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Fire in the Nisenan Homeland:

The Politics of Traditional Ecological Knowledge

for the Nevada City Rancheria

A thesis submitted in partial satisfaction

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in Anthropology

by

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ABSTRACT OF THE THESIS

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This thesis examines the cultural burning practices of the Nisenan of the Nevada City Rancheria. Prior to state policies of fire suppression and the genocidal Gold Rush era, Nisenan people used fire in numerous ways to care for themselves and their homeland nestled between the Bear and Yuba River watersheds. Their relationship to fire was an inseparable part of an integrated way of life. This thesis argues that mobilizations of cultural burning as "traditional ecological knowledge" by state and corporate entities in the present omit important aspects of Nisenan uses of fire. This omission represents a failure to meaningfully engage with Nisenan perspectives. The argument unfolds through an examination of two Nevada City Rancheria projects: consultation for the North Yuba Forest Partnership, a multi-agency forest restoration project on public land; and the Rancheria's own burning project on private land. This discussion is situated in the context of the Gold Rush genocide and the ongoing erasure of Nisenan people from their homelands. It includes a critique of past anthropological work by Alfred L. Kroeber which has directly contributed to the Rancheria's erasure.

The thesis of Dylan Eldredge Fitzwater is approved.

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Introduction

Fire has always been an integral part of ecosystems in California. However, historically these fires were often not wildfires, but extensive controlled burns set by the original peoples of the state. This practice of cultural burning was central to many California native land management practices, encouraging bountiful harvests of plants and animals in diverse California ecosystems (Anderson 2013, Lightfoot and Parrish 2009). Practices of cultural burning were severely eroded by the colonization of native lands and completely prohibited by the U.S. Forest Service at the beginning of the twentieth century. Cultural burning expresses a different relationship to fire in California than the "Smokey the Bear" approach of prevention and suppression. Instead of a cause for fear, fire was one of many ways the original peoples of California maintained relationships in and with their homelands.

We have now run up against the limits of fire suppression. Lengthening droughts caused by the changing climate, increased ignition sources, and decades of fuel buildup as a result of the fire suppression paradigm have birthed a new breed of wildfires that cannot be easily prevented or contained using previous methods (Petryna 2018). This new reality was strikingly apparent in the 2020 fire season. 10.3 million acres burned, a record amount.[1] In this context, there is a growing mainstream awareness of the limits of fire suppression, and consequently there is growing interest in the "traditional ecological knowledge" of the various original peoples of California. During the summer and fall of 2020, there was an explosion of mainstream media think pieces on indigenous cultural burning practices. Most of this coverage primarily focuses on two arguments: the revitalization of cultural burning as a way for California tribes to revitalize

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[1] Guzman, Joseph. December 23, 2020. "2020 Sets New Record for US Acreage Burned in Wildfires." The Hill. https://thehill.com/changing-america/sustainability/environment/531462-2020-sets-new-record-for-us-acreage-burned-in

relationships to multiple California ecosystems, and a hope that indigenous burning practices may lead to new fire paradigms that understand burning as a tool to promote healthy resilient ecosystems and prevent, or at least temper, destructive wildfires. This thesis is partly a response to the public embrace of cultural burning. Even more, it is a response to the way that one indigenous community, the Nisenan of the Nevada City Rancheria, practices and values cultural burning in the specific context of their homeland. In the expanding conversation on revitalizing cultural burning in California, it is imperative to focus on the details. How is burning being represented? Who is burning? How are they going about it? And for what reasons?

There seems to be a widespread assumption that new fire and land management practices from state agencies and private landholders can work together with native nations synergistically and to their mutual benefit. This is, in my reading, the central recommendation and policy hope of the widely popular PBS[2] series "Tending the Wild" and the book of the same title by ecologist M. Kat Anderson, along with the dominant strain of media coverage. This is an indicative sample of news headlines from the 2020 fire season: "To Manage Wildfire, California Looks To What Tribes Have Known All Along," "Cultural burning lights the way to 'rethinking fire'," "Managing Wildfire Through Cultural Burning," "To Fight Fires, California Must Burn."[3] This

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[2] PBS is the public television network throughout the U.S. This particular series was produced by KCET, the Southern California PBS network.

[3] Sommer, Lauren. August 4, 2020. "To Manage Wildfire, California Looks to What Tribes Have Known All Along." NPR. https://www.npr.org/2020/08/24/899422710/to-manage-wildfire-california-looks-to-what-tribes-have-known-all-along

Kerlin, Kat. October 1, 2020. "Cultural burning lights the way to 'rethinking fire'" Daily Democrat. https://www.dailydemocrat.com/2020/10/01/cultural-burning-lights-the-way-to-rethinking-fire/

NPR Short Wave. September 9, 2020. "Managing Wildfire Through Cultural Burning" NPR https://www.npr.org/2020/08/21/904600242/managing-wildfire-through-cultural-burning

coverage is laudable insofar as it includes a recognition of the destruction caused by fire suppression in native California and it often includes some striking quotations from indigenous burning practitioners speaking against the colonial policies of the state of California. However, while those practitioners emphasize colonialism, the thrust of the coverage is to highlight cultural burning as a potential land management "solution" to wildfires for state agencies, born out of a new spirit of collaboration with indigenous California. There is a gap between the references to the violence enacted by fire suppression, and cultural burning as solution to wildfire in the state. That gap matters.

The goal of this research is to look at the emerging forms of cultural burning in the homelands of the Nevada City Rancheria, one example of how these collaborations between landowners, states agencies, and tribes play out on the ground. Beyond the assumption of synergistic collaborations, what are the difficulties tribes experience in bringing fire back to their homelands? Any interaction between settler state agencies or private landholders and native nations will have its share of contradiction and difficulty simply because settler jurisdiction on stolen land is, and will always be, at odds with indigenous assertions of sovereignty on that same land (Pasternak 2017, Simpson 2014). Of course, stating this fact does not change the multiple negotiations that must be constantly undertaken by native nations to continue to live in their homelands, and sometimes refusals of settler forms of governance can exist in tandem with strategic collaborations (Carroll 2015). But what happens when an assumption of synergy and collaboration becomes the new discourse of land management? What sort of effects does this have "on the ground" in those constant negotiations forced on native nations? What opportunities

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Schneider, Benjamin September 4, 2020. "To Fight Fires California Must Burn." SF Weekly. https://www.sfweekly.com/news/to-fight-fires-california-must-burn/

does it open up for native nations and what does it foreclose? These questions have complex answers that bely the simplistic portrayal of cultural burning as land management "solution" in California and this thesis is an attempt to answer some of them in the context of one California tribe. As Nadasdy (2005, 2003) has argued in the context of similar co-management discourse in Canada, while it is certainly a good thing that there is some willingness to listen to indigenous perspectives in land management, it is imperative to continue to ask critical questions about how this process is playing out in practice. And perhaps more importantly, we need to understand how burning can be much more than a "land management practice," but rather a practice with multiple levels of meaning. This is true both for indigenous peoples for whom burning is one part of an integrated way of living and understanding their territories, and for agency land managers for whom burning also is inextricably linked to American cultural understanding of land, forest, property, and economy.

Violence Against Land and Peoples: Fire Suppression in the Heart of California Gold Country

My particular focus for answering these questions is in the town where I grew up: Nevada City, California which is in the homeland of the Nisenan people, and which is the center of the Nevada City Rancheria, one of several Nisenan communities in the region. This is a particularly useful location from which to understand the multiple layers of meaning that surround burning in the contemporary California landscape. This is true for multiple reasons. First, it is in the heart of the California Gold Country. Located at the site of the Nisenan village of Oustamah, it was central to the early California Gold Rush and continued to be a globally important gold mining area well into the mid twentieth century. It is impossible to talk about

indigenous issues in California without bringing up the California Gold Rush, and without calling it exactly what it is: a genocide spanning decades undertaken with the full economic and political backing of the state of California that was resisted at every step by California native peoples (Bauer 2016, Madley 2016). The Gold Rush is central to understanding Nisenan traditional ecological knowledge on fire simply because the most brutal attacks on these traditions, and on the ecology of the whole region, occurred during this violent rush for gold. The historical photos of the Gold Rush displayed in businesses and public buildings around Nevada City show hills stripped of every tree and entire mountains washed into the rivers by hydraulic cannons. The Gold Rush is still very much a part of life in Nevada City, everyone's lives are shaped by it in some way. My great grandfather worked in the Empire Mine, now a State Park that describes itself on its website as "one of the oldest, deepest, and richest gold mines in California." My high school's sports teams are called "The Miners" represented by a giant statue of a gold panner at the school entrance and a cartoonish 49er mascot entertaining the crowd at football games. Historic downtown Nevada City, and many of the surrounding towns, are economically sustained by Gold Rush history tourism. Downtown Nevada City has stringent regulations on everything from the color palette of business signage in the historic district to building remodels. The city has come up with their own definition of the "mother lode type of architecture" that serves to construct an authentic gold rush era aesthetic.[4] You can stop for a beer at the Mine Shaft and Crazy Horse Saloons, or a fancy cocktail at the Golden Era. This Gold Rush aesthetic is not just confined to Nevada City, but is dominant throughout the many small foothill towns that are similarly reliant on tourism.

[4] County Ordinance 338 https://www.mynevadacounty.com/DocumentCenter/View/14906/Nevada-City-Ordinance-338-PDF.

The prohibition of burning was a direct consequence of the Gold Rush and white settlement in Nisenan territory. Settler understandings of fire as destructive and a cause for fear were in direct opposition to Nisenan uses of fire. As contemporary Nisenan burning practitioner Saxon Thomas told me in my interview with him, "After non-natives came some elders and Nisenan still did try to do burning and tried to keep up with our cultural work, which was viewed as, 'these are pyromaniacs who are trying to burn down our forests and drive us out because we're here now,' which became— They outlawed natives from having fires." There were also economic reasons for the early burning prohibition. As Nevada City Rancheria tribal chairman Richard B. Johnson explained in my interview with him:

> We, our people, was ordered by the local governments to quit burning. We could not. We had to stop burning the grass fields right away, for a couple reasons, one they didn't like the fires, and two they wanted the grass fields for their own livestock. So they fenced all that off. We'd get the grasses to harvest and to eat, but they wanted to feed their animals with it so that stopped the burning.[5] The burning underneath the oak trees immediately stopped. One reason, well two reasons, one they didn't want us to start fires, but two they wanted— they harvested all the trees in the area. There's old drawings and stuff around Grass Valley and Nevada City back in the very early mining days that, you couldn't find a tree in sight because they harvested— they cut everything down in order to build the towns and all the housing for the gold miners, as well as supply the mines a few years later. Because all the easy gold was gone, they had to do hard rock mining.[6]

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[5] This experience contrasts to some other areas of California where burning was adopted for a time by ranchers to encourage grass regrowth. See Anderson 2013.

[6] Hard rock mining refers to underground mining of bedrock. It requires a lot of heavy timbers to brace the miles of tunnels following the quartz veins where gold can be found underground. This replaced the early hydraulic mining techniques that used giant hydraulic cannons to blast away deposits of river gravel and allow the gold to settle out in stepped water channels called sluices. While hydraulic mining is "easier" it also comes with extreme environmental costs: washing away whole mountains to get at ancient river-beds, rivers choked with sediment and polluted with mercury and other pollutants used in the mining process. However, as Johnson makes clear hard rock mining also comes with its own forms of intense ecological destruction.

By the mid-twentieth century, after ranching and mining ceased to be the economic engine for Nevada County, fire suppression only intensified thanks to national and state policies. While the U.S. Forest Service had already been actively fighting fires for years, fire suppression reached deep into the public consciousness during and after World War II. During the War, the Japanese military attempted to weaponize wildfire by floating incendiary balloons across the Pacific. Although this strategy was largely unsuccessful, it helped motivate the government's Smokey the Bear campaign with its iconic slogan "only you can prevent forest fires!" This campaign aimed to bring fire prevention into the public consciousness to make up for the lack of fire-fighting manpower resulting from the U.S. involvement in the war. However, Smokey and the perspective he represents has stayed with us. The quasi-militaristic prevention of the wildfire "threat" is readily apparent in contemporary fire suppression discourse; from the incident command structure set up to contain wildfires, to the discourse of defensible space encouraging homeowners to take the fight into their own hands. There is, of course, much more to this history. However, I find this discourse to be indicative of a pervasive equation of fire with fear and destruction in the contemporary settler consciousness, expressed by most of my non-native friends and family in Nevada County. There are a variety of reasonings for why wildfire is a threat, from poor forest management, to the "environmentalist" prohibition on logging, to global climate change. But the common denominator is fear. My parents' neighbor threatened some kids with a shotgun for lighting off fireworks a few fire seasons ago. My own family harshly admonished one of their neighbors for having a (perfectly legal) warming fire in the fall of 2020, a form of fire that would have been a part of everyday life in these mountains, and for most communities the world over, for thousands of years. Fire remains integral to life. Afterall, it is how everyone stays warm and cooks. But now it is only acceptable in settler society if contained

within a propane burner, a furnace, a car engine, a powerplant. Contemporary settler society in the foothills fears fire on the landscape, a fear of fire that echoes the early settler fears alluded to by Saxon Thomas, of the native "pyromaniacs" bent on "driving us out." Fire is a threat to homes, property, and economy. Whether or not the fear is warranted is beside the point: it is there, it is pervasive, and it has political consequences.

This fear, and the burning prohibition it spawned, enacted violence on multiple levels against Nisenan people. First, burning was a central way in which Nisenan people took care of the plants and animals in their territory, who in turn provided them with food, materials for trade, and everything else necessary for their everyday lives. The prohibition of burning, coupled with the everyday violence of the miners, the ecological destruction of mining, and the displacement from their lands and villages, brutally disrupted the Nisenan way of life in and around Nevada City. However, burning prohibition was also a form of spiritual violence. Nisenan society was a cremating society where the burning of the dead along with all of their earthly possessions was absolutely central to their relationship to their ancestors. The smoke of the funeral pyre carries the spirit of the deceased down to the Estom Yanim, their sacred mountain,[7] where they are reunited with deceased relatives in the spirits' roundhouse before continuing on into the milky way. Shelly Covert, Tribal Spokesperson and the executive director of California Heritage Indigenous Research Project (CHIRP) the Tribe's non-profit in charge of many of their projects,

[7] These mountains are currently called the "Sutter" Buttes after John Sutter, the founder of the first colony in Nisenan territory and in the whole California Central Valley, who was a central figure both in the Gold Rush and in the native slave trade and genocide that it necessitated. He enslaved and murdered numerous Nisenan people and people from other neighboring tribes, and his fort was a center in the local slave trade. (Madley 2016: 52) When I was in elementary school in Nevada City, all the local schools took a field trip to Sutter's Fort where we were taught about the founding of Sacramento and the early Gold Rush. The enslavement of native peoples was not included in the lesson plan.

described the importance of cremation in a 2021 virtual tour of Nisenan territory hosted by the Nevada County Library:

> A large ceremonial burning ground was located on the site of the Nevada City Rancheria, currently the Cement Hill Road area of Nevada City. Nearly every large Nisenan Town had a burial ground located nearby. In the 1860's the Nisenan were dealt a devastating blow to their culture when all open air cremations were outlawed by the state of California, those were outlawed around the same time that they stopped the burning of the ground, of the forests. As a cremating society, the Nisenan burned their dead, including all of the deceased person's belongings, in a long and very elaborate ritual called a "cry" that had begun the morning after the death. The spirit was sent off to the afterlife supported by crying mourners. The families of important and wealthy tribal members might even hire people to mourn and wail. Many California Tribes had strict mourning protocols surrounding the death of Tribal members and the Nisenan observed some of the most stringent. Mourners would shear their heads to the scalp with a hot coal and apply a mix of pine pitch and ash to their face, arms, chest, and head. They would wear this until it wore off, at which time the initial period of mourning was seen to be complete. Cremated remains were buried on top of the deceased person's ancestors. The Nisenan believed that crying or thinking about dead loved ones would tie their spirits to the earth, so mourning was confined to the time immediately after death and to specific anniversaries. One year after a person died, another "cry" was held. Every five years, a ceremony of mourning called a "big cry" was held for all who had died during that time period. (Transcribed from recorded zoom presentation. Nevada County Library Facebook. February 23, 2021.)

The prohibition of indigenous burning practices also prohibited these funeral traditions. Open pyre cremation remains illegal in the state of California and this prohibition is still acutely felt in the present: it was brought up in every interview I conducted and I have heard it described, often with tears, in several public events. Shelly Covert continued:

> Our entire society rotates around that death ceremony, and the spirit going to— after you're burned you go to the sacred mountain Estom Yanim where you eat your first spirit food, you see your ancestors in the big roundhouse there, and then you go off to the milky way. It's very very central to our society, and one day I think we'll be able to do our open pyre burns again like we did in the past. I would love that. I don't know if that's illegal (laughs), someday, maybe we can build a dome or something and burn inside of it, I don't know. (Nevada County Library Facebook. February 23, 2021)

Cremations of any kind, let alone open air cremations on a wood fueled pyre, are highly regulated in the state of the California in the name of air quality. While cremation may not appear to be an "ecological" or "land management" issue from the perspective of Western science, it absolutely is. Just imagine a society that burns all the deceased person's belongings, Shelly Covert said in the same virtual tour that this could even include burning dwellings. This is not a society where rampant accumulation and consumerism makes much sense. Furthermore, it ties into the Nisenan pattern of living on the land where towns were periodically depopulated to allow that same land to recover. Later in the virtual tour Shelly Covert reads from the interactive GIS map[8] she is presenting:

> The Nisenan gave respite to the land by moving their communities every few years. The land, free from the impacts of everyday human activity, could then recover, regrow, and rejuvenate itself until the town was ready again for its Nisenan tenants. However, the towns were never fully vacated as someone always stayed behind to care for structures and/or burial grounds. The gentle landscape and mild climate created an abundance of natural resources and there was room to spread out. The diverse and bountiful Nisenan diet included plants, grasses, roots, berries, meat, insects, worms, and fish. Black oak acorn was an important food source and was used to trade with other tribes.

Belongings were burnt, towns were vacated, and all the plants and animals listed were cared for and harvested using many techniques that usually involved fire in some way. Cremation is "ecological" just like burning grass fields, and burning under oak trees is "social" just like cremation. Traditional ecological knowledge is not simply about indigenous "land management." Burning is not just about plants and fuels reduction, it is also about the spirits of ancestors, mourning, and burial grounds. Burning prohibition, the "Smokey the Bear" approach

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[8] Cultural Sites of the Nisenan People, a Story Map. March 4, 2021 https://storymaps.arcgis.com/stories/e1c6bc5c5a354a629e475b15f30d3bb3?fbclid=IwAR0Ak6uBXzQwWH6i1J-3WCNkO6yrRAdtfVRUgKJBsoyEeROcgBuhCHvO8bU Accessed 3/19/2021

to fire in California, isn't just a primary contributing factor to elevated wildfire risk, it is a direct form of settler colonial violence. It is impossible to have a conversation about traditional ecological knowledge without understanding how it is inextricably interconnected with Nisenan struggles for cultural revitalization, land, and sovereignty.

The Nevada City Rancheria was terminated in the 1950's, and despite a lengthy legal battle still lacks federal recognition, denying them access to a sovereign land base and all federal Indian programs.[9] They are 3 of 44 California rancherias terminated in the "termination era" of the 1950's who have still not regained federal recognition.[10] And federal recognition doesn't come close to addressing the conflict between indigenous sovereignty and settler colonialism. Federally recognized tribes in the state are still constrained in their burning by the California Air Resources Board and state regulations on vegetation burning and smoke. Federal recognition on its own will not allow the Nevada City Rancheria to burn their dead, and it won't allow them to burn their territory according to their traditions. This is my apprehension when I read the optimistic media coverage on indigenous land management and cultural burning: where it does address issues of sovereignty, it does so as secondary issue to land management collaborations, when issues of sovereignty should be absolutely central to any discussion of cultural burning.

[9] The term "federal recognition" refers to the United States Federal Government's legal recognition of a group of native people as a Native American Nation. This recognition conveys a whole host of benefits in the U.S. system, from access to federal programs and incentives for tribes, to protections from U.S. Indian Law.

[10] The "termination era" refers to several laws and policies enacted from the mid 1940's through the mid 1960's. In general, these policies were aimed at "terminating" tribes with the goal of assimilating their members into "America society." The goal was that indigenous people should cease to be indigenous and become "American." The practical result was the mass dispossession of native lands. See Estes 2019 for a broad discussion, and Johnson 2018 for the history of the Nevada City Rancheria.

This is the core argument of this thesis: Nisenan uses of fire are inextricably bound up with multiple aspects of their world. Fire is social and spiritual as well as environmental. While it is heartening to see a growing interest in indigenous cultural burning in California, often the spiritual and social dimensions undergirding fire are ignored, or simply given lip-service. Cultural burning is more than a "land management technique," and yet that is often what it gets boiled down to in practice.

I will show demonstrate this through an analysis of the North Yuba Forest Partnership, a multi-institution forest restoration project in the headwaters of the North Fork of the Yuba River. The Nevada City Rancheria is consulting on the Partnership and the stated goal of the restoration work is to return the forest to a more open mixed landscape of forests, woodlands, and meadows. According to the Partnership, this type of mixed forest is in line with the way the landscape looked prior to colonization when it was actively burned and taken care of by Nisenan people and neighboring tribes. However, as I will show, the Nisenan worldview at the heart of this caretaking, while it is glimpsed in the definition of "restoration" used by the Partnership, disappears when it comes to implementation strategies and desired outcomes.

Next, I will take up the Nevada City Rancheria's own self-generated burning project, a collaboration with a local homeowner's association that has allowed them to burn on private land in their homelands, to train non-native property owners in the use of fire as land caretaking technique, and to restore native plants and wildlife habitat on these properties. This is the project that the people who spoke to me seemed the most excited about. My argument for why this might be the case is that this project, while it affects nowhere near the acreage covered by the North Yuba Forest Partnership, is all about the social dimensions of burning and their interconnection with Nisenan sovereignty. This project communicates the worldview that

undergirds cultural burning to the settlers that now occupy their homeland, and perhaps more importantly, it gives members of the Tribe some form of meaningful access to their homelands, the vast majority of which is private land.

Finally, I close by stepping back and situating these cultural burning and land-based projects in the broader struggles of the Tribe: against the ongoing forms of erasure from their lands and for sovereignty and federal re-recognition. Anthropology, and in particular the work of its "founding father" in California Alfred L. Kroeber, has played its part in the erasure of the Tribe. Thus, a large portion of this section is devoted to setting the record straight and dispelling some of the anthropological myths, misrepresentations, and outright fabrications that continue to plague the Nevada City Rancheria. Furthermore, I close with this subject to reiterate the importance of the Nevada City Rancheria's own self-representation of themselves, their history, present, and future. This paper is intended as an addendum to this ongoing work. I am grateful for the time and energy of CHIRP and every member of the Rancheria I spoke with and for their help in guiding my thinking and analysis. I encourage all readers, especially readers in Nevada County, to engage with the Rancheria directly. CHIRP's website (https://chirpca.org) is an excellent place to start and has all their current social media handles listed. The interactive GIS map " Cultural Sites of the Nisenan People," which I cite extensively, is also extremely informative.[11]

[11]https://storymaps.arcgis.com/stories/e1c6bc5c5a354a629e475b15f30d3bb3?fbclid=IwAR0Ak6uBXzQwWH6i1J-3WCNkO6yrRAdtfVRUgKJBsoyEeROcgBuhCHvO8bU Accessed 3/19/2021

Nisenan Burning Futures: Doing the Impossible

The members of the Nevada City Rancheria I interviewed for this project consistently emphasized the social, spiritual, and environmental interconnectedness of their uses of fire, and stressed its basis in a way of life that has been systematically attacked by colonization and the continuing legacy of the California Gold Rush. This has forced the Tribe into a contradictory space: emphasizing the pressing need to return traditional forms of fire to the landscape, while also emphasizing the impossibility of doing so due to the degree of destruction experienced by the land and all the living beings on it since the Gold Rush. In my interview with Richard Johnson, Tribal Chairman for the Nevada City Rancheria, my first question focused on how fire has changed on the landscape since settlers first arrived in Nisenan territory during the 1849 California Gold Rush. His response, "History has told us...how we dealt with the vegetation is something that just cannot be done today." After opening pleasantries and figuring out how to make the Zoom call work, these were the first words spoken to a white PhD student arriving from UCLA to study Nisenan cultural burning. Effectively, the first response is that it is impossible. This is despite the fact that the Rancheria has an active burning project and Johnson's own thoroughly pragmatic thoughts and recommendations on burning and forest management. What does it mean to actively work on something that you say is, at another level, impossible? Johnson's response was echoed by Tribal Spokesperson Shelly Covert in our very first conversation where I described my project and research interests to her. She also, essentially, noted that it is impossible and thought it was amusing that now it seems like everyone wants to talk to her about fire. Our conversation quickly expanded from fire to encompass the general destruction and fragmentation of the foothill landscape: the artificial water system of canals and dams, the extirpation of elk and grizzlies, the fences, roads, and private property lines that now

cut through the land. The overall message was clear: if you want to talk to us about fire you need to hear about everything else, because it is inseparable. This was the overarching theme of my conversations with members of the Rancheria, that cultural burning is an integrated part of an interconnected landscape and way of life that has been systematically attacked by settlement and resource extraction, most notably by the continuing repercussions of the California Gold Rush. On one level burning is impossible: the landscape and way of life that made it possible have been systematically destroyed, but on another level it is absolutely necessary as part of the Rancheria's work to revitalize and care for this way of life and landscape in the present.

The important point is to focus on the reasons behind burning and the broader social and historical context that surrounds it. In this case, the context is the Gold Rush genocide and more than a century of fire suppression. The calls to integrate indigenous burning into settler land management practices is effectively asking tribes to fix a problem that settlers in California have more or less directly created, and that we have created largely by genocidal violence against native peoples that, among many other harms, has prohibited them from doing the very thing we are now asking them to do for almost 200 years. Furthermore, this call assumes that cultural burning is a "land management technique" akin to prescribed burning and other existing fuel reduction techniques. This is simply not the case, as others have pointed out (Erikson and Hankins 2014) even on practical level prescribed burns and cultural burns are not the same techniques. They represent two different ways of burning: cultural burns are done in accordance with ecological cues such as certain plants blossoming, while prescribed burns have a set timetable and fuel moisture criteria. They are done for different reasons: cultural burns often have multi-layered social and even ceremonial significance while prescribed burns are done for fuels reduction and to aid in future fire-fighting to protect private properties. And they are done

by different people: cultural burns are done by local indigenous residents while prescribed burns are usually done by non-local outside contractors or state employees. As I will hopefully make clear, burning for the Nevada City Rancheria is one inseparable part of an integrated way of living on and with their homelands with multiple layers of cultural, spiritual, as well as ecological significance, that is often at odds with multiple layers of cultural, spiritual, and ecological significance ascribed to fire in the settler culture.

However, this opening assertion of the impossibility of burning as it used to be is by no means the end of the conversation on fire. I do not want to give the wrong impression: the Nevada City Rancheria is going to great lengths to figure out ways to revitalize their traditions in the contemporary context and is incredibly generous about sharing so much of their knowledge and expertise with the broader community. The Nevada City Rancheria is engaged in multiple projects that involve burning and that involve collaboration with local private landowners and state agencies, including a project where members of the Tribe train non-native members of local homeowners associations in burning and native plant restoration on their properties. My agreement with CHIRP for this project was that I would conduct interviews with elders in the Rancheria about fire for another one of their collaborations. CHIRP is working with the North Yuba Forest Partnership (NYFP)--a multi-organization partnership involving state agencies, foundations, and local non-profits--on a massive 275,000 acre forest restoration project in the headwaters of the North Fork of the Yuba River in the Tahoe National Forest. Shelly Covert had an email sitting in her inbox asking them to conduct elder interviews, or something along those lines, for the Partnership. I agreed to let my interviews fulfill this purpose, relieving some of CHIRP's workload—I am continually impressed by how much they are able to get done,

sometimes I wonder if they have time to sleep—and also open up the possibility that my interviewees could receive some grant money from the Forest Partnership.

Contrary to the initial purpose of my interviews, the three people I was able to talk to did not have that much to say about the area where the North Yuba Forest Partnership is focusing their forest restoration work. The area includes the Konkow-Mountain Maidu-Washoe-Nisenan intertribal zone at fairly high elevations that were mostly visited seasonally prior to colonization. This is an area where the people I talked to had no memories of going for plant gathering or doing burning, perhaps because this is U.S. Forest Service land where even campfires are highly regulated and picking the wrong species of mushroom without a permit can land you a hefty fine. However, they did have a fair amount to say about what they would be gathering up there if they could, and about what the state agencies should be doing to manage the forest. But, the real central themes of the conversations centered on three topics: the relationship between fire suppression and the genocide of the Tribe during the Gold Rush and subsequent colonization, their feelings about cultural burning and wildfire as it exists now, and the work the Tribe is doing now on its own to burn on private land and educate private landowners in their territory. So what was initially a project about exactly that hot button topic—a large scale forest restoration project promoting fire resiliency on public lands using Nisenan traditional ecological knowledge—became about something else. Before we get into that something else, it is worth exploring why it might be that the collaboration with the North Yuba Forest Partnership, while doubtless an important project for increasing the visibility and political standing of the tribe, was not the burning project people seemed most interested in talking about.

"There's no money in it:" Monetizing Traditional Ecological Knowledge and the Contradictions of the North Yuba Forest Partnership

Before we can talk about possible contradictions between the goals of the North Yuba Forest Partnership and Nisenan perspectives on burning and caring for the land, we need to understand some of these Nisenan perspectives. Tribal Chairman Richard B. Johnson gave a good overview of the Nisenan uses of burning in my interview with him, which he also further elaborates on in his book *A History of Us*:

> We use fire to create our environment, we had large grass fields throughout our territory and this was created by burning and removing the original vegetation, and you got to remember we've been at this for thousands of years. So the large grass fields were there. We also burned underneath all of our oak trees. Our people planted oak trees in groves, basically by families. So a family could own a whole grove of oak trees, because that belonged to the family and they would harvest those acorns from those groves. They also burned underneath those oak trees every year and the purpose of that was to remove all the duff, the litter, the old leaves and anything that was not wanted. And the main purpose was to kill all the insects that migrated from the ground up into the oak trees that would hurt the harvest. They laid worms inside the acorns and would cut the quality and the quantity of the harvest down immensely, so that's what we did. In the grass fields, we burned the grass fields once every year. One, all the cluster lilies and plants like that that have bulbs and stuff underneath it would not be harmed, and in fact, even the grasses would come back the following year more plentiful and stuff because the ash would create a fertilizer for the grass fields each year, and so that then was firebreaks, for our people. We harvested the grass seeds every year, was one of our staple foods. The acorns was another staple food, which we burned underneath those. So now, when it comes to the mountains, we would burn the mountains periodically based upon the terrain. We would always start at the top of the crest, and we would light fires at the top of the crest and control the fire so that it burned down the ridge, not up the ridge. So as it burned down the ridge it burned very slowly and would not get out of control because fire likes to climb the ridge, but if they're burning down the ridge it's very slow. So that would create other fire breaks, for our people, and we would burn a ridge maybe once every five years or ten years, it depended, depended how important that ridge was to us. And when the lightning hits and creates fires, it's basically a small fire, it only burned the area that hasn't been previously burned before and the forest was basically clean of all the dead wood and the wood that's fallen down, all that other kind of stuff because we burned it previously. The tremendous wildfires of today did not happen in our era of taking care of the forest as well as taking care of all the lands around our territory. So we

> controlled it very well and you really didn't need to worry about it very much. The other thing, wildlife, like black deer which is in our territory, are browsers, they're not grazers, so the grass fields was not tempting to the deer, but the brush was tempting to the deer, that was their main food source, and that's what would come back was the brush that the deer would feed on so they'd have plenty of food to work on. And they'd move up into the mountains every season, and every winter they'd come, when the first snowstorms start to hit, they'd come back down into our territory and we would then pick them up, as a food source.

Burning was one part of the multiple ways Nisenan people cared for their territory with the goal of creating healthy and plentiful trees, shrubs, grasses and animals that also give food and materials central to their way of life. This is in line with the use of fire throughout much of indigenous California (Anderson 2013, Lightfoot and Parrish 2009). This perspective also formed the foundation of Johnson's recommendations for what could be done to prevent catastrophic wildfires in the present. In my interview he stressed the importance of "firebreaks" as a tool for preventing destructive wildfire that should be adopted in Nisenan territory. These could take the form of grasslands, meadows, and open oak woodlands and would make the forest look more like it did when the Nisenan controlled it, more like an open diverse patchwork landscape that could burn frequently through the understory of brush and grass without reaching into the canopy and killing off the trees. However, Johnson also stresses the barriers that exist for this form of restoration:

> I think the forest can be maintained again, I go by fire breaks. They, you know, if they want to protect places they need fire breaks. I don't mean just ten or twenty feet areas, I mean full swaths that go through the forest that create a real fire break, and have that convert back to grasses and stuff like that, and burn the fire breaks periodically! Just set them on fire again. That's what we would do. So we did it. We didn't have the restrictions of all the housing that's going on up in the tree covered areas and stuff like that, so we could just simply burn a whole section down, and they can't do that, I don't know if they can do that today, but the forest people are smart enough, there's enough smart people out there they could figure out where to create these fire breaks, and maintain the firebreaks! That's the problem they don't maintain them! There's no money in it, that's the thing, this greed thing, you know. It was greed that shut the forest down because it's so much damn— trying to harvest so much so they can get rich overnight instead of taking reasonable directions as to how to manage the forest, so that it can be maintained

> as a forest but also protected. I have, we have, a problem with greed, or I do because that leads to all.

Johnson's focus on firebreaks is, at least on the surface, the goal of the restoration work undertaken by the North Yuba Forest Partnership which is, at the time of writing, still in the planning phase for most of the project area. Since most of the work on the ground in the forest is still in the planning phase, and due to the restrictions on research during the COVID-19 pandemic, my analysis here is based largely on the published reasons, goals, and desired outcomes for the project by the various institutions that make up the Partnership.

The North Yuba Forest Partnership works to identify areas in need of thinning, prescribed burns, and other forms of restoration work within its area and implement the necessary treatments in those areas. So far, it has identified three areas where work is either beginning or planned for the near future. These smaller sub-projects within the Partnership's area are summarized on the Partnership's interactive GIS story map:[12]

[12] "North Yuba Forest Partnership" a story map https://nff.maps.arcgis.com/apps/MapJournal/index.html?appid=c312b043287e490c8659708da1fbd89e accessed 3/19/2021

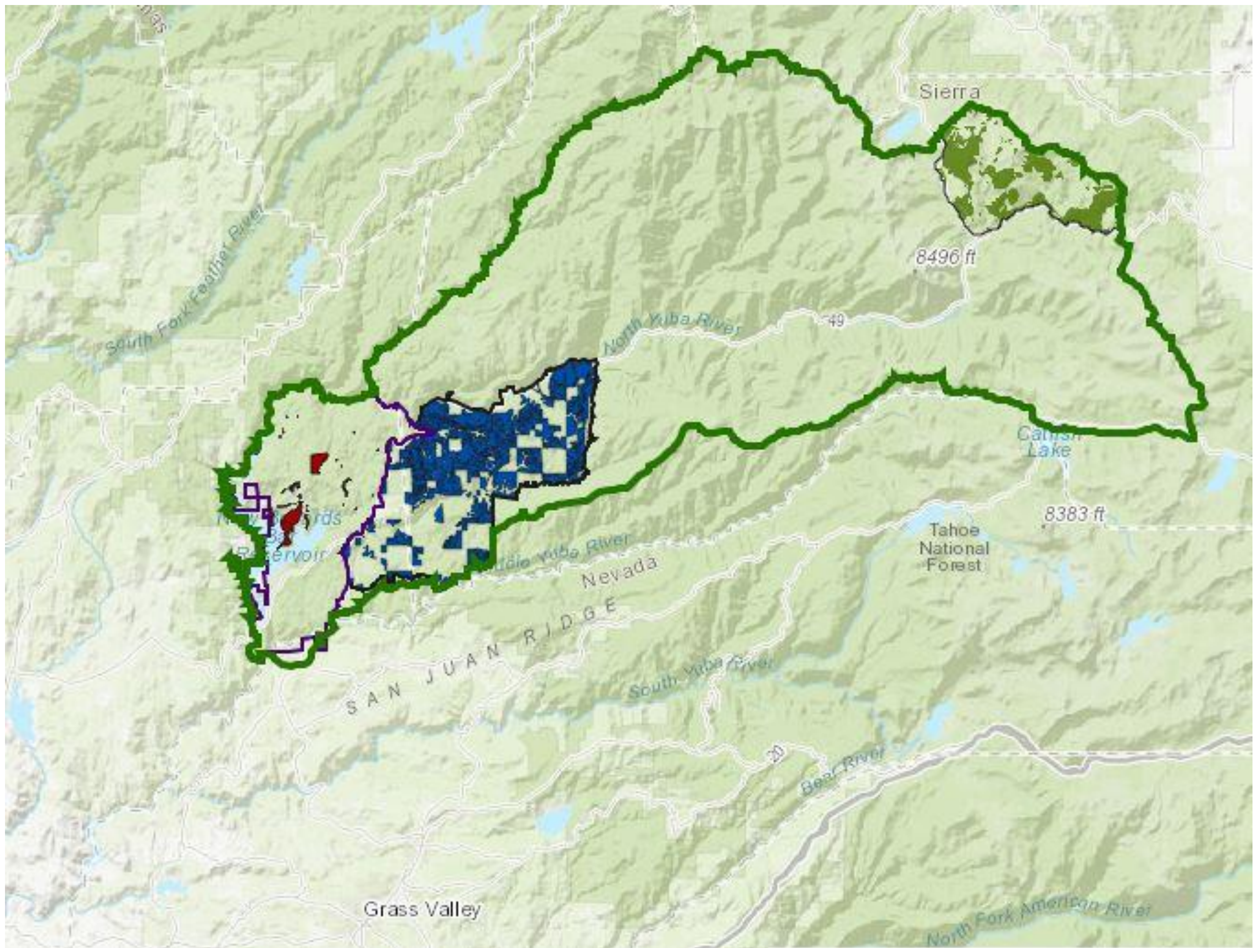

Figure 1: NYFP Project Map

The Yuba Project [green shaded areas]: A 14,545 acre project that will enhance watershed health, improve wildlife habitat, reduce the risk of high-severity wildfire, and increase forest resilience to changing climatic conditions by reducing surface and ladder fuels. Work began in field season 2019 and will be completed in 2023.
The Trapper Project [blue shaded areas]: a 15,473 acre project that will reduce the risk of high-severity wildfire and improve ecosystem health. Work will begin in field season 2021 and is expected to take several years to complete.
The Camp-Pendola Project [red shaded areas]: A 1,200 acre project that will promote post-fire habitat recovery, improve wildlife habitat, and reduce the risk of high severity wildfire. Work will begin in field season 2021 and will be completed in 2025.

Essentially, the plan is for the Partnership to focus on targeted thinning, mastication (using big machines to turn branches and logs into mulch and woodchips), and burning to restore meadows and open up the forest to allow for periodic understory burns within its area. When these

summaries talk about reducing wildfire risk and restoring ecosystem health this is largely what they mean: paying a bunch of crews to go out to designated areas in the forest, cut down brush and small trees and either burn them, chip them, or haul them off to be used for some commercial purpose. They will do this piece by piece as the restoration needs of different areas are identified, planned for, and implemented. This is all on National Forest land, therefore there is not the issue of working around homes and private property. However, this would be an issue in the vast majority of Nisenan territory. But, Richard Johnson rightly points out the deeper overarching issue: caring for the land the way the Nisenan did was based on cultural and subsistence priorities that had nothing to do with making money. There are no windfall profits to be made through the land practices of Nisenan traditional ecological knowledge. However, in the desired outcomes for the project the North Yuba Forest Partnership is claiming to do exactly that: to do a project that is based in Nisenan traditional ecological knowledge and that will also provide a profit for their investors and bring economic growth to the region.

Nisenan burning practices only appear in the North Yuba Forest Partnership's publications where they are concerned with talking about the past, defining the pre-colonization state of the forest, and establishing the baseline for restoration. Furthermore, fire only appears as a "land management" technique, ignoring its multiple layers of meaning for Nisenan people. Besides a brief land acknowledgment, and a bullet point that reads "cultural traditions" under the question "what are nature's benefits?", this is the only reference to native peoples in the interactive GIS map summarizing the project[13]:

> Prior to Euro-American settlement, the Sierra Nevada landscape exhibited a high degree of resilience to major ecological change due to frequent, low-to-moderate

[13] "North Yuba Forest Partnership" a story map https://nff.maps.arcgis.com/apps/MapJournal/index.html?appid=c312b043287e490c8659708da1fbd89e accessed 3/19/2021

> intensity wildfire and Native American management over thousands of years. Since Euro-American settlement, suppression of beneficial fire, logging of the largest, most fire-resilient trees, livestock grazing, mining, and development have altered the historical fire regime and subsequently, the forest itself. The present day landscape of the North Yuba has extensive areas of overly dense forest stands that are more susceptible to high-severity wildfire, insects, disease, and drought.

However, even these truncated Nisenan concerns seem to disappear when it comes time to talk about the future and defining the metrics for successful outcomes from the project. Instead, the focus is on economic and conservation benefits. This infographic from the same interactive map summarizes the projected project outcomes:

Yuba Impact 2019				
SDG Target	**Project Outcome**	**Unit**	**Planned Total**	**2019 Progress**
6	**Clean Water & Sanitation**			
	Water supply protected/made resilient	Acre-feet	50,000	7,400
7	**Affordable & Clean Energy**			
	Renewable Energy Generated by Biomass Utilization	MWh	15,750	-
	Additional Hydropower Generated	MWh	60,900	14,800
8	**Decent Work & Economic Growth**			
	Direct & Indirect Jobs Created	#	91	17
	Total Funds Invested in Ecosystem Restoration	$	$4,000,000	$875,000
11	**Sustainable Cities & Communities**			
	Communities Involved in Resilience Bonds	#	4	4
	Road Work	Miles	5	4
13	**Climate Action**			
	Fuels Reduction to Reduce Wildfire Risk	Acres	1,630	625
	Prescribed Fire to Reduce Wildfire Risk	Acres	2,510	-
	Avoided Wildfire Carbon Emissions	MT CO2e	49,450	7,300
15	**Life on Land**			
	Terrestrial Ecosystems Restored	Acres	4,849	717
	Terrestrial Ecosystems Protected	Acres	14,545	2,151
	Biomass Utilization	Tons	35,000	13,750
	Aspen Regeneration	Acres	225	92
	Meadow Restoration	Acres	395	-
	Invasive Plant Treatments	Acres	89	-
17	**Partnerships for the Goals**			
	Formal Blue Forest FRB Partners	#	18	18

Figure 2: NYFP Project Outcomes

Besides the obvious problem of once again relegating indigenous people to the past and erasing them from the present and future, there is also the issue of whether this historical baseline of a forest managed through Nisenan practices is truly compatible with the economic outcomes of the project. How is this project making it so that there is money to be found in traditional ecological knowledge?

To understand, we need to follow the money. The North Yuba Forest Partnership is a massive project on 275,000 acres of Tahoe National Forest in Sierra County. It is unique both in its focus on "partnership" and in its novel funding mechanism, a mechanism that is key to understanding how the multiple contradictory interests are brought together in the project, and to uncovering the capitalist magic that can transform a forest landscape ostensibly managed using principles founded in indigenous subsistence into a forest factory producing commodities for the market. Whether or not the forest is actually made into an economic generator is not the whole issue, and regardless I can't say for sure what will happen because the project is largely still in the planning stage. The point is that the restored forest must be *represented* as an economic generator to attract investors and make it possible for the project to happen, but these representations and these investors will in turn shape how the project happens in practice, and the question is always to what degree restoring the forest to approximate how it looked "prior to Euro-American settlement" can get lost along the way.

The Partnership is funded by a Forest Resiliency Bond (FRB) from Blue Forest Conservation that, essentially, allows financial institutions to invest in, and profit from, publicly funded forest restoration. The FRB is explained on Blue Forest Conservation's website through a cute animated video, complete with cutout conifers, a few bambi-esque deer, a bald eagle, snow-

capped mountains, and a happy white couple mountain biking through all of it. A bucket of water serves as metaphor for millions of dollars.

Figure 3: Blue Forest Funding Mechanism

This is how it works: First, Blue Forest, who describe themselves as "financial and scientific experts," together with the Forest Service and the World Resources Institute, a global sustainable development fund and think tank, identify a project with insufficient public funding to move forward, but where the Forest Service has completed all the necessary plans and obtained the necessary approvals and permits. They are looking for a project where there is an immediate need for restoration due to an overgrown forest with a high risk of wildfire that could damage "the forest, water supply and surrounding communities," but where there is just no money in the public budget to get it done. Why the money isn't there is not a concern for Blue Forest or the World Resources Institute, since an unfunded project like this is exactly what their business model needs in order to function. From the start, the project exists through the time-tested neoliberal strategy of austerity, followed by privatization, followed by financialization. Blue

Forest isn't directly responsible for the lack of public funding, but they have found a way to profit from it, which is exactly the point of slashing public funding in the first place (Harvey 2007).

Once they have identified the project, Blue Forest makes a Forest Resiliency Bond, represented by the medium sized bucket of money, and finds private investors, represented by the big bucket of money, to fill it up to the first dotted line effectively funding the project. In this case the private investors are CSAA Insurance Group, Calvert Impact Capital, the Rockefeller Foundation, and the Gordon and Betty Moore Foundation. They get a nice "socially responsible" "green" investment to add to their portfolios and use in their PR, and the Forest Service gets their project funded. Next, they find local beneficiaries who have figured out some way they can make money off of the Forest Restoration Partnership, or who stand to lose from damages to "the forest, water supply and surrounding communities." The examples in the video are the Forest Service, who gets to do their project; a water utility, who presumably gets more water from increased runoff to their dams they can then sell to customers or more likely if they are in the Sierra Nevada to big agriculture in the Central Valley; the local government, who stands to lose if property taxes decrease from devalued burned properties and who probably don't want the town to burn down; and a beverage company, who also presumably gets more water in their privatized spring they can then stick in plastic bottles and sell for a profit. Once they have all this lined up, they go find a local non-profit who oversees the actual project, in this case the South Yuba River Citizens League in collaboration with CHIRP. As the project gets done the local beneficiaries, represented by the little buckets of money, fill up the FRB bucket, but this time a little bit fuller to the second dotted line. Then the whole FRB bucket, cost of the project plus some interest, gets sucked out and showered into the big bucket of money reimbursing the

financial institutions plus a return on their investment. In the end, the local beneficiaries end up paying more than the project actually costs to do because they are essentially paying back a loan from the financial institutions who put up the money to fund the project initially, and loans always must be repaid with interest. Why the local beneficiaries couldn't have simply put the money together themselves and saved themselves the interest is due to the magic of neoliberal capitalism. By taking advantage of immanent need, in this case generated by a lack of state funding, the financiers are able to hand out loans and siphon off something for themselves.

Our case follows the example closely. First, there is the Tahoe National Forest, and the water agency is the Yuba Water Agency who own the New Bullards Bar Reservoir downstream from the project as well as associated diversion tunnels and hydroelectric facilities. Besides their interest in increased runoff to their reservoir, the Agency is also a "supporting partner" of the planned 3 megawatt biomass plant in Camptonville, Yuba County. According to their website:

> Building a biomass plant in Yuba County ties in perfectly with Yuba Water Agency's partnership in the Blue Forest Resilience Bond project. This is the tool that can make other forest management practices in the watershed work. The biomass plant would process forest biowaste and use it to generate clean electricity, creating a regional market for forest waste material or otherwise hazardous fuels.

This would, in itself, seem to defeat one of the primary purposes of cultural burning described by Nevada City Rancheria burning practitioner Saxon Thomas: putting nutrients back in the soil to support new plant growth and long-term ecosystem health. If the trees and brush is being trucked off and burnt in a biomass plant to generate "green" electricity, that nutrient rich ash and burnt plant material is not returning to the soil. This issue is not addressed by the Yuba Water Agency.

The local governments are represented in the Partnership by the Sierra Nevada Conservancy whose board is made up of state appointees and county board of supervisors including Paul Roen from Sierra County. Finally, there is no beverage company, but instead the

project is receiving money from the California Climate Investments Program that sells carbon credits to corporations in California and uses the money to improve "carbon sequestration." The final two partners are the National Forest Foundation, and the US Endowment for Forestry and Communities who exist to fund projects like this.

Carbon sequestration in this context refers to the process of taking carbon out of the atmosphere. The simplest example of this process would be reforestation: taking an area with little plant life and increasing the amount of carbon held in that landscape by increasing the amount of carbon stored within organisms, i.e. by planting trees. The overall goal is to remove the carbon that has been emitted into the atmosphere by burning fossil fuels, carbon that has been stored underground for several geologic eras, and once again sequester it. Of course, the earth's carbon cycle is immensely complex and once this system is commodified in a carbon market the complex reality may be warped and distilled by a much simpler motivation: greed. The Partnership would have us believe that making an existing forest less likely to burn down is somehow going to increase the amount of carbon sequestered in that forest and offset continuing emissions, even if the mechanism by which this forest is made to not burn down is by removing trees (sequestered carbon) and burning them in a biomass plant with the end goal of creating a forest that can be burnt at a lower intensity every few years. Does a thinned forest that burns periodically at low intensity emit less carbon than an overgrown one that burns down all at once after fifty years? Probably. But, this now magically fireproof forest would seem to reduce the amount of carbon *currently sequestered* by reducing the amount of trees and vegetation and burning a large amount of them to generate electricity. Recall that the whole point of carbon credits is to allow companies to continue their emissions in the short term while the economy figures out some way to sustain the fundamentally unsustainable way of life enjoyed by a

fraction of the global population. In this case, the Partnership is offsetting continuing emissions in the short term with more emissions in the short term, all justified with the hope that the forest won't burn down in the mid to distant future—a future made all the more climatically unstable by continuing emissions in the short term. I am sure there is a whole body of literature explaining why making a forest able to burn moderately every few years rather than all at once justifies corporations being allowed to continue to destroy the possibility of future human life, and a large portion of non-human life, on earth by emitting carbon into the atmosphere. Engaging with this literature is unfortunately beyond the scope of this paper, but on the surface the logic for this type of forest restoration being a carbon offset seems less than perfect.

In sum, the North Yuba Forest Partnership's forest restoration project is making money in the following ways: as a financial investment, by increasing water runoff that can then be held in a dam and sold, by providing biomass for electricity that can then be sold, and indirectly by providing "carbon sequestration" for the California cap and trade system so that companies can continue to emit greenhouse gasses while abiding by California regulations. At the end of the day, this is where there is "money in it" and explains why the project is happening in the first place. Land management that claims to employ "traditional ecological knowledge" acts like a filter. A fully integrated understanding of caring for the land goes in, and on the other side what comes out are financial profits, commodified water locked behind dams, biomass burned for electricity in an industrial plant instead of on the land to fertilize the plants and feed the animals, and a slick justification for continuing greenhouse emissions. Even in the more robust forms of co-management by agencies and first nations in Canada, like the management of the Dall Sheep in Southwest Yukon discussed by Nadasdy (2005, 2003), only those aspects of traditional ecological knowledge compatible with capitalist economic development make it into policy. It is

striking how a Nisenan perspective only appears in the parts of the project dealing with understanding the past, with establishing a baseline of how the forest used to look. They immediately disappear when it comes time to talk about the future benefits to be gained from the project.

Although Richard Johnson mentioned that there is some hope that the project will result in legal access to gathering areas for the Tribe, this is not one of the publicized benefits of the project, and Shelly Covert is still working to hammer out if and how this will actually happen. Alongside ecosystem restoration, the publicized benefits of the project focus on increased economic opportunities in the county. Of course, the project has not happened yet, and I cannot say for sure what its actual outcomes will be. So far, the only certainty is that it is being used as an investment instrument for financial institutions, and it is possible that the discourse of local economic benefits, especially "local jobs" the holy grail of rural politics, is at least partially a strategic necessity to gain support from local county board of supervisors. However, the interests of the Yuba Water Agency are very apparent: they want more water in their dams and more electricity generated, which is in itself a continuation of colonial violence and land dispossession through reservoir inundation in the Sierra Foothills.[14] This on its own is in direct conflict with the perspective on land and forest I heard in my conversations with the Nevada City Rancheria, and they are certainly aware of this fact.[15] As is so often the case, these large multi-organization projects are full of contradiction and compromise. This is the luxury of writing: my role is to point out these contradictions, not to work around and through them like CHIRP must.

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[14] For an in-depth discussion of dam colonialism on the Feather River, one watershed to the north of the Yuba, see Middleton Manning (2007).

[15] I'm sure these contradictions are also not lost on the implementation partner, the South Yuba River Citizens League, who have been a vocal opponent of dams locally for many years.

The question is, why is CHIRP participating in the Partnership? To understand this, you have to understand their position as a terminated tribe. In the absence of federal recognition, CHIRP exists to provide for their people however they can. As Shelly Covert put it in her virtual tour of Nisenan territory hosted by the Nevada County Library (February 23, 2021):

> [Termination,] That's something we're trying to rectify. The nonprofit that I'm the executive director for, CHIRP, which is the California Heritage Indigenous Research Project, we exist, CHIRP was created by our good friend and local very famous Native American artist Judith Lowry as a vehicle to support the Tribe because we have no safety nets. We have no access to federal Indian programs like health, housing, education, economic development, any of the clean energy things that tribes have been doing today, we don't have access to that because we are a terminated Tribe. So in that world CHIRP serves as the vehicle to accept donations, and to write grants, and to create and implement projects, and programs, and amazing events, you know, Nisenan Heritage Day, our visibility through art program, we have our farm to— our harvest dinner, which is obviously because of COVID has been a little nuh-huh, we have all these things that we're trying to implement because CHIRP really is— we're trying to create some sustainability there so it can be like the safety net that would exist if we were federally recognized. Of course, that doesn't bring sovereignty, it doesn't bring the rights to self-determination and to govern ourselves and to do the things that we, somehow, can do as a Tribe because we're still this group of people that have been together forever, but it does exist really to help support in this work to regain our federal recognition.

CHIRP has an incredible number of projects beyond even those Shelly Covert listed off the top of her head, and the North Yuba Forest Partnership is just one of those projects. This is one other way in which CHIRP is doing their best to provide a small sliver of the benefits of federal recognition however they can, in this case through doing something that at least tries to come close to the protections provided by the Native American Graves Protection and Repatriation Act (NAGPRA) and consultation with federal agencies. If the Nevada City Rancheria had not been terminated, they would have some legal rights that would allow them to work to reclaim the artifacts and material remains of their ancestors, and to provide some small measure of protection and control over new archeological sites. It is quite possible that a project on the scale

of the North Yuba Forest Partnership will turn up some archeological findings, in other words, some material objects and places belonging to Nisenan ancestors or even the ashes of these ancestors themselves. With CHIRP participating in the project they will be present for any potential "discoveries" and can advocate on behalf of these ancestors and their descendants, even if there is no law obligating anyone to listen to them. Besides this very important role, as I have already pointed out, CHIRP is also participating in the project in an attempt to secure some form of access to their ancestral lands where members of the Tribe could actually benefit in some way from the restoration work being done in the name of their traditional ecological knowledge. However, as long as the Tribe does not regain federal recognition, any power they have in the Forest Partnership is reliant entirely on the good graces of those involved without even the dull teeth of U.S. Indian Law to back it up. Understanding how the Rancheria was terminated is instrumental to understanding the world they must navigate in the present.

However, issues of termination and strategies of economic survival aside, Shelly gives some insight into why CHIRP does what they do and works so incredibly hard to engage with the broader community, in the conclusion of her virtual tour of Nisenan territory:

> I really do feel that we're at the time where some of our big agencies are trying to address climate change and I think we have a point of view that, if you don't know how it used to be there may be just pieces of that reality that—I know everything's private land and I know we work on a money system and you can't just go trade things and support your family in that way, I mean some people do, but for the arc of America not, but there's still some really incredible mindsets and ideas that I think we could interject into some of these conversations that are really important and my important thing right now with all our social and racial justice and equity, you know, and being present and being accountable and right as people, is to throw in about the land and the other animals. You know, if we're talking about equity and equality these are worthy of being included in that conversation. It's not just about men, women, race, sexual orientation, all of the wonderful conversations we're having today. I think we need to remember to throw in the rights of the planet itself and the rights of all the sentient beings that live on this earth. Humans have elevated ourselves to "the most important" (finger quotes)

> and it's that to me is what is going to be the break of it all. We're not the smart ones. In all of our old stories the animals are always the smart ones and we're always the dumb ones that are ill equipped to live in nature because we don't have fur, and we don't have claws, and we don't have big teeth. We have fire, that's really the only thing that we have, and so if I can leave you all with that, thank you. (Nevada County Library Facebook. February 23, 2021)

The hope of sharing this mindset and speaking on behalf of the land, plants, and animals is, I think, the deep reason that CHIRP takes every opportunity they can to participate in projects that will affect the land and all the sentient beings on it, projects like the North Yuba Forest Partnership. They are fully aware of the contradictions involved in working in collaboration with a group like the Yuba Water Agency: CHIRP's Instagram includes many posts advocating against new proposed dams like the Centennial Dam on the Bear River and Shelly's virtual tour listed all the atrocities that are inextricably bound up with dams in their territory. She noted that almost every reservoir, especially New Bullards Bar Reservoir the centerpiece of the Yuba Water Agency's portfolio, inundated a Nisenan village site, cremation and burial ground, culturally important place, or all three. Despite this, they still work to make the agencies responsible for these atrocities listen to their point of view, their mindset.

The forest is "kind of like your kitchen floor": Sharing Nisenan mindsets through burning

The Nevada City Rancheria's own burning project provides a somewhat different model for land management partnerships based on Nisenan traditional ecological knowledge than that manifested in the North Yuba Forest Partnership. Saxon Thomas has been spearheading this project that works with local homeowners to do burns on private land. The goal, at least for the time being, is not for the Tribe to do most of the work themselves, but rather to teach local homeowners how to burn and restore native plants. Saxon Thomas described how this came about in my interview with him and his mom Sarah Thomas:

> Dylan: What are some strategies that you've used or—also used here as well in like still being able to put these conversations out in the public eye and have your perspective actually be listened to? Yeah like examples of that if they do exist—kind of like how that's worked?
> Saxon: yeah, I would say that our biggest advocate has actually been the mega-fires because now they're actually branching out to other resources of how can we control these? how did these used to be controlled? Which is kind of like, Shelly especially has been asked these questions, like what did you used to do? Do you want to come down here and talk with us? I was part of a firewise community and stuff and did a talk for them about how we used to manage things, and it actually ended up becoming a group and they actually do property management on theirs of, it's a mix like I said of western— we go out with chainsaws and brushing and then after that we do prescribed fires when it's— actually late fall or early spring with them, it's actually this community that's just taken off and it's doing a couple properties every year and it's amazing, just the differences that we've seen with, you know, it's been really cool. At the same time, it's kind of a scary exercise when you tell them, "okay, we're going to set fire here and stuff" there's always, usually, every time so far there's always been a police department that's been there and stuff who've helped us, which is really cool. Yeah it's just, it's just getting people to overcome their fear of fire when it's like, fire is a tool, if you use it right its benefits outweigh anything. You know mankind and fire, it's hand in hand (laughs).
> Sarah: Yeah, I think so many people just hear the word fire and they're just automatically just scared and freaked out, which I can understand, we had a fire a few years ago down in Bangor where I live and we lost one house down there, and it is scary, but I think it's something that we do need to use, like you said, a tool. And I think, you know, that's going to be the hard part is getting people to not be so afraid of it and to realize that just because you live up in the woods doesn't mean you want to keep everything a hundred percent, you know, the way it is and just let it go hog wild, it's just crazy.

Firewise communities focus on defensible space education and homeowner fire safety, they are a national program of the non-profit National Fire Protection Association. The culturally mediated ideas of defensible space and the fear of fire are directly tied to two central pillars of colonial violence in Nisenan territory: the imposition of private property through the dispossession of Nisenan people, and the prohibition of burning the land and cremation due to western fears of fire. However, in the current moment these ideas have created an opening that has allowed the Nevada City Rancheria to return fire to the land, and perhaps even more importantly, share a

different mindset that can begin to change deeply ingrained cultural understandings of fire as destructive, untamed, and terrifying while also educating people about the value of native plants. This is possible in the social reality brought on by mega-fires, in particular by the decision of insurance companies to begin cancelling fire insurance policies, often with the excuse that the homeowner has not adequately produced an acceptable "defensible space" around their home. This leads to a lot of incredibly labor intensive and expensive work. For example, when my parent's home outside of Nevada City was threatened with fire insurance cancellation, one of the reasons given was that there were some small patches of moss on our shingle roof, too many sticks on the ground in our yard, and too many "junk cars" referring to my dad's parked fishing boat and work truck. I spent many hours up a twenty-foot ladder helping my 75 year old father scrape moss off the roof and chipping sticks to spread woodchips. The insurance company ended up cancelling the policy anyway. This is one way that Nisenan burning education fulfills a direct need for homeowners in the county. As Saxon Thomas explained:

> It all is private property. Most of them are about 2 -10 acre lots and we only do sections at a time usually, but you know, they'll make a weekend of it, and I'll go in ahead of time, check out different plants and everything and tell them what to watch out for. Yeah they do a great job. Yeah they do do it for defensive space plus their whole reason behind it, to do it, was for defensive space. What can they do differently, since having people come out with chainsaws every year just wasn't doing it for them and, of course, their fire insurance was dropping people left and right up here, charging three times as much. So, they were trying to figure what they could do, and they wanted to become a firewise community, and they reached out. I talked to them and went over and told them what we used to do and yeah, just made a plan and they attacked it. (laughs)
> Dylan: Cool, wow. Yeah that's really great, that's cool.
> Saxon: Some of the homeowners weren't big fans of it and there's still a couple people that don't want to participate in it, but the majority I think once they see how everyone else's property is looking around them they'll probably come around (laughs).

So far, Saxon Thomas has only worked with one firewise community, but he would love to expand the work into a bigger partnership, as he explained in the interview:

> Dylan: Oh that's cool. So is that kind of the model you're working with, so that, right, a property owner or someone could reach out to you and be like "hey, you know, I want to create defensible space through burning" and then you go out and look at the plants and then— yeah anyway, maybe just walk me through what's the thinking in that process and how that would work?
> Saxon: Yeah that would definitely— it would be a partnership with us, and there's a bunch of different tree crews and everything around that we would definitely— would have to partnership with just because there's so much fuel on the ground that it's— it would be reckless to just go up there and just torch it and have a few even fire engines around and be like "oh hey guys, you know, blah blah blah" it would be a little too crazy. In the perfect world, we would have a program set up with partnerships where a homeowner could come out or call us and we'd go out and check to see what they have, and then also have people that are a little more— better educated with the prescribed fires as far as propane, what's underground, you know, how close can you get to things and, you know, figuring it out that way so we don't blow up somebody's house, which would be not probably the best thing in the world to do (laughs). (inaudible) You know, it would be amazing if we could get more of these homeowners' associations on board then it could just be like what it used to be. Like my mom said, we never burnt one area every year it was just one year you were here, the next year you were in another part, the next year you were in the next part, where we could be doing a full rotation around the county with all these parcels, would be just amazing. But yeah, it would definitely— we're almost there (inaudible) not on our own but we're definitely ready for a partnership where we could help with the native side of everything and, you know, protect the plants and cultural sites, to where if we could just partnership with like maybe the Nevada County Burn Association we could maybe work together, which would be amazing!

Saxon Thomas is imagining a way in which Nisenan people could once again participate in taking care of their homelands on a landscape level. He has found a very creative way forward despite the existing obstacles, namely everything being private land and having to be framed in terms of economic benefits. Besides the direct ecological benefits of burning for the plants, Sarah and Saxon Thomas both emphasized the importance of changing the broader community's

perceptions of fire and of the land, from fear and wilderness to familiarity and a feeling of taking care of one's home. Sarah Thomas summarized this mindset in our interview:

> Sarah: Oh I was just going to say I really— like when the we look at the fire, and also just a cleaning thing because, you know, a long time ago like I said we would burn and clean and so the bugs wouldn't get into our food. It's kind of like your kitchen floor, you wouldn't leave it dirty. You would clean it to keep the rodents and the bugs and stuff out. I think it's the same thing for the forest.
> Dylan: yeah, absolutely. Yeah and so did you, when you were growing up Sarah, when you were growing up or even now still go out and gather materials or plant materials or anything? And if you did do you notice right like any— the impacts of the way the landscape looks?
> Sarah: I can say like when I was younger, I think it was a lot easier to spot some of our old pound sites and things because of the native plants and stuff that we would have growing there, and I know, now that I'm older and I go out and I'm gathering and stuff it's harder because it's so overgrown, you know before you could see the row of oak trees and different kinds of plants and you'd be like "ah" and it was a great place to go and gather and it's getting harder.
> Dylan: Yeah some places it's hard to even walk out in the—
> Sarah: Exactly. Yes it is.

Returning fire to the land is an expression of care, of feeling at home in a place, that has multiple layers of importance for members of the Nevada City Rancheria: it cares for the plants and animals, it opens up the forest so that elders can walk and gather, and it maintains and makes visible important cultural sites. A key part of this is the type of fire, there is a big difference between the current mega-fires that burn everything, and sometimes even bake the soil like pottery in a kiln, and the low intensity Nisenan burns that help the plants and animals. Sarah Thomas expressed feelings of sadness around the way the land is burning now and its effects on the animals:

> Driving through [a burn scar], it's just so ugly and so sad and everything's just so black and dead, and it's very sad. And then all the animals that maybe live in the higher elevations and now they're coming down to lower elevations because they've been burned out, all the animals that get trapped in the fires and everything it's just— it's very sad. I know the night that we had our fire down there a couple years ago there was an owl that came and it landed on the telephone pole next to our house and it was almost— it was dusk and it started to

> hoot and I thought, well that's really weird, I haven't seen an owl this close and I went back in the house and came out about an hour later, and I sat on the porch and he was right above our porch on a limb on the oak tree, and he started to hoot again and I was like, this is just so weird, and I wasn't listening to him and I should have been, and we went to bed and two hours later we were woke up by my son who said, you know, the fire's at the back entrance we got to go and I was just like— and I knew that owl was probably trying to tell us, and we just didn't listen. It was very sad.

This pervasive feeling of sadness is a common emotion after fire season in the foothills, but it is usually a sadness, at least in media coverage of recent wildfires, that focuses on burnt houses and businesses. For Sarah, there is also a feeling of sadness for the animals that have lost their homes as well. Saxon's idea for a partnership that would burn on private land represents a way that burning can both satisfy private landowners need for a land management technique that can create defensible space, while also centering Nisenan priorities and creating ways for the Tribe to relate to their territory in ways that care for the plants and animals.

Furthermore, it is one more important way that the Tribe has found to educate the community, and one that often seems to take a more direct approach to changing mindsets than large agency collaborations like the North Yuba Forest Partnership. Homeowners Associations are not usually associated with open-mindedness. But, in this instance they are willing to listen, perhaps because they share the same fundamental priority expressed in Nisenan burning of the land: they are concerned with finding a way to continue to live in the forest, a concern that is being forced upon them by the combined consequences of colonial forest management and climate change caused by economic growth and industrialism. The way we have been living is simply no longer tenable, and this burning project is one way to open the conversation about the future, a future than where Nisenan perspectives and understandings of their homeland play an important role. Even though there are doubtless multiple contradictions between different visions of what exactly living well in the forest means, at least Saxon and the homeowners agree that

something needs to be done to bring back lower intensity understory burns that prevent the whole forest burning up and take care of native plants and animals. This shared agreement opens up the space for new relationships and a broader conversation around fire, not with big agencies and institutions, but with the people who actually live in the forest and deal with the consequences every day. This is an incredibly important conversation. Saxon points out that it is often residents, and their cultural perceptions that lead them to fear fire and smoke, that represent the first obstacle to going out and burning in practice:

> Saxon: ...[T]he best thing is us getting back out there and making it work and I think it's going to be a combination of native cultural practice with a little bit of western practices, just until we can get it back under control.
> Dylan: Right totally and I'm curious to— like what you see as some of the barriers to doing that and some of the stumbling blocks that you've had in those conversations?
> Saxon: Yeah residents are usually the biggest one, people that have moved up here in the last ten, twenty years are the biggest road blocks we hit because, one, they don't want smoke and it's going to create smoke which is hard to get around when like well yeah. But, in the long run it's actually going to be better for this area and for you guys, so I would say that's actually the biggest one. And then, well, the second biggest one is just having a voice at the table because it's not like forestry comes knocking on our door being like "hey what do you guys think? You want to have a little meeting with us about this?" so, that's the other really hard thing is, being a terminated tribe, we don't really get a seat at the table every time.

Fire is part of the larger struggle of the Tribe to have a say in what happens in their ancestral homelands. It is one important angle because it is so central and connected to so many other aspects of their way of life, and because it is an unavoidable part of life for anyone who lives in the Sierra Foothills. A conversation on fire cannot avoid talking about the history of the Tribe, termination, burial grounds, and repatriation, it is one way among many others that CHIRP is working to do everything they can for their people and their homelands. Saxon Thomas's burning project is the small beginning of a conversation about a different future for the Sierra Foothills,

one that could perhaps begin to reckon with the continuing legacy of destruction that began with the Gold Rush, and with continuing forms of erasure in the present.

"We Are Not Penutian or Maidu Indians": Anthropological Misrepresentation as Erasure of Nisenan Sovereignty

Nisenan sovereignty, the right of Nisenan people to represent and govern themselves according to their own traditions and worldview, has faced multiple forms of attack, and the discipline of anthropology has played its part. It is important to place both the work of the Rancheria, and this paper writing about it, in the context of Nisenan people's erasure from their homeland and to underscore the role the discipline of anthropology has played in this erasure. In particular, the work of Alfred L. Kroeber, the first recipient of an anthropology PhD from a U.S. university and the founder of the first anthropology department in California, has been instrumental to the erasure of Nisenan sovereignty. Kroeber identified the Nisenan people as a subset of the Maidu, who were in turn identified as a subset of Penutian Indians. This error may seem purely academic, but it has had long lasting consequences in Nisenan territory. I attended public school between 2000 and 2012 in Nevada City where I learned that I was in the traditional homeland of the Maidu Indians. Shelly Covert was told that she should identify as a Maidu person until her grandfather told her that "we're not Maidu, we're Nisenan" in her late teens (Nevada County Library Facebook. February 16, 2021). This misidentification has had a very real material impact on the Tribe, and as Shelly Covert put it, speaks to the dangers of others representing and speaking for the Tribe:

> There's always somebody studying the tribe, or interpreting the Tribe for them, or labelling the Tribe. We've been called Maidu for so long I identified as a Maidu person up until my late teens. When my Granpa said "we're not Maidu, we're Nisenan," and I was like "what is that?" I'd never even heard the word before, and

> I guess it was because the culture was so erased that there's this space left there for people to do those interpretations for the Tribe, and to speak for the Tribe, and I'm just so glad that we're to a point now that we're at least visible enough in our local community that we can speak for ourselves. (Nevada County Library Facebook. February 16, 2021)

Often, these "others" have been anthropologists. This is being reversed slowly due to the tireless work of the Tribe, but there are still many "woke" locals who grew up learning they were on Maidu land and continue to hold the same belief. While this harm is more diffuse, it is nonetheless an important facet of the continuing genocide perpetrated against the Nisenan that aims to erase them from the history and present of their homeland. As a present-day anthropologist, I have an obligation to set the record straight as much as I can.

Although the issue of anthropological misrepresentation of the Tribe may not at first appear relevant to a discussion of cultural burning, insofar as burning is inextricably linked to Nisenan sovereignty and cultural revitalization, it is central. As Vine Deloria Jr. puts it in *Custer Died for Your Sins* (1988):

> ...[B]ehind each policy and program with which Indians are plagued, if traced completely back to its origin, stands the anthropologist. The fundamental thesis of the anthropologist is that people are objects for observation, people are then considered objects for experimentation, for manipulation, and for eventual extinction. The anthropologist thus furnishes the justification for treating Indian people like so many chessmen available for anyone to play with.

How have Kroeber's misrepresentations "plagued" the Nevada City Nisenan? The forms of harm are myriad, enduring, yet diffuse. It is of course unfair to lay the blame for all the violence perpetrated against the Nisenan at Kroeber's feet, but his work played a subtle yet important part nonetheless. In particular, the reasoning behind his naming decisions are tied up with the same settler colonial mindsets that plague the Nevada City Rancheria in the present. First, the continued silencing of the lasting effects of the Gold Rush. Second, the objectifying analysis of indigenous life as a collection of so many separable and classifiable techniques and practices that

are often seen as arising as relatively deterministic responses to the environment. Reverberations of this objectification and environmental determinism can be heard in the assumption that burning is separable "land management technique" primarily concerned with producing accoutrements of material culture, rather than a multi-layered and interconnected social and spiritual practice that is inseparable from complex Nisenan worldviews.

First, before we dive into Kroeber, we need to have an understanding of how Nisenan people name themselves as a people, and in particular how the political community of the Nevada City Rancheria names and defines themselves. Afterall, they only speak for themselves and not for all Nisenan people. In 2018 Tribal Chairman Richard B. Johnson published *History of Us: Nisenan Tribe of the Nevada City Rancheria*. His work gives a broad history of the Nisenan people who have lived in the Sierra Foothills between the Bear and Yuba River watersheds since at least the time of mammoths and saber tooth cats and goes on to focus on the particular history of the Nevada City Rancheria. The work draws on various anthropological and historical sources, but primarily relies on the memories and oral tradition of living Nisenan elders who were able to remain on their ancestral land and continue their traditions despite the near total destruction of their people during the genocidal era of the California Gold Rush. This work provides a very important correction to the still persistent misidentification of Nisenan people in the anthropological literature and it is required reading for anyone interested in getting the true history of the Nevada City Rancheria Nisenan. However, it is important to also engage with the historical anthropological literature to understand where this misidentification came from, what motivated it, and why it was allowed to persist despite the fact that any Nisenan person could have, and probably did, tell the anthropologists who they were. All this in the hope that writing does not repeat the violence of the past or add to the violence of the present.

Richard Johnson's work lays out the nearly two century long history of the struggles of his Nisenan Tribe to survive and be recognized by the United States. *History of Us* opens with a chapter titled "We Are Not Penutian or Maidu Indians." In it, Johnson makes clear that "Penutian and Maidu are the linguistic names of several different Indian tribes, grouping them for similarities in root language. Neither is the name of any tribe of Indians." (1) He goes on to make clear that:

> The four tribes that have been labelled Maidu are:
> **Yamonee** or **Mountain Maidu**—lived along the upper North and Middle Forks of the Feather River. Counties included the lower portion of Lassen and most of Plumas County. The crest of the Sierra Mountains was generally the eastern line.
> **Konkow**—lived below the high Sierra, along the South, Middle, North and West branches of the Feather River, on the Upper Butte.
> **Mechoopda**—lived in the Chico Creek area.
> **Nisenan**—occupied the whole of the American River, Bear River and the three Yuba Rivers and their drainages. Counties included the major portions of El Dorado, Placer, Nevada, Sierra, Yuba, Sutter, parts of Butte and eastern portion (sic) of Yolo and Sacramento. The crest of the Sierra Mountains was the eastern line.
> ... It must be made very clear that these four Indian tribes have always existed by themselves. *They are not a single tribe that is split into "Maidu subgroups."* (emphasis in original) (3)

These designations are the self-descriptions of each people and, as Johnson describes, are based on shared mutually intelligible language. However, even these designations do not necessarily reflect a unified tribal political organization, or any cultural uniformity for that matter. Johnson is clear that even within Nisenan territory there were at least 13 distinct dialects, that the Nisenan people of the foothills sometimes warred with the Nisenan in the valley, and that even the foothill Nisenan were divided into at least 10 tribelets[16] each under the authority of a

[16] "Tribelet" is a term often used in early anthropological literature. In this literature it usually implies some sort of hierarchy, that these communities somehow weren't "really" a tribe. This is not the way Johnson uses the term, he uses it simply to mean a tribe with a unique history, identity, culture, and territory that just happens to have a small population. A landscape of small heterogenous tribes with a high degree of autonomy is common throughout California.

hu'kemmaiduk or "headman," and that warfare could occur between two tribelets, two villages, or even two families. Furthermore, Johnson also makes clear that the authority of the headman was far from autocratic. He states that "tribelet chiefs did not exercise day-to-day authority, but they possessed a great deal of influence, the amount of which depended on the degree of public support the villagers gave them." (14) All this reflects a heterogenous Nisenan geography with a great deal of autonomous sovereignty at all levels.

Although the Nisenan designation reflects a shared set of mutually intelligible dialects, this did not imply unified political organization or identity throughout Nisenan lands, or even among the Nisenan people of the Foothills. In fact, it is unknown if there was any leader with authority over all the villages of the foothill Nisenan and Johnson suggests that such a figure only emerged due to the genocidal chaos of the Gold Rush. From 1849 to 1867 the population of the Northern Foothill Nisenan plummeted from at least 7,000 people in hundreds of villages, to less than 500 living in just a handful of villages. In the initial years of the Gold Rush chief Weymeh, a Foothill Nisenan *hu'kemmaiduk* emerged as a leader recognized by the U.S. federal government as representing all the Foothill Nisenan communities. He was chosen by the people in large part because of his command of the English language. He lived in the community of Weimar that today bears his name but spent much of his time travelling around the various villages of the foothills to attend to their concerns. However, he was likely the first and certainly the last headman whose authority extended to all the Foothill Nisenan villages.

After Weymeh, Johnson's account focuses on the history of the people centered around present-day Nevada City that have been able to maintain themselves as a distinct political unit with five successive leaders since 1849 including Johnson himself. These leaders have guided and advocated for the people of the Nevada City Nisenan through more than 150 years of

violence and betrayal at the hands of the settler population and governments of Nevada County, California, and the United States. In her virtual tour of the Nisenan Heritage Interpretive trail, Shelly Covert characterizes the village on Cement Hill[17] that would eventually become the Nevada City Rancheria as their "last stronghold":

> The Nevada City Rancheria, this is up on Cement Hill, it was originally... you know I like to refer to it as the last stronghold for the people. So the Nisenan people as they were being killed, removed, there was a big push to just get all the Indians out of here and send them to a reservation on the coast and there was one down in the central valley. The remaining families all came together up here on Cement Hill, another spot was Anthony House which is now under Lake Wildwood,[18] and the people had gathered here in 1852. There were just under 2,000 Nisenan people living up here on Cement Hill and the Craig family who had come and homesteaded this spot where the Indians were living were luckily Native friendly and instead of making them leave or having bad things happen, he just got them to move over a hill because he wanted to put in a vineyard, and that is the land. He told them that they could stay there forever because it was his land and he showed them a map and everything. And because of that family, the Craig family, that land eventually became what is now known as the Nevada City Rancheria and it had Federal Recognition from 1913 to 1964. And unfortunately, the Nevada City Rancheria was terminated along with 43 other California Rancherias. Of the 44 total Rancherias in California that were terminated 41 have been restored or given back their federal recognition and Nevada City is one of the 3 that remains in a terminated state. (Nevada County Library Facebook. February 16, 2021)

The second half of Johnsons book titled "Our Struggle" goes into the details of this history and the resiliency of his Tribe in the face of the ever-self-reinventing genocide perpetrated against the original peoples of California. Despite the near complete social and ecological destruction of their homeland in the heart of the gold-rich California mother lode, cancellation of their treaty signed with the federal government, forced removal to the Nomlaki

[17] This land now holds private residences, the county library, government offices, and the county jail.

[18] A gated community centered around the eponymous artificial lake.

reservation and then escape back to their homeland, the Tribe was able to gain legal title to the land on Cement Hill under the 1887 Dawes Act. A change in federal Indian policy aimed at undermining tribal sovereignty nationally by transforming tribal treaty lands into individualized homesteads (Estes 2019) actually allowed the Nevada City Nisenan to gain legal title to a 75.5 acre piece of their ancestral homeland under the name of Chief Charlie Cully (*La'Lome*) in 1891. However, this land base was continually harassed and sued by the owners of the North Star Mine, the second most productive gold mine in California at the time, who claimed there was gold on the parcel. The Dawes Act allowed for homesteads to be granted only on "non-mineralized land." (Johnson 2018:195)

After Chief Louis Kelly (*Lallook*) succeeded Charles Culley as Headman, the allotment was declared a reservation in 1913 by an executive order from Woodrow Wilson, but still suffered legal and extra-legal harassment from mining interests. Shelly Covert has expressed how surprised she is by this executive order, why would Woodrow Wilson take notice? She speculates that it was probably due to the strong Suffragette movement in Nevada City at the time with prominent women like Bell Douglas who knew "all those East Coast people" (Nevada County Library Facebook. February 16, 2021). Despite this legal recognition, the Tribe's population continued to decline. By 1934, the tribe had been reduced from their original population of at least 7,000 to only 18 individuals (Johnson 2018). In 1959 the reservation was terminated and sold by the federal government despite a total failure to follow the consultation protocols laid out in the Termination Act granting the Bureau of Indian Affairs this authority. Subsequently, the Tribe was left out of the judgement in the 1979 lawsuit *Tillie Hardwick v. United States* that resulted in many terminated Rancherias being restored in California. Despite being included in the list of plaintiffs, they were left out of the judgement due to a clerical error.

By the time they were able to bring a lawsuit in 2010 under the leadership of the current tribal council, the judge ruled to dismiss them from the *Hardwick* case *nunc pro tunc*, meaning that they were now past the statute of limitations and could not appeal.

Today, the Tribe still lacks federal recognition and a tribal land base. However, they continue to maintain a functioning government and act as a community, as they have for thousands of years, as is clearly evidenced by the work they are doing around cultural burning among their many other projects not discussed in this paper. Richard Johnson lays out an extensive, almost two century long history of his specific Nisenan tribe and their unique struggle for a life on their ancestral lands in and around present-day Nevada City. The book purports to be a history of the "Nisenan of the Nevada City Rancheria" and it is exactly that. Johnson, Covert, and everyone else I talked with, do not claim to speak for all the Nisenan, and certainly not for any imaginary confederation of Maidu or Penutian Indians. Their history is distinct from the Nisenan who are members of the United Auburn Indian Community or the Colfax-Todd's Valley Consolidated Tribe, and certainly distinct from the Modoc Tribe of Oklahoma, another "Penutian" tribe, who were forcibly removed from their homeland on the high volcanic plateaus north of the Sierra Nevada. His self-designation of his people is based in a lineage of political leadership and relationships to land and community. It is a designation that is reflective of the high degree of autonomous sovereignty that has always existed among the speakers of the various dialects of the Nisenan language.

The Construction of the Penutian Empire

None of this rich political history is included in Alfred L. Kroeber's account of the Penutian and Maidu in his magnum opus *Handbook of the Indians of California* published in

1925, nor in his subsequent broader work *Cultural and Natural Areas of Native North America* published in 1939. The *Handbook* is based on a long period of field work by Kroeber and also compiles the work of most other anthropologists and other sources who wrote on Native California. It is intended as a founding document, as a definitive work that will provide the foundational classifications, theoretical frameworks, and terminology for the anthropological study of the original peoples of California. It is a text whose aim is the founding of a discipline, and as such it aims for synthesis and the drawing of broad categories that would provide a shared language for anthropologists working in the state and facilitate future comparative and theoretical work. In part, this desire for disciplinary founding leads to the many misrepresentations and outright fabrications that plague the work.

Nowhere is there any full account of the Nevada City Nisenan or any other political entity in Native California. This is despite him having done his fieldwork during the first quarter of the twentieth century when the Rancheria was recognized as a tribe by the federal government, and despite his own admissions sprinkled throughout his text that the original peoples of California organized themselves with a great degree of heterogeneity and local sovereignty. One particularly striking case of this admission comes at the end of the *Handbook* in a brief subsection titled "political organization" related alongside similar subsections on cultural traits such as "war," "disposal of the dead," and "various social habits." It is worth quoting Kroeber here at length:

> In North Central California the rudiments of a tribal organization are discernable among the Pomo, Yuki, and Maidu, and may be assumed to have prevailed among most other groups. A tribe in this region was a small body, evidently including on the average not much more than 100 souls. *It did not possess distinctive speech*, a number of such tribes being normally included in the range of a single dialect. Each was obviously in substance a "village community," although the term "village" in this connection must be understood as implying a tract of land rather than a settlement as such. In most cases the population of the little tribe was

> divided between several settlements, each presumably consisting of a few households more or less connected by blood or marriage; but there was also a site which was regarded as the principal one inhabited. Subsidiary settlements were frequently abandoned, reoccupied, or newly founded. The principal village was maintained more permanently. The limits of the territory were well defined, comprising in most cases a natural drainage area. A chief was recognized for the tribe. There is some indication that his elevation was normally subject to popular approval, although hereditary privileges are likely to have limited selection to particular lineages. The minor settlements or groups of kinsmen had each their lesser chief or headman. *There was usually no name for the tribe as such*. It was designated either by the name of its principal settlement or by that of its chief. Among foreigners these little groups sometimes bore names which were used much like true tribal names; but on an analysis these generally prove to mean only "people of such and such a place or district." (emphasis added) (830-831)

This description, buried in the ethnographic details, bares a strong resemblance to the reality of Nisenan social organization described by Richard Johnson, but it is strikingly at odds with the entire classificatory project of Kroeber's *Handbook.* The book is organized around broad linguistic classifications, the broadest of these being the "Penutian" language family whose cultural "center of gravity" is located "where the conjoined Sacramento and San Joaquin debouch into the head of San Francisco bay." (Kroeber 1925:348-349) Kroeber's classificatory system is well represented on the map included in the book's inside back cover:

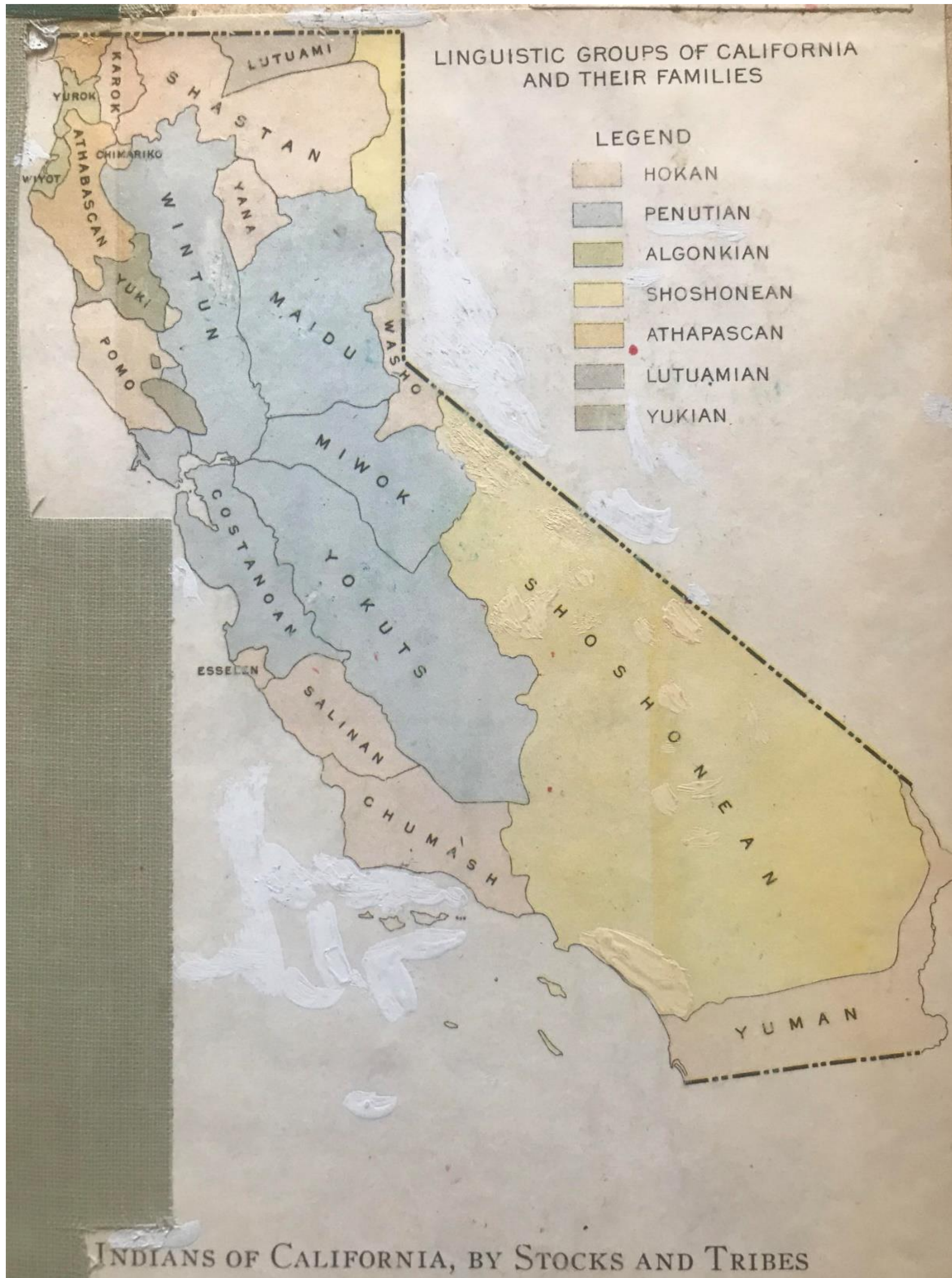

Figure 4: Kroeber's "Indians of California, by Stocks and Tribes"

In the introduction to the several sections devoted to the different subgroups of "Penutian Indians," Kroeber waxes poetic saying, "the Penutian family occupied nearly half of California. It also held the core of the State—not only in a spatial sense but physiographically. This heart

and kernel is what the geographer knows as the Great Valley of California and the resident as the Sacramento and San Joaquin Valleys." After giving a lengthy overview of this region's geographical features he concludes, "there are few regions of the same size that nature has endowed with greater diversity of surface, altitude, humidity, soil, and vegetation than this one. But there are also few that have been so distinctly stamped by her as a compact and indissoluble unit. This unit was the Penutian empire." (Kroeber 1925:349)

How did a diverse geography composed of small politically autonomous tribes become a compact and indissoluble empire in the mind of A.L. Kroeber? And why was it necessary for him to construct this fictitious empire on the basis of shared linguistic features? The answer lies in the disciplinary project of American anthropology outlined by Kroeber's mentor Franz Boas. In his book *Race, Language and Culture,* a self-compiled volume of his essays spanning the early 1890s to the late 1930s, Franz Boas lays out many of the foundational problems that would later be taken up and developed by his students. He is primarily concerned with arguing his way out of the evolutionary paradigms and scientific racism that previously defined anthropological study. He does this by emphasizing the role of the environment in shaping culture. By doing so he implies that non-Anglo racial groups are not poor and deviant because of hereditary degeneracy, but rather that they are hereditarily degenerate because they are poor and thus subject to a bad environment (Boas 1940). Boasian anthropology replaces hereditary race fitness with cultural fitness and tends to understand culture as a reified whole, an essentialism that only became more pronounced the more institutionalized anthropology became as a discipline (Trouillot 2003).

Kroeber's work is one step forward in this process of institutionalization. He is confronted by the problem of how to develop a classificatory system for the tribes of California

without relying on race. However, he does not to do away with the classificatory and hierarchical impulse implicit in the idea of race, but rather develops a similar form of classificatory system that doesn't rely on evolutionary or biological determinism. In developing his classification, he needed to both answer the temporal question previously answered by evolutionism—how did this group of people come to be the way they are?—as well as the geographic question—why is this group of people here? Furthermore, all this fundamentally historical work was undertaken while still operating under the assumption that oral history could not provide a legitimate description of the past and that consequently the original peoples of California lack any historical records, and thus are people without history. In the Preface of the *Handbook,* Kroeber makes clear his belief that a people that lacks written documents, lacks the ability to tell the story of their own past. It then becomes Kroeber's job to reconstruct that past for them:

> The book is a history in that it tries to *reconstruct* and present the scheme within which these people in ancient and more recent times lived their lives. It is concerned with their civilization—at all events the appearance they presented on discovery, and whenever possible an unraveling, from such indications as analysis and comparison now and then afford, of the changes and growth of their culture. *There being no written documents, the element of time enters infinitely less than in works it is customary to designate historical. In the stead of time, the geographical factor looms large.* It is not that this dimension is necessarily more important in savage life than that of chronology; but it is a hundred times more readily operated in, and is on the whole the most available means through which some glimpse of time perspective are attainable. (Emphasis added v)

Kroeber aims to construct a history for the original peoples of California on the basis of their geography. It is a construction, not a reconstruction as he claims, because the "re-" implies that there is no longer any history or collective memory, which is amply disputed by Johnson's telling of Nisenan history and doubtless by most native elders in California. Kroeber's geography is constructed through two primary unifying threads: language and physical environment. To be clear, this is not a "history" as it is generally understood, as a description of the past actions of

ancestors as it is recalled by the community in the present or recorded in historical records. It is rather a history whose real aim is the construction of "cultural origins" or perhaps more appropriately "cultural centers of gravity" that could provide the basis of an arborescent classificatory system to replace the idea of racial evolution and to integrate the classification of human beings into the broader taxonomic project of natural history. Kroeber is clear that this is his primary motivation for including language in the book, and even admits that it is a tenuous basis for defining a civilization:

> The relation of language to civilization is undoubtedly closer that of head form or skin color, but it is far from intimate. I have therefore considered speech only in so far as the accumulating knowledge of the languages of California has led to their classification on a genetic or historical basis and thus *contributes to the insight of the origin, movements, and relationships of the several nations*. (emphasis added) (VII)

And yet, it is this assumption of the unity of language and civilization that allows him to produce his map. Furthermore, "shared language" is being generous. The term Penutian is Kroeber's own invention based on several language families' shared words for "two." According to Kroeber for Miwok and Costanoan peoples the word for two is *ute*, in Wintun, Maidu and Yokuts it is *pene*, *ponoi*, and *panotl*. This leads him to coin the term Penutian (Kroeber 1925: 347). Also recall, that even these five "languages" are in reality a collection of multiple languages with varying degrees of mutual intelligibility. There were thirteen different Nisenan languages, Chief Cully spoke eight of them (Nevada County Library Facebook. February 16, 2021). Like most California Native peoples, Nisenan people were extremely multilingual (Kroskrity 2009). Kroeber erases this multilingual reality to come up with large national languages with clear borders. What defines Maidu for Kroeber? A shared word for "people." What defines Nisenan? A shared word for "our people." On the basis of very few words Kroeber is able to conjure and name the "Penutian empire." There is no intrinsic reason that he couldn't

have applied the name Nisenan to the same territory rather than Maidu, or named the "empire" Utepenian. These inventions, combined with his elision of history, including the well documented history of genocide since the arrival of the Spanish and then U.S. settlers and Gold Seekers, allows Kroeber to seamlessly transform ideas of racial determinism into ethnic or cultural determinism in his analysis of the original peoples of California.

Kroeber's determinism is also constructed through ideas of environmental determinism: the idea that all aspects of indigenous lifeways are best explained as near-mechanistic responses to the environment, rather than expressions of complex and multi-layered worldviews. A striking example of this transformation at work is in the "houses" section of the *Handbook*'s chapter on the Maidu. According to Kroeber there were two types of Maidu houses: *k'um,* a large earth covered dwelling that also sometimes served as dance chambers or sweat houses, and *hübo*, a "lean-to" structure of bark or brush that was solely used as a dwelling. As to the distribution of these types of dwellings in Maidu territory he states the following:

> The valley people inhabited large and small *k'um* almost altogether. In the foothills and higher Sierra, the much less weatherproof *hübo* was the usual family domicile. Exponents of the direct influence of climate are wont to overlook such cases of the best shelter where it is least needed. There is indeed an unquestionable correlation with environment; but it is subtle. The moutaineers are poor and unskilled; the valley dwellers leisurely, painstaking, and well provided. So it happens that the very ones exposed to inclemence are the least in position and the least accustomed to take efficient action for their protection. (407)

Kroeber goes out of his way to explain how even "the best shelter where it is least needed" is still determined by the environment. He explains the presence of *Hubo* through the different ethnic temperaments supposedly produced by the mountain and valley environments. However, this difference in dwellings was not in fact due to cultural differences produced by the environment, and certainly not to the mountain Nisenan's "poor and unskilled" ethnic character. It was a product of the Gold Rush genocide. As

Johnson makes clear, the dwelling of choice for his people was also a large earth covered dwelling called a *hu.* Prior to the genocide, *Hubo* were temporary dwellings made from cedar slabs constructed on hunting grounds. They were built from nearby trees, then disassembled and hidden so that they could be remade the following hunting season. They only began to permanently inhabit *Hubo* as a survival tactic:

> After the start of the Gold Rush, earth-covered dwellings disappeared quickly. In fact, in an 1854 report about the Nevada City Indians, Indian Agent W.P. Crenshaw reported, "all the earth covered homes had completely disappeared." The reason was that the villages had been forced to move many times within a few years to avoid contact or conflicts with gold seekers. Because they could be built more quickly than earthen houses, the Indians erected cedar-bark dwellings called "hubos." (Johnson 2018:27)

Furthermore, Nisenan people were also quick to pick up and incorporate new building styles. This is a screenshot from the Nisenan virtual tour of the Deer Creek Tribute Trail showing a photo of the Nevada City Rancheria taken in 1904 (Nevada County Library Facebook. February 16, 2021):

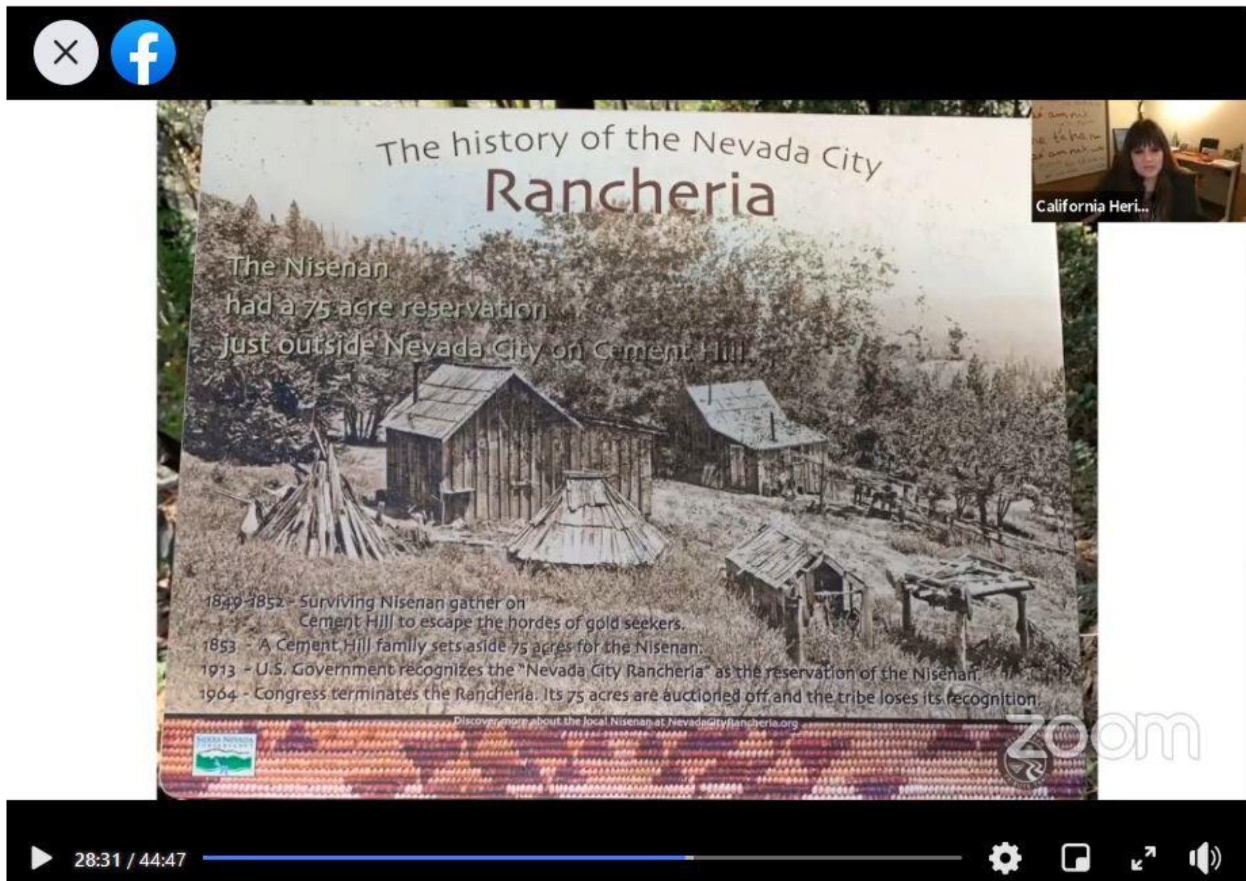

Figure 5: Nevada City Rancheria in 1904

Both *hubos* and western style shacks are visible in the photo. This change in dwelling also reflected the change in lifestyle produced by the prohibition of burning and cremation, as Covert explains in the video:

> I love this photo. I guess those little shacks there, because they had glass windows, and it made the paper, because most of the time if an elder passed away they burned the house that they lived in, they burned the person, we're a cremating society, and they burned all their belongings, and so they finally got to the point where they weren't— they didn't burn down the houses and it made the papers, and the shacks, they didn't burn the house *and* they had windows. I guess it was quite the big deal.

This photo was taken when Kroeber was working in California, and reflects information potentially available to him. There is no way to know for certain whether he knew about the recent past of earthen *hu*, and the present of shacks with glass windows, in foothill Nisenan life.

But, if it "made the paper" it wouldn't have been terribly difficult to figure out. Perhaps earthen houses survived for a little longer in the valley since this was not a gold mining region, unlike the Nevada City area located in the heart of the Sierra Nevada motherload. We can only speculate as to which pieces of misinformation were most salient to Kroeber. But the point here is that Kroeber's reliance on telling history through cultural geography and his refusal to research colonial history and present realities leads him to ascribe an ethnic "character" to each tribe that sounds remarkably similar to the racial determinism Boasian anthropology was supposedly writing against.

How does all this relate to cultural burning in the present? It points to the importance of the Nevada City Rancheria's own forms of self-representation. The best I can do in this paper is to debunk Kroeber's misrepresentations, to point out the incredible work the Nevada City Rancheria is doing, and point out the ongoing barriers to that work. This is all just my perspective as someone who grew up in their homelands and who has some academic training to parse through the fabrications of the discipline's "founding fathers." Nothing is a replacement for the Tribe's own work of self-representation, and the one silver lining of the move online after COVID-19 is that much of their prodigious work is available online. Some of it is collected in my bibliography, the rest is easily found in the usual places and platforms and on their website.

The Nevada City Rancheria's work of self-representation encompasses their cultural burning work. In many ways, their two current projects—consulting in the North Yuba Forest Partnership and educating homeowners on burning techniques—are forms of representation, of sharing a certain mindset with the broader Nevada County community. These exist alongside and in resonance with their many other public facing projects such as public signage along local trails, exhibits and events at the county library, lesson plans for local schools, and Nisenan

heritage days. These both serve to strengthen and perpetuate the cultural life of the Tribe and bring the Tribe's perspective into the public consciousness of Nevada County, to push back against more than a century of erasure and open new possibilities for future work.

Coda

I write this from the mountains of Karuk ancestral territory towards the end of a rainless April in the spring of 2021, a little less than a year after I began my research for this paper. The town where I'm now living along the Klamath River was severely burned in 2020, around a quarter of the homes burned down and the mountains are covered with charred conifers, the descendants of old logging plantations. There is a hill of hydraulic mine tailings visible from my backyard, just as there was behind the house where I was raised. People are saying this is the driest year California has seen in 50 years. Fire is an inescapable reality in Nisenan territory, Karuk territory, and every other corner of this place named "California" by the first colonizing Spaniards after a literary island paradise. They encountered a place worthy of such a paradisiac name thanks to thousands of years of effort by the original peoples of this place and all the other non-human animals, plants, and others that have called it home over the millennia. Western industrial civilization and its insatiable greed have destroyed so much of this place in less than two hundred years, whether through choices in forest management, mining, dammed rivers, industrial agriculture, or carbon spewed out of tailpipes and smokestacks in the ever-expanding urban sprawl. Not only that, but this civilization has done everything in its power to erase the names, languages, histories, and lives of the people and other beings who made and make this place a home. This all makes me feel a lot of things, this is really something that you can't come close to touching in an anthropology thesis, or in writing alone. The best I can do is touch one

small piece of it in the town where I grew up. I see no clear solutions, but for me any inkling of a future way of living in this place has come from two places. First, through listening to the original people of this land. *Really* listening. To the perspectives, not just the techniques, not just the land acknowledgements, and then actually doing what I can to support what they are already working on. And second, through a long hard look in the mirror, at the future my ancestors built, and its unavoidable consequences gathering on the horizon. Smokey the Bear should have said "let it burn."

Appendix: Primary Sources

Interviews

Sarah and Saxon Thomas. Conducted via Zoom October 10, 2020.
Richard B. Johnson. Conducted via Zoom September 19, 2020.

Online Media

North Yuba Forrest Partnership:
Blue Forest Conservation. https://www.blueforest.org/ Accessed 3/19/2021
California Climate Investments. http://www.caclimateinvestments.ca.gov/ Accessed 3/19/2021
National Forest Foundation. https://www.nationalforests.org/ Accessed 3/19/2021

North Yuba Forest Partnership, a Story Map. February 23, 2021
https://nff.maps.arcgis.com/apps/MapJournal/index.html?appid=c312b043287e490c8659708da1fbd89e Accessed 3/19/2021

Sierra Nevada Conservancy. https://sierranevada.ca.gov/ Accessed 3/19/2021
South Yuba River Citizens League. "North Yuba Forest Partnership" https://yubariver.org/n-yuba-forest-partnership/ Accessed 3/19/2021
U.S. Endowment for Forestry and Communities. https://www.usendowment.org/ Accessed 3/19/2021
Yuba Water Agency. "North Yuba Forest Partnership" https://www.yubawater.org/317/North-Yuba-Forest-Partnership Accessed 3/19/2021

California Heritage Indigenous Research Project:
Cultural Sites of the Nisenan People, a Story Map. March 4, 2021
https://storymaps.arcgis.com/stories/e1c6bc5c5a354a629e475b15f30d3bb3?fbclid=IwAR0Ak6uBXzQwWH6i1J-3WCNkO6yrRAdtfVRUgKJBsoyEeROcgBuhCHvO8bU Accessed 3/19/2021
Instagram: @nevadacityrancherianisenan Accessed 3/19/2021
Nevada County Library Facebook. February 16, 2021 "Nevada City Rancheria Virtual Tours: Deer Creek Tribute Trail"
https://www.facebook.com/nevadacountylibrary/videos/222605019573128/?__cft__[0]=AZXuOvF4TCYKRTsFYdQ84_cXZ_DAO-6eOuhQixGvRXQCgyEJglkD2gjk7xYGTjMXDw8VEz_6iixwPYbV5FHXLisHHxGrd4zx1z6siO-ly-9POSCYLv2yE6U61VqTVqX_QxdXIxlEu17D4CFrCBU9fpJ_th8N1ypGKEVL_wOvZXuCUg&__tn__=%2CO-R Accessed 3/19/2021
Nevada County Library Facebook. February 23, 2021 "Nevada City Rancheria Virtual Tours: Nisenan Territory and Virtual Map"
https://www.facebook.com/nevadacountylibrary/videos/178561107088560/?__tn__=%2CO-R Accessed 3/19/2021

Bibliography

Anderson, M. Kat. 2013. Tending the Wild: Native American Knowledge and the Management of California's Natural Resources. Berkeley and Los Angeles, CA: University of California Press.

Bauer Jr., William J. 2016 *California through Native Eyes: Reclaiming History.* University of Washington Press

Boas, Fraz. 1940 Race, Language and Culture. New York: The Macmillan Company.

Carroll, Clint. 2015 *Roots of Our Renewal: Ethnobotany and Cherokee Environmental Governance*. University of Minnesota Press

Deloria, Vine. 1988 *Custer Died for Your Sins: An Indian Manifesto*. Norman: University of Oklahoma Press.

Eriksen, C.E. and D.L. Hankins. 2014 . The Retention, Revival and Subjugation of Indigenous Fire Knowledge through Agency Fire Fighting in Eastern Australia and California, USA. *Society and Natural Resources*. Online

Estes, Nick. 2019 *Our History Is the Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance.* New York: Verso Books.

Guzman, Joseph. December 23, 2020. "2020 Sets New Record for US Acreage Burned in Wildfires." The Hill. https://thehill.com/changing-america/sustainability/environment/531462-2020-sets-new-record-for-us-acreage-burned-in

Harvey, David. 2007 *A Brief History of Neoliberalism.* Oxford University Press.

Johnson, Richard B. 2018 History of Us: Nisenan Tribe of the Nevada City Rancheria. Santa Rosa: Comstock Bonanza Press.

Kerlin, Kat. October 1, 2020. "Cultural burning lights the way to ‘rethinking fire’" Daily Democrat. https://www.dailydemocrat.com/2020/10/01/cultural-burning-lights-the-way-to-rethinking-fire/

Kroeber, Alfred L. 1939 Cultural and Natural Areas of Native North America. Berkeley: University of California Press.

Kroeber, Alfred L. 1925 Handbook of the Indians of California. New York: Dover Publications, Inc.

Kroskrity, Paul V. 2009. Embodying the Reversal of Language Shift: Agency, Incorporation, and Language Ideological Change in the Western Mono Community of Central California. in *Native American Language Ideologies: Beliefs, Practices, and Struggles in Indian Country*. Tucson: University of Arizona. 190-210.

Lightfoot, Kent and Otis Parrish. 2009 *California Indians and Their Environment: An Introduction* University of California Press

Madley, Benjamin. 2016 *An American Genocide: The United States and the California Indian Catastrophe, 1846-1873.* Yale University Press

Middleton Manning, Beth Rose. 2018 *Upstream: Trust Lands and Power on the Feather River.* University of Arizona Press.

Nadasdy, Paul. 2005 "The Anti-Politics of TEK: The Institutionalization of Co-Management Discourse and Practice" Anthropologica , 2005, Vol. 47, No. 2, pp. 215-232

Nadasdy, Paul. 2003. *Hunters and Bureaucrats: Power, Knowledge, and Aboriginal-State Relations in the Southwest Yukon.* Vancouver: University of British Columbia Press.

NPR Short Wave. September 9, 2020. "Managing Wildfire Through Cultural Burning" NPR https://www.npr.org/2020/08/21/904600242/managing-wildfire-through-cultural-burning

Pasternak, Shiri. 2017 *Grounded Authority: The Algonquins of Barriere Lake against the State* University of Minnesota Press

Petryna, Adriana. 2018. Wildfires at the Edges of Science: Horizoning Work Amid Runaway Change. Cultural Anthropology 33(4): 570-595.

Schneider, Benjamin September 4, 2020. "To Fight Fires California Must Burn." SF Weekly. https://www.sfweekly.com/news/to-fight-fires-california-must-burn/

Simpson, Audra. 2014 *Mohawk Interruptus: Political Life across the Borders of Settler States*. Durham: Duke University Press.

Sommer, Lauren. August 4, 2020. "To Manage Wildfire, California Looks to What Tribes Have Known All Along." NPR. https://www.npr.org/2020/08/24/899422710/to-manage-wildfire-california-looks-to-what-tribes-have-known-all-along

Trouillot, Michel-Rolph. 2003. *Global Transformations: Anthropology and the Modern World.* Palgrave Macmillan US.