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Cultural easements: from the Feather River and Maidu perspective

When locals think of environmentalists, it's often with a knee-jerk reaction, like whispered snickers of "those whackos."

But, learning how to communicate and work with and around them is necessary, especially to those who are interested in forest management and land conservation — which is exactly what Indian Valley resident Trina Cunningham did during the 2009 Public Information Environmental Law Conference in Eugene, Ore.

The national conference is the premier annual gathering for environmentalists in the world and is hosted by University of Oregon School of Law.

Cunningham participated on the Cultural Conservation Easement panel, where she shared her insight as a director of the Feather River Land Trust and as a non-federally recognized Maidu, one of the largest groups of northern California Indians.

Cultural conservation easements

Karen Kleven, development director for the Feather River Land Trust, provided an explanation of cultural conservation easements, "Cultural conservation easements blend the restrictive environmental protection of conservation easements with the access provisions of easements."

This new kind of easement is important to ensure the protection of and access to culturally important sites that may not actually be in Native American ownership.

Panelists like Cunningham represented Native and non-Native conservation interests. They shared examples of the cultural easements and situations where such easements could be applied.

Cunningham and other participants examined possible terms of such easements, and said they would work together to develop a list of guidelines.

The panel was coordinated and moderated by Beth Rose Middleton, who lived in Indian Valley while she worked on a thesis about Mountain Maidu.

Each of the panelists was selected because they had distinguished themselves as a leader in tribal conservation at the grassroots or national level, or both.

On the panel with Cunningham were Chuck Sams, executive director of the Tribal Lands Program Trust for Public Land; Kurt Russo, executive director of the Native American Land Conservancy; Theresa Carmody, executive director of the Indian Land Working Group; Hawk Rosales, executive director of the Inter Tribal Sinkyone Wilderness Council; and James Olstead, conservation easement attorney for the Conservation and Preservation Council.

Panelists talked about what cultural conservation easements might look like, and the

projects they could be used for, the conservation tools they can be compared to and the challenges to make them a viable conservation tool that would serve Native goals.

As an attorney, Olmstead talked about the key elements of conservation easements so panelists could better understand the legal, fiscal and technical components required.

Russo talked about three aspects of a cultural easement, including acquisition strategies, organizational development and programs.

Rosales shared information about how tribes and tribal organizations might develop and use such easements for Indian access, monitoring, protection and stewardship of cultural resources.

Carmody spoke about possible provisions for the easements to be included in Native land reform policy.

Sams focused on ways to protect culturally important sites on and off reservations, which also includes land trusts and conservation consortiums.

Cunningham finished with an exploration into the nuts and bolts of cultural conservation easements and how to make them work locally and regionally.

Cunningham

Cunningham appreciated the opportunity to learn from and participate on the panel. She thinks such participation is of ultimate importance to the Maidu.

"We need to be represented, and we need to learn how environmental laws are shaped," she said. "And we need to have a say in that process."

Cunningham believes in the land values of conservation. She believes there is a balance to be found in how people use the land, what surrounding communities need from the land and what the environment needs.

"As a Maidu, I've always been taught to give back to the land," she said. "The land needs to be harvested, tended, walked on and sung to — it can't just sit there idle and neglected.

"That's not managing our landscape," she insisted.

"The human population has put us in a quandary," she said with feeling. "We can't just sit back and let it be idle."

Cunningham said she was honored to have her voice heard and have the opportunity to share and to learn — to build awareness in others and in herself.

Middleton

Middleton has been working on a multi-faceted project for the last few years, which includes a book, outreach tools for natural resources organizations and other approaches. In her work, Middleton has learned how tribes, federally recognized or not, can work in a system of land use issues and conservation easements.

Tribes and other groups can form Native American land use conservancies and bring together experts and leaders in both national and grassroots efforts. In this way, people could learn from and teach each other, as at the conference.

"This was a great group of people," she said.

"It was especially helpful to have a lawyer there who could take his expertise in conservation easements and help figure out how the cultural aspects could be fit in.

"I was delighted Trina could attend," she said. "She has worked with the Feather River Land Trust for a long time and could represent Native Americans.

"Trina has been active in other groups, as well, such as the Maidu Summit."

Middleton was also impressed by the formal welcome she and other participants received by Many Nations Longhouse Steward Gordon Bettles, and the participation of Mary Adelzadeh from the Stewardship Council.

"We had a good discussion and interest in cultural conservation easements and protection of water resources and important cultural sites," Middleton said. "It was good that Trina could speak about the efforts of non-recognized tribes, because all other participants, except the lawyer, were there to represent federally recognized tribes."