

SALMON PLURALITIES: THE POLITICS OF COMMERCIAL FISHING ON THE  
HOOPA VALLEY RESERVATION

By

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## ABSTRACT

### SALMON PLURALITIES: THE POLITICS OF COMMERCIAL FISHING ON THE HOOPA VALLEY RESERVATION

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From 2008 to 2010 members of the Hoopa Valley Tribe harvested large quantities of salmon from the Trinity River within the boundaries of the Hoopa Valley Reservation, and sold them to an off-reservation buyer. Other tribal members questioned the legality of the sellers' actions, as well as the appropriateness of their fishing methods, which were interfering with non-commercial fishing on the river. In response, the Hoopa Valley Tribe's governing council created a commission charged with developing commercial fishing regulations with input from the tribal membership. In early 2011, the commission invited me to participate in planning and facilitating two public hearings to collect input from tribal members. Using a conflict analysis framework, I examined issues brought up in media coverage, council and commission meetings to understand the main points of disagreement among stakeholders. I then examined the results of the public hearings, which were recorded as field notes, meeting minutes, and an audio broadcast. The results of the hearings show tribal members intervening and reframing the task of creating regulations away from a focus on resource management to acknowledging the complex relationship Hupa people have with salmon, and the dissonance between the expressed relationships and commercial fishing activities. I present the Hoopa Valley Tribe's efforts

as a case study that explains Zoe Todd’s concept of “fish pluralities,” which theorizes the many ways fish exist to Indigenous people as sites of political exchange. My project demonstrates how these pluralities are mobilized politically and enacted in governance and, for Hupa people, are part of the historical and spatial continuity of cultural and political sovereignty.

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## INTRODUCTION

Salmon is a central part of Hupa identity, culture, and spirituality. The Hupa, indigenous to what is now known as northwest California, center their world around the Hun', now known as the Trinity River, which flows for 165 miles from headwaters in the Scott Mountains and Trinity Alps to the south, north, west, and northwest, finally intersecting with the Klamath River at Weitchpec. Coho salmon (*Oncorhynchus kisutch*) and Chinook salmon (*Oncorhynchus tshawytscha*), two species of anadromous fish, are born in the Trinity River, and return in the spring or fall to spawn and die. Local people rely on the salmon in northwest California, and that relationship has ignited many social movements related to fishing, dam removal, water diversion, ecological health, and biological diversity. The relationship between Hupa people and salmon has been at the forefront of Hupa politics and legal actions, but is also intimately tied to salmon's centrality in Hupa culture. The Hupa's First Salmon Ceremony occurred bi-annually, with each of the spring and fall fish runs, near a place presently referred to as Sugar Bowl on the Trinity River. This is where the first salmon of the season gave itself to a Hupa medicine person, one of many interactions that made up a reciprocal relationship between Hupa people and salmon that acknowledged a place and purpose for everything in this world. During the First Salmon Ceremony, the medicine person would pray and give thanks for the salmon, while the many salmon would pass unobstructed on their way up the river to their home spawning beds. It was reportedly a time of abundance, likely beyond anything currently imaginable. Soon after white settlers colonized the area during

the Gold Rush era, relationship to land, the river, and the fish became muddied, literally, with resource extraction and water dams upsetting a long-established ecosystem. However, throughout the history of colonialism- through periods of violent genocide, assimilation, and termination- Hupa people have fought for and retained a relationship to salmon. This multi-faceted relationship endures and contributes to Hupa people's continued resilience in the face of extreme environmental changes, including diversion of 90% of Trinity River water flows; decades of commercial ocean salmon harvesting; and climate change. One such example of this resilience is the formation and activities of the Hoopa Valley Fish Commission in 2011. The Fish Commission was formed in response to commercial fishing activities during three salmon seasons on the Hoopa Valley Reservation.

In 1989, a Hoopa Valley Tribe referendum served to lift a ban on harvesting fish for commercial purposes on the Hoopa Valley Reservation (Tribe, Action Sheet 2010). From 2008 to 2010, a group of Hoopa Valley Tribe members engaged in harvesting large quantities of salmon from the Trinity River within the boundaries of the reservation and selling them to an off-reservation buyer (Jenkins 2011). This occurred during a time when commercial salmon fishing in the ocean waters off Northern California was banned due to the collapse of numbers of Sacramento River salmon. Public concern was raised through media outlets and within the political structures of the Tribe (Jenkins 2011). The Hoopa Tribal Council, unable to agree on an interpretation of the regulations that would determine whether any law was broken, created a commission charged with developing commercial fishing regulations with input from the tribal members, based on the idea that

regulating the fishery would address the known concerns. The newly-formed Fish Commission was charged with conducting at least two public hearings to foster public input.

This project was a result of being invited by the Chair of the Fish Commission to help design and facilitate the two public hearings. I researched and recommended alternative planning concepts that I thought would further engage tribal members in the process of creating the commercial fishing regulations. The results of this project include two public hearings that served to gather input from tribal members via spoken and written comments. Tribal members expressed opinions about regulating a commercial fishery, however, an overwhelming amount of spoken and written comments relayed concern about having a commercial fishery at all. This concern focused upon the appropriateness of selling salmon, lacking access to salmon as food, and being remiss in taking care of elders and others in the community. Attendees redirected the conversation toward the multiple ways that salmon exist in relationship to Hupa people, and how to best honor those relationships. Thus, I expanded my project to include examination of the themes that emerged, and the argument that it presented an instrumental case study of decolonizing praxis.

The intersection of people and salmon in the Pacific Northwest of the U.S. has been extensively examined, with interest-based and cross-cultural conflicts often at the center of discussion. Dividing and labeling various stakeholders by interests is a common exercise for elucidating historical and ongoing conflicts around salmon (Tarlock 2008). Interest-based identities on a regional or state level seem to require a singular value

thread among a stakeholder group to facilitate lobbying, negotiation, and other participation in political processes due to the simple fact that it requires a great deal of resources, and requires groups to be well-organized and aligned in their mission and goals. First Nations scholar and political theorist Glen Coulthard argues that these western political frameworks that have dictated the nature of participation are problematic in that they will always, by default, favor dominant western worldviews which have historically disposed Indigenous people of land and self-determination (Coulthard 2014). Rather than recognize the right to self-determination, states use a discourse of “cultural rights” to reinforce hegemonic structures of non-Indigenous economic and political interests (Coulthard 2014, 75). For this reason, focusing on these concepts does nothing to move Indigenous people towards decolonization. Turning away from the centrality of these concepts and reframing issues into concepts that more closely resemble Indigenous worldview through processes of decolonization, indigenous people can reclaim the political spaces needed to survive, heal, and celebrate meaningful nationhood. Reclaiming might look like addressing responsibility towards each other and non-human entities, looking at problems through a lens of connectedness and relationship, and supporting resurgence of Indigenous practices (Alfred 2005). Looking at the Hoopa Valley Tribe’s Fish Commission as a case study responds to the idea of tribes as a single stakeholder in relationship to salmon by uncovering and representing “fish pluralities,” a term coined by theorist Zoe Todd, which acknowledges the multiple ways fish may exist for Indigenous people, such as fish as food, family and place, that speaks to how people and fish are “active agents” together in political processes (Todd 2014). It

also demonstrates how fish pluralities can be mobilized to reclaim political spaces by exploring the actual principles and concepts that pervade these spaces, as expressed through the process of creating commercial fishing regulations on the Hoopa Valley Reservation. The questions asked in this project include: what are the meanings of salmon that were expressed by Hupa people in public during the tenure of the Fish Commission? How did these meanings shape the direction and outcome of the Fish Commission? How might these meanings be “mobilized” and applied to principles of fish management or governance?

In Chapter One, I present a review of literature about traditional ecological knowledge, human-fish relationships, Hupa-fish relationship, and discuss these relationships through the lens of “fish pluralities” that are mobilized in tribal politics and governance. I then present a historical narrative of the Hupa and the formation of their government and the events that led to the formation of the Fish Commission to provide context for the case study. I also include work I completed for a situation assessment that I used to inform my contributions to the Fish Commission processes and public hearings.

In Chapter Two, I present the methods I used for this project. This project partly reflects my commitment to participatory or community-based research, which works to understand and resolve community problems and to empower community members. Community-based research demands that knowledge be useful. I adopted this approach through responding to a specific problem and need in the Hoopa community. It also draws upon the ideas of Indigenous scholar Linda Tuhiwai Smith, specifically celebrating survival, intervening, and reframing projects as decolonizing praxis. I applied these

methods through my work with the Fish Commission to design and facilitate the public hearings, participant observation, and summarization and analysis of public hearing testimony.

Chapter Three presents the case study, which is a snapshot of the multiple and complex relationships to salmon, viewed using the framework of traditional ecological knowledge. Exploring the various meanings associated with salmon allowed a better understanding of how the relationship between Hupa people and fish continues and what it looks like in its current state, and how these relationships extend into political spaces, specifically as they affected the Fish Commission's directive. Although this project does not aim to define solutions or alternatives to existing political and governance structures, it does assert that fish pluralities can be a powerful form of cultural and political sovereignty, mobilized as part of an arsenal of decolonization strategies within resource management and tribal and state governance to create more resilient and adaptive communities.

## CHAPTER 1: REVIEW OF LITERATURE

### Traditional Ecological Knowledge

The ways in which Native people engage with their environment have been broadly captured through the concept of Traditional Ecological Knowledge (TEK). TEK is a contemporary descriptor of long-standing indigenous ways of knowing, and has been drawn upon in the fields of western resource management, agriculture, and climate change adaptation to provide a framework for examining contemporary problems (Anderson 2006; Climate and Traditional Knowledges Workgroup 2014; Senos 2006). “Indigenous peoples around the world have used knowledge of their local environment to sustain themselves, maintain their cultural identity, and deliberately manage a wide range of resources and ecosystems for thousands of years” (Senos 2006). TEK embodies what is referred to by Fikret Berkes as a “knowledge-practice-belief complex” (Berkes 2000). Encompassing several distinct contemporary fields of study, TEK is multidisciplinary and presents a perspective that is holistic in addressing a broad spectrum of questions related to natural resources, biology, cosmology, anthropology, and epistemology, as examples (Pierotti 2000). Local experiential knowledge, resource management systems, social institutions and worldview can be viewed as a nested, hierarchical system but often are so interwoven that it can be difficult to separate them as distinct components. Different aspects of the regime are all organized into multiple layers of nested enterprises. Although each Indigenous community will have a unique knowledge-

practice-belief complex, there are some attributes common to Native ways of thinking in North America that include the recognition of humans as part of, rather than separate from, natural systems; connection to local places; and respect for non-human entities as individuals included in human codes of ethics (Berkes 2000; Deloria 1999; La Duke 1999; Ross 2011; Pierotti 2000). Native peoples know the environs they are native to through many thousands of years of empirical evidence (Pierotti 2000; Anderson 2006). “The worldviews and cultures of Native American peoples evolved in the environments of the continents of North and South America” (Pierotti 2000, 1336). Although TEK shares some characteristics with the field of ecology, such as a view of the environment as a system of relationships, the “practical recognition of the fact that all living things are literally connected to one another” is a concept that is less than 150 years old in western thought. Native peoples interpreted relationships through theory developed over generations. “The Indian principle of interpretation/observation is simplicity itself: ‘We are all relatives...this phrase is very important as a practical methodological tool for investigating the natural world and drawing conclusions about it that can serve as guides for understanding nature and living comfortably within it’” (Deloria 1999, 34). TEK proposes that a contextual body of knowledge exists from centuries of empirical data gathering and analysis, as well as a framework to guide inquiry. In these ways TEK has been used to explain the convergence and inter-relatedness of multiple issues that natural resource managers and researchers engage with (Pierotti 2000; Anderson 2006).

TEK also transcends the notion that social constructs are separate from the natural world, and can be studied, measured, and understood as stand-alone disciplines. Although

there have been several theories of human-nature relationship across time and political spectrums, “all western attitudes toward nature come from the same European philosophical roots” that assume that humans are autonomous from the natural world (Pierotti 2000). The view that social and cultural systems have no natural connection has enabled the practice of exploiting nature as a resource to be used by humans. Two extreme examples of this exploitation include extraction and conservation. Extraction can be extreme when it is overused for the sole purpose of gaining capital. Human use environs in this ways as producers: mining, ranching, and timber are examples I explore later in this chapter. Conservation can be an opposite extreme when used to separate humans from nature through false ideas that wilderness can be untouched and pristine, and reserved for only observation and aesthetic enjoyment by humans. “The movement to set aside national parks and wilderness areas followed hard on the heels of the final Indian wars, in which the prior human inhabitants of these areas were rounded up and moved onto reservations. The myth of the wilderness as ‘virgin,’ uninhabited land has always been especially cruel... Now they were forced to move elsewhere, with the result that tourists could safely enjoy the illusion that they were seeing their nation in its pristine, original state...” (Cronon 1995, 38). Cronon goes on to argue that wilderness is often used as “the standard against which to measure the failings of our human world” (Cronon 1995, 39). This view leaves no room for human beings except as consumers of nature pushing back towards producers/extractors without being conscious that we are both. These conserved spaces might also be zoned “natural space” in cities where human interaction with the space is limited to movement through the space and therefore “[t]he

place where we are is the place where nature is not.” In these ways conservation allows people to shed any responsibility for non-human entities within the radius of their everyday lives. “We thereby leave ourselves little hope of discovering what an ethical, sustainable, honorable human place in nature might actually look like” (Cronon 1995, 40).

Pierotti and Wildcat present the idea of TEK as a “third” alternative to these two extremes. TEK shares elements with extractive and conservation approaches, while asserting that there is no such thing as nature that exists independent of humans (Pierotti 2000). TEK presents an intellectual foundation for an indigenous theory and practice of politics and ethics, “which is capable of generating a conservation ethic” as well as practicing resource extraction for sustaining life (Pierotti 2000, 1338). TEK is also a dynamic way of thinking, evolving to adapt to near-constant change rather than reacting through extremes. “...adherents to TEK should always be able to modify their activities and responses if environmental conditions so demand” (Pierotti 2000, 1338). Others agree: “The important aspect is whether or not there exists local knowledge that helps monitor, interpret, and respond to dynamic changes in ecosystems and the resources and services that they generate” (Berkes 2000). “Traditional knowledge is living cultural practice that requires active participation for renewal” (Willette 2016). As an example, Kat Anderson’s research has included diagnosing the problem of how to approach ecological restoration for a better chance of success. Citing the human-nature dichotomy as an unsustainable way to approach ecological restoration, Anderson presents an alternative approach that includes careful human stewardship based on pre-contact

Indigenous resource utilization in California. Her research revealed sophisticated and complex management practices that can be applied in the field of ecological restoration (Anderson 2006).

Equal to knowledge and practice is a set of beliefs or worldview about nature. “Gathering and hunting knowledge was not just a set of facts to be memorized and mechanically followed in the daily harvesting rounds but rather was tied to a comprehensive cultural framework of values, beliefs, and behaviors that clearly defied the place of humans in the natural world” so much so that “it is difficult for a non-Indian to appreciate” (Anderson 2006, 55). “Humans are related to non-humans and irrevocably connected to the natural world” (Pierotti 2000, 1337). Relationship is central to religious belief and practice: “...the people conducted world renewal ceremonies to drive away sickness, prevent natural disasters, such as earthquakes, landslides, or floods, and tap the abundance of salmon, acorns, and other foods that lies dormant, waiting for humans to bring it forth” (Anderson 2006, 61). Ceremony makes clear a responsibility of humans as part of the natural world to all relations (Mirranda Willette 2016). All non-human creatures are “kin” or “relatives” as all of nature’s denizens and elements are people (Willette 2016; Anderson 2006; Deloria 1999). As “people,” plants and animals possessed intelligence, which meant that they could serve in the role of teachers and help humans in countless ways. “This view of life as related, equal, and highly intelligent is what Enrique Salmón calls a “kincentric” view of the world (Salmón 2000). Humans are “full participants” and “share mutual obligations and intricate interactions with many other forms of life” (Anderson 2006, 57). “Long before a science of ‘sustained yield’

forestry evolved natives along the Northwest coast harvested plants in a way that would assure their continued growth, as part of a belief that the trees were sentient beings” (Grinde 1991, 42).

The view of non-human entities as kin has profound implications for native conceptions of politics and ethics (Pierotti 2000, 1336). As humans and non-humans are connected within the same system it follows that the application of politics and ethics is not limited to humans. “...native peoples found within TEK instructions concerning how a person should behave as a member of a community consisting of many nonhuman persons.” Limiting the definition of “people” to human beings creates a false and narrow sense of community and the corresponding spheres of political and moral life. Deloria describes this knowledge-practice-belief complex as giving science a sense of purpose—you are in relationship with the things you are doing, and therefore your personality and sense of purpose is part of the knowledge that science confronts and understands (Deloria 1999). TEK, as a practical application, can “show how barriers become *constructed* between government-based resource managers and Indigenous peoples and thus also how such barriers, as social *constructs*, might be bridged” (Ross 2011, 34).

### Human-Fish Relationships

As the connectedness of humans to nature is fundamental to understanding an Indigenous knowledge framework, I turn to the ways in which Natives define their relationship to fish. Zoe Todd calls the multiple ways that fish exist “pluralities” (Todd 2014). Fish exist as kin, as food, as identity, as health, as family, as teacher; fish are

spiritual, social, place, seasons, cycles, and political sovereignty. Much more than just food, fish have cultural and social meanings that might be lost without looking at them through the framework of TEK.

Of course, fish is sustenance. Fish were healthy, once abundant, sustenance that historically accounted for most of the total calories and protein consumed by Klamath basin tribes (Hartridge 1999; McEvoy 1986; Willette 2016). In California, “The anadromous fish resource was perhaps the most intensely managed and ecologically manipulated food resource,” yet remained abundant for thousands of years (Swezey 1993). “Western commerce never encountered an empty and unused frontier in California waters” (McEvoy 1986, 92). Salmon is a staple food that up until contact occupied every river and tributary in northern California watersheds. Salmon is eaten fresh and smoked/preserved. Kari Norgaard’s research points to the loss of salmon and traditional foods from Karuk diets as a factor of increased disease and shorter life expectancy. In this way we can infer that eating salmon was part of a healthier lifestyle (Norgaard 2005).

Human-fish engagement is also a site of social engagement. Preparing and consuming salmon are labor-intensive social activities for families and extended family (Willette 2016). Sharing fish “cements” social relationships, like “glue” (Willette 2016). Because engagement with the natural world is a means of being in proximity to family, it is also a site of intergenerational knowledge transfer and cultural reproduction (Willette 2016). Fishing techniques included using spears, dip nets, and fish dams/weirs across streams and rivers. Big endeavors, like building a weir necessitated cooperation and a

shared understanding of time as relative to fish runs. Because individual fishing spots were inherited through family, fishing also included a social responsibility to individuals who did not have access to a fishing spot (Nelson 1978). Tribal member Haley Hutt speaks to the connection between the Trinity River and Hupa people: “We’re dependent upon the river. It’s our subsistence, it’s our livelihood, it’s our culture. And it’s a part of our daily life, and it’s how we see ourselves” (Hutt 2013). In response to a question posed about how the declining health of the Klamath river has affected her, Molli White replies, “We still utilize the river because that’s what we do and we can’t stop doing that” (White 2013). Both use the pronoun “we,” pointing to a connection between identity as part of a social group (“it’s how we see ourselves,” and “that’s what we do”) and the river (White 2013).

Hupa believe that the first peoples, the K’ixinay, taught humans how to live in their indigenous places in a good and balanced way. They blessed salmon as always being here and told humans that salmon would be good “wherever they grow” (Goddard 1903, 215). Essentially, eating salmon was a part of the original instructions to humans, and guaranteed to always be here for humans living in a good and balanced way. The first peoples then went into these non-human entities, becoming the spirit of salmon, acorns, plants, and rocks (Norton 2007; Goddard 1903; Anderson 2006). Salmon are the literal embodiment of Hupa cosmology. Humans and fish have the shared history of coming into existence together, like sharing a womb, which is why the term “kin” becomes an accurate designation. This relationship comes with reciprocation, as any familial relationship would (Goddard 1903, 215). This is acknowledged through prayer and

ceremony that, if done in an appropriate way, is accepting this gift of salmon returning to the rivers to grow and be used by humans as a resource. "...before any salmon is taken from the rivers for the new season, a ceremony is performed..." (Norton 2007, 122). Through ceremony, permission is granted to take fish to sustain human life by forming a connection to the original instruction and repeating the acts of creation- not performing a historical act, but participating in the actual continuation of the world (Goddard 1903, Norton 2007). "The spirit of the fish is not mystical or abhorrent but present and inclusive" and ritual exists "gracefully between... the practical and the spiritual" (Norton 2007, 122). Fish also have agency in that they give their life to people who are "good" and worthy of taking a fish to sustain their own lives (Goddard 1903). If "bad people" eat the salmon, it will respond by dying. The first people keep watch and remove any salmon in danger of being eaten by any "bad person" (Goddard 1903; Hartridge 1999).

Hupa are among many tribes that engage with fish in a spiritual way. The Klamath Tribe, upriver, hold a ceremony for the first sucker fish, honoring their return to their spawning streams in the upper Klamath basin and their place of central importance to Klamath sustenance (LaDuke 1999). Salmon was abundant but had to travel up the giant Klamath River, through other inhabited space to get to their home if it was the Trinity River or one of its tributaries. "Although each community along the river had the capability to take the entire run for itself with fish dams, villages consistently left some fish in the river for those upstream" (Hartridge 1999, 111). This meant that salmon and other fish were the subject of politics in the sense that people had to work together, manage spatial and temporal relationships, set up economies and politics to sustain this

shared food (Nelson 1978). One of the documented conflicts between Hupa and Yurok people was because it had appeared that Yuroks had “over-fished” a salmon run (Goddard 1903). Indigenous inhabitants have always paid close attention to numbers and time, observing changes to manage their economy collaboratively.

### Human-Fish Relationships as Governance

Much of the research on salmon, having been approached from non-TEK frameworks, has not addressed the full scope of fish pluralities -the ways in which fish exists for Native peoples and the ways this relationship can be extended in order to engage with contemporary issues. Willette et al. describe how diminished access to fish is intertwined with declining health and family relationships for Karuk people. Relationships to fish have been “interrupted” by environmental degradation in multiple fish-dependent Native communities, leading to poor physical health outcomes as well (Willette 2016). Whether it is known instances of environmental contamination that have made fish unhealthy to eat, or a lack of fish due to unsustainable practices of European settlers, the impacts can be better understood through the lens of “fish pluralities.” Physical health effects from denied access to traditional foods negatively affects political sovereignty (Norgaard 2005). Therefore, people and fish together are central actors in political landscapes of health issues.

If we assume that human-fish relationships are literal rather than only symbolic matters, “it is thus necessary to acknowledge Indigenous relationships to ‘other-than-humans’ as concrete sites of political and legal exchange that can inform a narrative that

de-anthropocentrizes current Indigenous-State discourse” (Todd 2014, 222). Human-fish relations are then an active site of negotiation and conflict in contemporary Native political spaces. Employing these concepts allows the possibility to move beyond current policy frameworks that view fish from an anthropocentric standpoint and limit relationship to fish as resource extraction for human use. “Human-fish relations, therefore, offer an opportunity to examine the complexities and nuances of how northern Indigenous peoples...contend with historical and contemporary colonialism and social, cultural, political, economic and environmental change” (Todd 2014, 219). The “mobilization of fish pluralities” can be used in pragmatic ways along with contemporary tools. For example, bureaucratic rules may still prevail but can be used to reinforce human-fish relationship concepts. Todd also found that human-fish relationships and the multiple sites of engagement this includes, especially fishing her in research, “facilitates discussions about history, governance, cosmologies, and legal orders that community members actively seek to address in a variety of ways. In this manner, fish and the act of fishing may initiate difficult conversations that may be avoided in other contexts” (Todd 2014, 231). People and fish are, again, agents in political landscapes and both equally affected by the processes of colonization and decolonization.

New economic structures brought by colonialism, namely capitalism, contrast with indigenous economies in that it relies on unlimited capital accumulation, uses an anthropocentric lens to define the non-human world as resources to be used by humans, and is regulated by different forces that don’t include any explicit religion or moral code. Social and cultural relationships are embedded in the capitalist system that

functions as an overarching umbrella that moves capital (Hormel 2009, 362). As capitalism displaced established Indigenous economic systems that were intertwined with a code of ethics that extended to humans and non-humans alike, it presents conflict in these multiple dimensions. Hormel and Norgaard describe how the “[s]trong spiritual and emotional bonds to all life forms, and an instilled sense of responsibility to them, have served as counter-hegemonic tools” in the face of dominant systems, including capitalism (Hormel 2009, 362). It follows that fish pluralities can be mobilized in ways that place social and cultural relationship on par with or above economies, to resist and provide alternatives to a capitalist structure.

#### The Hoopa Valley Tribe: A Brief History

The contemporary exercise of governance in the Hoopa Valley and the politics surrounding commercial fishing is best understood within a spatial and historical context. I begin with a brief introduction to current understanding of the Hupa polities and economic structure that was (and, in some cases, continues to be) practiced around this land base before the area was invaded and colonized by Europeans. I then provide a brief history of the environmental and social impacts of colonization in the Hupa’s territory, and then present results of a situation assessment of the commercial fishing issues on the Hoopa Valley Reservation that I produced as part of this project.

#### Hupa Polities

Hupa polities are formed around territory- several levels of territory from household to watershed- as well as ceremony that mark seasons, economic, and personal

events. Villages are made up of households, and households are made up of familial relations (Nelson 1978, 7). Heads of families own rights to specific fishing, hunting, and gathering territories (Nelson 1978, 14-16). If a person had not inherited a specific territory, they might work for another person who had; ultimately a family was responsible for their economic means but there were several options for economic self-sufficiency, including becoming a specialized doctor, a skilled craftsperson, or skilled hunter. Hupa and their neighbors enjoyed a full and total economy both within their own territories and between territories. Dugout redwood canoes and seaweed, for example, were imported from the coast, and dentalium shells, the small conical-shaped shell of a small mollusk that inhabited coast areas of present-day British Columbia were used as currency.

Gatherings within and between villages occurred to celebrate births, coming-of-age, marriages; grieve death; heal the sick; practice religion; and practice economies of scale (i.e. build a fish dam). Hupa travelled, traded, socialized and participated in dances and ceremony beyond the valley. Food was abundant (Nelson 1978, 26; Anderson 2006). “The homes and villages in the valley were designed for comfort, not defense. Skilled fighters gained no special privileges in Hupa society, and the valley had no ‘warrior’ class...The people thought of war as an ‘evil, disruptive force,’ something to be avoided rather than sought” (Nelson 1978, 26). As a policy, a settlement could be negotiated for a grievance. If the person who inflicted an insult, injury, theft, trespass, assault, or even death, agreed to compensate the injured party or their family, the matter was considered closed. If any violence ensued, a settlement still was required to be made in most cases.

There was a ceremony to mark the arrival of the first eel in the river, one to mark the arrival of the first salmon, and one for the first acorn. Prayer and religious cleansing was performed before hunting (Nelson 1978, 35; Anderson 2006; Goddard 1903).

Religious, political, and economic practices were inextricably intertwined. “Human societies cannot manipulate or eliminate one aspect [of the world] without potentially destroying the whole” (Norton 2007, 121). The word ‘balance’ is used to describe what the Hupa world renewal ceremonies achieve- to bring balance back to the world, as it was at the time of creation.

### Genocide

The United Nations documented genocide as a crime in international law in 1948. In *Convention on the Prevention and Punishment of Genocide, Article II*, genocide is defined as “any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and]forcibly transferring children of the group to another group” (The United Nations 1948). Hupa people were the object of purposeful extermination through murder, rape, and kidnapping (and forced removal of children in less violent ways), environmental degradation and dispossession of land that resulted in starvation, forced abandonment of spiritual and cultural practices, and forced participation in labor that served the U.S. government and its officials. During the year 1820, European expeditions finally made it to the Hoopa

Valley, but it wasn't until the finding of gold in the Trinity River in 1849 that violence engulfed the region (Nelson 1978, 39). Men flooded into the Hupa's territory without regard for life, killing, raping, and kidnapping, indiscriminately. Hupa and surrounding tribes retaliated with force. In other American "territories" aimed to be settled, the government had attempted to remove/push Native Americans westward prior to settlement through war and the negotiation of treaties. Because California was only acquired from Mexico a year prior, and there was nowhere "west" to go, the proposed solution to eliminate conflict between the miners, settlers and Indigenous peoples was to create islands of land to move Indigenous residents to, and/or extermination. Turning to diplomacy first, the U.S. government sent an Indian Affairs commissioner to make a treaty with the tribes of the area, offering goods and protection in exchange for staying within a defined territory. Initially the Hupa agreed, using a mix of diplomacy and subterfuge to keep violence out of the valley. Hupa people who engaged in war retreated to the mountains, and Hupa in the valley claimed neutrality while providing food, weapons and information to these assumed defectors (Cahill 2013, 173). But the commissioner did not retain the authority to provide what he had promised as the U.S. government instead decided it would not make any treaties with the Indigenous peoples of California because the U.S. had obtained the land from Mexico- not from the Indigenous people themselves. A change in politics would reverse this stance within 10 years, but all 18 California treaties negotiated during this time were broken.

Eventually finding that the U.S. was not making good on the promise of supplies and protection, the Hupa decided that "[w]ar could bring no greater horrors than what

they were experiencing, which was starvation and fatal attacks by state-sponsored mobs of settlers that would organize themselves and collectively decide on extermination as a policy” (Nelson 1978, 59). Operating under a deranged “democracy” their majority rule focused on the murder of an entire group of people (Lindsay 2012). Large numbers of people from Hupa and neighboring tribes were recruited to join Indigenous militant groups in the mountains. They easily evaded soldiers and other militia, were well-supplied, and had the advantages of attacking pack trains as they were shuttled into mountain passes coming from the coast. Hupa people made no indication that they intended to move or be removed peaceably. Government officials eventually accepted that negotiating would be cheaper than extermination, and had the added benefit of offering the prospect of indentured servitude or an otherwise cheap labor force in the growing California economy (Cahill 2013). Fighters had become weary in the mountains, and were willing to stop the attacks in return for amnesty and the ability to stay in the valley. This led to the second treaty, negotiated in 1864, which established the valley as a reservation which represented about 20 percent of their original territory, provided that only soldiers and agents could enter the valley, and promised clothing, blankets and services. This did nothing to control lawless men, and settlers dissatisfied with this approach continued to provoke altercations with the aim of instigating war. Within less than a generation, the population fell from 1,000 to roughly 430 (Cahill 2013).

Like an invasive weed, the settlers choked out everything healthy and thriving. “The treatment of Indigenous peoples in the region worked in tandem and as an echo of

the violence against the natural world during this period” (Oros 2016). In addition to digging or blowing-up large quantities of rock and soil, damming and diverting rivers and streams to use large amounts of water, miners used “quicksilver” (mercury) for separating and collecting gold flakes from other sediment (Chatterjee 1998). “An estimated quantity of over 7,000 tons of mercury was lost in local rivers during this time” (Lowry 1999, 11). We now know that mercury in any quantity is toxic to humans, and mercury and fish have a unique relationship. Mercury is turned into methylmercury by bacteria in water and soil and builds up in the tissues of fish. The Center for Disease Control reports that the Food and Drug Administration currently limits the “safe” presence of methylmercury to 1 part per million for seafood. If we accept this standard, that means that 7,000 tons of mercury would be acceptable per 7,000,000,000 tons of fish. By one estimate, very early contact saw 226 million kilograms of anadromous fish biomass in California, Oregon, Washington and Idaho watersheds combined, or only about 24,000 tons in the entire Pacific Northwest (Gresh 2000). A far cry from 7 billion. “After the first wave of miners in 1849-1850, the second wave were more determined to strip away all the earth with hydraulics so that, today, the old villages are bedrock. The meadows are gone, everything” (Lowry 1999, 17). The Trinity River Restoration Program website states that mining activities and reduced water flows impacted the river by degrading riparian conditions and cover for juvenile salmon, disconnecting the waterways from floodplains and off-channel habitats, and reducing the quality of habitat (Trinity River Restoration Program 2017).

The building of logging roads and clear-cutting large swaths of forest at one time also contributed to an increased amount of sediment flowing into waterways, although commercial timber harvesting did not peak until the 1950s (Trinity River Restoration Program 2017). Increased sediment buries the larger rocks and stones of the naturalized riverbed that the salmon, picky as they are, find to be ideal spawning habitat. "...salmon are so sensitive to changes in water temperature, oxygen content, and turbidity that logging and industrial development have destroyed many of their breeding grounds" (Grinde 1991, 148). As a result, non-human life populations reduced in numbers. "The soil collapse that resulted from hastened timber harvesting combined with mining tailings held mercury and flowed into waterways and caused havoc in ecosystems throughout the region" (Grinde 1991).

### Assimilation

The era of assimilation began when Congress created a policy that prohibited the U.S. government from negotiating any new treaties with Indian tribes (Cahill 2013). This era represented a deliberate attempt to subjugate Hupa people through policies that demanded they resemble and act like their new jailers. These policies were carried out by military agents stationed at Fort Gaston in Hoopa who were often reported to be degenerate, encouraging prostitution and alcoholism. In 1871 President Grant replaced the military agents with representatives of Christian churches who had a more genteel, but adamant approach to assimilation. Among the acts during the assimilation period was land allotment which divided the reservation into plots distributed among tribal members. Politically, allotment was viewed as the end to the mistreatment of Native people that had

occurred during the period of treaty-making (Cahill 2013). Around this same time, the first occurrence of commercial fishing in the Klamath was documented. In 1887 a group of white commercial fisherman began to operate a commercial fishery in the Klamath. The Indian Affairs commissioner at the time sought a directive from the government to stop it, deciding that it was illegal on the basis that it was occurring on the Yurok reservation.

After allotment, the Office of Indian Affairs “administered” the reservations through a structure of agencies and schools staffed by employees of the Indian Service. “...the Indian Office hoped to convert the reservation into another market-oriented farming community. Administrators intended to use Indian employment to accelerate that conversion. They believed that free labor- both as an economic theory and an everyday practice- would destroy tribal identity and achieve assimilation” (Cahill 2013, 175). Hupa were not interested in working for free. They were used to paying each other for services and witnessed the settlers being paid for their services (Cahill, 176). Once agents received permission from the government to pay Hupa people, Hupa laborers embraced a free market. It is important to note that Indian agents often did not let capitalism function freely. The agents complained of the Hupa’s unwillingness to work for less than prevailing wages that nearby white workers were earning. The agents justified their complaints with a paternalistic view that Indians were not civilized and wasted their money on ‘unmitigated evil’ (Cahill 2013, 178).

Cahill notes that over a quarter of Hupa men were working for the Indian Service in 1888 (Cahill 2013). Hupa used Indian service employment as ad-hoc work and often

served in more than one position. “The Hupa people used the federal government as an important part of their larger survival strategies after the incursion of whites into Hoopa Valley had destroyed or drastically disrupted many of their traditional forms of economic subsistence” (Cahill 2013, 189). Wage labor was also used as means to stay in the valley. Farming, ranching, selling butter, eggs, and preserved fruits and vegetables, as well as selling traditional baskets to tourists provided additional income. By 1903 the demand for baskets exceeded supply. “...these survival strategies made it possible for the Hupa to at least stabilize their damaged local economy” (Cahill 2013, 194).

Yet, this participation in wage labor work did not eliminate cultural practices. “...theories of assimilation suggested that the Hupa should have melted quickly into the citizenry. Instead...they refused to give up their cultural identity, even as they took advantage of the economic possibilities occasioned by the federal presence in Hoopa Valley” (Cahill 2013, 197). One agent wrote that “an Indian police force would be rendered impotent because tribal members would continue to use their traditional means of settling feuds- asking tribal leaders to mediate their disputes and agreeing to make payments according to their judgement” (Cahill 2013, 197). In 1901 when the anthropologist Pliny Goddard visited the Hoopa valley to gather linguistic data, he recorded several ceremonial stories. “...although they were often living lives that white officials deemed ‘progressive’...many Hupa men and women had by no means lost their cultural connections to their tribe...” (Cahill 2013, 200). Hupa were demanding fair wages and better treatment of children at the school, persisting and challenging the vision of assimilation. As Nelson describes it, “The Hupa had chosen to make peace in

exchange for an agreement which protected their lands and the people who had fought for them. They had accepted new materials willingly because those things enriched their lives. They wanted allotments, not because having individual farms would make them more like white men, but because Hupa families had always held rights to areas in the valley. Just as each family had a place to hunt and fish and gather plants, each wanted a place to farm. At best the agents had provided supplies, equipment, and instructions. But those things were not gifts to the Hupa. They were a part of the bargain the government had made, a part of the agent's duty to the people of the valley" (Nelson 1978, 136). Violence was replaced by law, economics and systemic education. But, determination fostered over many thousands of years "would prove greater than the convictions of superintendents who came to the valley for a few years and then left (Nelson 1978, 143).

Nelson quotes a letter regarding an allotment dispute on the reservation:

*'We supposed that Hoopa Valley belonged to the Hupa Indians, and that is one reason why [the reservation resident] was not more careful about his place [of farming]. Always before if one of us claimed a piece of land that was not allotted, no body troubled us, that is the Indians never trouble one another. It has always been that way, not only with land, but with our fishing places, our acorns, seeds or anything. Every Indian respected the rights of every other Indian. No Indian ever thinks of taking any land from another Indian.'* (Nelson 1978, 149)

### Self-Governance

In 1911, an agent recommended that Hupa begin attempting to create their own government, viewing that at some point (when assimilation had been fully realized) a U.S. agent/school superintendent would not be needed or appointed, and could not provide the associated on-the-ground order. He held an election to choose representatives

and Hupa (men) enthusiastically participated. However, after it became clear that the council had ideas that contradicted those of the superintendent, he ignored and effectively dissolved the group. Fraught with complaints about continued impoverished conditions on reservations all over the U.S., investigations into Indian Affairs produced reports, like the Meriam Report of 1928, which indicated that assimilation policies had been ineffective. “Forty years of administering these policies had been costly and unsuccessful. The findings showed that a sweeping revision of policy was necessary” (Nelson 1978, 161). Part of those revisions included a changed approach from commanding to consulting with tribes, and the next agent that arrived in Hoopa brought these new programs and indicated a desire to move the agency office to Eureka. Once the office had been moved in 1933, Hupa held another election. The reservation was divided into seven districts that would each elect one representative to the council. A constitution was drafted to provide a legal framework for this new government. Council powers were limited by the U.S. government: any BIA official or employee had the right to attend council meetings, and when members took office they had to swear an oath to cooperate with the BIA. However, this new arrangement allowed direct access to the official channels of the government, provided control over local matters, and protected the Hupa’s resources as well.

In 1933 President Roosevelt took office and the New Deal, a system of welfare and economic programs, followed. Sharon O’Brien suggests that “[t]he Great Depression made people question the predominant values of eighteenth- and nineteenth-century American: individualism, expansionism, resource exploitation, and unlimited growth”

(O'Brien 1989, 81). Federal improvement projects flourished in the 1930s and ensured that no one lacked employment. Known as the Indian New Deal, the Indian Reorganization Act of 1934 repealed allotment, restored "surplus" lands to tribal ownership, and established tribal councils that would be recognized by the federal government. Each tribe could accept or reject the Act, and since Hupa had becoming a self-governing tribe in 1933, they had voted to exclude themselves and wanted to continue with the allotment process on the reservation. Although allotment was a devastating and detrimental policy for many Native Americans, the Hupa embraced the clearly-defined boundaries of allotment and ability to provide for themselves that land ownership offered. "...the government had decided to keep all the remaining Indian land as tribal property" and officials did not comply with requests to continue the allotment process (Nelson 1978, 174). This was bad news- those already using allotments or waiting for them would never own them outright and could not pass them on to children. They also could not collect royalties from miners who had permission to lease the lands (Nelson 1978, 174). The council practiced authority over small, local claims, "but in larger issues they found that the government would approve only those resolutions which echoed national policies" (Nelson 1978, 177). The people strategized around the restrictions. For example, the council asked for permission to clear brush lands by setting fires, a common Hupa practice, and their requests were denied. They then passed a resolution in favor of selling mature timber that they wanted to harvest (remove) and replant. The tribe then began to sell stands of fir, pine, and cedar (Nelson 1978).

### Termination and Self-Determination

National policy shifted, again, about 15 years later. In the 1940s and 50s, policies were aimed at terminating any government responsibility to tribes and assimilation and integration was again the main subject of policy. The federal government began transferring various parts of Indian affairs, such as health and education, to the respective federal agencies. Public Law 280 passed in 1953, which empowered California “to assume complete civil and criminal jurisdiction over most tribes within their borders” (O'Brien 1989, 86). They also made funds available for training in urban areas in hopes of encouraging relocation and integration away from home reservations.

Another 10 years later, reports emerged indicating that conditions for tribes were not any better than had been reported in 1928. Recommendations were to “give” tribes “greater self-determination, that is, greater control in governing their reservations and greater participation in planning federal Indian policy” (O'Brien 1989, 86). In line with other social activism happening in the U.S. during the 1960s, Native Americans organized nationally to demonstrate and lobby for their rights in both peaceful and militant ways. In response, the federal government passed the 1968 Indian Civil Rights Act, Economic Opportunity Act, Public Housing Act, Indian Health Care Improvement Act, Indian Financing Act and Indian Education Act. The Indian Child Welfare Act passed in 1978 to stop wanton removal of Indian children from their homes by giving tribes the authority to determine custody proceedings. The American Indian Religious Freedom Act (AIRFA) “promised to ‘protect and preserve for American Indians their inherent right of freedom to believe, express and exercise [their] traditional religions’ and instructed federal

agencies to review their regulations for possible interference with Indian religious practices” (O'Brien 1989, 90). O'Brien points out that tribal suits related to rights guaranteed by the AIRFA have not had success (as of 1989). She writes, “Hence, ignorance about religious beliefs, especially regarding the sanctity of certain lands, still results in Indians being denied the right to practice their own religions” (O'Brien 1989, 90). Some policies put funded services squarely in the lap of tribes, and some policies remained sites of philosophical negotiation enacted through case law presided over by white judges.

#### The Klamath Basin Restoration Agreement

The Klamath Agreements are a set of three agreements among stakeholders within the Klamath Basin, including tribes, environmentalists, and farmers interested in working together to achieve multiple goals regarding water use in the region. This was taken on in lieu of litigation and ultimately included 45 separate parties (Greenson 2016). Negotiated over a several-year period, final documents including the Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSA) were released for public review on January 8, 2010. Oregon Governor Ted Kulongoski described the process as a “thoughtful, collaborative approach that will bring certainty and stability to water issues to support agriculture and, at the same time, will restore the Klamath River to support wild salmon populations” (U.S. Department of the Interior 2016). The Hoopa Valley Tribe opposed the KBRA and KHSA stating, “[a]s currently written, they have the potential to terminate our water and fishing rights without our consent. The Hoopa Valley Tribal Council and the HVT Fisheries Department

recognize that the heart and essence of our tribe is rooted deeply in our people's relationship with, and reliance on, the Trinity River" (U.S. Department of the Interior 2010). Instead, the tribe pursued their own path in addressing the Klamath River dams and the need for their removal. In the words of Hupa scholar Dr. Cutcha Risling Baldy, "It also denigrates the sovereignty of the fish. Because it refuses to protect them or speak for them. The 'rights' to the water should also include the 'rights' of the fish to their water and include the 'rights' of the land and the ecosystem to the water" (Baldy 2012).

I believe it is this approach- a long history of rejecting ideas that are not aligned with being Hupa- that led to the events around commercial fishing later that year. Contemporary discourse that brings forward these spatial and historical narratives effectively demonstrates the ways in Hupa people have continued to be sovereign. In Chapter 3 I present how this is demonstrated through the lens of Todd's fish pluralities, where sites of human-fish relationship are mobilized within the activities of the Fish Commission, and how they might continue to be mobilized in other political and governance spaces.

### Salmon as Business

In 1989, a special Hoopa tribal election was held to decide on the issue of commercial fishing on the reservation. The ballot measure stated, "Shall the Tribal Business Council, in order to ensure and enhance the preservation of Tribal fishing rights, discontinue the prohibition on commercial fishing on The Reservation and if discontinued by this referendum, formulate with input from the Tribal people an ordinance which would regulate a commercial fishery?" The measure passed with 152

“Yes” votes and 100 “no” votes, and Resolution No. 89-104 authorized a tribally operated commercial fishery on the Reservation. However the tribe did not proceed with formulating the required ordinance to regulate the commercial fishery. Salmon fishing off the coast of California was not permitted in 2008 and 2009, leaving a local seafood company open to buying “100% sustainably caught seafood” (Wild Planet Foods 2017) from Hoopa Tribe members with means and willingness to sell it. “Because the Hoopa Valley Reservation is inland, however, fishermen there can continue to fish in the Trinity River despite the open-ocean bans (Jenkins 2011). In June 2010 a tribal fisherman discovered multiple nets strung in the river at the spot he typically set his own nets. Because nets are marked with identifiable information, he found out that the nets had been set by Hoopa Valley Tribe fisheries and self-governance staff, and rumor was that they were catching and exporting salmon off the reservation to sell. After complaining on social media, he and others decided to express concern to the tribal council. The Hoopa Valley Tribal Council called a special meeting on September 8, 2010 to discuss what had come to light, and ended up passing a motion to complete the work started in 1989 and formulate an ordinance with input from the tribal membership.

On December 6, 2010, the Council passed a motion to establish a Fish Commission to develop draft commercial fishing regulations. Per the official motion, “The intent of this volunteer commission is to provide a membership driven approach in developing draft regulations and to conduct a minimum of two public hearings. The commission shall present the draft regulations to the Triba[1] Council by March 17, 2011”

(Hoopa Valley Tribe 2010, 2). News of the events became widespread when an article in *High Country News* was published in January 2011. The article spun the story as one about corruption and equity. “Even though every tribal member theoretically has an equal share in the reservation and its natural resources, that ideal is hardly borne out in practice...’This was a clandestine commercial fishery,’ says Lyle Marshall, a former tribal chairman. ‘And if you look at the list of people who fished, they’re either employees of the fisheries department or their relatives; or the (tribal) chairman’s relatives; or the self-governance director’s relatives. Nobody else knew about it” (Jenkins 2011). The tribal fisheries director responds unapologetically, taking the view that commercial fishing only helps the tribe. “We’ve been sitting on a gold mine for years” (Jenkins 2011).

#### Situation/Stakeholder Assessment

Watson argues that the causes of human conflict can be summarized into five main categories: 1) problems with relationships, 2) disagreements about facts or data, 3) competing interests, 4) different values and 5) structural conflicts (Watson 2011). Part of preparing for my project included an assessment of the commercial fishing situation relative to these five categories, which then helped identify the points of conflict (if any) that would need to be managed during the planning process, and the stakeholders who have an interest in the outcomes of the process. The below information was gleaned from Tribal Council Meeting Minutes, newspaper articles, social media posts, and participant observation in Fish Commission meetings.

Problems with relationships. Those entrusted to protect the fishery, tribal employees, did the bulk of the commercial fishing. This presents issues of trust. Some regulations that already exist, such as fishing net size limitations, are not regularly enforced. These are issues that reflect poor communication and/or unequal access to power. The fish commission has been labeled a scapegoat, as true responsibility falls to the tribal council. This may also lead to distrust of the process.

Disagreement about facts or data. There is a lack of a market for salmon harvested in the part of the river that Hupa have access to. The prospect of spending financial resources on creating and enforcing complex regulations may be viewed as a bad business decision. Currently the river and its tributaries do not provide enough suitable habitat to support fish population goals set by the River Record of Decision (ROD) and restoration projects have been substantially underfunded. The ROD was adopted by the U.S. Department of the Interior in 2000 and outlines a commitment and strategy for restoration of the Trinity River fish and wildlife populations (U.S. Department of the Interior 2000). The ROD is based on several years of studies that occurred as part of flow management activities after the Trinity and Lewiston dams were installed. Environmental quality legislation required environmental impact reports to be prepared that review the results of the studies and make recommendations to address compliance. The ROD captures the recommendations and is regarded as an important milestone in legal matters over the status of the Trinity River habitat and wildlife after dams were installed, however the restoration goals set forth in the ROD are still the subject of debate among various stakeholders. The Trinity River Restoration Program states, “This strategy does not strive to recreate pre-dam

conditions; rather, the goal is to create a dynamic alluvial channel exhibiting all the characteristics of the pre-dam river, but at a smaller scale” (Trinity River Restoration Program 2017). Because the ROD is supposed to result in restored fish populations, Tribal Fisheries has argued that if the Tribe continues to harvest less fish than is available, the federal government can argue that they have met the requirements of the ROD and are therefore satisfying their trust responsibility to the Tribe. There are differing interpretations of the ROD and what it promises to do. There is also concern that the genetic make-up of hatchery fish is contributing to the poor health of the fishery rather than helping it and harvesting fish means that more hatchery fish would be needed to sustain populations. There is debate over the appropriateness of various fishing methods, especially among sport fisherman, including gill netting which is what Hupa predominantly use. There is confusion about whether the referendum that was passed 20 years ago is legal, or if the Tribal Constitution, which contains an ordinance prohibiting commercial fishing, must be amended first. There is a belief that if the tribe continues to harvest less fish than is available to them, the federal government can argue that they are already satisfying their trust responsibility to the tribe, resulting in no further obligation to restore the fishery. The exact opposite argument has been brought forth by others: if the harvest meets allocated maximums, as it would if commercial fishing should persist without regulation, there isn't any incentive for outside agencies to release additional water or continue restoration efforts (there is nothing in the ROD that specifically ties water allocation and fishery restoration to the amount of fish being harvested, and there is no precedent for tribes losing their allocated fish numbers).

Competing interests. Some of the competing interests might include those interested in earning an individual income from fishing versus development of an industry that will support the whole tribe. There is a high rate of unemployment on the reservation and there are tribal members who engage in commercial fishing to earn a living. Non-tribal sport fisherman and guides also have economic concerns about how a tribal commercial fishery will impact their interests.

Different values. There is a fair amount of evidence that those that profited most from commercial fishing are gainfully employed in non-commercial fishing jobs. Other proposals would benefit all members of the tribe equally, which offends those who have taken the initiative to pursue commercial fishing and work at it. Most people agree that the tribe depends on fish for food and ceremonial purposes, but there are differing views as to the extent of this dependence. The tribe gives thanks for salmon through ceremony which indicates that salmon should not be for sale; but if ceremonial needs are met first then selling fish is a way towards economic health. Elders often do not have the means to fish on their own and should be provided for before selling fish.

Structural conflicts. The federal government has a legal obligation to protect tribal land, resources and existence through trust responsibility. Although the tribe is authorized to manage their own natural resources, ultimately the federal government can be held responsible for any mismanagement. There are concerns about a lack of resources to develop regulations that will be adequately enforced. National Oceanic and Atmospheric Administration (NOAA), which enforces marine regulations for the U.S. government, could be employed to extend their jurisdiction and have enforcement ability on the

reservation. There is also concern commercial demand will negatively impact the system of privately-held fishing spots. The concept of bartering has also come up which is a form of commercial fishing regularly practiced and accepted by most tribal members that might be affected by the new regulations.

Stakeholders. Stakeholder is defined as any person, group, or organization that can be positively or negatively impacted by, or cause an impact on, the actions or activities proposed. They include those listed here.

*Hoopa Valley Tribe (HVT) Fish Commission.* A volunteer commission of 13 people, including three cultural representatives, two tribal fisheries representatives, two tribal economic development representatives, two commercial fishermen, three members of the general membership, and one tribal council liaison. The overall identity of the commission can be described as institutional, with their main goal being to formulate the regulations.

*HVT Members.* There are approximately 2900 members of the Hoopa Valley Tribe. All, especially those who fish and those considered to be cultural leaders should be involved.

*HVT Council.* The Tribal Council consists of seven elected council people and one elected chairperson and they constitute the Hoopa tribal government. They are in a similar situation as the commission in that specific individuals may have varying identity frames, but overall, their identity is institutional. There are considerable differences of opinion amongst them. The chairman resists prosecuting tribal members who engage in commercial fishing because of how difficult it was to retain fishing rights historically. The vice chairman is one of the leading critics of unregulated commercial fishing.

*HVT Attorney.* The attorney acts as a guide for the tribe.

*HVT Fisheries.* The tribal fisheries department manages the fishery. They hold key technical information. The department has advised the tribal council of the need to plan to fully utilize an increasing fish population to demonstrate the need for restoration funding and additional river flows.

*HVT Commerce.* The tribal department of commerce develops business codes and performs economic planning on the reservation. The goals of the department state that the Tribe's inherent sovereign powers, resources, budgets and expertise will be used to create a sound environment for attracting business and job opportunities.

*HVT Police.* Tribal police employees are responsible for enforcement of tribal laws and regulations.

*Non-HVT Stakeholders.* The National Oceanic and Atmospheric Administration (NOAA) is a division of the federal Department of Commerce. The NOAA Fisheries department, also known as the National Marine Fisheries Service, is responsible for implementing protection of marine species under the Marine Mammal Protection Act and the Endangered Species Act. NOAA has expertise in recovery and conservation of coastal and marine resources, and work with regional fishery management councils to manage U.S. fisheries sustainably (NOAA 2017).

The Pacific Fisheries Management Council (PFMC) is the regional fishery management council for the exclusive economic zone off the coasts of Washington, Oregon, and California. The council manages the fish species within this zone, and works with other organizations that manage species that migrate through this zone. The council

develops recommendations for the National Marine Fisheries Service (NOAA Fisheries), which then implement and enforce management. The Council is made up of 14 representatives from the three coastal states mentioned above, plus Idaho, advisory bodies, and 16 staff. The PFMC states on their website that the Council's process is "bottom-up" and emphasizes public participation. "Apart from state and tribal representatives, Council members are chosen by the governors of the four states within the Council region, in conjunction with the Secretary of Commerce" (PFMC 2014). For salmon, the annual conservation objectives and harvest allocations for groups of fishers (including tribes) are laid out in the Salmon Fishery Management Plan. Planning and public involvement begins in February after the Salmon Technical Team (STT) prepares data from the previous year's seasons. The STT is made up of eight technical experts from state, federal, and tribal fisheries management agencies. The Model Evaluation Workgroup reviews the modeling methods used by the Council and STT to produce their data. A third group, the Salmon Advisory Subpanel, is made of 17 members who represent different interest-based organizations and advise the development of the yearly management plan. These advisors serve a three-year term. The web-page includes a link to a list of 15 current representatives who all have names preceded by the title "Mr." Eleven represent commercial and sport fishing, one represents fish processing, two represent tribal entities, and one a conservation council. Public hearings are held to discuss proposed plans and final recommendations are adopted in April. All meetings are open to the public (PFMC 2014).

Wild Planet Foods, the local fish buyer, is a beneficiary of commercial salmon fishing. They are a privately held seafood company located in Eureka, California. They only buy seafood from fisheries that are sustainable and free of wasteful by-catch and habitat destruction, and promote this as the foundational philosophy of the company (Wild Planet Foods 2014).

## CHAPTER 2: METHODS

In spring 2011 I expressed interest in discussion that was happening around commercial fishing in the Hoopa Valley to the chair of the newly formed Hoopa Valley Tribe Fish Commission, Lois Risling, who invited me to attend a meeting of the Commission. I was interested in helping with the design and facilitation of the process that the Fish Commission would utilize to craft commercial fishing regulations. As described in Chapter 1, the Council stated their intent for “a membership driven approach” that would include a minimum of two public hearings. The process had not been formally defined any further. This was an exciting time to connect with the Fish Commission to better understand the various issues surrounding commercial fishing on the Reservation.

After learning of the Klamath Basin agreements mentioned in Chapter 1, I was interested to learn if alternative public involvement and decision-making processes could lead to draft regulations that would be embraced by the community as fully as possible. The theory behind alternative processes is that a negotiated settlement might be preferable over other forms of decision-making, such as litigation or a ballot initiative, because buy-in to the process and resulting agreement increases the chance of a successful outcome for all. Instead of hurrying public participation through a short series of public hearings, alternative processes may guide member participation in ways that they perceive as more personally meaningful. The benefit of alternative processes is they are not restrictive in their form- they open space for innovation. Groups can look to

various tools and resources for ideas, but ultimately decide for themselves as to what would be meaningful for their situation.

The Klamath Agreements are an impressive example of tackling environmental issues that were generally regarded as highly intractable. So, despite the Hoopa Valley Tribe's rejection of the KBRA as I described in Chapter 1, I remained inspired by the process which brought stakeholders with diverse interests together to build consensus about important issues such as dam removal, habitat restoration, agricultural irrigation, and energy costs. It seemed that participants were privileging function over form by abandoning violence and political process that had informed the previous century of Native-white relations, and focusing on outcomes (increased river flows and guaranteed agricultural irrigation) instead of rights. Starting first with questions about what outcomes stakeholders envision- which, not surprisingly, was not to pay millions of dollars in legal fees through litigation or lobbying- led to negotiation of agreements through alternative dispute resolution. I initially viewed commercial fishing on the Hoopa Valley Reservation as unmanageable due to the various interests and conflicts involved, and believed that taking a similar "function over form" approach would be worthwhile.

Lastly, I felt that alternative dispute resolution processes were in line with my personal goals for my project, which included empowering marginalized groups in my community. In addition to imagining a more inclusive and robust public input process, I also imagined that the Fish Commission meetings would benefit from being driven by a meeting facilitator and visioning process that would result in the identification of tribal core values and goals to drive the formation of the regulations. Tribal staff input, as

described in Chapter 1, was very technical, posing the science and regulations related to Trinity River salmon as the predominant questions to be answered through regulation.

I met with the Fish Commission during their first two meetings (March 1 and March 9, 2011). My goal was to learn about the history of Hoopa governance, especially related to natural resources management on the Hoopa Valley Reservation, and to provide support and services as a representative of the Center for Indian Community Development, an organization housed at Humboldt State University. The Commission agreed to accept my help, and I agreed to serve in whatever capacity would be helpful to the Commission. The two Fish Commission meetings were predominantly focused on reviewing the past regulations that had informed fishing on the Reservation prior to 1989, debating why regulations had never been formulated prior to now, and brief discussion of scheduling and planning two public hearings. Subsequently I collaborated with the Commission Chair via in-person meetings and over email to determine how I might help.

For my part, preparation included the following:

- A situation assessment
- Determination of appropriate process to inform a recommendation to the

Fish Commission

The results of the situation assessment are included in Chapter 1 as part of my literature review. To determine appropriate processes to solicit public input and create the regulations, I turned to literature on alternative processes for dispute resolution and planning. Although public hearings are a strategy in the U.S. and are often driven by

mandates for governments to solicit public input in decision-making and planning processes, they often do not represent the best of democratic ideals, and can even be counter-productive by excluding voices, reducing complex problems to their parts rather than taking a holistic view, and by physically separating the public from the decision-makers (Gelinas 2017). To remedy these shortcomings of public hearings, I turned to Circles, a process proposed by Jennifer Ball, Wayne Caldwell, and Kay Pranis (Ball 2010). Circles place an emphasis on building relationship, increasing social justice, and inviting transformation in communities. The concepts of Circles, according to Ball, et al., also reflect indigenous teachings in a couple ways: the belief that everything is connected, the universe has distinct parts and it is important for all the parts to be in balance, and each part contributes to the whole and has equal value. Circles promote relationship in these ways, and "...encourage us to act from our responsibilities to each other" (Ball 2010, 35).

Subsequent meetings with the Commission Chair including collaborative planning to determine a path forward for the Fish Commission. The resulting path included some elements of Circle processes that I recommended, but not all. The Commission chose to stay with the overall format of public hearing processes that the Tribe had used in the past. Their reasoning behind their decision was that they believed sticking with the established process would ensure that attendees knew what to expect and would arrive prepared with statements. Although not explicitly stated in this way, I understood their hesitation in employing an untested process under such contentious circumstances.

## The Public Hearings

The general format of the public hearings included two basic components: presentations from staff and consulting experts, and statements from tribal members. During the collaborative planning process, the chair and I established five “ground rules” for the hearings that would be included as a cover page on each agenda packet that would “serve to hold a group to higher standards of accountability” (Ball 2010, 100). These rules were derived from the literature and called guiding principles. They are: 1) Mutual respect, courtesy and patience, 2) Everyone is encouraged to participate, you may be asked to share what you think, it’s always OK to “pass” when you are asked to share a comment publicly, 3) This is a public discussion, not a debate, the purpose is to hear many points of view and explore many options, all of us bring information and ideas to contribute 4) Only one speaker at a time, use the microphone and state your name first, refrain from making personal attacks, if you have already spoken, let others have an opportunity before you speak again, be brief and to the point so that everyone has a chance to speak during our limited time-frame 5) Seek first to understand, not be understood, no interruptions or heckling- this makes it easier for everyone to listen, and makes it clearer for transcription, refrain from side conversations, ask questions only to seek clarification when you do not understand the meaning of someone’s comments, all questions should be addressed to the facilitator.

Welcome,

To help maintain an atmosphere where everyone feels comfortable and welcome during this Public Hearing process, the Fish Commission wishes to observe the following guiding principles:

1. Mutual respect, courtesy and patience
2. Everyone is encouraged to participate
  - You may be asked to share what you think
  - It's always OK to "pass" when you are asked to share a comment publicly
3. This is a public discussion, not a debate
  - The purpose is to hear many points of view and explore many options
  - All of us bring information and ideas to contribute
4. Only one speaker at a time
  - Use the microphone and state your name first
  - Refrain from making personal attacks
  - If you have already spoken, let others have an opportunity before you speak again
  - Be brief and to the point so that everyone has a chance to speak during our limited time-frame
5. Seek first to understand, not be understood
  - No interruptions or heckling- this makes it easier for everyone to listen, and makes it clearer for transcription
  - Refrain from side conversations
  - Ask questions only to seek clarification when you do not understand the meaning of someone's comments
  - All questions should be addressed to the Facilitator

Figure 1: Guiding principles handout distributed at the public hearings.

Other tangible and intangible elements derived from the literature that were included:

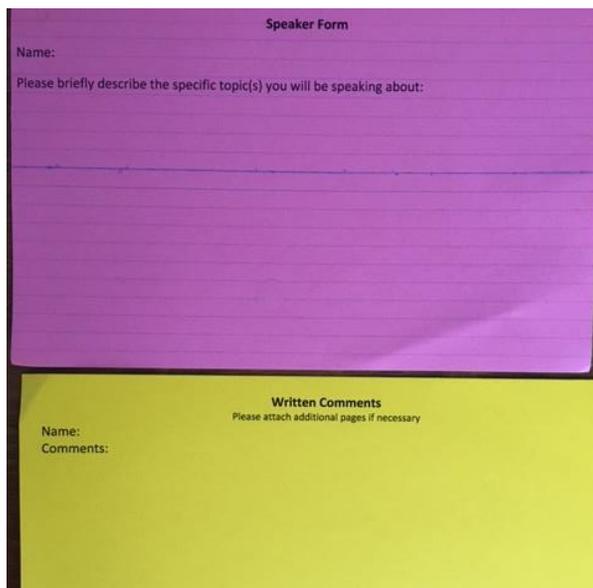
- Food and refreshments: Not typical of a public hearing but stressed as important by Ball, et al., in the following way: "Food has a way of relaxing people and helping to build relationships" (Ball 2010, 75).
- Honest feedback mechanisms: "this enables participants to take ownership of the process, because they monitor each other's ideas, concerns, and interests as they arise..." (Ball 2010, 106). I invited attendees to provide written comments before, during, and after the hearings. Recorders took notes on two flip-chart located at each side of the seating area. Recording notes in large format ensures immediate and ongoing accuracy

and ownership of the recorded dialogue, respect for participation, and a commitment to fair processes. It allows all participants to see and monitor what is recorded as part of the official records of the meeting, note any discrepancies in real time, and facilitate expansion or clarification of dialogue between the meeting holders and attendees. Large format recording on flip-charts is also visual acknowledgement that the person is heard, which Ball connects with respect and more fruitful dialogue. Ball notes that the transparency of this form of note-taking is also connected to increased trust in the process.

- Ceremonies: The hearings were opened and closed with a prayer from a tribal member. “Ceremonies invite us to step back and consider a bigger view, what we have in common, or what is most important in life” (Ball 2010, 101).

Notices were sent to all tribal members that announced the intention of the meeting and included a list of stakeholders who would be making informational presentations. The location of other meetings, the Neighborhood Facility, was chosen because it would accommodate large numbers of people and would be convenient to community residents. The facility room had additional space for recording equipment for the live radio stream, as well as easels, tables for recorders, and food. I prepared an agenda that outlined a chronological structure for the hearings and included supplemental information that the Fish Commission determined was important to discussion that might ensue.

I prepared sign-in sheets, “speaker” cards, and supplied paper and pens for written comments. We asked attendees to use the speaker cards, which were simply index cards, to signal their intention to speak during the time offered for public comment noting their name and subject. These “speaker cards” would help regulate the amount of time allotted to each speaker to better accommodate everyone who planned on speaking, and would also note their name and subject for later cross-reference to ensure names and statements were fully captured in the meeting minutes. Only one out of several speakers ended up submitting a “speaker card.” I recruited volunteer recorders to take formal meeting minutes on a laptop, and recorders to write comments on flip-charts placed on easels facing each side of the seating area.



The image shows two forms stacked vertically. The top form is purple and titled "Speaker Form". It has a "Name:" field and a larger section for "Please briefly describe the specific topic(s) you will be speaking about:". The bottom form is yellow-green and titled "Written Comments". It has a "Name:" field and a "Comments:" section. A small note above the comments section says "Please attach additional pages if necessary".

Figure 2: Speaker form and written comments form.

On March 12<sup>th</sup> and 26<sup>th</sup>, 2011, I facilitated the public hearings. My role as facilitator included setting up the room logistics, including food; ensuring attendees were

greeted at the door and introduced to the sign-in sheet, speaker cards, cardstock paper and pens for written comments, a “comments” box to place written comments in, and agenda packet. I read the guiding principles to the group, and briefly described my role as keeper of the meeting process, including timekeeping and dialogue monitoring to ensure adherence to the ground rules.

Once the first hearing was concluded, tribal staff took on the task of addressing any unanswered questions that remained, and presented answers at the following hearing. I provided the typed minutes to the commission, and supplied paper copies of the minutes from the first meeting at the second hearing. The format of the second hearing otherwise remained the same. The hearings were designed to be similar in format and included the same expert presentations with the intent of making drawing additional public input/participation if one date was inconvenient. Documents that resulted from each of the two public hearings include:

- Sign-in sheets
- Meeting minutes
- Flip-chart notes
- Speaker cards
- Written comments
- Audio recording

## Case Study and Decolonizing Methodology

Case study research, as defined by Creswell, is viewed as both an object of study and a product of a study. “Case study research is a qualitative approach in which the investigator explores a bounded system...over time, through detailed, in-depth data collection involving *multiple sources of information*...and reports a case description and case-based themes” (Creswell 2007, 73). A case study is a good approach to include in this project because it provides an opportunity for in-depth understanding of commercial fishing and the process of the Fish Commission. I then chose to perform an embedded analysis of only one aspect of the case, which was theme of human-fish relationships and fish pluralities. This informed my results and reflection on the “meaning” of this case, and my view of it as instrumental in understanding Todd’s theory of fish pluralities.

I utilized a research approach aimed at locating subjective and collective experience of Hupa people within the larger governance and economic structures that have appeared and mutated over time, and increase understanding of how these structures work and are interacted with. For indigenous peoples who have been subjected to the colonization of their lands, cultures, and the denial of their sovereignty, the process of decolonization often materializes as conflict and struggle. Linda Tuhiwai Smith argues that research that is “strategic in its purpose and activities” is not just useful but a required tool for indigenous peoples to survive, become self-determining, to heal, and to realize social justice through decolonizing strategies (Smith 1999, 142). I used the

following strategies to guide my reflections on the historical narrative and situation assessment presented in Chapter 1 in relation to the project results:

### Celebrating Survival

“...celebrating survival accentuates not so much our demise but the degree to which indigenous peoples and communities have successfully retained cultural and spiritual values and authenticity” (Smith 1999, 145).

### Intervening

“...the process of being proactive and of becoming involved as an interested worker for change...directed then at changing institutions which deal with indigenous peoples and not at changing indigenous peoples to fit the structures” (Smith 1999, 147).

### Reframing

“Reframing is about taking much greater control over the ways in which indigenous issues and social problems are discussed and handled” (Smith 1999, 153).

## Methods of Collection and Data Analysis

### Text Analysis

I examined tribally-produced technical documents, legal documents, and newspaper articles.

### Participant Observation

Working with the Fish Commission to contribute to the design and facilitation of the public hearings allowed me to also be a participant observer in the dialogue that ensued during the meeting planning processes, including informal conversations with

stakeholders. I collected and stored handwritten and typed notes and, and downloaded digital audio files when they became available from the radio broadcast.

### Transcription

I followed Shenton's format for transcribing the audio recordings of the public hearings (Shenton 2004):

1. Time, date, list of participants
2. Verbatim transcription
3. Post-meeting researcher observations (room set-up/seating, intonation of speakers, etc.)

Once the data was collected and/or transcribed, it was ready for a thorough reading and annotating of themes. "To begin, you simply seek naturally occurring classes of things, persons, and events, and important characteristics of these items. In other words, you look for similarities and dissimilarities- patterns- in the data" (Berg 2004, 115). My process included setting up an Excel worksheet with rows of transcribed statements, separated by individual speaker, and columns of themes, as they came up, with verbatim words/sentences or a brief summarization of the content of the text as related it to the corresponding theme. This provided a comprehensive means for summarizing and organizing the data. This provided an opportunity for "grounded" themes to emerge from the data, while also focusing on answering the specific questions that were informed by the literature review. Concepts are then developed through

summarizing, interpreting, and showing processual relationships of data. My process was iterative in this way, and I chose to use direct quotation to support my interpretations.

### CHAPTER 3: SALMON PLURALITIES

This chapter presents the results of this project and includes results of the planning and facilitation of the public hearings with the Hoopa Valley Fish Commission, and the speaker testimonies from the public hearings as evidence from the project to explore how traditional ecological knowledge and relationship to fish are mobilized within the spaces of tribal politics and governance. This includes presenting the “fish pluralities” of salmon that are the subject of tribal member input, and the connections speakers made to the issue of creating commercial fishing regulations that the Fish Commission was tasked with.

#### Case study of the Hoopa Fish Commission

I chose to present the Hoopa Valley Fish Commission as a case study instrumental to demonstrating the concept of fish pluralities being applied in a real-world application. I believe it moves forward Smith’s decolonizing methodologies of celebrating survival of Indigenous peoples, and reframing the issue of commercial fishing from a business discussion to one that exhibits and considers the continued multi-faceted relationship that Hupa people have to salmon. As I discuss in Chapters 1 and 2, the discussion of commercial fishing on the reservation initially presented itself as conflict amongst tribal and non-tribal stakeholders. This conflict opened space within the tribal council and membership for discussion about several issues, which Todd’s concept of fish pluralities captures (Todd 2014). Fisheries management practices that better address

the interdependence between ecological, economic, and social processes are necessary, and the presence and activities of the Hoopa Fish Commission presented an opportunity to explore how the concepts of TEK and fish pluralities are enacted within an Indigenous community in northern California. Resilience of human communities and fish populations may be highly dependent upon the degree to which this interdependence is understood. Berkes argues that one important aspect to know is whether local knowledge exists “that helps monitor, interpret, and respond to dynamic changes in ecosystems and the resources and services that they generate” (Berkes 2000). This case study also demonstrates that there is a knowledge-practice-belief complex in the Hoopa Valley that has been sustained, deliberately, through a great deal of struggle associated with colonialism.

#### Public Hearings and Tribal Member Input

At Public Hearing No. 1 there were 41 attendees recorded on the meeting sign-in sheet. The meeting lasted about three hours, with approximately 45 minutes of presentations from tribal officials and staff. During the remainder of the meeting, 15 members of the public spoke to the commission, council members in attendance, and the public. At Public Hearing No. 2 there were 36 people prerecorded on the meeting sign-in sheet and the meeting followed the same format as above with an additional 11 people speaking, for a total of 26 unique speakers (some individuals spoke multiple times during the hearings and attended both hearings). The Fish Commission received eight written comments on the comment cards distributed at the hearings, as well as four multipage, typed comments in the mail. I distinguish between written comments and audio

comments when presenting the results below, and have assigned a unique identifier to each speaker and each written document to demonstrate the breadth of the data presented.

In reviewing the spoken and written comments, I found that all generally captured one or more of the following six themes: trust of tribal agencies, “use it or lose it” rhetoric, salmon as food, selling salmon, equitable access to fishing and salmon in the community, and salmon as fellow people. I then extrapolated these themes into the relationships/fish pluralities employed in response to the various issues brought up by commercial fishing and the prospect of creating regulations. I see these broader relationships as 1) governance: themes of trust and “use it or lose it” rhetoric reflect an implied responsibility of those entrusted to carry out policies that are the Hupa people’s will (self-governance), as well as the means taken to do so (political sovereignty); 2) subsistence: themes of salmon as traditional and contemporary food, and “subsistence” fishing as equitable and responsible sharing in the community are contrasted with treating fish as capital; and lastly 3) people: I present the relationship of salmon as people, specifically with agency and affording respect and treatment as kin to Hupa people, which is incompatible with ownership and selling.

Salmon as governance. Seventeen (~65%) speakers had questions and comments about those entrusted to carry out the policies of the Hoopa Valley Tribe. These entities included the Fish Commission itself, the tribal fisheries department, and leadership within the tribal council. The Fish Commission, appointed by the tribal council, was a volunteer commission to compile information gathered throughout the process, including public comments sent directly to them.

*“I ask you folks to simply ask yourselves why are you here? If you are here to simply be a rubber stamp and...sweep this thing under the rug, then you’re the scapegoat” (speaker no. 2)*

*“It saddens me that all of the tribal members I’m looking at today are participating in this fish commission. And I agree with the idea of looking at your own integrity to say why am I participating in a process that clearly its only purpose is to draft regulations...to develop a commercial fishery and to provide two public meetings to do that” (speaker no. 5)*

Three speakers voice the opinion that the subject of commercial fishing should go back to the membership rather than be decided by the commission:

*“Put it on the ballot” (speaker no. 4 and no. 26)*

*“It needs to be brought back for vote” (speaker no. 5)*

There were also questions of the appropriateness of other Hoopa tribal agencies charged with taking care of the salmon being able to profit from salmon management decisions.

*“I wanted to respond a little bit to this idea of fisheries involvement with commercial fishing, because when I first heard about the issues that were going on I was a little bit confused as to why fisheries would at all be involved in commercial fishing in any way and even if there is a necessity to split this idea of what you do on your private time versus what you do with fisheries just to recognize that it’s out there among the people that somehow fisheries was involved. And if you’re not going to directly respond to that kind of involvement then I would throw support for some kind of investigation that would let us know that fisheries wasn’t involved. Because right now the way that the people feel is that our tribal department was involved in helping to support a certain group of people monetarily and that’s not what we would want from our tribal departments. And when I originally heard about it I was really kind of disappointed in the people that were involved because a lot of them were people I looked up to as a person who was involved with the tribe I looked up to what they were doing and it*

*was disappointing to me that they would do that in a way that when it came out people felt sort of they were doing it underhandedly...I think that not only do we need an investigation into what happened but we need an investigation into sort of , why it wasn't brought to the tribe in the first place, because even if fisheries was doing it in their spare time or on the side, if they knew there was this hole in the regulations that there was this hole that would allow for commercial fishing because it had never been taken care of, why didn't they bring that to the tribe as something that needed to be taken care of right away. Because obviously there was some looking into the fact of whether it was legal or illegal on tribal land to be doing it. If they knew that that existing they should have come to the tribe and said we need to get these regulations done before these things came out publicly" (speaker no. 25)*

Referring to the tribal chairman, commerce director, and fisheries director,

*"Trust. We need to trust information and policy that impacts how we regulate. For this reason, at a minimum, those who control the rules and/or are responsible for their enforcement should NOT participate in the commercial fishery...If they are as gung-ho to facilitate commercial fishing when it is someone else doing the fishing and cashing the checks, then I applaud them all. If they are truly interested in protecting the fishery for the tribe, I will likewise applaud their selflessness at taking themselves out of the equation" (written comment no. 1)*

*"If enforcement is a big deal, and I do personally don't believe the fisheries department should be the one responsible for, I don't know if that's what the proposed regulations is, but to try to make things fair and equitable and unbiased, to have a separate entity of people that would be the ones doing the fishing, the enforcement. Because with conflict of interest because of any kind of appearances of things getting tainted" (speaker no. 16)*

Concern was expressed over whether or how the tribe was studying salmon and why Hoopa Fisheries Department staff, the designated internal experts, were not present at the hearings. Tribal Fisheries is a department of the Tribal Government that is charged with managing the fishery.

*“Fisheries Director or Deputy Director should be directed to be @ all Fish Commission Meetings; AND provide any and all data or information requested by the Commission” (written comment no. 1)*

*“The Fish Commission cannot create environmentally sensitive recommendations without Hoopa Tribal Fisheries, TEPA participating” (written comment no. 2)*

*“It is very complex, it is very technical. And your actions are going to dictate the future for our children and our grandchildren. And that’s what we’re here for. This resource is here for the future. We’re taking care of it, this is our time. That’s why we’re all here in this meeting today. So don’t take it lightly. Fight hard”(speaker no. 8)*

A prominent theme within the topic of governance was in response to the “use it or lose it” rhetoric of the tribal staff. For example, over the past 20 years Hoopa’s portion of the fish harvest has been only about 9% of the inter-tribal allocation (with the remainder allocated to the Yurok Tribe and allowed to “escape” up the river to spawn). The fisheries department advised the tribal council of the need for a plan to “fully utilize” the fish population to demonstrate a need to reestablish viable fisheries and strengthen the tribe’s claim for increased water flows in the Trinity River. The tribal fisheries director and self-governance officer take the view that developing an outside market for Hupa fish will ensure that as much fish is caught as possible to “demonstrate a need” (Jenkins 2011). This information was provided to attendees as part of the agenda packet along with documents that summarized the two fish runs that contribute to “fisheries” in the Hoopa Valley, the tribe’s fish and water “allocations” as determined by PFMC and the Secretary of the Interior (Hoopa Valley Tribe, 2011). The “use it or lose it” theme is based on the

perceived legal connection between fish and water allocations. This perception stems not only from tribal staff, but also the ROD, described in Chapter 1.

*“If the Hupa people do not bring our catch up to the allotted allocations anytime soon, the United States government can and will use it against us in the court of law and further divert more Trinity River water to Southern California. Simple equation (Water=Fish)=(Fish=Water)” (written comment no. 3)*

The exact opposite argument has been brought forth as well. Some feel that if the harvest meets allocated maximums, as it would if commercial fishing should persist without regulation, there isn't any incentive for the state to release additional water or continue restoration efforts.

*“As long as they maintain that minimal escapement floor, they don't have to restore the fishery they don't have to restore the habitat they don't have to release any additional water for additional fish. We need to set our escapement goals. We need to direct our fisheries department to determine our escapement goals based on what habitat is available” (speaker no. 2)*

A written comment interprets the “use it or lose it” rhetoric through a lens where subsistence use would be recognized by outside regulatory agencies as a valid use to be honored, whereas selling fish would not and would result in less water being allowed to flow in the Trinity:

*“[Tribal Chair] said that central California is in high demand for water. By us selling are fish it is telling the government that we don't live off are fish any more. It tell them we fish for money. It give them a good argument to take our water” (written comment no. 4)*

There is nothing in the ROD that specifically ties water allocation and fishery restoration to the amount of fish being harvested, and there is no precedent for tribes losing their

allocated fish numbers. “Since 1991, there have been only three years in which Hupa fishermen caught the tribe's full allocation of salmon” (Jenkins 2011). The term “escapement” refers to the salmon that are, in theory, allowed to return to their home spawning ground in the rivers and tributaries. Because fish do not have any obvious markers as to which river or stream they belong to, the allowed harvest in the ocean is simply a total number of all salmon estimated to be within the PFMC jurisdictional area. There is, therefore, no guarantee that the salmon allowed to “escape” (not be caught and harvested from the ocean) are salmon returning to habitat in the Hoopa Valley or further upriver.

The existence of arguments on each side points to “use it or lose it” as rhetoric that is used to promote various interests. It plays into what Alfred and Cornassel call “the politics of distraction” (Alfred 2005). On one hand, playing into these existing state frameworks allows the relatively straightforward deployment of strategies to address concerns; on the other, utilizing state frameworks doesn’t address the deeply rooted issues associated with colonialism.

Hoopa legal counsel doesn’t think that is a valid fear. “Since 1991, there have been only three years in which Hupa fishermen caught the tribe's full allocation of salmon” (Jenkins 2011). The tribal fisheries director and self-governance officer take the view that developing a market for Hupa fish will ensure that as much fish is caught as possible to “demonstrate a need” (Jenkins 2011). A written comment interprets the “use it or lose it” rhetoric through a lens where subsistence use would be recognized by outside

regulatory agencies as a valid use to be honored, whereas selling fish would not and would result in less water being allowed to flow in the Trinity.

Some comments respond to the “use it or lose it” rhetoric by presenting alternatives to commercial fishing:

*“I knew they would say that they were protecting the fish and the water. If playing the allocation game, energy is going towards harvesting each fish...If we as a tribe say that our policy is to protect our fish, we can come up with a rationale that does not require us to kill every one” (speaker no. 4, 3/12/11)*

*“If we’re so concerned about catching our quota and that’s a scare tactic, a political tactic to say if we don’t catch our quota we’re gonna lose it, those are kinda scare tactics. We see that everyday in national politics. But if those kinda tactics are gonna come we can put in our traditional fish dam I guarantee we can catch whatever quota there is and take it out after we caught it. So there’s ways to do things. Doing things what we used to do is closer to who we are and what we are” (speaker no. 8)*

Others question the legal validity of the “use it or lose it” argument:

*“But if we simply say, about this whole idea- we have to fish, we have to take every last fish like every other user group and every other white man or we’re going to lose our fishery is a red herring and there is nothing, there is absolutely nothing anywhere that says that is the truth. That is the red herring being pushed by people who want to capitalize and commercialize our fishery. It doesn’t exist” (speaker no. 2)*

One speaker expounded on this by pointing out that beyond this concept of “use it or lose it” is a larger legal framework that lacks substantive validity for Hupa people, and that an alternative way of “using” the resource is by setting conservation, rather than harvest, goals:

*“Traditional tribal law and custom continue to operate in this valley to regulate our fishery. And when we talk about regulating the fishery we do not start with the federal government and an 1800 case that all of these white attorneys are trying to shove down our throat. We go back to our own law, we respect that and we start there... Unlike what we’re told by our legal representatives- we have to catch our 50%- Lyle’s point is manage our 50%- the entire thing. And what he said, which is critically important is that we can use it or lose it by using it for restoration purposes and not necessarily to convert to dollars to stuff in our official’s pockets which is what’s happening now” (speaker no. 4)*

*“I think we need to fish in all of our Traditional Locations. On & off the 12sq. Rez. Other tribes can do it so can we!!” (written comment no. 5)*

The concept of fish allocation, and the assumption that Hupa people must demonstrate a need for salmon, is a state framework. Hupa people are engaging with the state framework while still suggesting alternatives and citing those alternatives as being more aligned with traditional Hupa polities. The basis on which decisions about salmon quotas are made are questioned and rebutted with new claims about the tribe generating their own allocation numbers and using that knowledge to define practices.

*“Guiding policy statements should be articulated and they should take into consideration the critical importance of the fishery not simply to the economy of the valley but to the Cultural Integrity and Continued Existence of the Hupa People as a distinct people. Impact on our cultural traditions should be as important as the health of the resource in regulating commercial harvest” (written comment no. 1)*

The above comments show how Hupa people work with western legal frameworks when engaging with the topic of commercial fishing, but also make connections back to the nature of the relationships of Hupa people and salmon.

Salmon as subsistence. Sixteen speakers talk about salmon in the context of food, selling fish, and equitable access to fishing and salmon in the community. The below speaker mentions the amount of salmon Hupa people should be consuming in their diet.

*“We were people, and I heard people talk about this, that our salmon have been with us since time immemorial. And they’ve been here forever. But they sustained us a people as part of what we subsisted on. Our livelihood. I don’t see anybody from K’ima:x [health clinic] here, but I’d like to know what value salmon has in our diet. Because at one time it was a staple of our diet. And it made up a big portion of it. And with it being a staple we need to identify what is the maximum amount of salmon that we need to encourage our people to have access to, to get back into our diet so we can be healthy and help sustain it. ...we’re actually setting that strategic goal...you know, how do we get that back into our diet, what level, where should we go. Set those goals, because before we go to sell anything lets encourage to try to work there. If we don’t know what we’re working towards, we’re never going to get there. That’s important, we want to do that” (speaker no. 8)*

Tribal members continue to know fish as food. Although traditional forms of subsistence, such as salmon and acorns, are not the only options to most Hupa people, many still choose to eat salmon.

*“I have a lot of fish eaters in my family. Grand kids, children. And I always used the salmon in my home as an economic indicator. If I have salmon in my house, I consider myself a wealthy, a rich Indian. If I don’t have salmon, then I’m down on the economic totem pole, so to speak. I could even be hungry. Today I have fish in my house. I could go up there and get you smoked salmon, canned salmon, wonderful stuff. Some of the best fish in the world” (speaker no. 20)*

*“We love salmon its healthy its good for us...” (speaker no. 7)*

*“Families utilize fish year-round” (speaker no. 13)*

This speaker's comment is about salmon as food but also inferred a communal responsibility to take care of elders by providing salmon to them.

*"... I'm married to a Yurok and I would like for the Hupa to have the same opportunity. We got six to twelve cleaned salmon brought up to us, iced, because we were elders and so we could smoke and dry and can and had to buy some salmon, we didn't get enough, so we bought some and they were hook necked. And so our elders have never been considered. And I would like every elder in Hoopa to have their portion. We love salmon its healthy it's good for us and we should have the opportunity to not have to buy it to not have to look for it. Hoping someone would give it to us. But that would be something that we need to have. Times are going to get tough. Our elders need help" (speaker no. 7)*

Beyond salmon as a large portion of caloric intake, salmon was a large part of the economic and political sphere of Hupa people and people in surrounding watersheds. The word "subsistence" in its current form is used to describe personal use, or at most, distribution to family and elders to use as food. This line between engaging with salmon in a way that reflects a historical communal subsistence (what is described as "traditional") and engaging with salmon through a capitalist economic structure is expressed by speakers in opinions on how commercial fishing should be practiced. For example, support for a commercial fishery would come with the caveat that it should support the entirety of the tribe in an equitable manner.

*"If we are going to have our commercial fishing, then I would say that the traditional way of building a fish dam would be the way to do it. And to distribute the salmon accordingly to elders and each family... To recap, I'm torn between the origins of our salmon and selling them at the same time but if we have to let's do it our way. Let's take care of our people first and then, then sell to the outside" (speaker no. 1)*

The below written comments mention fairness as well.

*“Protect Tribal members, Protect Tribal sovereignty [sic], Make it fair”  
(written comment no. 7)*

*“CONSIDER putting the question on the ballot and seeking further clarification as to an individualized versus tribally operated commercial operation. Like timber, the fishery is a tribal resource that must be managed for the benefit of all...River conditions and access issues constrain fishing for basic subsistence and ceremonial purposes. Any tribal regulation of the fishery should include provisions that assure subsistence and ceremonial needs of tribal members are met.” (written comment no. 1)*

The below speaker includes “all stakeholders” in a description of a possible solution.

*“I think actually we used to have model sustainable yield harvesting plan for our timber and from what I was heard, we were known throughout the nation as being really strong in, you know, conservation, and management. And so I believe that we actually as a tribe, have an opportunity to kind of do that again and we can be a lead, you know, a lead in the whole nation of what we do. And a lot of tribes actually look to us to see what we do and what we’ve gone through. And kind of even use that as a model for what they base some of their regs and ordinances on. So I actually think this is a really neat opportunity for us. And with appropriate management I think all stakeholders could be able to, you know, with some consensus and compromise, be able to have some sort of agreement where we manage everything like cultural, subsistence, preservation, restoration, and commercial fishing” (speaker no. 16)*

While a commercial fishing enterprise that sells Hoopa salmon to outside parties for profit is imagined by these people, it is not described as occurring in a free market, but rather as a well-regulated practice.

Capitalism is presented by speakers as being far afield from a traditional economic structure. The speaker quoted below relays support for a barter system, for example, but not for selling fish for money. The difference in these two systems is expressed as traditional versus non-traditional way of practicing a relationship to salmon.

*“...first I was going to say I don’t support commercial fishing because it seems like a lot of times when money gets involved people get greedy then it kinda taints things or pollutes things, so that’s one of my concerns about allowing commercial fishing. Then, if you’re talking about the barter, I don’t have a problem with that, I think that is actually, is kinda a traditional form that we’ve used we’ve done in the past, if that’s lumped in with commercial fishing, then um, I would support commercial fishing” (speaker no. 16)*

The speaker also points out a traditional means of regulation in practice:

*“...what I do is make sure my cousins aren’t fishing where we fish and we just kinda all work it out and talk amongst ourselves and you know, it just kinda all works out and we don’t really have to have some permit or plan or something like that. So that’s just something that I was interested in and would like to see addressed is how we’re maintaining those type of things if we’re going to be allowing commercial fishing” (speaker no. 16)*

Another speaker denounces capitalism as colonialism while also acknowledging the current economic realities of Hupa people.

*“But from a traditional side, anything we do we need to go forward very cautiously. The reason why is, is everything we do in moving into the white man’s world is assimilation. When you talk about traditional, you talk about cultural, capitalism is something that is non-traditional, non-cultural. Taking those salmon and looking at them as a resource is one thing, you have to consider that. To make them a commodity is another thing where you sell. Capitalism is foreign to our way of life. It really is. The Yuroks have been selling salmon since the late 1800s cause that’s when the greed came in from the white man to put up the canneries and the BIA came forward to hire Indian people thinking they’re doing real good to give ‘em a job in selling the salmon. Their movement into that endeavor, really was a movement into assimilation and a way to do it. And a model evolved out of that. Which certainly isn’t perfect and has created its own set of problems. We as a Hupa people need to look at this real tough and we need to look at it real hard as do we want to assimilate our culture? Because capitalism is foreign to us. Once we move, we move into that arena, we’ll be changed forever. And what forces you to do that? Economics forces you to do that, greed to a certain extend forces you to do that. But we need to*

*look at the needs of our people and what our people are about” (speaker no. 8)*

A college-aged tribal member reflects on their experience selling a fish:

*“I felt shame that day. Shame for having sold a fish which could have fed my family and shame for being a part of the swarming mass of people who only saw the salmon as swimming bags of money. I never sold another fish after that day.” (written comment no. 8)*

The literature points to a main difference between capitalism and a traditional economic structure: the former defines social and political mechanisms and the latter is defined by social and political mechanisms. The above statements point to how the social realm of Hupa life continues to dictate the preferred economic practices. It might also be inferred that the greatly impaired environment and resulting decrease in salmon population has meant that the word subsistence no longer includes just any economic means. Instead it is being defined by what is expressed as socially acceptable. It is not socially acceptable to “sell” fish, but bartering for services toes the line of Hupa-salmon relationship for one speaker, for example.

*“I don’t think it is right to sale [sic] the fish we catch. It’s pretty sad because the diet along time ago used to be our fish and other natural foods. Its not right to [sell] our fish to the white man, and to stop the fish to spawn because these nets are blocking. I think that instead of selling the fish we should use them for our dances and to give back to the elders.” (written comment no. 9)*

There is a high-rate of unemployment on the reservation and there are tribal members who engage in commercial fishing to earn a living because of a declared lack of other job opportunities. It’s a tool used by tribal members to provide for their families. In

2009, tribal fisherman sold nearly three-quarters of the fish they caught. Yet only about 27 tribal members fished commercially, and the fact that off-reservation wholesalers were interested in buying fish was not widely known. The below comments reflect a concern that commercial fishing is “greedy,” and that greed is not a traditional practice nor is it conducive to maintaining community harmony.

*“Our aboriginal treaty rights guarantee us the right to fish, hunt, and gather on the reservation, but not to be greedy or profitable. At our ceremonial dances we pray everyday for the water, the fish, the acorns, and the deer to return to us. We need to protect these resources.” (written comment no. 10)*

*“I grew up on the river bar fishing. I was raised and taught not to sell my fish. We fish to feed our families and Elders. It’s sad I have Elders not from my family ask to buy fish. I tell them if they want fish just let me know and I will get you fish. I don’t want your money I just want to see you happy and fed. I’m not for commercial fishing. Nothing good will come from it for the Hoopa People. After I have made sure my family and elders have been taken care of, I put fish away in my freezer to Feed them all in the winter when we can’t catch fish or hunt cause the river is too high or too much snow to get up hill.” (written comment no. 11)*

The speaker below is specifically referring to “the Gorge”- an area of the Trinity River right at the confluence with the Klamath River. It is a prime fishing spot for a couple reasons including that it’s narrow and deep, providing cold water for fish to pool in, and it’s also the first place Trinity River salmon arrive at, and therefore are at their youngest state, only getting closer to spawning and dying as they move up the river. They recognize that opening the entire river to all, eschewing traditional private property mechanisms to regulate access to fishing spots, seems problematic and prone to conflict.

*“I’m not for the commercial fishing. I don’t believe it. I think it’s for us. Because when it comes to money, everyone’s going to be fighting for it. Because the only ones who will be getting it are the ones down in the gorge. So what do we got to do? Do we have to go down there and find a spot down there? You know, lot of us don’t have boats. Are we going to open up that trail down there so we can walk down there? Like they did a long time ago? It’s too small...it’s way too small. 2500 nets can’t fit down there. We gotta come up with some idea. I was here long time ago fighting for the rights.... Do we want to fight with one another? No I don’t think so” (speaker no. 3)*

Others seemingly accepted commercial fishing as a potential economic endeavor for the Tribe but avowed the certainty that it would not be successful. Both speakers indicate that participating in a free-market fish enterprise would lead to unrealized value of the fish. One speaker notes that supply and demand economics will lead to being paid “less” for the salmon, inferring that the amount of money paid would not be enough for the “precious” resource.

*“Just because we are expecting a larger than usual run, it doesn’t mean we should fish the hell out of the river just so the Yuroks don’t get more of the quota. Simple supply and demand economics will tell us that the market is already flooded with ocean fisherman, Yurok fisherman and now we are trying to compete with that? Buyers know the quality and will pay us less for our precious resource.” (written comment no. 12)*

A similar written comment indicates that supply and demand economics will end up losing the tribe money and will only lead to a smaller salmon population.

*“Simple supply and demand economics can predict that this kind of business can only fail. As the consumer demand stays the same and the supply of a product goes up the price is forced down. This will end up costing members money and providing nothing but a depleted salmon population for all their efforts.” (written comment no. 4)*

Both comments project a value onto salmon which includes “more” than their monetary worth in a free market, and some existence beyond “depleted.” Even when acknowledging the possibility of employing capitalism as a concept, Hupa people still reject the idea of salmon as only a commodity.

Salmon as people. Four comments (~15%) express knowledge of salmon using gendered and relative pronouns. *The Chicago Manual of Style* and the *Publication Manual of the American Psychological Association* offer rules for writing and can be considered authorities on grammatical concerns. Both indicate that animals should be referred to as *that* or *which*. *The Associated Press Stylebook*, another recognized authority, indicates that only animals with names should be referred to as *who*; otherwise referred to as *that* or *which*. Writing style blogs that I came across explained this difference as accounting for a relationship that is personal; if an animal has a name then clearly the writer has a personal relationship with the animal and it’s acceptable to use a gendered pronoun. The below comments refer to salmon as “he” and “who,” indicating a relationship that is personal. But because the statements are not really referring to an individual fish with a name, fish as a species are elevated to personhood when they are referenced using these types of pronouns. A human is not likely to refer to another human as “it” in ordinary circumstances but rather a “who,” with or without a personal relationship. Personhood for fish is therefore seemingly not limited to or conditional upon an individual’s human-fish relationship.

*“One of the first things that came uh was that the attorney said that we’d only need to go back to the 1800’s. I beg to differ. Our salmon have been here since time began. Certain spirits, the origin of the salmon volunteered,*

*and so uh we respect that. And uh so that was one of the first things I wanted to talk about was the origins of salmon itself. WE had uh, as Hupa people we had our own first salmon ceremony up there around Sugar Bowl. There was one person that was the leader of the first salmon ceremony, and then the heads of each particular village xonsadin all the way up to xowunkut would participate. So as it was told to me the person would call and cry for the first salmon to come up. And back in those days the water was more deep and more pure. The first salmon would come up the river and he would lead them up to Sugar Bowl- sorry I don't know the Indian name for it- and he would um offer himself to the medicine man or medicine woman who was performing the first salmon ceremony. I understood that there are those pools up there yet in the Sugar Bowl area where they performed it and the first salmon would come in there swim around by the medicine person and then go back out, back down the river, and then come up again and offer himself to the medicine person. At that point the medicine person would prepare the salmon who gave up his life to the people of the villages that were represented” (speaker no. 1)*

The speaker then goes on to describe how Hupa people pray to salmon to thank them.

Not *for* salmon or *about* salmon- but *to* them- and then directly refers to salmon as a “brother.”

*“The salmon, we depend on them for food. Um, we also um thank them in our ceremonies- the white deer skin dance, the jump dance- our medicine people pray to thank them for the abundance...it's hard for me to understand it really is to sell our brother, who, who has given up for us” (speaker no. 1)*

One speaker tells a story that features fish as a protagonist. The story explains that fish is caught in our nets because he has Coyote's (bad) eyes.

*“This is the same story I gave to congress in 1997 when I asked for a special earmark of funding to protect our fishery. And I'll probably get emotional because if we allow our fish to die, if we allow no management, we won't have stories like this- but a long time ago, when fish could swim the water and see every little bug in the river and had, fish had the best eyes of all, Coyote watched fish, and he became jealous of fish as Coyote was want to do, and Coyote thought to himself, man you know, Fish just swims in the*

*river all day long and he just glides around the rocks and goes up those riffles and he knows where he's going- he can really see things. Coyote thought to himself, my eyes, I don't think my eyes are that good, that maybe if I had Fish's eyes that I would really have powerful eyes and then I could see everything" (speaker no. 5)*

The knowledge of salmon as people and relatives with agency in the larger sphere of life has additional implications for Hupa people.

*"...really we're connected and we're one." (speaker no. 4)*

*"The fish is just as much as our culture as us dancing and praying because we are dancing and praying for the fish. We're dancing and praying for balance of the earth. We're dancing and praying to maintain our way of life and who we are as a people. They're all interlinked they're all tied together. So they're drastically important for us" (speaker no. 8)*

Although I categorized the various fish pluralities, the reality is that none of them exist in isolation. Todd proposes the meta-idea that fish pluralities offer an opportunity to discuss difficult and contentious community topics (Todd 2014). One speaker specifically mentions this.

*"If anything out of this whole issue, you know, what happened in the past has brought us to the point where we are now, that's good, cause we're talking about all the issues that are concerned around fisheries, you know, the ethics of tribal, our traditions and everything else- so that's good. We're at a good spot, better than we were before" (speaker no. 11)*

In this way, salmon encompassing many material truths about the valley. Their existence and non-existence are indeed concrete spaces of negotiation for Hupa people with a changing environment. The Hupa knowledge-practice-belief complex continues

from time-immemorial to today, having adapted to resist new challenges associated with the fish pluralities, but still reflecting the core tenets of place and relationship.

## CONCLUSION

The public debate spurred by the commercial fishing that occurred on the reservation from 2008 to 2010, and the Hoopa Valley Tribe's Fish Commission's charge to create regulations with input from tribal members, presented an opportunity to explore the multiple ways Hupa people engage with salmon. Hupa people have a lot to say about salmon, which reflects an ongoing relationship since time immemorial. They continue to fish for food and social engagement. Some barter with or for salmon, or look to other economic prospects that salmon might offer. They associate salmon with water and the Trinity River, which continues to be the center of the Hoopa Valley Reservation, the place where Hupa people live. This informed my initial assessment that creating regulations would simply be a matter of negotiating points of agreement and compromise. Using a conflict analysis lens to identify possible sources of tension: 1) problems with relationships, 2) disagreements with facts or data, 3) competing interests, 4) different values and 5) structural conflicts would allow for a measured and thoughtful way to elucidate what successful regulations would look like. I anticipated that I'd follow the process of creating regulations, and my intervention would be helping to facilitate this through a collaborative and consensus-building approach. That did not occur, because the process of creating regulations was cut off by a special election that resulted in tribal members voting to not having a commercial fishery. Nonetheless this project was much more interesting than I could have originally imagined. Delving into the literature regarding TEK, human-fish relationships, and designing research that aims to reframe

issues that Indigenous people grapple with and celebrate the survival of humans in the face of the extreme force of colonialism is ultimately more gratifying. I am grateful to have been nearby when this conflict came up. Commercial fishing on the Hoopa Valley Reservation highlighted ongoing colonialism by bringing forward the western economic structures and ways of knowing that pervade the spaces of tribal life and politics.

This case study is also an example of a federally-recognized tribe in the U.S. working with the framework of multi-jurisdictional governance structures to better manage a resource. Expanding traditional ecological knowledge into political spaces has been exemplified in other people-fish relationships. In Canada, Zoe Todd suggests using fish pluralities in state reconciliation efforts. Miranda Willette, Kari Norgaard and Ron Reed study how diminished access to salmon affects the physical and mental health of Karuk people. An area largely unexplored is how far fish pluralities might reach into the realms of tribal sovereignty and state relationships in the U.S. As I have shown in Chapter 1, colonialism is ongoing for Hupa. Not only do the historical acts of genocide, assimilation, and termination have lasting effects that continue to take a determined effort to combat and heal, there are consistently new policies and structures being created that echo western worldviews, and affect the everyday lives of Hupa people. To resist and instead be self-governing and sovereign is to take on decolonization processes. By demonstrating Todd's assertion that people-fish relationships are literal "concrete sites of political and legal exchange," we might then choose to employ them as practices of decolonization.

The relationship between Hupa people and salmon has been at the forefront of Hupa politics and legal actions because of salmon's centrality in Hupa culture. But rather than continue to engage with the discourse of "cultural rights," which Glen Coulthard criticizes as a state-led attempt to subordinate Indigenous political and economic sovereignty, Hupa people have extended the multiple ways they know and engage with salmon across economic, political, and social structures. The Hupa-salmon relationship is shown through historical practices, cosmology, and scientific knowledge since time immemorial. As colonialism attempted to disrupt this relationship in constant and unexpected ways, Hupa employed various strategies for survival, as evidenced by Hupa people's unwillingness to leave the Hoopa Valley, their formation of self-governance, the adoption of governing policies and ordinances, and at sites of conflict with the state. During the process of creating commercial fishing regulations, Hupa people and salmon worked together as "active agents" to counter the hegemonic systems that they were forced to navigate through. This strategy is ongoing.

In 2016, the Hoopa Valley Tribe filed a lawsuit against the federal government for violations of the Endangered Species Act (Times-Standard 2016). Specifically, the government did not meet standards set for the health of Klamath-Trinity salmon in 2014 and 2015. Drought conditions resulted in reduced and warmer river water, which encouraged diseases to grow and spread amongst fish. Instead of curbing the amount of water that is dammed and diverted to other users in the Klamath Basin and central California, the federal government proposed to lower the standards that had been adopted for the salmon. "The harm caused by the Bureau of Reclamation's and National Marine

Fisheries Service's failure to protect the Coho is driving this federally protected fish and our Tribe to extinction," said Chairman Ryan Jackson. "These fish have been essential to our culture, religion and economy since time immemorial," added Jackson" (Times-Standard 2016). Hupa people and salmon continue to be agents together within struggles of cultural and political sovereignty.

This case study is hopefully also an example of how robust TEK can be as an indigenous-centric framework that situates relationship of Hupa people and salmon together as central-actors, as opposed to anthropocentric articulations of fish as objects of environmental regulation. The concept of TEK has been criticized as an attempt to legitimize Indigenous knowledge within western research frameworks, or as a tokenized term "whereby Indigenous 'traditional ecological knowledge' (TEK) is presumed to be an interchangeable analog for science and ecology, and is deconstructed and massaged to fit into existing scientific-legal discourses employed by the processes of the State" (Todd 2014, 221). The concept of TEK fails to fulfill its full potential when researchers attempt to employ it within non-Indigenous-centric frameworks borrowing only parts and pieces, and not fully understanding the complex that it embodies. Todd's work suggests the possibility that "[t]hough not easy by any means, it is possible to hold different understandings in addressing northern human-animal relations across cosmologies, legal orders, and political frameworks" (Todd 2014, 225). Not discounting the valuable empirical knowledge that TEK might afford researchers and science practitioners in western academia and federal, state, local and interest-based agencies, TEK potentially

works best when it stands alone, held in tension rather than assimilated with other worldviews.

Native American tribes are continuously challenged as political entities to operate within the bounds of colonial sovereignty that have ascribed land, identity, and governance structures to them. Tribes were not meant to exist or thrive under colonialism, yet Native people continue to respond to affronts, survive, defend, heal, restore, protect, negotiate, share, and decolonize. Within tribal governance structures, the process of decolonization is made complex by the bounds mentioned above. In this project, I hope to have shown how one tool, Todd's concept of fish pluralities, can be applied in tribal politics and governance as a decolonizing process. How indigenous communities negotiate their relationships to salmon is a concrete site of political exchange and can be looked to as guidance when operating within the colonial governance structures that are the authority today.

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