

Notes on an NPS consultation meeting with the Eastern Band of Cherokee Indians (EBCI) concerning an NPS proposal to revise federal regulations on the gathering of plants and minerals in park units by members of federally recognized tribes and other matters.

The EBCI are associated with at least two neighboring park units: Great Smoky Mountains National Park; and, Blue Ridge Parkway.

Location, date and time of meeting: EBCI School Complex, Big Cove Road, Cherokee, NC, July 16, 2010, 10:00 AM to 12:30 PM.

List of 42 tribal/local participants:

Michell Hicks, Principal Chief
Jim Owle, Tribal Council
Bill Taylor, Tribal Council
Tunney Crowe, Tribal Council
Nikki Crowe, Tribal member
Jerry Wolfe, Tribal Member
Teresa McCoy, Big Cove Council Rep.
Rock Burgess, Tribal Member
Tim Henry, Painttown Tribal Council Rep.
Diamond Brown, Cherokee Snowbird/Cherokee Co. Council Rep.
David Wolfe, Yellowhill Tribal Council
Amanda Swimmer
Kenneth Mancy (?), NRE *
Donna Owl, EMS
Mollie Grant, EM/911 (EBCI) *
Ed Huskey, Operations Officer
Gary R. Ledford, Director of Public Safety
Ray L. Stamper, Public Safety Comm Ctr. – Manager
Boyce Deitz, Representative for Congressman Heath Shuler, 11th District
Russell G. Townsend, EBCI Tribal Historic Preservation Officer
Mike Parker, Tribal Council [Wolfetown Rep.]
Connie Cole
Joan Henry, Tribal Member
Kenny Long, IT
Ray Kinsland, Cherokee School Transportation
Debra Chiltskie, Tribal Construction Admin Ass't *
Glen Bradley, Tribal Construction Ass't Mgr.
James M. Long, EBCI/Office of Env. & Natural Resource Mgr.
Paula Coker, Cherokee Central Schools
Beverly Payne, Cherokee Central Schools
Woodr_ _ _ (?), Caldwell, Cherokee Central Schools *
Joyce Dugan, Cherokee Central Schools & EBCI
Nathaniel Wade, Tribal IT Department

Perry Shell (?) *
Yona Wade, Culture Department, Cherokee Central Schools
Michael Rich, Cherokee Fire & Rescue
Mer _ ie Taylor, Cherokee Fire & Rescue *
Peggy Hill-Kerbon, EBCI – Yellowhill Comm – Retired
Amy Walker, EBCI, Birdtown Comm. – Retired S.W.
Judith Smith, EBCI – Elder
Manuel We_h, EBCI member – Wolfetown *
Scott Mckie, B.P., Cherokee One Feather

* Asterisks above indicate that the spelling of names on the sign-up sheet had some letters that were difficult to read. In some cases letters are missing and the names are incomplete. In others I'd like to confirm spelling I arrived with someone at the EBCI.

List of 12 National Park Service attendees:

Jon Jarvis, Director
Ali Kelly, Director's Office (Washington, DC)
Phil Selleck, Chief - Regulations and Special Park Uses
Pat Parker, Chief - American Indian Liaison Office
Dale Ditmanson, GRSM, Superintendent
Steve Kloster, GRSM, TN District Ranger
Cathleen Cook, GRSM, Chief of Resources Education
Jane Rock, GRSM, Botanist
Erik Kreusch, GRSM, Archeologist
Phil Francis, Blue Ridge Parkway, Superintendent
Steven Kidd, BLRI, Cultural Resource Specialist/Archeologist
Fred York, Pacific West Region Anthropologist

Introductory welcoming comments by Chief Michell Hicks were followed by a prayer given by Mr. _____.

Notes on introductory remarks by Jon Jarvis:

About six months ago Chief Hicks visited me in Washington, DC to discuss some issues, and then invited me to come to Cherokee. I'm pleased to finally get here in the midst of my work as the Director of the NPS and a special assignment from the Secretary of the Interior to help out with the oil spill in the Gulf of Mexico.

There are several issues of importance to the tribe to be discussed here, but Pat Parker will be doing a presentation on our intent to revise federal regulations about the gathering of plant and mineral resources in parks by members of tribes.

In my career with the NPS, I've worked with tribes quite a bit

- I was in bush Alaska for 5 years and I worked with the issue of subsistence by Alaska Natives in parks.
- Then I came back to the Lower 48 and worked with tribes here.

The NPS manages lands from which American Indian tribes have been disenfranchised. At Mount Rainier National Park there were five tribes that I worked with. The Nisqually Tribe in particular worked with us to gather plant materials such as bear grass and cedar bark to use for crafts and food. They wanted to reassert their traditional gathering activities.

Unfortunately, the NPS regulations prohibit gathering by tribes. I think that is wrong. I know that the traditions practiced by the tribes have never been broken. It is my mission to fix the problem during my time as Director.

I've tried to address the problem as a superintendent, as a regional director, and now as the director of the NPS. Soon after I was confirmed as director, I called on Pat Parker and Phil Selleck to help me with making a change to the regulations. Pat Parker will be covering that issue in greater detail in a few minutes.

When Chief Hicks visited me in Washington, DC, he raised the issue of road safety. In a way, it is similar to a safety issue confronted by the Quilleute Tribe in the Pacific Northwest and the state of Washington. Their tribal community is located in an area where the potential threat of a Tsunami is a real safety issue. We are in the process of transferring 400 acres of park land to the tribe so that they can relocate their homes and facilities to a safer place.

Issues like that show that we are in this for future generations, and that we need to be in this together. Who better than the tribes for the NPS to work with? Who is the best partner? I believe it is the First Americans. I am committed to resolving these issues.

Notes on Pat Parker's power point presentation and discussion:

With reference to the power point image that shows the names of eight parks where the issue of gathering plant materials has been addressed, Phil commented to me that Saguaro National Park in Arizona should be added to the list. I made a note of his comment, but don't know specifically what he had in mind here.

Comments, questions, and discussion following Pat's presentation:

Teresa McCoy: She began by referring to the incident in which Cherokee tribal members were cited for gathering ramps in GRSM. She commented that an attempt to change the regulation was good, then turned to another issue concerning a land survey for land she had sold to a cousin who is a judge. Apparently, the boundary has shifted and the NPS has included the privately owned land within a park.

Gentleman who provided the initial prayer at the beginning of the meeting: He mentioned that there is a video that shows the proper way to collect ramps. He added that non-Indians pull up whole plants and destroy them. In contrast, tribal members know how to gather properly.

Another man made comments about elk, but I could not hear what he said. [As a follow-up, I have learned that GRSM engaged in an experimental program beginning in 2001 to release non-native elk into the park. The initial experimental release was of 52 elk from elsewhere.]

Jon: In response to something the man said, Jon noted that a precedent had been set to let non-natives collect plant materials in parks. Our goal, to the contrary is to allow American Indians to gather and restrict gathering by non-natives.

A lady who we sat with on Thursday evening and other than Theresa McCoy: She commented on attending the court cases of 20 people who were cited for gathering ramps in Great Smoky.

Marvel Week: I could not hear her comments.

Lady in red blouse: I could not hear her comments. She spoke directly and passionately to Jon.

Amanda Swimmer: She raised the issue of the bridge over the Raven Fork River* that has been closed by the park. The bridge connected park lands to the west of Big Cove Road (BIA Hwy 1410) with former park lands east of the river and on which the EBCI School Complex is now located. The NPS has installed stanchions on both sides of the bridge to prevent motor vehicle traffic across the bridge. Ms. Swimmer is very concerned that the closed bridge represents a safety issue because it would prevent evacuation from the school campus in the event of emergencies.

*Raven Fork is a tributary of the Oconaluftee River, and the confluence of the rivers is about one-quarter mile southwest of the closed bridge.

Ray Kinsland: Mr. Kinsland spoke in favor of Ms. Swimmer's remarks about the bridge.

Perry Shell (?): Mr. Shell began by agreeing with previous speakers about the bridge. He then mentioned that an archaeological survey of the area on which the school campus was constructed yielded data on the 11,000 occupation by American Indians. Building on the evidence for continuous occupation of the Great Smoky Mountains, Mr. Shell said that the Cherokee have always been good conservation stewards of the land that the NPS and government now has as the national park. He noted that tribal members have always gathered ramps in the park and didn't have any problems until two years ago when citations were issued to tribal members by park rangers. Perry thinks that changing the regulations is a good thing, but noted

that people have stopped collecting ramps because doing so has become a crime. From a practical standpoint, he said that the park and the tribe should enter into a memorandum of agreement that would allow tribal gathering of ramps during the time it will take to officially change the regulations.

Russell Townsend: Mr. Townsend introduced himself at the THPO for the EBCI. He noted that the EBCI is not a treaty tribe, and he suggested that since the tribe does not have treaty rights to gather plants in the park, the tribe should look to treaty tribes to see how they may have worked out things with the NPS and other federal agencies. In that way, the EBCI could draw upon/incorporate the experiences of treaty tribes. He concluded by saying he would like to see an MOA for gathering plants in certain places in the parks.

Boyce Deitz: Mr. Deitz introduced himself as a representative for Congressman Heath Shuler. He said that the parks and tribe talk about natural and cultural resources, but that the most beautiful resource is the tribe. Boyce said that he liked the idea of changing the regulations, and added that it would be in every ones best interests to do so.

Amy Walker: She introduced herself as a member of the Deer Clan whose parents were herbalists. Amy was born before Pearl Harbor, and her mother was from here (Cherokee) while her dad was from Rosebud Sioux. She grew up in Tennessee and came back to Cherokee when she was 20 years old. People gather plants for medicine and even though she is not an herbalist, she knows about what plants to gather as food to keep healthy. The foods prevent disease and promote good health. Certain families and individuals gather particular kinds of plants and share them with other people. A lot of plants grow in the mountains of the park, and the mountains are among the oldest in the world. Some of the plants grow here and nowhere else. Our ancestors took care of the plants that grew here. Amy added that she was glad Jon was here to help the tribe. She knows that some people take things to sell for money, and if things really get bad with the economy, the parks may be where people will have to go to get food. There are 20 different edible mushrooms that Amy knows, but there are 100s that she sees when she has walked trails in the park over many years. She has someone drop her off high up in the mountains, and then walks back home. While walking she thinks about things and works out issues.

Amy also mentioned wild hogs. She said that you can see evidence of the hogs in the mountains where they've rooted up stuff on the side of the road. Why not let hunters from the local area hunt them? She added that strictness by the NPS has not been good for people who live around the park, and concluded by saying thank you for listening.

Donna Owl and a man named ?: They stood together, and the man said this was all about us working together. He thanked Jon for coming to talk things over with the Chief, and concluded by saying the Cherokee will be here in the future.

Mollie Grant: She said that a new bridge is needed to replace the old one so that the kids could be evacuated in an emergency. Mollie suggested the bridge should be on the tribal inventory so that the tribe could go after money to build a new bridge.

Gary Ledford: He agreed with Mollie, and added that the situation is an urgent need that should have been rectified two years ago. He concluded by saying the bridge should go on the tribal inventory. The NPS could have primary access, and the tribe would take care of secondary access.

Judith Smith: She began by saying that there are only 300 or 400 full bloods. She noted that she didn't know that the NPS prohibited collecting grains, and that she is what you could call a vegetarian. The government has always promised to serve and protect us. Traditional people (like me and my sister) need to have access to food and medicines, and I don't understand why I can't eat my grains and become a criminal if I collect them in the park. Collecting plants is part of our heritage and is our culture.

She then asked: Why has the NPS not met with the tribe until now? What about the superintendents? She added that tribal members want to live without fear and recrimination. Can you give me answers? I just don't want our grandchildren to fear going into the park.

Jon: Thanks Judy. I'm giving it a try to change the regulations. I know that your history and your traditions are integral to what you need to pass on to the kids. You know that ramps became popular among non-natives, and that gathering them is now a violation of the law. That's why we want to change the regulations. When we make the change, it will give you a legal right to collect ramps.

Diamond Brown: The creator put us here on earth. He said a simple way to control/allow for tribal members to gather plants in the park would be to have them show their tribal identification cards. He mentioned setting up a native peoples festival, then concluded by thanking Jon for coming to work with the tribe.

Pat: Asked if anyone else wanted to speak or provide comments and there was no response.

Chief Hicks: Closed the meeting by thanking Jon and Pat for taking the time to travel to Cherokee to have the meeting.

Addendum to notes: Mr. Scott Mckie, a photographer and journalist for the Cherokee One Feather newspaper, attended the meeting and produced an article titled "Tribal Consultation Meeting held between EBCI and NPS." It was published on Monday, June 19 and is attached below.

- monitoring of plant communities
- maintaining a healthy state
- privacy
- treaty rights – educating the non-Indian public

Greg – We actually have some data that shows that collection of plant materials stimulates growth

Chuck – I'd like to comment on the issue raised by my counterpart at Redwood. I think it is a dream to think that we will ever get rid of ambiguity – 3 things have to work together: enforcement; education; and, monitoring.

Billy Frank – We have an agreement with Fort Lewis. Have stickers on the cars/trucks owned by Nisqually tribal members. The soldiers wave us through, and even salute us at times. The Army is training the troops to protect all of us.

Since the Boldt decision, we got 6 or 7 ID cards.

Our medicine is gone from the I-5 corridor. We go up to the mountain now. See grandmas from Umatilla too.

I was in the Marine Corps in 1950s. With the civil rights struggles in the 1960s we seen hope, and had folks from New York visit us. Our strategy was to join in that fight. We took over a BIA building in 1960. When there was a Martin Luther King march, our 20 treaty tribes participated. Look, JFK said a lot of good things. They shot him. Later, we took over Alcatraz. Bernie Whitebear and others took over Fort Lawton in Seattle. We got gassed in the Puyallup River at our fishing camp grounds. Georgiana's dad and mine got gassed.

We can sit down with the parks. When we talk about huckleberries and lack of management, we also have to know that other people are hiding up there. Commercial guys are taking natural resources, and we got to stop them. Pat Parker has been trying to change the regulations for the better.

Norm Dicks has gotten us more money and this a great opportunity to bring us together.

We have to fight for the survival of the natural world. We need to keep our culture together. We've got to be creative.

Leonard Forsman closed out the meeting by thanking everyone for attending the meeting held at the Suquamish Clearwater Resort. He noted that we should not let the window of opportunity close on making the proposed regulatory change.