them out of balance. For Joe DeLaCruz the forests represented both the Quinaults heritage from the past and their legacy for the future. In 1989 he stated “Our children will be able to say that we have remained faithful to the Great Spirit. We made our best effort to live up to a simple prayer:

The Moon’s Prayer.
O Mighty Spirit, Great Father
Forgive them for not loving Mother Earth,
But save her for the children.
“We must save the land for our children: it is part of them, they are part of it.”
(Capoeman, p. 9)

The Policy Context: A Ledger Out of Balance

The history of forestry management varies among tribes due to factors such as the unique ecological characteristics of specific tribal lands and waters, the differing policies of the BIA Forestry division regions, and the various eras of federal policy *vis* a *vis* Indian tribes. The most significant change occurred in the self-governance era dating from 1990. From the early years of white contact, the struggle for control of the forests was key to the sovereignty of the Quinault Indian Nation. The Quinault worked within often conflicting federal policies to rebalance their forest ledger using applied forest science

and their cultural knowledge to sustain their land. The Tribe counterbalanced the politics and policies of the federal regime with their own initiatives and planning.

The BIA, and its predecessor the OIA, tried to find the balance point between economic need, equity and accountability in their ledger—logs in and logs out, accounting for logs sold on the market and for timber standing in the forests, the balance of interested parties with the forests as trust resources. The General Indian Timber Act of 1910 (33 Stat. 855) provided guidelines. The Act directed that the proceeds from timber sold from the general trust lands would go to the benefit of the whole Tribe and sales of timber on allotted lands would be distributed to individuals. At first, smaller sales for individual allotment cuts provided employment to tribal members and could be closely supervised. Soon, the policy shifted to big timber sales to outside companies. Though individual requests for small sales were frequently denied and other sales were delayed, an expedited sale of spruce timber was organized with modifications to the usual process when a national need arose for spruce to construct aircraft in World War I. The OIA took the position that they would seek approval only from a majority of allotment-holders affected by a sale. (Neumann, p.30) They aimed to provide economic benefit to the Tribe from trust resources, but significant barriers actively prevented the attainment of that goal at Quinault. Those barriers came from the lack of detailed knowledge of inventory to implement a forestry program, the fragmentation due to the federal policies of the times, a confusion of purpose stemming from large timber harvest goals and extensive permitting, and a chronic lack of personnel and funding.

At Quinault, the BIA Division of Forestry perpetuated a policy of huge, long-term timber sales to outside companies in the belief that it would provide the steadiest source of income to allottees. This policy preference for income outweighed general tribal interests and tilted the balance away from ecological concerns. As Brown notes BIA forestry policy on the Quinault Reservation was exceedingly damaging to the land and waters of the Reservation. Slash, consisting of stumps, broken defective trees, branches and wood fiber littered the landscape, much from red cedar which decays slowly. The BIA forest practices had virtually destroyed the Reservation's fisheries. Added to this, the BIA did not implement their reforestation policy. After the twenty years of logging, 1950-1970, only 200 acres of logged land had been replanted, less than one percent. (Brown)

Not until the 1970's did the Tribe control forest management operations like reforestation and salvage logging, and not until the eighties was funding available to put together active inventories of timber resources. Around this time the Intertribal Timber Council (ITC) began to help with rebalancing at the national level. Tribes with forestry operations organized into the ITC to create a national voice for tribal forestry, gaining respect from Congress, making recommendations at annual conferences, and preparing reports and plans that influenced legislation in favor of the Tribes. But vast areas remained cutover and burned without replanting and QIN would have long conversations about how to achieve restoration and integrate forest management with their culture, politics and economics. If we were to go down to the store at Quinault today, we might just overhear a conversation like the one below.

Thinking in the Rain: A Conversation about Forestry

Lisa and her uncle were sitting in the dining area at the store, enjoying a steaming bowl of clam chowder as the rain poured down outside. Lisa had done well in college and she was hoping to become a research biologist. She had a substantial scholarship, but she knew it would only cover about half of her expenses. Uncle John had promised to help when, as a little girl, she first shared her hope of becoming a biologist with the family. He held an individual allotment with some high-value second growth timber. Lisa, who was part of a younger generation concerned with environmental issues, was a little hesitant to accept the money from the sale of this timber. At the same time, she knew that her ambition to be a biologist and conduct graduate research to save the Quinault blue-back salmon would rest on obtaining a significant sum of money to support her education.

She looked out the window as the curtain of rain parted and reflected on the intensely managed forest operations on the lower elevations of the reservation. Her father worked hard to support seven children by gathering secondary forest products for sale to the floral industry and by salvage logging what was left by the big companies. Her mother made baskets with beargrass and cedar—materials that were now harder to get, some said, because of forestry operations. Warming up to the issue, she asked her uncle if he didn't think that too much of the landscape was fragmented into individual ownership and logged. What about the general good of the Quinault Tribe?

Her uncle replied that in order to understand how timber harvest became so extensive at Quinault, you really had to understand both history and economics. His own father had an allotment that provided his family with cash for medical care, education, and jobs. His grandfather was been one of the first to work in the logging industry and he later worked for the BIA himself. He began by explaining the early history of the BIA and its predecessor, the OIA. Cash from timber sales could go to individual allottees. Money from sales of the general trust lands would go to the benefit of the whole Tribe. There was a split between individual allotments and economies of scale. Individual requests for small sales were frequently denied, but big sales could be expedited. To streamline the process the BIA decided that they would seek approval only from majority of allotment-holders. He recalled how his father had told him about the early years on the Quinault Reservation, when the OIA and later the BIA thought the best way to provide benefits was through cash payments to individuals. Even so, many barriers prevented the attainment of any real economic benefit for anyone. Uncle John then laid out his three major points.

1) The Resource Inventory. The biggest problem Uncle John recalled hearing about through the years was the lack of information. Finding sustainable economic benefit in forestry requires an exacting knowledge of the inventory of forest resources including their quality, availability, market value, access and the tools to complete a harvest and transport it to market. The BIA at that time did not recognize the value of indigenous knowledge or the capacity of the Quinault people to develop their own forestry practices and companies, nor did they themselves have the capacity and personnel to make solid

determinations about an inventory. From the beginning, the ledger was off. Their main objective was to implement a forestry program through timber harvest permits and contracting with local corporations to create an income stream.

2) The Dawes Act and the fragmented forest. Uncle John stressed that the next major barrier standing in the way of the BIA's ability to meet its trust responsibility and keep track of resources to benefit the Tribe came from the impacts of the Dawes Act. By 1931, when he was a young man, the allotment process was opened to other tribes who were signatory to the Treaty, giving allotments at Quinault to individuals who were not residents. In addition, the process of inheritance fragmented ownership, sometimes creating 100 or more owner interests in a single piece of property.

When John was growing up, the BIA was not staffed to manage the dearth of ownership details to update the ledger. Instead, they tried to solve the problem by melding individual allotments into larger sales, at the price of individual and tribal rights and accountability. John saw the long-term impact of these policies - most of the valuable timber on fee land was logged by non-Indian companies. The BIA believed its policy of sustained yield management was sound forestry management. Finally in the 1960s, when John went to work for the BIA, they began to look at inflated logging costs, underpayment of stumpage fees, and underrated payments due to tribal allottees. At times the BIA tried to reduce its administrative fees, but the complexity of multiple parties in allotments turned bookkeeping and accounting for fees and rebates into a failed enterprise.

3) Trust in the balance. In grandfather's day, the BIA had full authority to issue timber permits, while the Tribe did not, John recalled. Working with the large timber companies seemed the best and surest way to achieve the required sustained yields. Uncle John said he thought that the BIA even believed that the good of the regional non-Indian economy could be directly equated with the good of the Tribe. The story was that when the BIA authorized the gigantic Crane and Taholah sales, the Tribe as well as individual allottees joined the resistance, but were told that they needed to sign off on the sale or wait 35 years to harvest any timber on their lands. The BIA then made it a general rule that if 51% of the allottees in a proposed sale agreed, it would go forth regardless.

Lisa's asked her uncle if those huge sales wouldn't be hard to justify today. Uncle John said the problem was deeper than that. The BIA did not have the personnel or budget to do anything except authorize the large sales. They certainly did not have the money for re-forestation. The big companies just cut the timber and moved on. How many logs were really taken, how much profit was really made and how many payments went out and to whom – who knew? Uncle John noted that he found his job quite stressful in those years.

The BIA plodded on, lumping allotments into large sale units, and leaving unplanted slash behind. Uncle gave the example that though grandfather had an allotment with significant old-growth, the family never gained the full profit potential because the timber was sold at a low rate to a big timber company. The only alternative was refusing to

sell—and with a sick baby at home needing specialized surgery in an off-reservation hospital, the family could hardly hold back the sale.

Uncle John remarked that BIA timber sale permitting followed a clear regulatory process, but at the same time left the decisions about timber-harvest to the discretion of BIA foresters. They were allowed to make their own assessment of what should be done to meet the immediate financial needs of individual allottees. Grandfather was one of the few exceptions because he worked for a timber company, but even so he never got a chance to start his own business. John considered that the BIA believed that this was the only way to pull the money out of the woods and get it into the Quinault's pocketbooks. It didn't work too well, he noted, because later the BIA was chastised by Congress and sued in the courts for misaligned financial policies. Wasn't the Cobell case still showing this up today?

Times were changing. Things got better after Uncle John went to work for the BIA. They made efforts to contract with emerging Quinault-based companies and looked for opportunities to increase employment for tribal members. Lisa didn't understand why things just didn't seem to work, even when the BIA tried to benefit the Tribe. And she remembered the sting of hearing some of her non-tribal classmates talk about how Quinault had cut over all its forests in order to build a casino. She asked her uncle about that rumor.

Uncle John chuckled behind an ironic smile as he replied that nothing could be further from the truth. The BIA, Division of Forestry was the decision-making agency over what to log, not the Quinault Tribe. By the time the Joe DeLaCruz and other tribal members stopped wholesale logging by the blockade at Chow Chow Bridge, the damage had been done. Today the Quinaults are in the process of rehabilitating the lands that were devastated by the BIA management practices.

The Tribe speaks. Uncle John assured her that the Tribe did not remain silent while all this was happening. Way back in 1944 they initiated a 10 year plan that included the forest holdings under tribal management, prioritizing land consolidation, outlining the need for studies on forest and wildlife resources, and fire prevention. A later plan was developed too, but in the 1950's the Tribe controlled only 4.7 per cent of the lands. The most important step the Tribe took was to gather and manage information to set the ledger straight. By 1974 they had a comprehensive reservation-wide plan for managing human and natural resources. The formation of tribal companies, support from the Environmental Development Agency, and funding from the Ford Foundation supported tribal efforts to plan and develop projects and assemble the tools and people to get them done. After the Self-Determination Act of 1975 (ISDEEA), they began to take out contracts to rehabilitate and reforest the lands. Millions of seedlings were planted, thinning and stand improvements were made, trespass was enforced and the timber inventory completed in 1979. But the job was big with maybe 90.000 acres of reservation lands in need of rehabilitation. (Neumann) Excessive slash and the lack of natural seed compounded the problem.

Meanwhile John noted that a related story was unfolding as the Tribe tried to consolidate their land base by purchasing allotments. Problems arose in paying back loans for land acquisition. By the 1980's the Tribe learned that it needed to pay off debts quickly—and that meant conducting efficient timber sales on their lands to make the payments. Timely payments "validated the Nation's approach for paying for lands with timber sale proceeds while reinvesting additional proceeds into more land purchases (Neumann, p. 314). They created the Quinault Land and Timber Enterprise with Ford Foundation support, developed tribal ordinances to manage forestlands and streams, amended the tribal Constitution and revised zoning.

Forestry today. About that time, George, a forester with the Quinault Department of Forestry (QDF) passed by with his bowl of chowder. Uncle John invited him to sit down with them. He told George that he was telling Lisa about the history of forestry on the reservation, but since he retired in 1992 just as the Tribe compacted forestry work under the Self-Governance Act, he needed some help to fill her in on the current situation. He asked George to add in some of the details about what happened next.

George continued that the Tribe was able to increase both its funding for regeneration projects (Neumann, p.320) and its discretionary authority to move into planning and prescribed burning, though the latter was now limited by stricter air quality guidelines for smoke. The challenge was working with the legacy of big backlogs in replanting and the lack of road maintenance to provide access. Timber and recreation roads spread out like spaghetti, often without funds to maintain them or put them to bed. One result was that an outdated recreational access bridge under the management of Olympic National Park and associated roads changed the pattern of the Quinault River itself and now threatened the blue-black salmon, not to mention the federally listed bull trout.

George continued that QIN made many improvements with more efficient procedures and planting techniques, adding monitoring and accountability to the programs, setting goals and bringing in quality projects (Quinault Department of Forestry, 1984 Annual Report p.25-26) The QDF conducted inventories of regenerated and second growth areas adding GIS and advanced data-processing methods. Still, a continuous forest inventory that provided better information on stand composition was lacking. Uncle John was happy to hear that they made smaller and shorter term timber sales that were easier to administrate, provided more tribal opportunities and expanded the potential for future harvests.

Lisa became impatient with the story and asked, now that the QDF was in charge, why couldn't they just fix this problem?

George said not so quick Lisa, it wasn't easy to arrive at a fair balance, especially since history had tilted the ledger. A practical as well as a professional forester, he asked Lisa to think about a scenario where the Quinault Department of Forestry was designing a timber sale. George pulled some maps and forms out of his briefcase and asked her how she thought they should do a timber sale. He asked her to imagine several of the tribal forestry employees sitting at the table and looking at the individual allottee holdings and

the tribal holdings as they tried to balanced individual interests with the Tribe's general interest. What areas should they pick for timber harvest? How large of an area? Besides balancing the interests, they had to find areas that had commercially viable stands of timber that were located near roads to get it out. Unless, of course, you wanted to do helicopter or horse logging. Lisa's mind wandered over considerations of equity and balance as she imagined that could hear the voices of several foresters debating how they should design the timber sale to spread the benefits and manage the forest sustain ably as she jotted some ideas down on her napkin.

Statement of the Nation

"The Quinault Reservation is the homeland of the Quinault people. The land and its resources link the past with the present and future. The Quinault Nation has long understood that the key to its well-being is a secure homeland and well-managed natural resources. The Nation is striving to insure that the resource management will be approached from a foundation of sound science within a framework of economic and political realities and the cultural and spiritual heritage of the Quinault people. (Neumann, p. 371)

Discussion Questions:

1. What were the problems with the management policies of the BIA, Forestry Division on the Quinault Reservation?

2. How did the implementation of the Dawes Act contribute to forest management policy issues on the Quinault Reservation?

3. Who manages the forest resources on the Quinault Reservation today? Explain in detail.

4. What positive steps is the Quinault Nation taking to redress the damage done by years of BIA mismanagement?

7. The Quinault Indian Nation uses the proceeds from timber harvests to buy back alienated land. What is more important, having standing timber on tribal land, or regaining reservation lands? Discuss the implications of both.

8. What were the critical turning points in this case?

Part Two:

The Sovereign Forest: Politics, Culture, and Homeland Recovery

As established in the first scenario, tribal forestry programs were born in the vortex of changing federal policies that impacted Tribes in different ways. Although treaties, the Indian Reorganization Act of 1934 (IRA), ISDEEA and the Self-Governance Act supported tribal governance, the results of other policies such as the individual allotments under the Dawes Act or the termination policy could eviscerate tribal governments and separate them from control of their natural and cultural resources. At Quinault, the impacts of allotment policy were extreme. Though the Tribal Council was formed in 1922, it lacked authority over timber operations. This situation was vividly described in the testimony of the Quinault Tribal Chairman to the Congressional hearing in 1957:

> But the relationship of the Quinault and their….tribal council to these timber contracts has apparently been misunderstood. The Business Council is not consulted as to whether one of these timber contracts should be entered into by the US on behalf of the allottees: it is not consulted on the terms of the contract, or whether it should be for a long term, or whether it should includes more or less land. That fact is, it is not consulted at all, save as to the relatively insignificant amount of tribal property which is left to it. Thus in the Crane Creek Unit of over 34,000 acres, only about 700 acres of tribal timber was involved. We were approached on that by the agency officials….who informed us…that they were going to sell. (U.S. Congress, Hearings, 1957)

How then would the Quinault be able to establish their cultural priorities in forest management?

Picking Berries and Politics

Lisa decided to ask her mother some more questions about the Quinault forests when they went out to pick berries together. Her mother's brother Herb, her other uncle, was on Tribal Council for years and she often heard them talking about the political and cultural issues in the living room of their house. She pressed her mother about how the Tribe had been involved in all of this. Her mother replied that it was a long story, but by the 1950's the Tribe was beginning to get a voice in matters, and that voice was heard from through various investigations and legislative strategies of the time. The 1957 Congressional hearings were accompanied by a report that made recommendations that the federal government needed to begin providing meaningful consultation and provide full information. By the 1960s the Tribe began to complain about the lack of support for Quinault forest industries and jobs for tribal members, the shambles of cutover lands

without reforestation, and the need for cedar and other forest products intimately tied to the culture.

She said that the Quinault Tribe notified the logging companies of its decision to suspend logging on the Taholah and Crane Creek Units, and the General Council voted to take action. Tribal members physically barricaded all roads and bridges such as the Chow Chow Bridge. Unhappiness with BIA management in many areas from employment to environmental protection to stumpage fees had festered long enough and now exploded into action.

As they neared a particularly luscious patch of berries, Lisa asked "when did concerns with cultural uses of the forest surface? Weren't they important to provide livelihood for some of the tribal members too?"

"There were so many things," her mother replied. "Cedar was important as logs for canoes, bark for clothing and baskets, split boards for houses, materials for tools and daily use items, even the dippers to bail out canoes were made of cedar. Most species had specific uses: Pacific yew for bows and arrows, tools, utensils and medicine: hemlock for paint: Douglas fir for firewood, harpoons and handles, maple and alder for smoking meats and carved utensils. Berry bushes and many plant species provided food and medicine, and fisheries were at the center of diet, culture, health and economics. They had to go far to get the best berries and traditional plants these days."

Lisa asked about the cedar—she had seen so much cedar slash as they walked up the path. Cedar was an especially high value species to the culture. Her mother remembered that in the years of BIA forestry, it was not highly valued as a commercial species compared to spruce and other trees. In the big lowland sales during these years, vast areas of old-growth cedar were cut without much thought, and replanting cedar was not on the list of things to do. In the early days they didn't think selective logging was practical for the belt along the coast with heavier cedar and hemlock stands. The claim was that cost of operations made it necessary to get more off the ground fast. (Neumann, p.83)

Lisa read some of the *Heritage Report on Quinault Forestry* with Uncle Herb when he brought it by her house years ago. It showed clearly that in two major discussions of reforestation, the BIA was replacing red cedar with other trees. When the first big Moclips unit sale was 46% completed, they didn't replant it, and that area was heavy with cedar. (Neumann, p.65) Later, when cedar was worth more, they just kept cutting. In 1976 the timber harvest went way up---3 per cent of the region's total harvest came from the twin harbors area, and 75% of that was cedar and 27% of hemlock. To top if off 94% came from old- growth stands.

Her mother bemoaned the difficulty of getting the really good cedar bark for baskets. And getting big cedar for canoes and longhouses was even harder. Nowadays some people even bought cedar for basketry from the people who came down from Canada to the annual Northwest Indian Basketmakers' Conference.

Lisa's mother said that the first step had to be land acquisition so the Tribe could monitor their resources as a foundation for bringing about a new balance for the homeland of the Quinault people. In the meantime, the Tribe increased the regulation of cedar, letting cedar salvage contracts and developing policies that supported stability and protection for natural resources with cultural uses on the land it controlled. At the same time, higher demand for forest products like mushrooms, salal, bear grass, and yew bark required more regulation too. But funds and staff were short.

Her mother continued, telling her that QIN approached the restoration of their fragmented homeland as an intergenerational job. Like a mother gathering her children, the Tribe reached out to those that were hurt or damaged as well as those that were well. They completed the family by creating the Quinault Company to carry out business and purchases.

She recollected that the seventies brought an increased role for the Tribe in administering programs: "these changes were reflected in forest management plans that grew increasingly more sensitive to Native American concerns regarding cultural and environmental resources." (Neumann, p.184) In 1978 the Tribe received a government loan of $1.5 million to purchase timbered property, but the timber market they depended on collapsed. By the 1980's they had to pay the loan back under continued poor market conditions, and they executed a sale of 337 acres of experimental forest, the largest sale yet of tribally owned timber. This was a good lesson in timber economics, and the Tribe paid attention. Salvage, often ignored by timber companies, was important to the Tribe. Tribal President Joe DeLa Cruz argued against higher BIA stumpage fees that would render salvage operations unprofitable. At the same time the Tribe worked to stop theft and trespass and to assure responsible harvesting practices were instituted to create a working balance of environment and economy.

There was more good news, Lisa's mother announced. Cultural concerns became evident in Tribal policy as they pressed the envelope of self-determination. In 1976 the Tribe classified certain areas as wilderness zones that would require special conditional use permits if any logging was to occur, but at first the BIA ignored the tribal ordinance, claiming that it didn't apply though eventually the BIA decided to follow the tribal lead and ban logging on Taholah Unit Wilderness Zone created by Tribe. Later, the Quinault Forestry Division began another assertive program to reacquire an old-growth area, from corporate entities if necessary. This second attempt to create a wilderness type zone was aimed at protecting a sample and reminder of the unique characteristics of the Quinault forests for youth to see, to preserve examples of ecosystem to better understand its ecological role, to act as a control area to benchmark, and to be a tribal classroom. In addition, a section of "canoe forest" was set aside, to protect the large cedars so that tribal members could have access to the large logs for canoes.

Eventually the Quinault Nation came to the position that exploiting the forest resource to certain degrees could provide revenue for obtaining more lands." (Neumann, p.308) The Quinault Land and Timber Enterprise established in 1988 aimed to manage tribal

property for economic benefit and to acquire property while allowing for protection and preservation of Quinault culture and heritage. They employed government-to-government relations so the BIA could prepare unadvertised timber sales for the Tribe, even on allotted lands with land owner agreements. They partnered with Quinault Lumber Company for oversight and accounting.

The year 1988 marked the time when the Quinault Division of Environmental Protection took over Environmental Assessments in implementing timber sales. Everyone could get copies of the environmental assessments now. Lisa's mother said these documents balanced numerous laws like the Endangered Species Act with objectives to protect watersheds and the environment. Bald eagles, nesting in streamside corridors, were protected in North Boundary lands, and 1989 brought further protections for the spotted owl and marbled murrelet. (Neumann, p. 361) Tribal interdisciplinary teams evaluated the impacts of logging, with BIA participating only with regard to fee lands and trust allotments. It was a whole new world, Lisa's mother commented---one your relatives shaped through their persistence and resistance.

The Last Stand

Lisa's mother finished by giving Lisa some legislative history as they walked back down the steep drainage. She began by telling her how important the North Boundary Unit was ---it was finally returned to QIN by a Congressional act in 1988, the culmination of years of claims and cases by the Quinault validating that an erroneous 1892 government survey that had lopped off a chunk of the reservation. The North Boundary Unit Management Plan of 1995 identified special protections that were not found in previous plans. Lands were set aside specifically for fish and wildlife protection and cultural uses: 1,485 acres as riparian reserve to protect aquatic resources and old-growth dependent species and migratory corridors for wildlife; 55 acres as a cultural canoe-tree stand reserve; 112 acres of cedar swamp for elk calving and deer fawn habitat: 735 acres of second growth to be managed as another riparian reserve. These were new opportunities for protecting fish habitat, sustaining traditional and cultural uses, and encouraging biodiversity. The Tribe assumed responsibility for construction and maintenance of roads in the unit in 1992 and they took control of timber administration, coordinating plans and work with the US Fish and Wildlife Service. The 300 foot protected corridors on waterways were adopted, and timber harvest was moved to ridge-tops with more stable slopes.

Lisa's mother summed it all up as a long history of protest, litigation, agreements, cooperation, loans and incentives that brought the Quinault lands back under their control. The 1988 North Boundary legislation returned significant lands, but the Tribe still had to find money, willing sellers, and processes to determine fair market value in order to regain allotted land. The Tribe had a three prong policy to regain its land base: repurchase, repair, and replant. The means to acquire revenue would have to come from forest resources. They succeeded in buying back 56,702 acres of original reservation lands between 1983 and 1998. (DeLaCruz, 1998) Today, the Tribe restores lands by using indigenous science to frame and guide them for future goals as well as immediate

economic gains. Western science is important to convince legal and policy interests that they are effective and to provide accurate updated information. Still, the buyback of units contains challenges, because available lands may not fit ecological clusters or short-term forest restoration aims.

Returning to the political history, Lisa's mother noted that at last the National Indian Forest Resources Management Act of 1990 passed with the recognition that federal funding had not met a level of adequacy commensurate with the federal trust responsibility. Especially important was the Act's support for tribal forestry programs. The Act provided for an Indian Forest Management Assessment Team to conduct a survey and make recommendations to support tribal forest resources by increasing stand assessment, funding, planning, inventory, and ecosystem management. Unfortunately, this was followed by huge BIA cuts that took out the promised support staff. Self-governance compacts finally removed many federal guidelines, moving the decision authority from the BIA back to the QIN.

The Quinault Nation was one of the first six tribes in the Self-Governance Demonstration project in 1990. From this point on they would be insulated from some budget reductions that stemmed from politics or attempts to re-organize the BIA. Trespass enforcement, protection, timber sale preparation and management on tribally-owned lands and forest restoration and development work now fully rested in tribal hands. The Tribe could emphasize Indian employment through its ordinances and add employment requirements benefiting tribal hiring for contractors. Yet the lack of capital for investments, equipment and professional training and other resources still held some of the strategies back.

It seemed to Lisa that the Tribe had a daunting task-- no less than restoring the forests to their former usefulness and connecting them back into the web of culture, while providing part of the economic base for the community and building a fund to purchase back other lands. That was a reality check for Lisa. But how would they go about it?

Discussion Questions

1. The Quinault Tribe needs to take cultural issues into consideration as it manages its forests. How should it do this? Discuss.

2. What should be the Tribe's priority, preserving forests for cultural use or for economic return? Discuss.

3. What have been the Tribe's greatest challenges in restoring the Reservation forests?

4. The Quinault Tribe has the twin goals of conservation and sustainable timber production. How can it achieve these seemingly disparate goals?

5. How should preserving habitat for fish and wildlife fit into the Tribe's forest policy?