



# Western Forester

April/May/June 2021

## The Inalienable Right to Decide: The Intersection of Forestry and Tribal Sovereignty

By Andrea Watts

Practicing forestry is predicated on decision making and the authority and ability to act upon those decisions. For tribes, their decision making is imbedded in their tribal sovereignty.



Gary Morishima

Gary Morishima, a technical advisor on natural resources and the environment for the Quinault Nation, has worked extensively in the space of tribal forestry and tribal sovereignty for decades. While still a student at the University of Washington in the late 1960s, where he earned a PhD in Quantitative Science and Environmental Management, Morishima began working with the Quinault Nation. He helped establish their natural resources department and later the Quinault forestry program while serving as forest manager in the mid-1970s. Another notable

accomplishment was helping to establish the Intertribal Timber Council, also during the 1970s.

When asked why he has worked in this space for so many decades, Morishima said, “it’s an interesting field because it’s constantly evolving, with new challenges. There are many opportunities to actually be able to contribute in a way that can really make a difference in the lives of people.”

What follows is our conversation, edited for length and clarity, on the topic of tribal sovereignty and its place in a changing political, social, and environmental landscape.

### What is tribal sovereignty?

In just a couple words, sovereignty is the right to decide. It’s also called self-determination or the right to make your own decisions and not have things imposed on you. It’s the right of tribes to decide for themselves according to values, belief systems, and economic and governance systems.

### Can tribal sovereignty be interpreted differently based upon the context?

Certainly there are differences in how it’s interpreted depending upon the position of the people who a tribe may be interacting or communicating with—whether they really have an understanding about the tribe’s tribal governance and tribal ways of viewing the world and relating to it. There are also differences due to the variations in tribal governance and how they organize themselves and how they deal with each other and with the outside world. There are also differences relating to the level of sophistication and understanding how to interact

and assert tribal rights and responsibilities and authorities.

### How has the concept of tribal sovereignty changed over the years?

It’s changed quite dramatically. When I first got involved with the Quinault Nation, for example, they had very little in terms of their own infrastructure, their own ability to actually make their own decisions and have them respected by others, they were just starting to be recognized as a government with sovereign rights and authorities. They had been operating and working under policies of federal domination and, frankly suppression by the United States and its agencies like the Bureau of Indian Affairs. There was a paternalistic attitude that the government and the agencies knew what was best for Indians.

That began to change in the late 1960s and the early 1970s, when the policy changed. In the 1950s and into the 1960s, the United States tried to get out of the Indian business. They had adopted a policy called termination, which really meant they were trying to end the political relationship and the duties and obligations that the United States had toward Indian tribes and essentially treat them like any other citizen.

A number of tribes, particularly forest-owning tribes, were targeted for termination because of the desire to access to tribal timber resources. The Quinault had experienced a long history of mismanagement by the Bureau of Indian Affairs in terms of how the agency treated land and because they didn’t take care of the forest as a

### IN THIS ISSUE

#### Tribal Forestry

Using Fire to Protect the Land 7

Meet the Next Generation of Stewards of Tribal Lands 10

Enhancing Forest Health and Powering Alaska Native Communities 16



## Western Forester

Society of American Foresters  
PO Box 82836  
Portland, OR 97282  
503-224-8046

[www.nwoffice.forestry.org/northwest-office/western-forester-archive](http://www.nwoffice.forestry.org/northwest-office/western-forester-archive)

**EDITOR:** Andrea Watts  
[wattsa@forestry.org](mailto:wattsa@forestry.org)

*Western Forester* is published four times a year by the Oregon, Washington State, and Alaska Societies' SAF Northwest Office

*The mission of the Society of American Foresters is to advance sustainable management of forest resources through science, education, and technology; to enhance the competency of its members; to establish professional excellence; and to use our knowledge, skills, and conservation ethic to ensure the continued health, integrity, and use of forests to benefit society in perpetuity.*

### STATE SOCIETY CHAIRS

**Oregon:** Jeremy Felty, 360-621-7596, [jeremy.felty@gmail.com](mailto:jeremy.felty@gmail.com)

**Washington State:** Josh Meek, 360-581-4949, [wssafchair@gmail.com](mailto:wssafchair@gmail.com)

**Alaska:** Ed Morgan, 303-476-1583, [edmorgan4@msn.com](mailto:edmorgan4@msn.com)

### NORTHWEST SAF BOARD MEMBERS

**District 1:** Chris Schnepf, Area Extension Educator—Forestry & Professor, University of Idaho Extension, 208.292.1288, [cschnepf@uidaho.edu](mailto:cschnepf@uidaho.edu)

**District 2:** Mark Buckbee, 541-580-2227, [buckbeefamily@msn.com](mailto:buckbeefamily@msn.com)

Please send change of address to:  
Society of American Foresters, 10100 Laureate Way, Bethesda, MD 20814  
[membership@safnet.org](mailto:membership@safnet.org)

Anyone is at liberty to make fair use of the material in this publication. To reprint or make multiple reproductions, permission must be obtained from the editor. Proper notice of copyright and credit to the *Western Forester* must appear on all copies made. Permission is granted to quote from the *Western Forester* if the customary acknowledgement accompanies the quote.

Other than general editing, the articles appearing in this publication have not been peer reviewed for technical accuracy. The individual authors are primarily responsible for the content and opinions expressed herein.

## The Inalienable Right to Decide: The Intersection of Forestry and Tribal Sovereignty

Continued from page 1

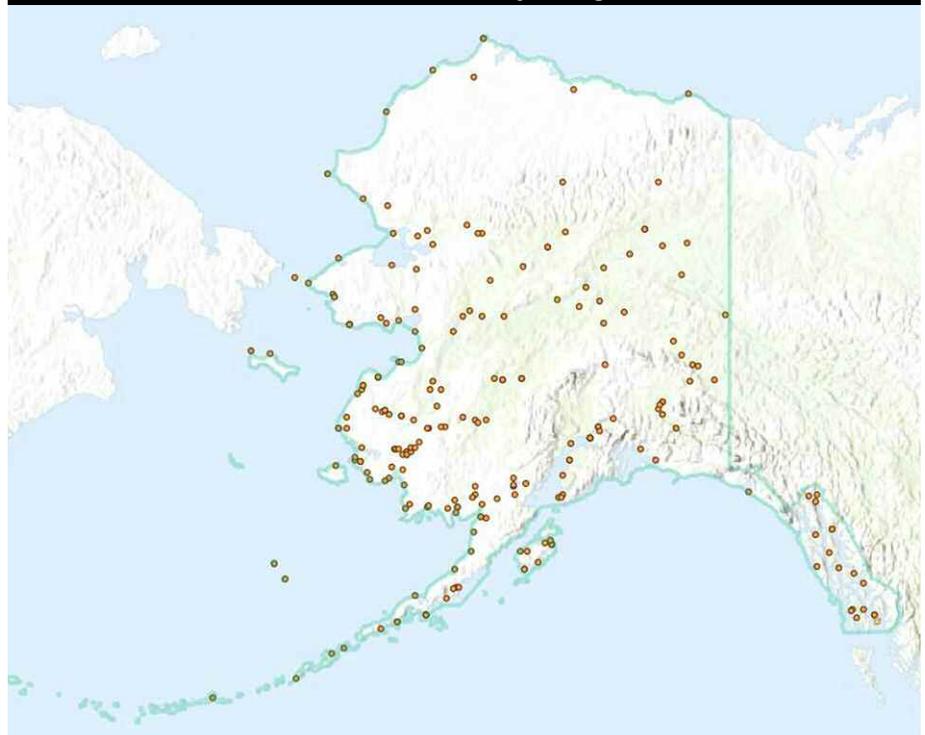
renewable resource. The BIA and United States were trying to convert Indians from practicing their customary ways of relating to the land and each other transform them into farmers and property owners. Trees were viewed as a nuisance that needed to be cleared from the land to open the way for agriculture.

A policy, largely under the initiative of Forrest Gerard, a legislative assistant for Senator Henry Jackson of Washington State, pressed for replacement of termination by a policy of self-determination. That policy was ultimately adopted and embraced by President Nixon, and enacted into law in the mid-1970s in the form of the Indian Self-Determination and Education Assistance Act, which was often called self-determination without termination. This set the stage for the renewal of the ability of the tribes to

assert greater control over how the programs and resources that were available could benefit tribal communities.

The Self-Determination Act came during a time of great social unrest. Demonstrations, protests and movements that sought civil rights, an end to the Vietnam War, and in the Pacific Northwest, the ability of tribes to exercise their treaty fishing rights. After the Self-Determination Act was passed, I was asked to set up a forestry program for the Quinault Nation from scratch. It was the first tribal self-determination forestry program to be developed and established. This law was enacted shortly after Judge George Boldt issued his decision regarding treaty Indian fishing rights in the case *United States v. Washington*. This case had been brought by the United States against the state of Washington on behalf of the treaty tribes to force the state of Washington to respect and honor rights reserved in treaties between the United States and tribal sovereigns, specifically the right to fish, hunt, and gather at all their usual and custom places. That decision happened in 1974

### Locations of Alaska federally recognized tribes



MAP IMAGE FROM BUREAU OF INDIAN AFFAIRS <https://biamaps.doi.gov/indianlands/>.

**According to the Bureau of Indian Affairs, there are 574 federally recognized tribes in the United States; however, there are also over 100 state-recognized tribes and even more unrecognized tribes.**

Next Issue: Women in Forestry

but marked the culmination of several decades of litigation. It finally reached the US Supreme Court in 1979 by the Passenger Fishing Vessel Association case. The Boldt Decision affirmed that the treaties were alive and well. The states had an obligation to abide by the treaties, and that the tribes had not only a right to an enforceable property right to a share of the harvestable surplus of different species of salmon and other fish but were also comanagers of shared resources.

### What are misconceptions the general public has about tribal sovereignty?

The principal misconception is that sovereignty was given to the tribes by the United States. Tribes have inherent and inalienable rights as political sovereigns that predate the political establishment of the United States. In fact, many people don't realize that the foundations of modern democracy and the concept of the United States itself are rooted in the Constitution of the Iroquois League of Nations, which is known as the Great Law of Peace.

That was adopted in the 1100s by the five civilized tribes: the Mohawk, Onondaga, Seneca, Oneida, and Cayuga tribes. That gave the framers of the constitution the idea of a confederacy, bringing the different colonies together as a union. Congress recognized the contributions of tribes in providing a foundation for the United States when it passed House Concurrent Resolution 331 in 1988.

The challenge that many tribes have faced over the years is that they have to constantly reeducate—the general public, politicians, economists, educational institutions, and their neighbors—that the tribes have been here for a long time. They've been here for many generations and depend on long-term relationships. The short-lived political, leadership, and economic structures have forced tribes to continually explain who they are and defend their rights.

What people also don't know about tribes is that they are part of the American system of governance that was enshrined in the U.S. Constitution

Continued on next page

## Editor's Note

By Andrea Watts

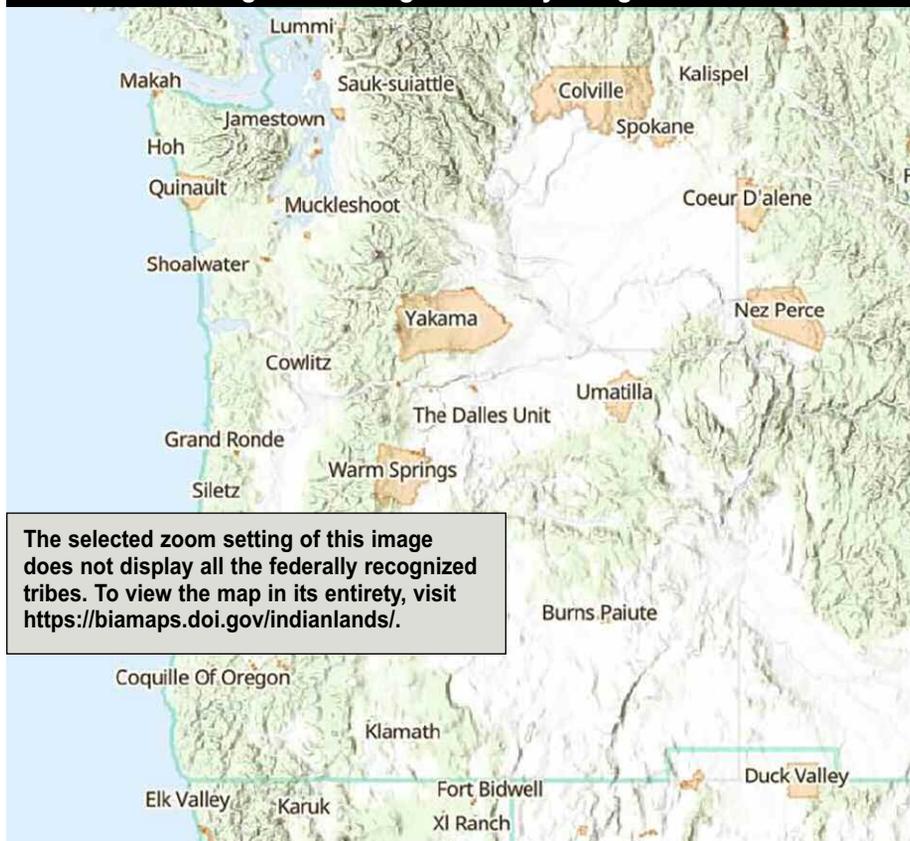
Each issue of the *Western Forester* is a collaboration between myself and the authors who volunteer to contribute an article, but this issue on tribal forestry has other collaborators who deserve mention. Don Motanic, a technical specialist with the Intertribal Timber Council, and Stephanie Cowherd, the forests and community program director with Ecotrust, served as guest associate editors by identifying stories to feature and coordinating interviews and articles. Don even contributed two articles! After I finished editing Christopher Villarruel's profile, his closing sentence, "And for anybody who is interested in tribal forestry, it is important to first familiarize yourself with tribal sovereignty," I realized that such an article was needed in this issue. Gary Morishima was gracious to grant me an interview on short notice.

These stories are also just a fraction of the ongoing work in the space of tribal forestry, which sparked a second realization: I need to be more proactive in featuring this work in other issues rather than waiting until the theme of tribal forestry is selected again.

And speaking of *Western Forester* themes, in June the NWO committee will select the themes for 2022. If there is a forestry or natural resources topic you want to learn more about, please send in your suggestions to [watts@forestry.org](mailto:watts@forestry.org).

As always, thank you to all the people who were interviewed or contributed articles to this issue. The *Western Forester* would not be possible without these volunteer efforts. And many thanks to the loyal advertisers who continue to support this publication, as well as the PNW SAF members. *WF*

### Washington and Oregon federally recognized tribes



This publication is a benefit of your membership in your SAF State Society

as a family of federal, state, and tribal governments. The standing of tribes is not because they are a minority racial group or because of their social economic status, but as political sovereigns that are not just as part of the general public or not just another minority group. They are governments that need to be treated as partners in collaborative decision making.

Another thing that people don't seem to really understand or recognize is their tendency to have a romanticized view of tribes as colorful peoples who are relics of the past. Tribes are vibrant, distinct governments that have their own laws, their own regulations, agencies, economic, and knowledge systems that are constantly undergoing change.

**With some management issues taking on more urgency, how does tribal sovereignty allow tribes to manage for these issues, such as climate change?**

It comes into play in a number of ways. First of all, there's growing recog-

nition that Indigenous peoples worldwide have certain values, rights and responsibilities that haven't been recognized before. There are over 90 countries in which there are Indigenous people still remaining and have control over millions of acres of land that are important in terms of maintaining biodiversity.

One of the things about climate change is that it's the culmination of actions that were taken many years ago in far distant places, but the culmination and impact is realized locally. That's where tribes, tribal knowledge and expertise, and familiarity with their local environment really comes into play, because they have lived and worked the land and its resources and the communities for countless generations.

This growing recognition is becoming increasingly apparent in terms of relationships that are being negotiated and discussed within the United Nations. In 2007, for example, the United Nations' Declaration on the Rights of Indigenous People was

adopted and embraced by the world community. There were only three countries that refused to adopt it originally: the United States, Canada, and Australia. These countries have since adopted the declaration, but with reservations. An important aspect of the declaration is related to the principle of free, prior, and informed consent. This concept requires a different way of relating to tribes and tribal governments. There are continuing discussions going on right now in the convention on international biodiversity and the permanent forum on Indigenous Peoples. This week at the UN Permanent Forum on Indigenous Peoples, U.S. Secretary of the Interior Deb Haaland gave the keynote opening address, so there's an increasing recognition for the need to involve Indigenous peoples in the formation and development of principles, policies, and programs because of things like climate change. This is being widely recognized in scientific circles, as well as economic and political circles.

**What work still needs to be done to give more tools for tribes to exercise their sovereignty?**

Certainly, awareness and recognition that tribes need to have a place at the table. In a couple words, I would use the term collaborative governance. Tribes are still the dominant human organizational structure in the world. There are over 370 million Indigenous peoples in the world and over 90 nation states. They still occupy a good portion of the land area. They need to have a substantive voice and a place at the table when shaping our collective future.

We need to learn to listen and benefit from relationships that can be established and built with tribal peoples and treat them as having an equal standing on a government-to-government basis. Whether we're conducting research, doing a project, or developing policies, we need to craft our strategies, laws, regulations, principles, and programs together. There's a lot we can learn from one another—a lot we can learn from tribes and a lot that tribes can learn from the general society as well.

For instance, our forests in the United States are very different from



Balancing economic, social and environmental sustainability for five generations



**STARKER FORESTS, INC.**

*Growing forests, not just trees.*

At Starker Forests we maintain healthy forests in order to provide a wide range of benefits. We care deeply for our forests, and we strive to be good stewards of the land by producing timber,

wildlife habitat, and clean water and air. Throughout the year, we invite our local communities to come enjoy our land through our free education and recreation programs.

541.929.2477 | [www.starkerforests.com](http://www.starkerforests.com)

Continued on page 19



## Calendar of Events

**OSWA Forestry Taxation Series—Understanding Oregon’s Property and Harvest Tax Programs**, May 25, virtual. Contact: <https://www.oswa.org/blog/managing-your-woodlands/oswa-forestry-taxation-series/>

**Environmental Forensics—Site Characterization and Remediation**, Aug. 2-3, Live Remote Attendance. Contact: NWETC.

**Basic Statistics for Environmental Professionals**, Aug. 10 & 12. Live Remote Attendance. Contact: NWETC.

**Tribal Environmental Regulation and Jurisdiction**, Aug. 19-20, Live Remote Attendance. Contact: NWETC.

**COFE-FORMEC 2021 Joint Meeting**, Sept. 27-30, Virtual. Contact: [cofe-formec2021.org/](http://cofe-formec2021.org/).

**Who Will Own the Forest 2021**, Sept. 28-30. Contact: [www.worldforestry.org/who-will-own-the-forest/](http://www.worldforestry.org/who-will-own-the-forest/).

**2021 SAF National Convention**, Nov. 3-7, Virtual. Sacramento, CA. Contact: [www.eforester.org/SAFConvention](http://www.eforester.org/SAFConvention).

### Contact Information

**NWETC:** Northwest Environmental Training Center, 1445 NW Mall St., Suite 4, Issaquah, WA 98027, 425-270-3274, [nwetc.org](mailto:nwetc.org).

Send calendar items to the editor at [wattsa@forestry.org](mailto:wattsa@forestry.org).

## The Inalienable Right to Decide: The Intersection of Forestry and Tribal Sovereignty

Continued from page 4

those that colonists found just a few hundred years ago. It’s important for foresters and people who depend and work in the forest to understand that some of our most pressing and pervasive challenges today—wildfire, droughts, insects, and disease—are the effects of displacement of tribal influence and presence on the land. That’s beginning to be more widely recognized with things like the importance of cultural burning to maintain the health and productivity of the forest, the fish, wildlife, and plants that share the environment.

### What are you still learning through your work with the Quinault Nation or other tribes?

I am constantly learning about the importance and value of worldviews in which everything is connected. When working with the tribes, I’m often reminded of the insidious influences of colonialism that creep into my way of thinking and relating to the world and how I relate to other people. Ways of thinking instilled by western educational, scientific, and socio-economic sys-

tems have embodied a sense of hubris or superiority or dominance.

What I have learned in working with tribes and continuing to work with them is the need for cultural awareness and humility. Tribal diversity and their intimate knowledge of environments is really critical to understanding the world and how we’re connected to it—how people plants, animals, soil, air, and water are connected. Tribes view these not as resources but as relatives who need to be treated with respect. These tribal tenants or principles of how tribes view the world and their place in it—respect, reciprocity, sustainability, and stewardship—they’re going to be key for us to survive as a species.

### Any final thoughts?

It’s important to understand that tribes are separate political sovereigns and to establish working relations with these tribes, you have to take the effort and the time learn about the tribes and understand their culture, their values and how they approach their dealings with the world and different communities. That they have their protocols, practices, and ways for making decisions. There’s not a one size fits all; you can’t go to a general source book that will tell you all you need to know about Indians. *WF*

**Gary Morishima** is the technical advisor on natural resources and the environment for the Quinault Nation. He can be reached at 425-214-7405 or [morikog@aol.com](mailto:morikog@aol.com).

### For More Information

If you’re interested in learning more about tribal sovereignty, here are several resources that Gary Morishima recommends.

*Tribal Nations and the United States: An Introduction*—produced by the National Congress of American Indians and available at <https://ncai.org/about-tribes>.

*Cases and Materials on Federal Indian Law and Blood Struggle: The Rise of Modern Indian Nations*—published by Charles Wilkerson, a professor emeritus at Colorado Law University of Colorado Boulder

Bureau of Indian affairs FAQs—<https://www.bia.gov/frequently-asked-questions>

## FOREST RESOURCES TECHNOLOGY

SAF Accredited • <http://cocc.edu/programs/forestry>

Ron Boldenow, Ph.D., C.F., Forestry  
Rebecca Franklin, Ph.D., Dendrochronology  
Bret Michalski, M.S., Wildlife Science

E-mail: [bmichalski@cocc.edu](mailto:bmichalski@cocc.edu) (541) 383-7756

**CENTRAL OREGON COMMUNITY COLLEGE**



Bend, Oregon



**ARBOR INFO LLC**

Providing information about trees and forests

Tom Hanson  
[Tom.Hanson@ArborInfo.com](mailto:Tom.Hanson@ArborInfo.com)  
206-300-9711

[www.arborinfo.com](http://www.arborinfo.com)