

FOCUS:

RECOGNITION AND RESTITUTION: THE MAIDU SUMMIT SEEKS PG&E LANDS

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Growing up as a person of color in rural northern California, and then going to college in the University of California system, I became very concerned about the disconnect between contemporary Native peoples' efforts to gain access to and a voice in land management, and land managers' general perception of Native people as a community of the past, with neither rights to nor knowledge of natural resources. My dissertation research is focused on Mountain Maidu resource management initiatives in the northeastern Sierra Nevada.

Highlighting the Maidu Summit response to the Pacific Gas and Electric (PG&E) land divestiture process, this article shows how easy it is for natural resource managers to ignore historic disenfranchisement and limit Native people's role to consultation on cultural resources, rather than seeing Native people as natural contemporary partners in land management. The Summit offers an example of an inclusive effort (composed of federally recognized and unrecognized Maidu people) to assert a claim to these lands.

Lands and Lakes

Plumas County is characterized by large mountain valleys and steep, forested canyons that have been and continue to be stewarded by Mountain Maidu. Prior to European contact, Big Meadows was home to at least nine distinct Maidu villages. In 1900, Big Meadows was still 25,000 acres of meadow and timber, irrigated by numerous springs and creeks and crossed by the north fork of the Feather River. Leaving Big Meadows, the river dropped 4,350 feet in 74 miles



down a canyon into Oroville. Three metropolitan investors and a young engineer saw opportunities for power development, and announced plans for hydroelectric facilities in Big Meadows, Butt Valley, and Humbug Valley in 1901. In 1902 they formed Great Western Power Company, which became part of PG&E in 1930. Big Meadows was already under the ownership of private

ranchers and Maidu allottees, so they had to first acquire the lands.

Beginning in 1887, under the General Allotment, or Dawes Act, Mountain Maidu were receiving Indian allotments, or 160-acre parcels that were meant to introduce and encourage private property ownership and agricultural enterprise. The Bureau of Indian Affairs granted trust patents to allottees, restricting sale of allotments for 25 years, unless the Indian owner was deemed "competent" by the Indian Agent to sell before that time. Although one objective of this trust patent policy was to protect Indian landowners from being coerced into selling their parcels to land speculators, the Indian Agent had the authority to sell the allotment lands on behalf of the allottees, and he sold the majority of the allotments in Big Meadows, Mountain Meadows, and Humbug Valley to power and lumber companies before the trust period expired. Federal and local statutes also protected large private interests like Great Western Power by authorizing condemnation for power site development. Under the act of March 3, 1901 (31 Stat., 1083), Great Western Power initiated condemnation proceedings in Plumas County Superior Court in 1902, and acquired title to Indian allotment lands in the project area. By fall of 1903, Great Western Power workers were already

clearing sites and digging tunnels.

As early as 1922, total gross revenues to Great Western Power Company were \$7.2 million, with the majority coming from electric energy generation and sales. The Maidu occupants of Big Meadows, Butt Valley and the Feather River Canyon saw none of this revenue, and instead suffer ongoing displacement, depletion and elimination of plant, riparian, and other resources, and mass destruction of cultural sites.

Pacific Gas and Electric Company

PG&E is one of California's largest landowners, with an influential history of resource development in the Sierra Nevada foothills. According to Nicholas Valey's 1986 History of the Feather River Canyon, PG&E's hydroelectric generation system is "the world's largest privately owned utility system," and a PG&E timeline notes that the company owns 68 powerhouses and 174 dams throughout California. The majority of these facilities harness water flowing from the Sierra Nevada Mountains to generate electricity used in homes and business in the Central Valley and California's coastal and southern metropolitan areas. The California Public Utilities Commission (CPUC), a consumer advocate and watchdog over private telecommunications, utility, water, railroad, and public transportation companies, regulates PG&E.

In the late 1990s, California's largest private utilities (PG&E and Southern California Edison) underwent utility de-regulation, divesting themselves of their power generating facilities and purchasing electricity wholesale. In a complex drama with players including out-of-state utility conglomerates such as Enron and Reliant Energy, de-regulation was unsuccessful, and PG&E and Southern California Edison were paying high prices for electricity that was not always available, and passing these rates on to citizen ratepayers.

In 1999, PG&E proposed selling 140,000 acres of land associated with their hydroelectric facilities to re-coup some of their lost revenue. PG&E filed for bankruptcy

in 2001, and, as part of the 2003 settlement agreement with the CPUC, the 140,000 acres of land in question will be divested to private and public entities for conservation and public benefit purposes, under the oversight of the Pacific Forest and Watershed Lands Stewardship Council. Originally named the PG&E Environmental Enhancement Corporation (EEC), the Council is charged with creating land management plans for these 140,000 acres, and transferring the lands to entities capable of implementation. Of this acreage, 38,094 acres are located in Plumas County (including Humbug Valley and land surrounding Lake Almanor/ Big Meadows).

Who is Missing?

According to the settlement agreement between the CPUC and PG&E, membership of the Stewardship Council governing board would include representatives from PG&E, the CPUC, the California Department of Fish and Game, the State Water Resources Control Board, the California Farm Bureau Federation, and three public members named by the CPUC. In response to comments on the structure of the Council, membership was augmented to include a representative from the California Resources Agency, the Central Valley Regional Water Quality Control Board, the Association of California Water Agencies, the Regional Council of Rural Counties, the California Hydropower Reform Coalition, the Trust for Public Land, the Office of Ratepayer Advocates, the California Forestry Association, and a joint liaison from the federal Department of Agriculture-Forest Service and Department of Interior- Bureau of Land Management. According to the Settlement Agreement, "This board ensures that all of the key constituencies are represented in the development and implementation of the land conservation plan" (2003).

When the Council began meeting in 2004, there was no representation of Native American interests, and no talk of adding a Native representative. When the Council began holding public meetings around the state to develop the public benefit and conservation priorities for each parcel, Native attendees stood up

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and demanded to know why they had no voice on the board determining the fate of these lands, which encompass over 221 square miles in over 22 counties of Native Californian homelands. The Council responded by inviting Larry Myers of the Native American Heritage Commission to join the Board.

In addition to adding Myers to the Council Board, the Council engaged in formal consultation with recognized tribes. However, in a November meeting with Maidu Summit representatives, Stewardship Council representatives emphasized that they wanted to divest the lands to consortiums that “have already collaborated with each other and work together already.” The Council would not divest lands directly to federally recognized tribes for fear of future casino development. Rather, they preferred to work with consortiums that could demonstrate the ability to manage for public and conservation goals. These priorities created an ideal place for the Maidu Summit to emerge and apply for lands.

The Maidu Summit

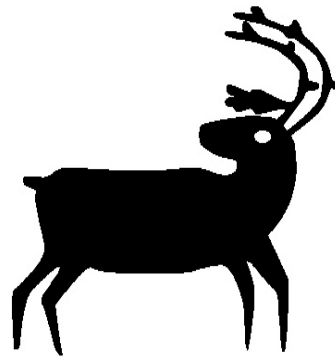
The Maidu Summit was initiated in 2003 in response to increased national homeland security following September 11, 2001. Noting the need for Maidu homeland security, the Maidu Cultural and Development Group (MCDG) and Susanville Rancheria convened a Summit of 11 Maidu groups, including non-profit organizations, unincorporated community groups, federally recognized rancherias, and petitioning aboriginal tribal governments. Members are Big Meadows Cultural Preservation Group, Greenville Rancheria, Plumas County Indians Inc., Roundhouse Council Indian Education Center, Maiduk Weye, Stivers Indian Cemetery Association, Susanville Rancheria, Tasmam Koyom Cultural Foundation, Tsi’Akim Maidu, United Maidu Nation, and the MCDG. The Summit is governed by consensus, and coordinated by MCDG staff Lorena Gorbet.

The Summit responds to activities of federal and private landowners that threaten Maidu sites. At issue is the ability of a federally unrecognized tribe (Mountain Maidu), with neither a centralized governing body nor a common land base, to protect, perpetuate, and enhance culturally important natural

resources, as well as the unique Maidu knowledge that is linked to the traditional use and management of these resources. The Summit links active, contemporary cultural preservation with resource management, as members convene against the odds of attempted genocide to re-assert their ties to place, culture, and one another.

Since its formation, the Summit created a 10-point resolution to protect Homer Lake, a site used for training Indian doctors. The resolution called for the Lassen National Forest to block vehicular access to the site, and, in 2005, the Forest responded by erecting road barriers. Summit participants also created a resolution and participated actively with citizen’s groups to oppose the construction of a thermal curtain in Lake Almanor that would threaten Maidu burial sites. In summer 2006, Summit members passed a resolution to seek lands from the PG&E Stewardship Council as restitution for the ongoing cultural disruption posed by hydroelectric development. Since

that time, Summit members have been meeting regularly to discuss Summit governance and land management priorities.



The Land Management Plan

With seed funding from the indigenous, non-profit funding organization Seventh Generation, the Maidu Summit contracted with member Farrell Cunningham and several sub-contractors to compile an extensive land management plan for assuming oversight of lands in Big Meadows, Humbug Valley, and Butt Valley. The plan includes a cultural background, maps of the area, and site-specific discussions linking the Stewardship Council’s land management goals with Summit member’s cultural, community, and landscape goals for the parcels, and specific plans for implementation. The Summit goals for the lands emphasize traditional environmental stewardship, educational opportunities, and opportunities for cultural strengthening, preservation, and exchange.

The Summit has partnered with the Native American Lands Conservancy (NALC), a multi-tribal, multi-regional, non-profit land conservancy formed in 1997 to “protect and preserve sacred landscapes important to Native American people.” The NALC focuses on landscapes that are vital to cultural

identity, historical continuity, and contemporary healing from intergenerational trauma due to the historic and contemporary impacts of colonialism. Through a formal MOU between the Summit and the Conservancy, the Conservancy will hold the conservation easement on the lands the Summit receives until the Summit attains non-profit status.

Current status

After Summit member and federally recognized tribe the Greenville Rancheria bound and copied the document, the Maidu Summit submitted their Land Management Plan in June 2007 as a proposal to the Stewardship Council. The Summit will now await the Council's decision on who will be the next owner of these lands. The plan represents a collaborative effort of recognized and unrecognized Maidu to gain a role in management and governance of natural resources in their homeland. It also represents an opportunity for the Stewardship Council to return some California lands to their long-term stewards, with the security of encumbrances developed in a public planning process.

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