

A HERITAGE PRESERVATION NEEDS ASSESSMENT FOR
THE YAGER/VAN DUZEN ENVIRONMENTAL STEWARDS

By

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A Thesis Presented to

The Faculty of Humboldt State University

In Partial Fulfillment of the Requirements for the Degree

Master of Arts in: Social Science

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May 2015

ABSTRACT

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Members of a collaborative watershed group in rural Humboldt County have formally declared in their mission statement that they have a commitment to maintaining their heritage, but what does that mean? Understanding diverse perspectives toward heritage is important for historic preservation and cultural resource law implementation, particularly on working landscapes. This study asks how perceptions held by ranching and logging families compare to those of the regulators and agencies, as informed by the laws concerning historic preservation. I utilized a mixed-methods approach that included semi-structured oral interviews, participant observation and document review. The research revealed that landowners tend to view heritage as an anticipatory process that is flexible and dynamic. On the other hand, the laws and regulations in place that protect heritage, tend to be object oriented, with a heavy emphasis on distinct and manageable buildings, sites or objects. Because the landowners see heritage differently than the regulators or agencies do, there is the potential for conflict. Conflicts include fears that landowners hold regarding over-regulation and over protection, and fears that regulators hold concerning the loss of archaeological data or historical resources. However, there are also areas of agreement, such as an appreciation for the rich and complex histories, which can enhance the future of this important working landscape. By offering some

information about the context and processes surrounding historic preservation laws and potential incentives, this paper aims to fill the gaps between the different understandings of heritage, and to identify ways in which historic preservation might be used instrumentally to maintain the sustainability of this working landscape.

ACKNOWLEDGEMENTS

I am grateful to a variety of people who have helped me grow personally, academically, and professionally during the course of this study and throughout the Environment and Community program. To my Thesis Committee members, a heartfelt thank you-- Laurie Richmond, Elizabeth Watson, and William Rich, you all brought unique strengths and perspectives, and truly made this an interdisciplinary project. In particular, Laurie Richmond spent many hours with me, honing my writing, helping me frame my arguments, and keeping me on schedule. To Dina Moore and the members of YES, I offer my appreciation both for your dedication to the land and for your willingness to work with me. I would also like to thank the agency folks who took the time to speak with me. To my co-workers at the Cultural Resources Facility, Bill, Mel, Matt, Kim, Jamie and Nancy: thank you so much for picking up my slack, for your willingness to engage with the concepts I was bringing up, and suffering through my endless email attachments of interesting articles on heritage! I am grateful to my family, and their support of education. A special acknowledgement to Oma, Alice Walter and my Grandpa, Harold Wiese, whose financial contributions helped ease the burden of higher education. Bryan, Acacia and Veda, thank you for your love, support, encouragement and patience, I am lucky to have you.

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1.0 INTRODUCTION

To ensure the environmental integrity of our watershed, while maintaining our heritage and the economic stability of our endeavors. Mission Statement of the Yager/Van Duzen Environmental Stewards.

The Yager/Van Duzen Environmental Stewards (YES) is a collaborative watershed group comprised of working ranches and non-industrial timberlands in the interior of Humboldt County, California. Since their formation in 1999, they have implemented extensive environmental projects funded through millions of dollars of environmental restoration grants and matching funds. There has been significant emphasis on the “environmental integrity” component of the Mission Statement, in the form of oak woodlands restoration, addressing road-related sediments, enhancing fish and wildlife habitat, and forming partnerships with environmental agencies. However, the group itself and partnering agencies have given much less attention to the phrase “maintaining our heritage”. This work aims to fill that gap by identifying what the landowners mean by heritage, and how it may differ from the regulatory structures that deal with heritage through the formalized process of historic preservation laws. While the differing understandings have the potential to lead to conflict, there are also some areas of common ground and overlap, which may enhance the future of this working landscape. A goal of this research is to provide the members of YES with useful information that

may help them consider ways to maintain their heritage, as indicated in the mission statement.

My contact with YES began a few years ago, when, as part of the California Environmental Quality Act (CEQA) compliance process, I conducted cultural resource surveys on several YES ranches. These surveys exposed me to the rich stores of heritage and culture contained in the landscape. I was fascinated with the place names, the old barns, homesteads and orchards, the archaeological sites, and the signs of the social and ecological history, some hidden, some blatant, inscribed in the geography. When the landowners guided us to the proposed treatment sites, or met us along the roads I would catch a glimpse into their lives, like the unending repair and maintenance of corrals and fences and dealing with the messes of trespassers. I would listen raptly as they would entertain my amateur questions about cattle breeds and brandings. I couldn't shake the feeling that I was in very special place, where stewardship of the land is a lived value.

Later that year, I enrolled in a graduate level class at Humboldt State University, called Ecosystems and Society when YES Secretary, Dina Moore, came to our class to speak about collaborative watershed groups. I was still narrowing in on a thesis topic for the Environment and Community program that could help further my career in the field of cultural resource management. I excitedly approached Dina and asked if I could work with the group to write a National Register Rural Historic Landscape nomination for the area. Dina graciously heard me out, and then, politely told me, "we are really not interested in having anything else put on a list, but we are deeply concerned about our

heritage, maybe you could work with us in that capacity?” I am so grateful for that interaction, particularly the wake-up call from my own professionally-centered biases that led me to unquestionably believe that a landscape-wide National Register nomination would be a welcome undertaking. It became clear to me that there are different perceptions regarding heritage as held by the landowners and as understood by the historic preservation regulatory processes, and that these differences were ripe for analysis. I am appreciative of the opportunity I was given to work with YES and feel that the insights I gained by talking to the all of the people who participated has helped me grow professionally.

The regulations that concern cultural resources form many of the views held by the agencies and regulators charged with managing them, resulting in a culturally situated and very specific type of knowledge. When public funds are used on private property for these restoration projects, the regulatory process is triggered, and cultural resource surveys, which seek to identify potential impacts on historical resources, are just one of the many environmental reviews that must be addressed. When the agency and landowner views intersect during these required regulatory evaluations, misunderstandings and conflict can occur because of the different perceptions of the definitions and values surrounding the word *heritage*. While many landowners have expressed that they are not all that receptive to the formal processes of historic preservation, they do have a rich understanding of their history and how it shapes their own community identity. The regulatory approach may be more inclusive in some ways,

because it is ostensibly charged with protecting the heritage values held in common by the public, but at the same time, it is also *exclusive*, situated in a process that is unknown to most of the public and aimed at protecting what archaeologists and historians think are important. Their approach often favors distinct, material remains with the intent of producing a snapshot in time, protecting archaeological data, or tribal cultural resources. Landowners, in contrast, approach heritage as an ongoing progression, a more anticipatory social process than a mummification of the past. In this sense, distinct buildings, sites, or objects lose their individual importance and a more abstract, intangible heritage process occurs. This study aims to explore the concepts of heritage from the agency perspective and the landowner perspective, in order to see if there are areas of overlap, agreement or middle ground.

Throughout this paper, I will be addressing the different understandings and ideas of heritage. First, I will provide a brief background of the region, an important word about the contestations of heritage, and the institutional history of the watershed group. Then, in Section 4 I will review that pertinent literature that identifies and critiques the historic preservation laws that shape the regulatory framework. The literature review will also discuss the concept of heritage, the political implications, and how it is used in an anticipatory social context to shape identities. Additionally, the literature review will touch upon issues pertaining to rural working landscapes, and ranching culture. My methods section will follow, which describes the qualitative procedures that I employed. In Section 6, my agency perspective analysis, I go in to further discussion of the laws and

requirements under CEQA and the Forest Practice Rules. I also provide quotes and statements from the agency interviews and document review that illustrate their understanding of the laws, and their views of the landowners' reaction to them. The landowner analysis section will show that their understanding of heritage is future oriented, and seen as process. This chapter looks at how landowners view regulations, and describes some of their decision making processes that involve heritage. Finally, in my last chapters I will identify some possible avenues to use historic preservation instrumentally, to help secure the future for this important working landscape. This section will clear up some of the misunderstandings around the process, as well as discuss the costs and benefits. By integrating the values held by landowners, with the agency standards of protecting resources of public value, a rich heritage, partnered with sound ecological practices and economic stability, as envisioned in the Mission Statement, can be possible.

2.0 BACKGROUND

The study area is a convergence of rich histories that have been well documented in other literature. Important to that story are the voices of the first inhabitants, who were violently displaced or killed during the settler period. The following will provide a very brief introduction to the parameters of this study area, with acknowledgment that it focuses on the concerns about the heritage of one group, and not the other group. Both of these groups claim the same geographical area to form their concept of place-based identity. This section will also provide a brief introduction to the region's geography and a brief institutional history surrounding the formation of the YES watershed group.

2.1 Heritage Claims and Contestations

This research focused specifically on the heritage values as understood by certain agencies and the landowners of YES, leaving out very relevant voices and contestations of ranching and settler heritage. Throughout this paper, I will make references to the Native American presence on the landscape, manifested in housepits, village sites, battlegrounds, quarries, gathering and processing locations and in the broad landscape level changes evident from centuries of alterations through fire and selective vegetation management. This area was inhabited by a series of cultural groups, cumulating at the historic ethnographic period with a group collectively identified as the Nongatl, loosely

connected though a common Athabaskan language (Jones & Klar, 2007). Information regarding the Nongatl is scarce, because conflict, disease, starvation, and massacres occurring during the Euro-American settlement period of the Van Duzen watershed left few Native American survivors (Bledsoe, 2010; Raphael and House, 2007). Much of the information we know about the Nongatl comes from a single individual, “Van Duzen Pete” who spoke with an ethnographer in the early 20th century. Van Duzen Pete’s homesite is located on one of the ranches, and he left the ethnographer many descriptions and recollections of important places in the region (Goddard, 1908).

The heritage held by ranchers and settlers in the area is not the same heritage held by the Nongatl. The topic of Native American views of heritage on this particular landscape could easily fill a book, and it is beyond the scope of this paper. This research focuses on the current landowners, some descended from the earliest Euro-American settlers, and who have their own understanding of their heritage. While I did attempt to gain Native American perspectives for this paper, it was done through document review, and not directly through the descendent community.

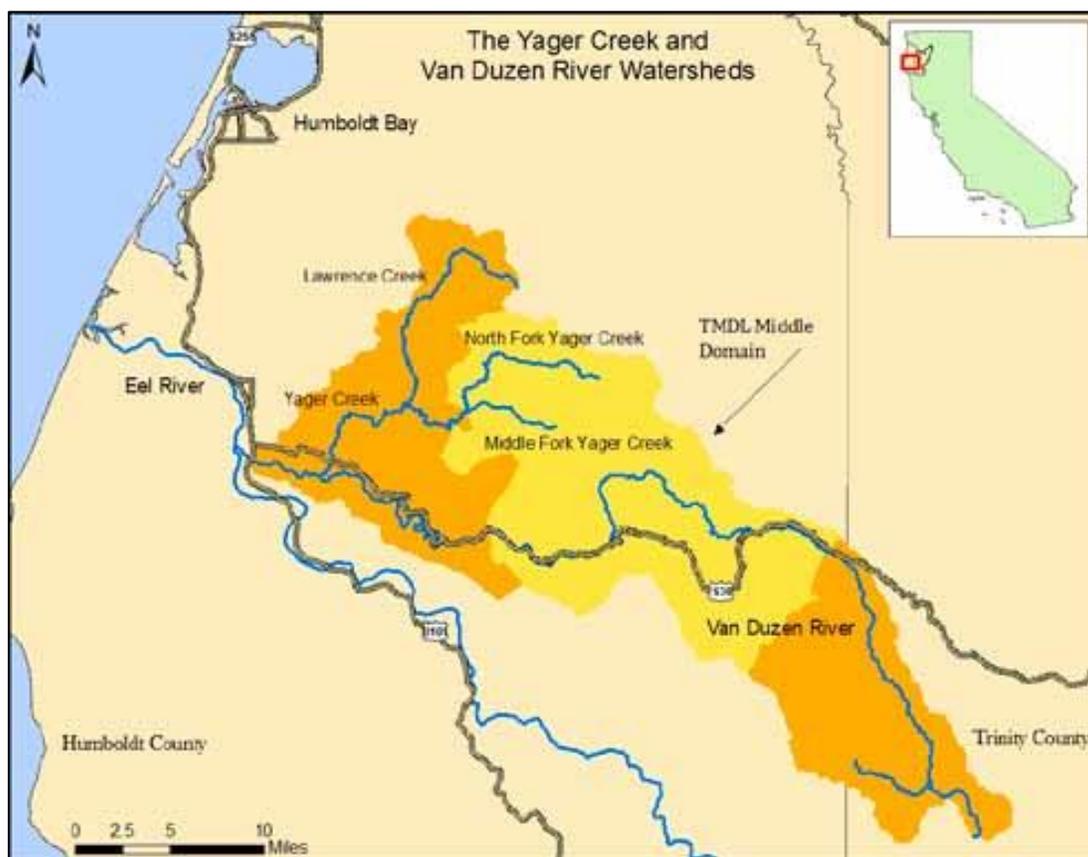
In the literature review, I highlight some of the work being done within the academic field to nurture a *shared heritage* concept, which makes room for differing interpretations of the past, and encourages dialogue between groups with shared places, common interests and difficult pasts. Perhaps the future of this watershed will see a discourse between these groups, working toward a shared heritage ethic that moves

beyond commemoration and condemnation to the practice of heritage as a form of community engagement and understanding.

2.2 The Van Duzen/Yager Creek Watershed

The YES landownership base is situated east of the population centers of Humboldt County, California, in the watersheds that flow into Yager Creek and the Middle Van Duzen River. The Van Duzen River is one of the few remaining undammed rivers in California. It flows from the headwaters at Red Lassik Peak (elevation 5,906 feet) for 73 miles to its confluence with the Eel River (elevation 62 feet). The watershed's drainage covers an area of 429 square miles, with the Middle Basin, this study's area of interest, comprising of approximately 202 square miles, and shown on Figure 1 (US EPA, 1999). The region is geologically dynamic, less than fifty miles from the Triple Junction of the Gorda, American and Pacific tectonic plates. This unstable geology encourages active Franciscan mélangé earthflows with the potential to move two to four meters per year (Kelsey, 1978). Much of the Middle Van Duzen (MVD) and Yager Creek watershed is out of the redwood belt and is instead comprised of grasslands, oak woodlands, and mixed conifers.

FIGURE 1. MAP OF STUDY AREA



Map courtesy of YES brochure.

2.3 Institutional History of YES

The group's history began in 1999 as a response to regulatory action taken by the Environmental Protection Agency (EPA) to list the Van Duzen River as "sediment impaired". The EPA established a Total Maximum Daily Load (TMDL) for sediment, and identified the Van Duzen basin as having three distinct sub basins: lower, middle (Mid-domain) and upper (Unmack, 2011). The TMDL identified the Mid-domain of the Van Duzen River, encompassing around 202 square miles, as being the largest contributor to sediment in the watershed. It is important to note that the upper domain is comprised mostly of public forest (Six Rivers National Forest), and the lower as small private landholdings and private industrial timber operations. The Mid-domain, this study's area of interest, is comprised of mostly private, non-industrial ranch and timberlands.

During the identification phase, a group of landowners in the Mid-domain allowed the EPA to complete an on-the-ground assessment on their private holdings, as opposed to relying only on aerial photography and models. The scientific assessment confirmed what the landowners suspected; roads and storm events, not cattle or other ranching activities, were the greatest source of sediment within the watershed (Unmack, 2011). Additionally, the sediment source analysis compared sediments inputs from two timeframes, pre- and post-1980 (Shows, 2014). These findings indicated that nearly all (80%) measured sediment first occurred pre-1980, which encompassed the years of 100-year flooding events of 1955 and 1964. No regulatory actions were mandated, but one of

the TMDL recommendations encouraged collaboration between agencies and landowners to pool resources for watershed restoration measures.

In 2001, YES partnered with Pacific Watershed Associates to identify specific sites of controllable sediment sources. Results of this assessment helped secure restoration grants from California Department of Fish and Wildlife (CDFW) and the State Water Resources Control Board which totaled over \$3 million (Unmack, 2011). The funding was applied to road upgrades and decommissioning, and it has been successfully proven that these efforts have resulted in sediment savings goals (Shows, 2014). Despite these efforts, the Van Duzen River is still listed on the 303 (d) list as an “impaired water body” under the Clean Water Act, much to the disappointment of the landowners, who feel the bureaucratic nature of the policies add to the lists freely, but offers no clear path to being removed from it (Pers. Comm. Landowner 2014). The group continues to work collaboratively with agencies and partners, to continue restoration work focused on oak woodlands, vegetation management, and wildlife enhancement.

3.0 METHODS

For this study, I utilized three different qualitative methods to explore different perceptions and understandings of heritage and historic preservation. Qualitative interviews, participant observation and document review allowed me to triangulate evidence in order to analyze the positions held by the participants. I identified two broad categories of stakeholders which included landowners and agencies. The landowners included members of YES who self-identified as ranchers and/or loggers. The agency category included both government regulators and people involved in non-governmental organizations. It should be noted that these categories are not rigid or ironclad, and are being used as a general framework with the understanding that there was often significant overlap. For example, some in the “landowner” category are very familiar with and involved in the policy arena and may have been employed by government or non-governmental agencies at one point, or even currently. Similarly, within the “agency” category there were individuals with ranching and timber in their family background. Because of the fluidity of the individuals’ life experiences, attitudes were not always as unyielding as might be expected within the categories.

Dina Moore, Secretary of the Yager Environmental Stewards (YES) served as a facilitator by inviting me to speak at YES meetings and introducing me to YES members who might be willing to participate in my interviews. For the policy perspectives, I used contacts known through my professional network at Humboldt State University’s

Cultural Resources Facility. This also led to snowball sampling, where additional contributors were referred to me through connections established by participants. Methods included loosely structured, in-depth qualitative interviews with key informants, participant observation at YES meetings and in a presentation by the State Historic Preservation Office (SHPO), and document review used to identify policies and procedures that are required for historic preservation activities, and landowner attitudes towards them. In the landowner category, nine interviews, of varying structure and length were conducted. Within the agency category, five in-depth interviews were conducted, along with two participant observation encounters.

3.1 In-depth interviews

Loosely structured qualitative interviews were conducted beginning in August of 2014 and ending in January of 2015. Interviewed stakeholders were categorized as “landowners” or “agency”. Landowner questions were developed with a focus on understanding the family historical contexts and how heritage values are expressed. I asked about perceived heritage threats and opportunities, and the most significant changes that they’ve seen over their lifetimes. Agency questions were developed to understand what heritage values are found in these particular landscapes and how they feel landowners might perceive them. Also, I asked specifically about incentivizing historic preservation, and how that might be implemented by the YES group. Sample interview questions are included in Appendix A.

Interviews ranged between forty-five minutes to over three hours, and occurred in the homes and surrounding lands of ranchers, at Humboldt State University, in coffee shops or on the phone. Interviewees were given the option to be recorded or not recorded, and notes were taken in either instance. Two landowners requested that a list of questions be emailed to prior to the interview, so that they could have some time to think about them before answering, but in most cases, the interviews were largely directed by the informants themselves. A total of five in-depth interviews were collected from the “landowner” category, and five from the “agency” category.

There are ten member families that form the core landownership component of YES (Unmack 2011). I was able to interview five members in depth, who became the basis of my “landowner” stakeholder group. They ranged in age from under thirty years old to over eighty, and included three females and two males. One informant was officially “retired” from the ranch and had, in recent years, moved to town. She self-identified as a homemaker who formally ran a timber operation. Another informant was college aged and did not currently live on the ranch, though her parents and siblings did. She identified as a rancher, and holds membership in the Cattlewoman’s Association. The three remaining individuals still lived in the watershed. One identified as a retired female rancher. Another male identified as a rancher, and the last male informant self-identified as both a rancher and licensed timber operator (LTO).

The agency category included both government and non-governmental agencies. Three of the individuals interviewed were either currently employed or retired state or

federal agency archaeologists. One of the archaeologists also identified as a land trust board member. Another informant was a former director of a local land trust, but was not directly involved in the fields of archaeology or cultural resources. Lastly, I interviewed a representative from a non-governmental agency called the Archaeological Conservancy.

3.2 Casual Interviews

A social function after the annual YES membership meeting in November of 2014 allowed me to casually interview several more members at once, and reconnect with previous informants, with the added bonus of an expansive view of the Middle Van Duzen watershed from Palace Rock Ranch. These three landowners identified as ranchers and timber operators. Some of these landowners had initially demurred at my requests for in-depth interviews, but willingly participated in a casual group setting. Dina Moore explained that it was normal for ranchers, particularly some of the older men, to have a certain level of uneasiness towards researchers and encouraged me to pursue the group setting, casual interviews.

3.3 Participant Observation

Participant observation methods were employed in three different settings. I was invited by Dina Moore to present my research proposal at YES meetings in November of 2013 and February of 2014, but my data collection at these meetings did not occur until I had IRB approval in May of 2014. After approval, I attended three more YES meetings, because, as a collaborative group, I was afforded the opportunity to gain both agency and

landowner perspectives together. I was also invited to a monthly family get-together that included families with deep ranching ties to the area. While I did come prepared to ask some questions, this encounter is more accurately categorized as participant observation because the family shared stories and recollections of the area in a manner much less structured than an interview. Finally, an official policy perspective was gained as a participant observer during a State Historic Preservation Office webinar entitled, “Get to Know Your State Historic Preservation Office” (November 2014). This webinar, designed for agencies and cultural resource professionals, outlined the structure, policies and procedures of the agency as well as identifying potential funding and incentive sources.

3.4 Document Review

The last method I employed was document review. This technique allows one to review a variety of independent sources, such as official documents, reports, data files, and other written materials, with the intention of collecting independently verifiable data and information (World Bank Evaluation Group 2007). Materials used for this component came from both the “policy” and “landowner” perspectives. Manifested in policy perspective are the official documents of CEQA, the Department of Forestry and Fire Protection, Native American Heritage Commission, California Code of Regulations, National Park Service’s Guidelines for Evaluating Historic Properties, among others. From the “landowner” perspective, documents included in on-line materials garnered from other collaborative groups in the region (Buckeye Conservancy), advocacy groups,

such as the California Farm Bureau, California Rangeland Trust, and from Dina Moore's own collection of oral interviews she conducted with Yager/Van Duzen residents in the 1990's. Documents that chronical the historical development of the region were extensively reviewed.

4.0 LITERATURE REVIEW

4.1 Cultural Resource Laws

The laws and regulations that dictate land practices for ranchers and small timber owner are manifold, but this study is focused on how landowners and agencies perceive the laws that regulate cultural resources. *Natural resource* is a term most are familiar with, but for many, *cultural resource* is a more obscure and unfamiliar term. In agency guidelines and environmental documents, the term ranges from a catch-all phrase that includes everything from archaeological sites to culturally important natural resources, from folklife, traditions, and other social institutions, or, to simply leaving the term undefined, on the assumption that everyone knows what it means (King, 2004). As currently practiced, the field of cultural resource management (CRM) almost always focuses on identification and management of *historic properties* as defined in the legislation of the National Historic Preservation Act (NHPA) of 1966. The cultural resource regulatory structures that landowners in the YES watershed most commonly encounter are part of the California Forest Practice Rules (for timber harvest plans) or the California Environmental Quality Act (CEQA), for other state funded or permitted activities. Both of those processes are heavily modeled on Section 106 of NHPA, which states:

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking shall, prior to the

approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure or object that is included in or eligible for inclusion in the National Register. (ACHP “Working with Section 106”, 2014).

From this small section of an Act passed in 1966, a new industry was born; “a single paragraph in NHPA made it possible for archaeology to become a compliance industry” (Neumann & Sanford, 2001, p. 29). This professionalization of heritage conservation has, in some cases, created mistrust and a sense that heritage concerns are “dominated by elites and special interest groups, and suspicions of self-interest undermine appreciation of heritage as a public commodity” (Barthel-Bouchier, 2014, p. 102). However, it is argued by King (2009a) that the *spirit* of the law intends to protect citizens from the over-reaches of the government when permitting and/or funding projects that have the potential to negatively impact places of important historic value.

King adds:

the interests of ordinary citizens in their history and culture were very much on the minds of the people who thought up the NHPA [in 1966] —it must be assumed that such interests also motivated Congress too, [since] the percentage of the electorate represented by historians, architects and archaeologists is hardly significant to justify such sweeping legislation. (T. F. King, 2009a, p. 46).

The regulatory rigidity when applying these laws can lead to conflict. When speaking of the public’s perspective of cultural resource professionals, Barthel-Bouchier states “expertise is now a resource sold to bidders in the marketplace. It no longer requires a sphere of occupational judgment about purposes” (2014: 101). This research

will examine that claim, and ask if the resource protection measures are overly burdensome towards landowners who seek to harvest timber or implement environmental restoration projects, or if they are adequate to protect the heritage of all Californians. One of the goals of this study is to identify ways that engage landowners to be more receptive to cultural resources preservation, to see it as something that can potentially have value and relevance in their own lives, rather than another regulatory hoop to jump through when submitting a Timber Harvest Plan or other project.

The landowners of YES have expressed that they are “deeply concerned with their heritage” (Personal Communication, 2013) but the standard regulatory structure appears to overlook heritage as a *process*, focusing more on archaeological sites and buildings, and treating heritage “as a relic confined to the past and accessible only by scientific strategies” (Waterton, 2005, p. 320). A community centered look at this problem is central to this project.

4.2 Significance and the National/State Registers

Critics have noted that protection and management of archaeological or historic resources has, since the earliest days of the federal legislation divided properties into two classes, those which are *significant* and those which are not. This began as “a narrow definition of national significance, but has broadened to include significance of state and local sites” (Tainter and Lucas 1983:709). Because the concept of significance is vague and tautological, for example, Criterion D defines significant properties as *important*,

Tainter and Lucas wonder how the writers of these regulations could ever expect a smoothly working historic preservation system. They note, fears exist that, “under such ambiguous criteria non-significant sites are labeled significant, inflating costs, creating conflicts and causing delays” (1983: 710). Added to the conundrum is the ever-changing *period of significance* date, which, in general, means identification and evaluation of any resource over fifty years old (ACHP National Register Evaluation Criteria 2014).

The National Register of Historic Places (NRHP) plays a pivotal role in determining how cultural resources are managed. In terms of incentives, such as tax credits and grant funding, a successful nomination to be included on the NRHP or California equivalent, the California Register of Historical Resources (CRHR) is almost always required (Creveling, 2008). However, in terms of fulfilling certain regulatory obligations of protecting or mitigating the damage to an identified cultural resource, it must merely be, *considered eligible* (by a cultural resources professional) for the register, and not formally determined by the State Historic Preservation Officer (SHPO), or the National Keeper of the Register (Public Resources Code Section 5024.1 and Executive Order 11593). Eligibility is determined on the basis of significance and integrity of *historic properties* which could include buildings, archaeological sites, districts, trails, landscapes, or other features. The following criteria are used in evaluating properties: (included here are the National Register Criteria, the State Register is modeled similarly)

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures

and objects that possess **integrity of location, design, setting, materials, workmanship, feeling and association** and:

- (A) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (B) That are associated with the lives of significant persons in the past; or
- (C) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (D) Have yielded or may be likely to yield, information important to history or prehistory. (ACHP National Register Evaluation Criteria 2014).

Thomas King argues that an inherent flaw arises from basing cultural resource laws and regulations on National or State Register eligibility because the lists are being used for two conceptually different things, *commemoration*, and *consideration* (2002).

This is an issue of scale, commemoration is forever, and consideration is for now. When a property is determined *eligible* for the list, it requires consideration in the planning, and a trigger is set off for:

a whole range of protective requirements imposed by state or local government, based on a *commemoration model* that justifies a high level of preservation and the kind of police power that only state and local governments can wield. Under such circumstances the determination of eligibility cannot be a planning tool; it becomes a political act. (King, 2002, p. 59)

This incongruence has the potential to embroil conflict, with landowners scoffing at that a 1950's trash dump could be considered eligible for listing on the very same National

Register that boasts Monticello and Mount Vernon, or that a small scattering of lithic artifacts may require costly mitigation or avoidance measures. Conversely, members of the public often feel that places valuable to them must be found *significant* to archaeologists or architectural historians under what may be viewed as arbitrary and bureaucratic rules that fail to recognize places that are important to a community's values (T. F. King, 2009a). Countless hours are spent debating whether or not a property is significant or not, instead of focusing on a project's effects to the community and how to manage them (T. F. King, 2009a, 2009b.) As part of this investigation focused on exploring a wide variety of heritage issues including funding and incentives, the National Register criteria can be used as one method of analysis, but it will be left up to the individual landowners within the community whether to nominate individual buildings or sites. This paper will describe this process and requirements, risks, and benefits involved in a formalized National Register nomination.

Writers have critiqued historic preservation as a way in which a priesthood of architectural historians, academics, archaeologists and other preservation professionals assign significance to the things *they* value, often ignoring or overlooking what is meaningful to others outside of the field (T.F. King, 2009a; Mason, 2004). Some argue that we need tools that allow the cultural resources field to identify significance in a way that acknowledges the complicated nature of such assessments, but that also enables defensible arguments and transparent decision making in the protection of these resources (Hagar, 2011). Thomas King offers an alternative view that focuses less on the concept

of significance and more on directly identifying impacts, figuring out what people are concerned about, and resolving conflicts, however, regulatory rigidity impedes this approach (2009a; 2009b). These issues are precisely why this type of research is warranted, because there seems to be a disconnect between what is viewed as significant heritage by the professionals in the field, what is viewed as significant heritage by other stakeholders, and what appropriate protection measures look like.

4.3 Dynamic Processes

It is argued that practice of cultural resource management cannot be reduced to a purely scientific or technical practice, since the landscapes of culture are constantly under construction, and “exist as living, social processes with the ability to generate values through a community’s knowledge of the past...it can never be satisfactorily relegated to just one past or another” (Waterton, 2005, p. 310). The concept that long term, cultural and social processes form a landscape is inherently held by ranchers throughout the West, who recognize that the land was shaped by fire long before settlers came in, and that what appears to outsiders as “natural wilderness” has in fact been managed by humans for hundreds, if not thousands of years (Hedrick, 2007; Knight & Landers, 1998). The same authors also note that on a whole, ranchers are less likely to hold strong views of a nature/culture dichotomy, and therefore see landscapes in a more dynamic and complex manner, as opposed to non-ranchers, who view landscapes as static, dichotomous and aesthetic. Many ranchers are proud of their knowledge of prehistoric and historic sites on their land, but perceive the actions of listing these sites as intrusive and unnecessary

(Personal Communication 2014). Researches have also documented that they may feel, as is the case with endangered species, that disclosure or discovery of such resources results in burdensome and unfair shares of cost (Sayre, et al. 2012).

There has been quite a bit of research that focuses on how ranchers perceive their landscape. These writers have found that because ranchers value flexibility in approaching land management, a “one size fits all” approach has been shown to be ineffective way to manage natural resources on ranches, due to varying micro-climates, social and ecological histories, and economic resources (Hedrick, 2007; Knight, Gilgert, & Marson, 2002; Knight & Landers, 1998). There has been little attention paid to how this might relate to the practice of cultural resource management, but it appears that there could be benefits from a more flexible, less cookbook-like approach, particularly on privately held lands with demonstrated long term stewardship. Are there other creative ways to make preserving cultural resources profitable, or at least not burdensome? This research will contribute to the literature that critiques the rigid approaches used by formulaic, cookbook tactics, but will also offer some suggestions of where historic preservation tools may be beneficial to landowners.

4.4 Heritage as a Social Practice

For some, the terms *heritage* and *preservation* can conjure images of dusty museums and frozen-in-time, antiquated practices or material culture but much of academic research refutes this. Researchers have claimed that the social practice of

heritage is actually *anticipatory* (Labrador, 2011; Smith, 2006). Engaging in heritage allows people to have a sense of security for the future while strengthening social cohesion. Rather than a static representation, the dynamic process of living communities and their ties to place re-conceptualizes the idea of cultural heritage as being a form of agency that creates links between the past and present (Smith, 2006). Labrador goes on to claim that “social actors engage in heritage and heritage protection to establish a sense of control discursively and materially, by bridging perceived or expected temporal ruptures between past, present and future” (2011:19). An understanding of past events gives communities a sense of proportion to weigh present difficulties, but scholars warn that efforts to “preserve” must be sensible in order to avoid a life-denying doctrine (Minteer & Manning, 2003). Other scholars argue that aspects of heritage are sometimes meaninglessly organized around the cultural residue of sites or objects, without regard to *intangible heritage*, that includes practices, representations, expressions, knowledge and skills (Jackson, 2011; Kuutma, 2009; Schofield, 2014). Labrador (2011) furthermore urges a broadening from the standard practice of approaching heritage as isolated sets of resources to be managed to envisioning heritage and its protection as a form of active community engagement. This research continues to build on the idea that many view heritage as a forward thinking process.

4.5 Conflicting Heritage Representations and a Shared Heritage Ethic

Conflicts can and do arise over heritage narratives, which are never separated from the

realm of politics. A past worthy of public commemoration involves struggles and contestation between advocates of differing political ideas and sentiments (Graham & Howard, 2008, p. 47). Because “groups use heritage to demarcate their cultural identities from those of others, both implicitly and explicitly” and since communities are not homogenous, neither is heritage, “the heritage claimed may not be consensual” (Kuutma, 2009, p. 9). Though this could be regarded as deeply discouraging if viewed as an obstacle to overcome or a problem to be managed, some scholars view it as an opportunity to encourage desperately needed dialogue on contemporary issues and claim its power to lead to new possibilities (Sevcenko, 2010). Sevcenko acknowledges that heritage is always “embedded in changing power relations, and never outside the realm of the political” (2010). By recognizing different heritage stories occurring on the same landscape, a *shared heritage ethic* attempts to balance the focus on difference to a morality of coexistence, “wherein one group’s contemporary practice and commemoration of heritage does not oppress another’s” (Labrador, 2011; Ya’ari, 2010). A shared heritage ethic urges a shift from approaching heritage as discrete sets of resources, to contributing to the present and future welfare of community members.

Ranching heritage narratives exemplify struggles and adaptation. From the dangerous and violent conflicts with Native Americans, to the trials and errors in animal husbandry, vegetation management, weather, geology, and distant political and economic influences, a ranch landscape is “where natural and manmade have collided and grown together, forming a vernacular cultural landscape over generations” (Vlahos

2005). Vlahos continues, saying that preserving these landscapes cannot be done simply by “setting them aside” because they are not wilderness areas, or even, as much of the public believes, simply “open space”. They are managed, working landscapes that must be protected by ensuring their economic viability and continued use (Hedrick, 2007).

There appears to be a gap between the landowners’ understanding of what heritage means, and policy or agency perceptions of heritage. This study is an intervention that asks people about heritage and how laws designed to protect it actually work in practice. I seek to answer questions about the different perceptions of heritage, to find if the values of heritage preservation similar or different from the values of historic preservation. This work seeks to contribute to the largely academically based field of heritage studies, as well as to the more practically based cultural resource management field.

4.6 Working Landscapes and Ranching Heritage: Challenges and Solutions

Although the ranches operated by members of YES have been stewarded for many generations, current challenges to keep the landscape intact and working are considerable. The fastest-growing form of landuse in the United States is low density exurban development, changing the face of the West to what geographers term as a “post-productivist” landscape (Brunson & Huntsinger, 2008). USDA statistics show that in the period between 1997 and 2004, an average of 1,500 family farms or ranches were lost per year due to consolidation or conversion (California Farm Bureau, 2005, p. 5). As in other

sectors, consolidation of agriculture has led to an expectation of cheaper and more plentiful food, which large industrial feedlots or giant corporate ranches can provide while leaving the small family operations in a dire situation (California Farm Bureau, 2005; Knight et al., 2002). The landowners of YES have expressed that these are concerns held locally.

Many have researched working landscapes and their continued viability. They have sought answers for why ranchers and small, private timber owners, choose to sell land that has been in their family for generations. Their research illustrates that the costs of doing business on a ranch continue to soar while the prices of timber or cattle remain steady, and that inheritance taxes can be exorbitant on these large parcels of land, and that the cost of a timber harvest plan can average \$43,000 (Anderson, 2003; California Farm Bureau, 2005). Given these realities, many researchers have shown that the idea of peeling off a smaller parcel to pay these expenses is often the best option for “land rich and cash poor” ranchers and timber owners (Brunson & Huntsinger, 2008; California Farm Bureau, 2005; Hedrick, 2007; Knight, 2007). While there are few more recognizable and cherished icons than the American Cowboy, many ranchers cite “negative perceptions about ranching from the public” as a reason to sell rangeland (Plieninger, Ferranto, Huntsinger, Kelly, & Getz, 2012). Ranchers are described as an aging population, and the purchase or maintenance of a ranch is out of reach for the younger generations who do show an interest (Brunson & Huntsinger, 2008). Many of

these issues, and how they relate to the concept of heritage, will be addressed in this study.

Numerous writers and scholars have written about the importance of long term stewardship on private land. Field argues in his essay *Making a Living in the Age of Walmart* that “when a ranching family leaves the land, intimate relationships with the land and its inhabitants are broken. Often they are supplanted by those who easily tire of the responsibility for stewardship of a working piece of land or only have a short term profit motive” (Knight et al. 2002: 192). Local historian Ray Raphael asked in his book *Edges* (1986), if we might be able to muster enough sophistication to distinguish between a family occupying a plot of land for five or more generations and a cut and run, fly-by-night operation? This question is as relevant now, if not more, than it was when the book was written in the 1980’s. By recognizing that there are intrinsic values encompassed in working landscapes, the New Agrarians like Wendell Barry and Eric Freyfogle reject the idea that the land is merely a warehouse for natural resources, but also a place for work and leisure, sacred and secular, functional and beautiful (Freyfogle, 2001). Conflicts over working landscapes are often framed as a fight between the “hardworking rural poor and a privileged exurban elite who can afford to see the landscape only in aesthetic values” (Walker & Fortman, 2003, p. 479). Much of the literature relating to ranching culture emphasizes the paradox of the rugged individuals who are forced to operate within the sphere of government regulation that fails to recognize the experimental and

observational knowledge gained through generations interactions throughout the landscape (Hedrick 2007; Sheridan 2007; Sayre et al. 2012).

Finding ways to keep this working landscape economically sound through exploring diversification options, conservation easements, or policy changes all appear to play a key role in ensuring the continued heritage of ranching in Humboldt County, but equally important aspects may include cultivating an appreciation for the social and cultural practices of the families who have stewarded the land for many generations. A concept of “reconstructed conservation” suggested by Minter and Manning is “pluralistic in its value dimensions, community oriented in its goals and methods, pragmatic in its focus on coalition building and acceptance of socio-physical change and human fallibility, and inclusive in its policy agenda and intellectual temperament” (2003). By forming collaborative groups, ranchers have had to “overcome some of their own cherished mythology, total self-sufficiency and independence for example” (Knight et al., 2002). As ranching culture has evolved to address the needs and issues of today, this research will ask if the historic preservation field is capable of the same transformation.

With the YES Mission Statement as a guideline, this study seeks to integrate the concepts of ecological and economic stability with a focus on how they relate to heritage. This work will contribute to the growing body of scholarship that examines whether the current regulatory and incentive structures of historic preservation are sufficient for addressing the diverse and dynamic heritage needs of our nation. It will identify the

differing definitions of heritage, as perceived by landowners and by agencies, with the goal of offering some ideas for the YES group to consider, should aspects of historic preservation appear suited to their heritage concerns.

5.0 AGENCY PERSPECTIVES OF HERITAGE

You know, in the regulatory world, heritage is not really defined. It takes a skill to try to blur the lines between the distinctions between heritage preservation and historic preservation. There isn't an office of heritage preservation, but there's an Office of Historic Preservation that has grants and gives aid, but they do it for historic preservation, landscape level things that are a continuation of the past; those are tangible, real things. (Pers. Comm. Agency, 2014)

In the above quote, the agency representative makes a claim that the goals and actions linked to the practice of historic preservation, are essentially the same thing as the maintenance of heritage. This informant, through this statement, articulates the importance of distinct, manageable objects that are links to the past, claiming that they are the same thing as heritage, but that landowners balk at historic preservation because of the idea that the government is involved. In this chapter, I will provide an overview of how cultural resource laws have evolved, along with the perspectives of the agency staff that are charged with implementing them. I hope to flesh out what the regulatory and agency views of heritage are, and how they compare and contrast with visions that landowners hold regarding heritage.

The regulator and agency perspectives on heritage are shaped by the unique cultural, social, legal and political contexts in which they are situated. These contexts include when the historic preservation laws were created and enacted, the development of the cultural resource management field, the resources and land management activities which they regulate, and the interactions they have with other agencies, the public, tribes,

and landowners. The laws continue to evolve, requiring regulators to keep on top of local ordinances, state and federal requirements, court rulings, and tribal consultation obligations.

In this section, I will address the cultural resource laws most commonly encountered by the private landowners of YES, followed by a discussion of how cultural resources are identified and evaluated. Next, I will describe how the criteria used to evaluate cultural resources is discussed as part of the requirement for both compliance and for potential incentives.

For some landowners, the process, findings, and evaluation of the cultural resources surveys occurring on their property may seem like they are happening in a black box. One of the goals of this chapter is to shed some light on how regulators and agencies view the concept of heritage, and their methods of evaluating and protecting the resources they deem as important to the public. Agency regulators are charged with protecting the public interest, so it is necessary to address the perceived community values and how they may overlap or diverge from the landowner and/or tribal viewpoints.

5.1 Historical Context of Historic Preservation Laws

As mentioned in the literature review, cultural resource legislation began to take the shape it is currently practiced with the passage of the National Historic Preservation Act (NHPA) in 1966. The implementation of this legislative act has, over time, created most of the institutions and structures that shape historic preservation and cultural

resource management today, including the State Historic Preservation Officers (SHPO), Tribal Historic Preservation Officers (THPO), the Federal Advisory Council on Historic Preservation (ACHP), the National Register of Historic Places (NRHP) and Section 106, which requires that agencies consider the effects of their projects on places that are included or deemed eligible for inclusion on the National Register of Historic Places. In 1970, the State of California, following on the heels of the Federal National Environmental Policy Act (NEPA), enacted the California Environmental Quality Act (CEQA). This process required the state to consider the environmental impacts of all state funded or permitted projects, regardless of the level of significance, and then, prepare an Environmental Impact Report if the project is deemed to have a “significant impact to the environment”, which, along with air and water quality, also includes *historical resources*.

The cultural resources field, evolved from the passage of these acts. According to King (2004), in the early days of historic preservation, archaeologists balked at the term *historic preservation* since it was associated with the architectural history of the Eastern elite. In contrast, archaeologists interested in pre-history, were not concerned with buildings. In the 1970's, a group of Southwestern archaeologists, taking their cue from another developing and relatively well funded field called *natural resource management*, coined the term *cultural resource management*. This new terminology attempted to describe their take on what historic preservation should look like, with its heavy emphasis on archaeology. This means that the “full panoply” of *cultural* resources (folklife, traditions, values, beliefs, culturally important plants, animals, or landscapes, etc.) is

collapsed into archaeological sites or buildings, which are either deemed, by archaeologists or architectural historians, as significant or not significant (T.F. King, 2004, p. 25).

Also important in the historical context of historic preservation is the Civil Rights Movement, in particular, the American Indian Movement (AIM) movement. AIM encouraged Native Americans to “return to, reclaim, and assert the legitimacy of tribal roots” (King, 2004, p. 22). This, along with lawsuits, eventually resulted in the standardized practice of government to government consultation with recognized tribes during the Section 106 process. The 1990 Native American Graves Protection and Repatriation Act (NAGPRA) required archaeologists, academics, and museum professionals to begin to take living descendants into account. Now, when a California State funded or permitted project is proposed, the Native American Heritage Commission must be queried to check their Sacred Lands Database, which holds information about burial sites, traditional gathering places, or otherwise important locations, and to obtain a list of interested tribes and individuals who must be contacted regarding projects in specific locales.

5.2 Regulatory Framework

“Unlike timber, rangeland, or wildlife, archaeological resources are not renewable, once they are gone, they are destroyed forever” (Foster & Dillon, 1999).

In nearly all of the literature aimed at explaining cultural resource laws to landowners, some variation of the quote above is recited. In California, landowners who have historic or prehistoric sites are considered “stewards of California’s past...and a knowledge of that past is part of the heritage of all Californians” (Foster & Pollack, 2010, p. 2). Nuances such as the contestation of heritage, the politics of “whose history, and who is telling the story” or what, if any, financial benefits come from protecting or marketing heritage are absent from the handbooks and literature aimed at providing landowners or project proponents with a rationale as to why cultural resources are protected. There is, however, a widely held belief, by both the scientific community and much of the public that archaeology can provide a better understanding of what it means to be human, and how events in the past can shape our understanding of the future. Furthermore, the “legislative intent” buried deep within Public Resources Code 5027.7 states;

The Legislature recognizes that the long-term preservation and enhancement of historical resources is dependent, to a large extent, on the good will and cooperation of the general public and the public and private landowners of those resources...it is the intent of the Legislature that the public agencies, shall endeavor to carry out their responsibilities in a manner to elicit the cooperation of the owners of both identified and unidentified resources, to encourage the landowners to perceive these resources as assets rather than liabilities, and to encourage the support of the general public for the preservation and enhancement of historical resources (Foster, 2003, p. 4).

The regulatory agencies recognize the need to articulate the value of cultural resources to landowners, and their dependence on their cooperation.

5.2.1 Timber Plans

For the landowners of YES, the activities which trigger cultural resource laws are most commonly Timber Harvest Plans (THP), Non-Industrial Timber Management Plans (NTMP), or CEQA review for state funded or permitted environmental restoration activities. Timber harvest related activities are subject to numerous State and Federal regulations. The process of applying for a permit to harvest timber, or for sustained yield harvesting under a NTMP serves as a “functional equivalent” to California Environmental Quality Act (CEQA) review. These protocols are part of Article 14: Archaeological and Historical Resource Protection of the Z’Berg-Nejedly Forest Practice Act of 1973, (California Department of Forestry and Fire Protection, 2014). These rules spell out the procedure that Registered Professional Foresters (RPF), or their designee, must perform prior to submitting a plan for approval. These include:

1. an archaeological records check at one of the State’s regional Information Centers operated by the California Office of Historic Preservation (OHP),
2. written notification to Native Americans (“to provide an opportunity to disclose the existence of any Native American archaeological or cultural sites that are potentially within or adjacent to the survey area”),
3. complete a review of appropriate historical literature, or contact with a knowledgeable individual concerning potential archaeological or historical sites on the property,
4. and finally, perform an archaeological survey, either by the forester, after receiving a Cal Fire Archaeology Training Certificate, or by sub-contracting a qualified archaeologist (California Department of Forestry and Fire Protection, 2014, p. 152).

But the work doesn’t stop there. If historical or archaeological resources are identified, they must be described and mapped, along with protection or avoidance

measures proposed. Should damaging effects be unavoidable, the RPF or designee gives a *preliminary evaluation of significance*, but normally, if a site is recorded and protected from adverse effect, an evaluation of significance is not required. However, Cal Fire warns:

CDF will require the RPF to provide extensive support backing a statement that the site is not significant. Almost every prehistoric archaeological site has potential to meet significance criterion (d) (information potential), and it may be more difficult and costly to demonstrate lack of significance, particularly if subsurface testing is needed. (CAL FIRE Archaeology Program Staff, 2012)

Once these steps have been taken and the Confidential Archaeological Addendum (CAA) can be submitted with the THP or NTMP. According to CalFire:

The purpose of the CAA is to demonstrate conformance with applicable Forest Practice Rules. It also serves as a confidential technical addendum to the plan listing all identified archaeological and/or historical sites and how they will be protected. This information is reviewed by CDF but not made available to the general public in order to prevent disclosure of sensitive resource locations to unauthorized individuals. The completed CAA also functions as a professional archaeological survey report that is reviewed by CDF for completeness, accuracy, and professional adequacy. Once approved by CDF the completed CAA is forwarded to the appropriate Information Center of the California Historical Resources Information System for permanent retention so that this information can be added to the state's database of cultural resources and benefit future management or research on the property. (CAL FIRE Archaeology Program Staff, 2012).

5.2.2 CEQA

State funded grants or permitted projects, including the grants YES received to address sediment issues on old logging roads, go through a similar process under a

different law, the California Environmental Quality Act (CEQA). In these cases, the lead agency, the California Department of Fish and Wildlife (CDFW), issues a Mitigated Negative Declaration (MND), after determining through an Initial Study that ground disturbing activities have the potential to cause a “significant impact” on cultural resources, but “adverse change to cultural resources will be avoided through implementation of the following mitigation measures” summarized below:

1. CDFW shall contract with an archaeologist(s) or other historic preservation professional that meets The Secretary of the Interior’s Professional Qualifications Standards (36 CFR Part 61, and 48 FR 44716) to complete cultural resource surveys at any sites with the potential to be impacted prior to any ground disturbing activities. This work may be augmented with the aid of a Native American cultural resources specialist that is culturally affiliated with the project area.
2. If cultural and/or paleontological resource sites are identified at a project location, CDFW will require one or more of the following protective measures to be implemented before work can proceed: a) fencing to prevent accidental disturbance of cultural resources during construction, b) on-site monitoring by cultural and/or paleontological resource professionals during construction to assure that cultural resources are not disturbed, c) redesign of proposed work to avoid disturbance of cultural resources.
3. Inadvertent Discovery of Cultural Resources - If cultural resources, such as lithic debitage, ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbance activities, work shall be stopped within 20 meters (66 feet) of the discovery, per the requirements of CEQA (January 1999 Revised Guidelines, Title 14 CCR 15064.5 (f)). Work near the archaeological finds shall not resume until an archaeologist that meets the Secretary of the Interior’s Standards and Guidelines suited to the discovery, has evaluated the materials and offered recommendations for further action. Cultural materials not associated with human interments shall be documented and curated in place.
4. Inadvertent Discovery of Human Remains - If human remains are discovered during project construction, work shall stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie adjacent to human remains (Public Resources Code, Section 7050.5). The county coroner shall be contacted to determine if the

cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American heritage Commission (NAHC) (Public Resources Code, Section 5097). The coroner will contact the NAHC. The descendants or most likely descendants of the deceased will be contacted, and work shall not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. (CDFW A., 2015).

This legal document, makes note of other statutes and laws, such as Public Resources Codes, California Code of Regulations, and the Code of Federal Regulations, to specify the requirements necessary to hire qualified archaeologists, the inadvertent discovery of cultural resources during project implementation, and the procedures to follow in the cases where human remains and/or grave associated goods are found. The Programmatic Agreement further specifies how cultural resources are found: like the THP process, through a background record search, notification of the Native American Heritage Commission, a Sacred Lands File Search and a list of appropriate Native American contacts, a letter to said contacts to “request any additional information and shall ask specifically if the tribe(s) have any concerns regarding the project”, a review of relevant ethnographic literature and historic resources inventories, and finally, an intensive survey of the project area (CDFW B., 2015). All of these measures add up to a “good faith effort” to identify and avoid historical resources, thereby fulfilling the obligations of the MND.

It should be noted that there is “no preservation police and very rarely are fines or punishments ever levied” (Pers. Comm, SHPO, 2014). However, the threat of legal action brought about by members of the public can be damaging to agencies and project proponents, resulting in the mountains of “minutia, paperwork, t’s crossed and i’s dotted, that comes with the process today” (Personal Comm. Agency, 2014). Indeed, much of the legislation in place today is a result of such lawsuits.

5.2.3 Human Remains

A big concern for agencies, Tribes, landowners and project proponents is the discovery of human remains, either during a cultural resource survey or inadvertently, during project implementation. In 1982, legislation was passed authorizing the Native American Heritage Commission to identify a Most Likely Descendant (MLD) when Native American human remains were discovered any place other than a dedicated cemetery (NAHC, 2014). According to the NAHC website, MLDs are “granted the legal authority to make recommendations regarding the treatment and disposition of the discovered remains” but this does not translate into requiring landowners to accept those suggestions, instead, they rely on “moral authority” or the threat of bad publicity. Depending on the wishes of the MLD, recommendations can be anything from reburial in a nearby location, scientific removal and analysis, or reburial in a different location, such as a tribal cemetery. Given the thousands of years of human occupation on the YES landscape, the potential to encounter human remains or associated grave goods is a very real possibility, and most agencies and landowners agree, better identified during the

planning process than during project implementation, when equipment is running and costs are accruing. Amendments to Section 5097.99 of the California Public Resources Code has made it a felony to be in possession of artifacts or remains taken from a Native American grave or cairn after January 1, 1988, or to “remove with the intent to sell or dissect with malice or wantonness” (NAHC, 2014). It is one of the few historic preservation laws with teeth that can be used to prosecute landowners.

5.3 Identification, Evaluation, Significance

Historical Resources are recognized under California Public Resources Code as “part of the environment” for the purposes of CEQA and its functional equivalents, and are defined as “any object, building, structure, site, area, place, record or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (PRC 5020.1). Generally, if the resource meets the criteria for listing on the California Register of Historical Resources, or the National Register of Historic Places, it is considered *significant*. As noted in the literature review, the NRHP uses Criterion A, B, C, and D while the California Register lists the same criteria in numerical (1-4) order but specifies the importance of California’s historical patterns, associations, people, regions, and contexts. Historical resources must also retain a level of *integrity* to be eligible for listing. Integrity is determined by the authenticity of characteristics that have been retained by a property from the period of its significance.

Integrity is evaluated on the basis of location, design, setting, material, workmanship, feeling, and association (ACHP, 2008). California properties that are formally determined eligible or are listed in the National Register, are automatically listed, or eligible for listing in the California Register.

When a forester or CRM professional surveys at YES landowner's property for historical resources they are charged with the duty of identifying, evaluating, and mitigating or avoiding effects to what is believed to be the shared heritage of Americans (broadly) and Californians (locally). Some of the settler and historic-period resources likely to be encountered include: homesteads, orchards, linear features such as trails or historic fence lines, and old logging camps, cabins, barns, schoolhouses, or mills. Native American features may include village sites, middens (a type of trash deposit), lithic concentrations, milling or quarrying locations, house pits, rock shelters and petroglyphs. Using the 50 year benchmark as one of the evaluative criteria, many sites, structures and objects come under examination, like old can or bottle dumps, or wrecked cars, but do these resources truly meet the requirements to be considered significant in the annals of Californian or American history? Remember, the legal definition of a historical resource means that it is *eligible* for inclusion on the National or State Registers, by meeting the standards of significance and integrity. However, it is rare for cultural resources professionals, working in a regulatory context to actually submit a nomination form. The actual NRHP forms require extensive documentation as well as landowner consent.

In the case of Native American archaeological sites addressing significance and integrity can also be difficult. How many lithic tool flakes and debitage per square meter make a site significant? Sites such as these can be quite common, enough so that both agencies and landowners have stated “the whole landscape is an arch [sic] site” (Personal Communication 2014). Often, a landscape or district approach is used, where one small flake scatter is viewed as a continuation of larger land use and settlement patterns over a broad region. So while the archaeological data potential within the one lackluster site may be negligible, as part of a broad regional context which recognizes all the other similar sites in the area, it *may* help yield information to answer an “important archaeological research question”, making it eligible for listing under Criterion D (National Register) or Criterion 4 (California Register) (ACHP, 2008). CEQA (PRC Section 21083.2) furthermore distinguishes *unique and non-unique* archaeological sites.

It states that a:

unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it...contains information to answer important scientific research questions, and that that there is demonstrable public interest in that information; has a special and particular quality such as being the oldest or best example of its type; or is directly associated with a scientifically recognized important prehistoric or historic event or person. (Foster, 2003, p. 19).

This distinction, in practice, seems to be limited to isolated artifacts. If you recall, the Cal Fire archaeology guidelines state “that almost every prehistoric archaeological site has potential to meet significance criterion (d) (information potential), and it may be more difficult and costly to demonstrate lack of significance”. Rarely is the discovery of one

arrowhead or acorn grinding tool considered a unique archaeological site, requiring mitigation or protection measures, but it may trigger a more intensive survey of the area for other artifacts. Usually, in these cases of isolated artifacts, a cultural resource professional will record and document it and then either leave it in situ (in which case, the landowner may legally do whatever they want with it, collect, sell, give away or destroy), or move it away from ground disturbing activities.

Regulators tend to “err on the side of caution” when making evaluations about the significance of a site and its need for mitigation or protection measures because of the threat of citizen lawsuits (Pers. Comm. Agency, 2014). The rulings brought about as a result of these types of lawsuits have shaped the practice as it is known today, and the policies used to implement protection of heritage resources have gradually, and oftentimes contentiously evolved. According to Foster and Betts, writing about the history of the California Department of Forestry and Fire Protection:

Several court rulings were necessary to clarify the applicability of CEQA and archaeological and historical resources to forest practices. It would take time for state agency officials to recognize their responsibilities...it would also take time for the regulatory authority of CDF to be accepted by industry and private landowners. The development of archaeological and historical protection policies has often entailed intensive internal discussions [and] have also been shaped by public pressure that has resulted in legislation intended to protect the environment, including heritage resources (Foster & Betts, 2004, p. 17).

The findings of the surveyor are recorded on forms generated by the Department of Parks and Recreation. This is another example of how the state procedures mirror the Federal, because in the case of Federal historic preservation, the National Park Service is

in charge of the forms and databases. These forms, as well as the report and findings, whether for a THP, NTMP, or CEQA related project, get placed in the Office of Historic Preservation's State Information Center, and are referred back to by professionals whenever a project is proposed in the nearby vicinity.

5.4 Mitigation Measures

The preferred protection measure for most agencies overseeing cultural resources on private property is avoidance with a buffer zone, but, if an eligible site is directly in the project area and unavoidable, mitigation measures may be used to avoid adverse change to the resource. Mitigation measures are included in the plan's review, and interested Native American parties are informed of the proposed measures and given the opportunity to comment on them. In the case of archaeological sites, one of the most common mitigation measures is to cap the site, with culturally sterile soil (Foster, 2003). The idea is that the stratigraphy and context of the site will remain intact, while timber harvesting or other operations go as planned on top of it. The site is preserved in-situ, and could potentially be excavated as part of an archaeological study sometime in the future. Another option, if an archaeological site is located on an existing road that will be traversed by heavy equipment, is to use heavy duty, re-positional rubber mats, and leap-frog the equipment over the site. There is an added expense to the overall project costs to

use these mitigation measures, but they are used routinely, in order to remain in compliance with the regulations. One archaeologist I spoke to had this to say;

I try to remind [landowners] that we are trying to protect an archaeological site that has value aside from your tree values. So I like to separate the two. So, through creative interactions with the logging industry, locally we have been able to practice a kind of site preservation that can still access the value of timber. *More specifically, we let them log [archaeological] sites.* In this day and age, a lot of technology exists that allows timber owners to get trees off of these sensitive locations. And, a lot of sites have already been logged, some of them two, three times. So a lot of times there's already infrastructure there, so we can use the infrastructure with some of the yarding technology to get the trees from the ground, off the ground, to a truck and a mill without damaging these sites (Pers. Comm, Agency, 2014).

This agency archaeologist offered his expertise to the landowners. He stated that often, when large timber companies know there is a site in a proposed harvest area, they will ask him to come out and discuss the possible options, long before ever submitting a plan. He stated that the larger timber companies make no effort to hide a site, or hope that it's not discovered, and instead, go straight to managing effects. This agency archaeologist expressed that he would be willing to do this type of pre-plan discussion with all timber owners, not just the large, industrial operations.

Another mitigation measure that can be used is to sell an archaeological easement. This approach is often cited in the regulations and handbooks, but to my knowledge, is not commonly used in this area. When I spoke to the representative of the Archaeological Conservancy, I was informed that the organization buys sites that are "either on the National Register, or at least eligible. The site has to have some research potential" (Pers. Comm. Agency 2014).

The landowner can either contact us directly, or have a CRM professional contact us, or even an interested member of the public. We tell the landowners that their arch site isn't really worth that much, because you can't do anything on it, but there is research potential, and that's where we come in. We try to just buy the site, instead of buying a whole parcel. We have three ways of acquisition- donation, bargain sale, or outright buy. The first two options offer significant tax breaks to the seller. We take a less aggressive approach with landowners, if they're not interested now, maybe they'll be interested in five years. We give them lots of praise and kudos in our quarterly magazine. (Pers. Comm. Agency 2014).

5.5 Agency Perspective on Heritage Is Based on National Register Criteria

In my interviews, participant observation encounters, and document review it was made clear that the agency perspective puts a lot of faith in the process of the National Register of Historic Places (NRHP) to incentivize heritage. They nearly all echoed a repeating theme that if landowners abide by this process of nominating and listing a property, there can be many benefits to formal recognition on the NRHP. Conservation easements and restoration grants are highly competitive and funds are limited, so the agency view suggests that the landowners of YES can preserve their heritage, by making individual properties and landscapes more attractive to funding through NRHP listings. In order to tap into these funds, there has to be a public benefit. In the case of conservation easements, often the top values claimed are historic preservation, open space, habitat and scenic value. However, both informants who had ties to land trusts stated that historic preservation aspect seems to be under-utilized locally, especially in rural settings. To reiterate the statement from the Archaeological Conservancy, they don't buy sites that are

not listed, or at least eligible for listing. Another informant stated unequivocally, “there are no tax credits for non-registered barns” (Pers. Comm. Agency, 2014).

5.5.1 Public Values

The public values of the YES watershed include the open space, wildlife, beautiful scenic views, and for many, the buildings and activities on the landscape that give it its rural character. While certainly not as publically visible as the agricultural bottomlands of Arcata or Ferndale, it is not uncommon for Humboldt County residents to take scenic drives, or for the very adventurous, bike rides, that wind through Kneeland, Bridgeville, and Shower’s Pass Road, the heart of the Yager Creek and Van Duzen watersheds. The importance of the public sentiment was expressed by the agency informants I spoke with:

Just because it’s a pretty building, on their private property, wouldn’t mean that the rest of the public would fund it. There has to be public benefit. What is the benefit of that structure to the larger community? You have to talk to the people to find out. If the family values that structure because of the larger community value, then perhaps there can be funding available for it. But what happens a lot of times is the private landowner has something that they don’t realize is part of the larger community’s public values, like for example, a big visible barn. They might decide one day to tear it down, and the public is really upset about it because it had value to them in some way. Context is really important. So that’s why, private landowners who have buildings that might have something that may have broader public significance, and are willing to research it, they might be able to tap into funds to help with those issues, and to stabilize those buildings rather than tearing them down. And there can be a range of levels of preservation, depending on the funds. For example, a full restoration of the building might be too expensive, but there are ways that the building can just be stabilized so that it doesn’t fall down, tricks to the trade to keep its character, but not have to do expensive adaptations or full restorations. (Pers. Comm. Agency 2014).

The private landowner would be responsible for submitting the NRHP paperwork, if they were seeking a tax credit for a historic building or recognition for a historic landscape. From the agency perspective, the public benefits from these rural places can be valuable, but the question remains, from the landowner's perspective, if the risks, or obligations outweigh the benefits. One of the regulators I interviewed acknowledged this by stating, "there is definitely a responsibility to having a Nationally Registered building. You are somewhat hamstrung. You can't just some Saturday burn it down if you decide you're tired of it" (Pers. Comm. Agency 2014). [Note: Unless the landowner has received some kind of government funding for a NRHP property, the landowner is free to dispose of the property however they please]. In terms of how cultural resources are valued within conservation easements, informant and board member of a Land Trust stated;

I'm not sure the Land Trust does such a good job of that [valuing cultural resources]. When the land trust looks into a property the first thing they do is assess the properties natural resource values and the cultural resource values such as the historic structures or archaeological resources. But then what happens, is if a decision is made to fund that easement which is done on the basis of the values, a conservation management plan is drawn up and I think that is where we fall down because I don't know how good the protection measures are. It's part and parcel of the emphasis on natural resources versus cultural resources. It seems to me that if one of the reasons to put the land into an easement for cultural resources, then for sure that protection of those values should be part of the agreement. The cultural resources should be funded as well as the biological resources. And I think part of the problem is that the landowners don't want anything in the plan written that will infringe on their ability to make money. You run up against the values, the pragmatism of the rancher perhaps, in contrast to the federal values that are expressed in the association of the history. I think that built into the easement is a condition, since it is public money, that the land trust should be able to give a couple of public tours a few times a year, to show the natural resources, the cultural resources, the

ranching history and heritage. I think that the land trust probably needs to do more as far as protecting the cultural resources on these easements. It's more of a question of education, to help people understand its value.

The concept of values, both monetary and intrinsic, was brought up several times:

I was out on a particular ranch years ago and the landowner says to me, "I know what the trees are worth, I know what the minerals are worth, I know what the hydraulic potential of all my streams are worth, what the hunting rights are worth, what the pasture is worth for all of my cattle, I know what the wind blowing over the ridge top is worth...." I mean, he had it all dialed in, and he says, "now you're telling me that I have to protect the archaeological sites, why? What are they worth? What's the value to me?" And at the point in time, all I could tell him was that the value was encompassed in the archaeological data potential to answer important research questions, or perhaps in the cultural values for certain Native American Tribes, and he said, "well, I'm never going to dig this site, and I'm never going to be able to make money answering fluffy research questions about this site". When you live out in those large ranches, everything has a dollar value. So it made me think about that. There is latent potential there. We know a lot about what has happened on the Park (RNP) Six Rivers National Forest, BLM, but there are great big holes in-between these public lands. There are a lot of sites on private land that surpass a lot of what's on public land. They're just sitting there. And I've wondered if perhaps, a landowner could lease the archaeological rights? And I just think that there is a value that is untapped there. (Pers. Comm. Agency 2014)

The Archaeological Conservancy is one avenue for this option, but again, it is based on inclusion to the National Register, and a demonstrable research potential value.

According to the AC informant:

We meet with the tribes, we want everything to be cohesive. We allow the tribes complete access to our sites. When we do excavate a site, it is done by a qualified archaeologist with the approval of the tribes. Research design must be approved thought the board, and we advocate conservation archaeology, that is, we only excavate minimally, in order to save sites for when new technology becomes available. (Pers. Comm. Agency 2014).

Often, the AC will simply put a fence around the site, and make no plans to excavate it.

5.5.2 Native American Perspective on Archaeology

As I stated in my methods section, I was unable to interview geographically appropriate Tribal interests first hand, so I will have to defer to document review to bring up some of the potential issues arising from the sale of archaeological easements. These are very important issues, which could fill volumes, but given the circumstances, a short analysis within this section will have to do.

There is no universal Native American sentiment held one way or another in regards to archaeology. Discourses surrounding seemingly rhetorical questions such as, “to whom does the past belong?” and “does anyone have the right to control access to evidence to the past or should it be open to anyone?” have real world implications. They have played out in the contentious nature of Kennewick Man, the passage and implementation of NAGPRA, and countless other conflicts and litigations.

Culturally, it is important to understand that Native people may have different concepts of heritage resources. An archaeological site might not be viewed as *data* but instead, as places where ancestors and spirits live, and the distinctions between past and present may not be as clearly demarcated as it is in the dominate worldview (Watkins, 2003). While this is not to say that Native Americans cannot also value archaeological sites for their scientific information, sometimes the desire to preserve the sites in situ and untouched is preferable, as a monument to tribal history or association with the ancestors

(Watkins, 2003). The historical context of between those who studied the archaeology of Native Americans and the descendants of those being studied has not always been one of mutual respect or cooperation. Tony Platt, recounted the sordid local history of the practices of early archaeologists on the North Coast in his book, “Grave Matters” (2011). The National Preservation Institute, a privately funded organization that promotes historic preservation activities, writes,

Archaeologists must recognize that their profession does not give them an uncontested or overriding claim on the archaeological record...both archaeologists and Native Americans must clearly and calmly articulate the value of their different approaches to understanding the past, and each group must explain how its approach could benefit the other.
(McManamon, 1994).

I would add that landowners too, should be involved in this conversation, and that selling an archaeological easement should involve a consideration of these issues. Agency perspectives on this subject were touched upon, with one archaeologist saying, “Tribes have money...in a lot of instances. I don’t think it has any kind of odd ethical twinge to it, it seems totally logical”. The representative from the Archaeological Conservancy noted, “Tribes in Oregon and Washington are usually more receptive to archaeological studies” (Pers. Comm. Agency 2014). Without a statement from the Bear River Band of Rohnerville Rancheria, the MLD’s of the Yager/Van Duzen Watershed, it is impossible to gauge the level of interest or acceptance of an archaeological easement situation locally.

5.6 “Unsophisticated Grumbings”

Within the agency perception, there was an assumption that landowners in general, hold some level of anti-government sentiment. They sometimes felt that this had an effect on cultural resources. Three of the four who expressed it, noted that there are underlying historical and cultural contexts to explain those feelings. The fourth, simply stated, “there’s a tremendous anti-government attitude and it is really a challenge” (Pers. Comm. Agency 2014). Another stated more empathetically:

There still seems to be an attitude of us versus them. But there’s only 1% of the population that is growing food and keeping the land beautiful too. More people need to know about the people [landowners] who take care of the land. (Pers. Comm. Agency 2014).

With regards to the procedural requirements that landowners face in regards to the cultural resources on their properties, one regulator had this to say:

The practiced landowner has a lot of things on their plate, and cultural resources are a very small portion of a lot of things that they have to get right before they get on with it. So we don’t get big picture pushback for what we do. It’s something that’s been done now for about thirty years. We’re in the second generation of doing these things. Every once in a while we’ll get the grumblings of “why do we have to do this?” but these are unsophisticated grumblings. The hiccups are in the minutia of filling out certain forms. So, you know, the pushback comes from people who are less engaged or have less sophisticated knowledge of how we operate. I do think that our [cultural resources] program has a really good relationship with the large timber companies because they are routinely working with us and have developed relationships and there’s a level of professional trust that develops. So they see that, “yeah we have an arch site here but we’ve worked with [this agency] before and we just know that there’s certain things we can do and certain things we can’t do.” They get what they want and we get what we want. But the small landowner or the isolated ranch, there’s perception and a past, and I can see their point of view. (Pers. Comm. Agency 2014).

Another interesting theme that emerged was the fact that regulators recognize landowners as being very aware and proud of the history on their landscape. For example, one informant said, “One of the first things I would hear from landowners was how proud they were of knowing all the ways that Native Americans had used the land, they always know where all the sites are” (Pers. Comm. Agency. 2014). In a document that recounts the history of the California Department of Forestry and Fire Protection’s archaeology program, one archaeologist fondly remembers the trepidation felt by some ranchers being overcome through open and honest communication:

[The ranchers] suggested that I might want to attend one of their locally famous barbecues where many of the local ranchers might be induced to bring some of the artifacts that they had found on their ranches. That interested me very much because long-time ranchers frequently have interesting artifact collections. As it turned out, many ranchers did bring their “arrowheads” having been encouraged by the [landowners] who assured them that we would not confiscate their artifacts. Ranchers are often secretive about their resources- most have sites on their lands and suspect that outsiders will try to stop their free use of the landscape or have some kind of authority to take their things away. I have found that once you succeed in winning their confidence they will often go to great lengths to display their collections. (Foster & Betts, 2004, p. 173)

For both the members of YES and the agencies that they regularly work with, the conclusion that both can work together will probably not come as a big surprise. The relationships that have been built over time, through collaborations such as YES, the Buckeye Conservancy, and Fish and Wildlife’s Partners for Conservation Program, have shown that a trusting relationship can be forged when both landowners and regulators take the time to listen to the needs and concerns of one another.

The regulators are strapped by the bureaucracies within which they are situated and the constant threat of lawsuits brought about by other members of the public to whom they are responsible to represent. The needs and desires of the landowners are just one of many concerns that regulators are required to consider. They are charged with forming a professional, defensible judgment about cultural resources that can be upheld in a legal challenge. The only way that they can remain somewhat neutral and fair is to operate within the standards dictated through the legislation and regulations, despite the somewhat arbitrary evaluation of what qualifies as *significant*. Within the strict programmatic agreements, most cultural resource managers are forced to identify and avoid. A collection of redundant, non-unique, and potentially costly to avoid sites are characteristic of this type of system.

Finally, most landowners of working landscapes hold a *conservation* ethic of resource use, while the regulators in charge of cultural resources could more aptly be associated with the *preservation* ethic. The first ethic generally advocates a wise use approach, while the latter is associated with a hands-off approach. Cultural resource management is in practice, narrowly defined as archaeological sites and buildings. This approach often overlooks the dynamic nature of culture and change. Because cultural values change, so do values surrounding what should be preserved and what should not. Ideally, every historic preservation measure would be a form of an argument that touches upon cultural values and the definition, treatment, interpretation, and use of the past, and as such, would be constantly re-evaluated under current social conditions. As mentioned

in the literature review section, the concept of heritage can be seen as a forward looking, anticipatory *process*, and as such it recognizes the dynamism and change of cultures. Within the regulatory view of historic preservation, the past, or the *publics' heritage*, becomes something to put a buffer around, avoid, or mitigate damage to, or alternatively, destroy through the process of scientific study, like an archaeological site. There may be some emerging possibilities through these concepts though, and some opportunities for middle ground, which will be discussed in the concluding chapter.

6.0 LANDOWNER PERCEPTIONS OF HERITAGE

It's really hard to explain to someone how important that property is to my family, and how it has shaped me and it's really difficult to explain that to someone whose parents don't even still live in the same house that they grew up in. I would say, probably 90% of who I am today is because of the ranch, and it's just really difficult to put that into words and explain that to people who have no idea about a life like that. (Pers. Comm. Landowner 2014)

To me, heritage is the kids being able to make a go at it. (Pers. Comm. Landowner 2014).

Neither of the above quotes allude to the kind of heritage that can be placed in a museum, encapsulated in an interpretive sign or bound and “managed”. Instead, my research revealed that landowners in YES perceive heritage differently than the agencies and regulators. It is seen more as a future oriented process, rather than distinct, material objects from the past. This perspective can conflict with the regulatory framework that is based on the concept of *significant historical properties*. In the landowners' conceptual model of *heritage*, the word is used as a verb: an enduring process tied to generations of land use, knowledge and experience. In the regulatory model, the concept of *heritage* is used most often as a noun, implying that it can be captured and managed in distinct buildings, objects, or sites. When the word is not understood with a common definition, it can lead to conflict and misunderstanding when the two meanings are forced to intersect during the regulatory process. This chapter will examine the ways in which landowners

express their process-based understandings of heritage, their attitudes regarding the regulatory structures that they encounter, and how they perceive the regulatory and preservation issues related to their view of heritage.

6.1 A Process-based Heritage

The landowners expressed a distinctive focus of heritage as process based, rather than object based. These perceptions of heritage aligned with some of the most scholarly and academic definitions of heritage, used as a verb: “a process related to human action and agency, a process concerned with the legitimization of social and cultural identities” (Harvey, 2001; Smith, 2006). To the landowners, heritage is what happens on these ranches, past, present and future. They often reiterated the importance of adaptability, change, and looking toward the future. The past is used as a reminder of the struggles and adaptations that shaped their present circumstances. Although the reminders of the past sometimes included distinct objects or places, they were not the main focus of their conceptual model of heritage.

6.1.1 Landowner Definitions of Heritage

During the course of this study, I found that to ask a nebulous question, like, “what does heritage mean to you?” was not a good way to begin an interview, instead, I began by asking landowners to sketch their family history on the land. After discussing a variety of subjects and topics, when the informant was sufficiently warmed up, I would then ask the question. There was not one instance where a distinct place, building or

object was mentioned, certainly nothing that would meet the criteria necessary for a “historical resource” as defined by CEQA, despite these topics being fresh on their minds from our discussions. Heritage was defined as: “the ability to keep doing what we do”; “being able to pass this lifestyle on to our kids”; “keeping the ranch whole and intact, and that it’s viable”; “the kids being able to make a go at it”; “our ability to stay out here—to have the economic and resource stability to continue to live out here” (Pers. Comm. Landowner 2014 and 2015). Members of YES wear both the cowboy hats of ranchers and the hard hats of loggers, some identify with one occupation more than the other, but all have a sense that the land has utility value, and that their livelihoods are reliant upon the health of ecosystems and economies. The future, their process- based concept of *heritage*, depends on these; productivity is a form of heritage.

6.1.2 Changing Land Use, Enduring Families

Continuing with the concept that heritage is process-based, rather than object based, landowners expressed a clear understanding of changing times and shifting land use patterns. In spite of the fact that some of these landowners had family ties spanning back five or six generations, with many going on towards the seventh, no one mentioned any particular ties or affinities for specific or distinct places, nor even, for a specific land use. For example, the landowners recognize that the current restoration economy forms much of the livelihood for today’s generation of YES. Many recall that within their own lifetimes, sheep were the primary grazers on the landscape, but due to political and

economic factors, cattle ranching moved to the forefront, as it was in the very early days of settlement history.

Often informants would recall the efforts of the early homesteaders, noting the enduring presence of their orchards, or the expressing astonishment and wonder at their dry farming techniques, and the creativity it took to make a living that far from town. For example, two informants recalled the story of a turkey farmer who would annually herd his turkeys into Eureka. One landowner sketched the processional history of his land:

My great grandfather and grandfather homesteaded out here and most of these ranches are made up of many homesteads...that's how they could support so many schools out here in those days. They weren't cattlemen, they weren't sheepmen. They were raising turkeys or hauling buttermilk all the way to town from here. So as those people decided to move to town and take town jobs, the rancher would buy their property and expand into larger ranches. (Pers. Comm. Landowner 2014).

They identified dynamic and innovative ways that would enable the different generations to recreate a way of life on the land, based on political, economic and ecological factors. For example, the waning influence of horse-powered farming coupled with the increase of automobile transportation and industrialization in the 1920's led to many of the original homesteaders in the Yager/Van Duzen watershed to sell their land and move to town. This allowed other homesteading or ranching families, like the current members of YES, to acquire more and more land, going from original land patents of 40-160 acres, to amassing thousands of acres. Early on, an economic source for many of the YES membership's predecessors was dry land farming, hay fields, and potatoes. These activities are not in use today because no one needs to feed large teams of

animals for work and transportation, and potatoes can be acquired cheaply from markets. As land bases increased, and less land was needed for hay and crops, sheep ranching became the most common land use. One factor that limited expansion of sheep operations were forests. Douglas fir trees were not viewed as having much value, and were often girdled as a method to kill them in order to prevent encroachment into the valuable grazing land. In the past, fire was the preferred method for this, both by Native Americans and by early settlers. But as the land ownership composition changed, so did the practice of burning, because few wanted to risk a fire escaping their own property lines.

6.1.3 Conflicting Heritage Concepts

As landowners continued to discuss historical developments in the watershed, many mentioned the substantial changes that occurred during the late 1940's, with the nationwide post-World War II building boom. This growth meant fir trees suddenly became a valuable resource that fueled the construction of new houses. The changes on the landscape due to this development left some lasting marks, in the form of denuded hillsides, impaired watercourses, and sediment bearing roads. The material objects left from this boom and bust cycle illustrate differences in the two conceptual models of heritage. For the object-based views of the historic preservationist, this era could certainly fit in with a significant development in the broad patterns of California's history. It would be hard to argue, particularly on a local scale, that the development of the timber industry in Humboldt County is not an important historical event, and that

material remains would be tangible elements from this era. There could be archaeological sites and buildings associated with this time period that may even have the potential to “answer important research questions” as stated in the regulations.

For the process based view held by the landowners, this is not a representation of a past they want to remember through preservation of material objects. These are reminders of uninformed past practices, where hillsides, roads, and streams were heavily impacted. Some landowners recalled their families selling timber rights to large, out of state timber barons, with an unpleasant workforce comprised of “Oregon Oakies—they were a rough bunch, like something out of Deliverance!” (Pers. Comm. Landowner 2014). This informant implied there were criminal elements to some of the workers who showed up during this time period, who used the area’s remoteness to hide out. While it is acknowledged by the landowners that it was a way in which the previous generation was able to suddenly cash in on a resource that had previously been a nuisance, remember, fir trees were controlled by girdling or fire before the boom, the sudden influx of outsiders looking to make a quick buck and the lasting environmental damage are part of an era not fondly remembered.

The different ideas and attitudes surrounding this aspect of heritage and its object-oriented management can be ripe for conflict. If a regulator or agency identifies a bottle dump, can deposit, or remnants of a small mill or workers cabin associated with this era, it may be argued that it should be avoided due to its “data potential”. The landowner, in contrast, views such a site as garbage, unimportant to their process-based view that

retains that historical land use and social history knowledge in other ways. These contestations of heritage are not uncommon, and scholars have written extensively about these issues, but within the framework of CEQA, under an MND, or the FPR, there little room for dialogue about representations of heritage.

6.1.4 New Heritage Based in Restoration

A strong conservation ethic permeates the landowners of YES. They are quick to point out that overgrazing or over-harvesting timber would be a poor business model, so they have every incentive to protect and conserve natural resources. Again, the ideals encapsulated in the YES Mission Statement, *“To ensure the environmental integrity of our watershed, while maintaining our heritage and the economic stability of our endeavors”* demonstrates the belief that natural resources, cultural heritage, and economics are inextricably bound. The landowners’ perceptions of heritage are intertwined with myriads of factors, and material remains make up only one small aspect. Addressing the issues of one element, without regard to the others is not a realistic proposition in their mind.

Informants all mentioned the importance of the new restoration economy that is shaping the watershed. This began with the passage of the TMDL, and the formation of YES. To fix the damage caused by past land use practices, in particular road building and log skidding during the aforementioned timber boom, private landowners have received grant funding to address these issues. As J. Mark Baker pointed out in his socio-economic study of Humboldt County’s restoration economy, the general climate of

distrust between private landowners and the government has been based on “well founded concerns about the economic impacts of regulation” and the arduous permitting process for these projects (Baker, 2005, p. 6). Despite these concerns, over the last few years, YES has been successful in bringing over three million dollars of sediment reduction grants into the watershed, providing jobs, creating partnerships, and restoring salmon habitat (Arnold et al. 2011). This has been a way that the landowners of YES have been able to re-invent themselves, allowing their logging equipment to be used to decommission roads, upgrade crossings, and address landslides. Another re-invention has been to embrace oak woodland restoration projects. They see the value of fir trees while also seeing the value of oak restoration programs, and work very hard to keep both habitats distinct and thriving. Appearing on the horizon are partnerships with the Rocky Mountain Elk Foundation and Wild Turkey Federation and programs to reintroduce fire to the landscape (Pers. Comm. Landowner/Agency 2014). Two landowner respondents identified the restoration economy as the biggest change that they’ve seen on the landscape during their lives, and incidentally, the age span between these two respondents was over sixty years. According to the youngest informant:

Most significant changes? The equipment work. The biggest change has been with all the restoration and grant work my mom has done with YES. Because honestly, you couldn’t just sustain with the cows. The timber and the restoration are really one entity [because when the logging equipment is on site, the restoration work can follow right after, there is a short, seasonal window]. (Pers. Comm. Landowner 2014).

This recent land use development is indicative of the potential for different conceptual models to work together. The integration of natural resource values and

economic incentives have been important to a continuing presence of stable, committed land stewards. It offers hope that similar understandings can be achieved when cultural resource and heritage values are reconciled as contributors to the economic stability of the watershed as well.

6.1.5 Sense of Place: Social and Ecological History

The landowners of YES view the landscape as a marriage of both ecological and social history. A tract of land would be assessed by the landowner not only based on its present environmental quality, but also on its social and environmental history, who managed it before, how they did things, and why it is in its current state. Dina Moore chronicled this in her *Yager/Van Duzen Historical Narratives* which she submitted to the EPA during the TMDL assessments in 1999 (Moore, 1999). The homesteading history is alive in the minds of all the landowners I spoke to, as well as in Moore's *Historical Narratives*. The place names were sprinkled in nearly every landowner interview, "I'm going to gather at the Shaw, I'm going to Edeline Rock, the Shook Place, Daniels Gulch, Bohannon Ridge", these are all names of the homesteaders, and the names have endured long after their departure from the watershed.

The intimate knowledge of landscape and environmental history also was evident during my interviews. Every ridge, peak, knob, or outcrop is known and named, from every direction or angle. As I rode along around one rancher's place, she pointed out a grove of stunted white oak trees with a curious bend to them. She noted, that they all laid

over like that because of a heavy snowfall in the 1930's caused them all to lean in one direction. These unique perspectives can only be gleaned from detailed interactions with place and memory, and are the basis of a very specific kind of knowledge.

Because they have lived in the same place for many generations, gaining knowledge through experience and observation, the landowners of YES could be characterized as practitioners of local ecological knowledge. Scholars define local ecological knowledge, or LEK, as “a cumulative body of knowledge, practice, and belief, evolving by adaptive processes and handed down through generations by cultural transmission. [It concerns] the relationship of living beings (including humans) with one another and with their environment” (Berkes, Colding, & Folke, 2000, p. 1252).

Questions such as, whose knowledge is valid, and how does one need to learn in order to be considered an expert are important because the current structures of the regulatory environment can have real implications in outcomes of thousands of acres of privately managed land.

A process based heritage values the remembrance of people long gone, associated with specific places, or of weather events of long ago, that are manifested in the landscape. This is an expression of living, dynamic cultural heritage that cannot be replaced and is difficult to preserve under the object based understandings of the National Register. Experiential learning is passed through the generations by work and observation. Children literally grow up on horseback, and are taught skills and traditions not learned in books. A belief that children who grow up working in these places learn

responsibility and values that will keep them out of trouble was frequently expressed. Another way heritage and identity is actively conveyed and preserved is through oral tradition. When I asked if the younger generations are very interested in the old stories about their ranches, one remarked, “well, they hear all about it, whether they want to or not!” (Pers. Comm. Landowner 2014). My youngest informant confirmed this, because she too, evoked many of the names and stories that the older informants told. Scholars have written about how this interaction of place based memory is an expression of group identity, and that in an age of rapid social transformation this process allows communities to give themselves a coherent identity and a place in the world (Steven Hoelscher & Alderman, 2004). This manifestation of heritage and its expression is a public value with benefits that go beyond the community itself.

By choosing to live out their lives, far from the conveniences of town and without the benefits of a steady income, benefit packages, vacations, or other securities, the landowners of YES could be cast as making economically irrational choices. Ranchers and timber owners consistently answered that continuing to live and work out there is an emotional choice, recognizing that it is hard work for uncertain pay. Some years are of course better than others in the cattle and timber markets, but that they felt called to continue the work because they are attached to living there. Among the many reasons listed for why YES landowners choose to stay on the land, the most prominent included, being outdoors, interacting with the animals (both livestock and wildlife), working alongside one’s family, a sense of community (meaning the wide-spread ranching

community), and caring for the land. These are not values easily mapped and managed through historic preservation. One might be able to preserve the barns, keep the historic fence lines intact, and make an interpretive center out of a farmhouse, but the *heritage*, as viewed by the landowners, is a living and dynamic embodiment of social and ecological processes, not a just a collection of material remains and some interpretive signs.

6.2 Landowner Attitudes Towards Regulations

Almost all landowners I spoke to identified over-regulation as perceived threat to their heritage. My discussions and observations with landowners revealed that while regulatory agencies and structures were often complained about, they also found some to be helpful and necessary. These are regulatory structures and options that they have used creatively to fit their needs. They felt they have been scrutinized by regulators more than some of their neighbors in the watershed, and this was a source of frustration.

Landowners acknowledged that the stereotype of ranchers has nearly always been, “you leave me alone and I’ll leave you alone”, but recent events in the watershed have forced the landowners to work collaboratively with their neighbors and regulators. Again, the process based ideas about heritage often conflicted with the object based ideas that regulators held, but that they do care for certain buildings based on their own aesthetics or feelings about the place, in addition to the utilitarian values of the building. This might offer some openings for creative solutions to keeping the working landscape intact.

6.2.1 Present Regulatory Challenges and Opportunities

The landowners all identified over-regulation as a threat to their heritage, even with the understanding that it is often legislated with the best intentions. When asked what the most significant change one octogenarian land owner had witnessed over her lifetime, she answered plaintively, “the owl, of course.” The Endangered Species Act, to her, represented a significant loss of livelihood. She noted their sustained-yield land practices resulted in habitat that spotted owls like, so they are effectively punished, rather than rewarded under the regulations (Pers. Comm. Landowner 2014). Another stated, “You have bills that are passed with the best intention, but they don’t understand that it’s not realistic, or it’s not feasible, or it doesn’t work. I think that’s the biggest issue for us in the future” (Pers. Comm. Landowner 2014). Echoing the sentiment was another landowner who said, “I think you have to have regulations, but they make it so expensive that you won’t want to do it [prepare a THP and log]”. Another landowner, who does more logging than ranching stated that he was “glad for the development of the Forest Practice Rules, but they just keep adding to it every year” (Pers. Comm. Landowner 2014).

By forming the collaborative watershed group, YES has been able to make some established partnerships with regulators and agencies, resulting in a softening in the attitudes on both sides. This might also be considered an example of a process-based heritage, a change and adaption that has become necessary to continue a livelihood. For example, one landowner acknowledged that the younger generations are somewhat more

amiable to the regulatory agencies, while “the older generation, they’re a lot more grouchy about it” (Pers. Comm. Landowner 2014). As mentioned earlier, cultural resources are but one of the myriad of permitting components required for the restoration programs, however one informant noted “One way you can play catch up from the regulations is through the grants. So I think the grants are a great way to help enforce regulations because it provides employment opportunities rather than limit them” (Pers. Comm. Landowner 2014). Another had a similar sentiment and stated, “they over-regulate one way, but the flip side is the grants that can make it worthwhile” (Pers. Comm. Landowner 2014).

An informant from a non-governmental agency acknowledged that many of the environmentalists in her field have the attitude that they need to save these places *from* the landowners but:

They quickly find out that the landowners have been doing a great job all along, and the saving needs to be from the outsiders, those that are breaking up the land, subdividing, illegal grows. Many landowners have not been a part of the conversation, no one [in the agency realm] has really asked them what they think. [But] after years of fire suppression, poor logging practices, and invasive species, it really takes a committed person, a person who really loves the land, to put in the necessary work—you have to get to the land through the people. (Pers. Comm. Agency 2014).

Another landowner spoke of the stereotype of ranchers, and how the public’s opinion of ranching has not always been favorable:

Historically, we’ve had the attitude of ‘I just want to be left alone, I want to do my own thing’ and I think we’ve done a pretty good job of it, or these ranches wouldn’t have been here for a 150 years, like this one has. But there’s always some college kid who comes up from L.A. who can tell

us how to do it. So we've had to change our philosophy, instead of saying, 'I'll leave you alone if you leave me alone', that doesn't work anymore. We have to do a better job of getting our story out. YES is doing a good job, Buckeye Conservancy is doing a good job, but we started too late. We should've started earlier. (Pers. Comm. Landowner 2014).

Also, landowners expressed an understanding that regulation is necessary, but there should be more discernment when dealing with long term, responsible landowners: "one of my hopes is that the government agencies can make a distinction between the people doing things right and the people who are doing it wrong" (Pers. Comm. Landowner 2014).

6.2.2 Marijuana's Influence on the Watershed

Both landowners and agencies recognize that the regulatory burden is not spread evenly within the watershed. With the quasi-legal status of marijuana, many of the most egregious land abuses have gone unpunished and unregulated. If a person is growing a crop illegally, they are not typically going to bother with gaining the proper permits for water development, road building, timber clearing or grading. One rancher quipped, "It's a lot easier for them [the regulatory agencies] to go after us rather than the guy that's going to shoot them" (Pers. Comm. Landowner 2014). Another rancher said,

We are really under the microscope here, we are heavily regulated. I can show you [Google Earth] pictures of just up the road where they're chopping down trees, building roads, terracing... where if I did it, I'd have to pay exorbitant permit fees and be inspected. There's people doing horrible things, diverting water [and] I've found a dead red tailed hawk next to one of my troughs. We know it was less than a year old, so it didn't die of old age, probably rodenticides, which we don't use. When these things happen, we get painted with a broad brush, 'well, ranchers are doing something wrong' and that's a hard pill to swallow when we've

brought millions of dollars of restoration into this watershed. People are really taking a hard look at us, but they turn a blind eye at the marijuana industry. (Pers. Comm. Landowner 2014).

A regulator acknowledged the incongruence, and admitted that indeed, the legitimate landowners are under a regulatory microscope, while the marijuana growers have largely skirted by these requirements. This agency archaeologist also noted that ironically, some of the older marijuana trespass grow sites may be close to reaching their period of historical significance, and will eventually have to be evaluated as historical resources (Pers. Comm. Agency 2014). This will most likely be another source of heritage representation contention, when that time approaches.

My research showed that the members of YES take a very long term view, and they acknowledge that the land is remarkably resilient. While the influence of marijuana cultivation is a factor in the overall character of the watershed, most landowners acknowledge that while it seems to be causing some long term environmental, social and ecological damage, it is also viewed as a passing phase to weather that will, like other intensive land use practices, eventually pass.

What kills me about the marijuana industry is, if you look at the roads they build, they're just really poorly built, and they wash out every year. And the next year, they just punch 'em back in, and then the next year they wash out and they punch 'em back in. That would never happen in the timber industry, and yes, that's because of regulation. So it's interesting. But I don't see it [marijuana industry] as a threat, because once it's legal you'll have all these 60 acre parcels that aren't valuable anymore. Well, I could be wrong of course, but I don't think it's a real long term issue. (Pers. Comm. Landowner 2014).

Another expressed concerns about the issue of values, both land values, and heritage values, when it comes to the marijuana industry in the watershed:

It's dramatically adjusted the land values so when you look out here, the majority of people that are growing dope up in the hills to the east of us, there's no respect for what we do, they have no respect for the heritage, no respect for the environment, they don't have any respect for the cows or horses or dogs or the riders on the road, you know? It's just like, 'we're here, screw you'. People don't understand that there's a prescriptive right of way for the cattle and horses, they have the right of way, not the car. These people can't recognize that, and won't so it's not as comfortable as when I was a kid, starting with the home invasions and everything. And they go out and they buy the super steep, tan oak infested ground for a couple thousand dollars an acre, they pay far more than we would comfortably be able to pay for ag land. But historically, we've had to expand because we get squeezed by the cattle prices or whatever, so that's been a major change in how we do business here. But I wouldn't say it's one of the biggest threats in the sense that it's here to stay and it's done. (Pers. Comm. Landowner 2014).

Another informant answered similarly, stating, "there's five inholdings on the ranch that we'd like to buy, but they're worth so much for marijuana growing that we can't make it pencil out for cattle and timber" (Pers. Comm. Landowner 2014). He also acknowledged that if their family can hold out a little longer, purchasing those inholdings may be possible, especially if they place part of it in a conservation easement.

As legalization looms on the horizon, many feel that land prices will fall once the market is no longer inflated due to prohibition. But, no one knows exactly how it will play out, from either the agency side or the landowner side, so there are many questions

that only time will answer. One of the non-governmental agencies involved in placing one of the watershed's ranches into a conservation easement stated:

One of our greatest achievements was getting 7,000 acres into an easement. It took seven years and was down to the wire; if it hadn't gone through the landowner would've lost the ranch. We went back a year later to do our follow up assessment and looked up at the neighboring ridge and saw it just packed row after row of [marijuana] greenhouses. The landowner said that it had caused some of his creeks to go dry. But we knew that would never happen to that piece of land- it was safe from that. (Pers. Comm. Agency 2014).

The challenges that Humboldt County's marijuana industry has brought to the watershed have been significant, and the membership of YES has indicated a general disdain of the industry and practices. They are particularly upset that the watershed wide restoration projects they have completed may be reversed or nullified due to the poor management practices of the unregulated industry. In spite of these challenges, nearly every informant viewed this as a temporary setback, and held a belief that they would soon be able to purchase some of the parcels that had been sold off to marijuana growers.

6.2.3 Regulations and Policies That Work

Landowners often cite regulatory burdens as a reason to sell their land, while agencies frequently cite lack of successional planning a reason that agricultural land is sold. My research showed that these are overly simplified representations of the problems. In some instances, landowners have embraced regulations and also noted instances where they've used regulations and agency assistance to their advantage as a way in which to enhance their concepts of heritage. It is interesting that none of these

regulations or agencies are specifically charged with protecting heritage, but that in the landowners' view this is precisely what they help do.

Williamson Act

A legislative action called the Williamson Act, was repeatedly cited as a valued piece of regulation. It keeps working agricultural lands intact through tax breaks, nearly every landowner stated their support of and dependence on this measure. This Act enables the County to enter into contracts with landowners for the purpose of restricting specific parcels of land to agricultural use, in exchange for a 20-75% decrease in property tax liability (State of California: Williamson Act, 2013). One member of YES succinctly summed up the value of rangeland over the higher value of parceling it off and subdividing it Andy Westfall's book *Humboldt Heartland*:

I run about one cow to forty acres. What would you rather have on forty acres—one cow? Or a cabin, road, septic tank and a four wheeler? The worst run ranch is better than the best run subdivision. (Westfall, 2010).

While landowners are typically opposed to restrictions on their private property, the tax benefits, as well as the agricultural and conservation values expressed through the government's support of the Williamson Act, make this a tool that is embraced.

Landowners see the decision of keeping the landscape intact and in-use as a form of heritage; they believe that raising their children and grandchildren on a ranch is an investment in their work ethic and character, another example of the anticipatory nature of heritage. In the future-oriented process of the groups' heritage, they see continued

funding of this legislation as a vital component of keeping these working landscapes economically viable.

Land Trusts, Conservation Easements and Planning

Having a variety of options on the table appears to be an element of heritage preservation important to the landowners of YES. The generalized concerns held by agencies about a lack of estate planning was not evident from my landowner interviews, everyone had some kind of plan. This could be attributed to the planning workshops that local land trusts, the Farm Bureau and UC Agricultural Extension Offices have facilitated. All recognized the importance of keeping their landscapes intact and working for the next generation, but methods of achieving these goals varied among families. Both landowners and agencies expressed that inheritance taxes “can be the death of many a ranching family” (Pers. Comm. Agency, 2014). Conservation easements have been used as a tool to address this issue but there is an understanding that this is not a one-size-fits-all option to be used watershed wide.

While several thousands of acres of the YES watershed are protected from development pressures in the form of conservation easements, I found out through my interviews with landowners that this is not necessarily a panacea, and some families are actually opposed to them. This opposition, I believe, is because of their characteristically distinct long term point of view. One claimed that conservation easements can be a tool for some, but in her opinion:

There are concerns when you're selling of your rights to the property, and although you can write that contract as clearly as you want and think that

there's absolutely no issues, well then, what happens in another 150 years? There's just unforeseen,.... I mean, the world will look like a different place. (Pers. Comm. Landowner 2014).

One landowner said that she “did not want to tie the hands of the future generations” by putting her land into a conservation easement, but that for the immediate future, there was a family trust set up that would secure a smooth transition (Pers. Comm. Landowner, 2015). Another stated that while he had no plans to enter a conservation easement himself, he admired the ranchers that had.

Keeping Options on the Table

Because ranchers and timber owners have such large tracts of privately held land they are often viewed as strong advocates of property rights. There is a stereotype of ranchers particularly, that they are closed off, guarded, and fiercely independent. I asked landowners if they believed there was a culture of social pressure or a unified policy stance within the watershed group that discouraged the practice of splitting up the land and selling it off. I noted that it appeared to me that maybe there was, since their watershed is substantially less impacted by subdivisions and marijuana grows than other locations in the county. They all responded no, there was no such agreement or even a hint of tacit social pressure. Instead, they had a nuanced understanding of situations that might come up that would require selling off a parcel of land. One stated, “It's none of my business. Those situations are terrible, but people can't pay the inheritance tax, so what are they going to do? They're land rich and cash poor” (Pers. Comm. Landowner 2014). Another stated:

I think the majority of our members believe in personal property rights. It's an individual thing, not something the group is going to make a statement about. It will make its own adjustment in its own time. It doesn't matter what your group or your own philosophy is about it. (Pers. Comm, Landowner, 2014).

The same landowner had some words to say about what would happen if one of his heirs tried to sell the land off though, suggesting that issues like these are deliberated over at the kitchen table rather than at a policy table:

We're really passionate about this not getting chopped up. If one of my kids ever said something like, 'jeez I can't wait for you to die so I can so I can make a million bucks by subdividing the ranch'...well, their picture would be turned to the wall pretty quick. But we don't have to worry about that. (Pers. Comm, Landowner, 2014).

The issues of heritage, natural and cultural resources are bound inextricably with land use and planning, again echoing the Mission Statement of the group. Continued dialogue with the partners and agencies that the landowners work with can help secure these values.

6.3 Public Values or Public Nuisance?

An issue that illustrates the object-based perception of heritage held by regulators and the agencies, and the process based perception held by the landowners is evident in the relationships that both have with the buildings on the landscape. This section shows how they intersect, and what some see as a public value, others may see as a public nuisance.

As mentioned in the preceding chapter, agencies and regulators seek to identify elements of the landscape that could be considered public benefits, in order to open up funding for conservation easements, historic preservation grants or other restoration projects. However, there are instances where landowners see particularly visible elements, like structures near a county road, as liabilities not assets. Two landowners recounted stories of making the decision to tear down historic buildings on their property because they were worried about trespassers and liability. One landowner was particularly upset about this and had every intention of repurposing an old school house by relocating it to a local vocational trade school, the Blue Ox Mill in Eureka. Unfortunately, the plans fell through due to various circumstances, and as a result, a school house which his father and grandfather had attended and later sat on the board of, was dismantled. He stated sadly, “It was an attractive nuisance, it was shaking, it had to come down. It kind of broke my heart” (Pers. Comm. Landowner, 2014). When I recounted the realities of the two landowner’s experiences with dilapidated structures near public roads during my agency/regulator interviews, one disapprovingly stated, “Well, that’s what they all say [they have to tear them down due to liability]” (Pers. Comm. Agency 2014). This agency representative expressed a belief that landowners tear down buildings pre-emptively, because of fears that they will be identified as historical resources, and then subject to management. Another regulator was more sympathetic, and stated “Things get old and deteriorate, and sometimes it’s just not cost effective to replace them” (Pers. Comm. Agency 2014).

When I asked landowners if they would be interested in pursuing funding for historic buildings on their property the responses were tepid. I explained that almost all tax credits or funding would have to be for barns that are placed on the National Register, which did not sit well with them. Most landowners felt that certain barns were useful and had elements that they appreciated, even if they required a little more effort to utilize.

For example, one rancher stated:

We maintain them, we keep them from falling in. It's a lot of work because some were made before tractors, so you have to go in and hand stack the hay. But we like them so we keep them around, even though it's more work. (Pers. Comm. Landowner 2014).

Another landowner said:

Well, it has to be usable. I can think of one barn that is in a really weird spot and it's never going to get used. So why maintain it? We have one barn that still has loose hay in it. I don't know when the last time people put hay up loose without bailing it, so you can tell it's been a long time since it's ever been used. So there's no use in maintaining something that will never get used. (Pers. Comm. Landowner 2014).

Certain buildings and places carry a sense of duty and responsibility to the landowners, but this has little or nothing to do with the any of the reasons for listing something as significant under the criteria for the National or State Registers. For example, one rancher proudly pointed to the window we were sitting next to while I interviewed him on his porch and stated; "My father was born right there in that room, ninety-four years ago". He went on to state how in his experience growing up, everything was saved and repurposed:

When we tore down a building we didn't waste anything. We used to save every board and there was an anvil that we used to straighten every nail

and put them in a coffee can. But now, we've become a throw-away society. So when you ask about this preservation stuff, can people even afford to do it anymore? I mean, it would've been cheaper for me to tear this place [his farmhouse] down and start over. But I think we do a good job of preserving what we can. It's part of my heritage, I don't want to see it go down. It looks a lot better now than it did in 1977 when I started on it... I built a new hothouse, but I didn't want to be looking at a plexiglass building. So I used those old shakes—they were made by my grandfather and uncle back in 1912. I keep all the old tools around. Those things are important to me, but most of the old barns are gone now, they just outlived their life and we weren't able to keep them all. (Pers. Comm. Landowner 2014).

These responses illustrate the varying individual reactions in regard to historic buildings. While some agencies and regulators tend to cast the landowners as being mainly concerned with utility, some landowners demonstrated a strong preservation ethic in regards to certain buildings. Utilitarian values are certainly present, but sentimental value, nostalgia, and aesthetics can also drive the decisions made by landowners when it comes to old buildings. The agencies and regulators on the other hand, are seen as trying to preserve old buildings as enduring features of the landscape, without regard to the cultural processes that occur, or are absent from, those places today. In this sense, it can be critiqued as a hollow and empty measure, an overemphasis or fetishizing of material objects, and “reflects an underlying assumption that culture can be treated as a static set of artifacts” (Mason, 2004, p. 66).

6.4 Bridging the Gaps

The landowners of YES have embraced the concept of a restoration economy to address some of the land abuses of the past, and have even stated that this new development has been one of the most positive and encouraging changes witnessed over a lifetime. The ranchers, who define heritage as something more intrinsic and intangible than regulators do, have not been convinced that historic preservation can be used instrumentally to retain some of their heritage values. To them, it appears to add a new layer of bureaucracy to an already overwhelmingly regulated landscape. The agencies and regulators who manage cultural resources have been limited by the policies that identify important aspects of heritage as distinct, unchanging and manageable parts. The historic preservation field needs to convince landowners that their object-based concept (most notably, the NRHP) can be a tool to help landowners stay on their land in socially, economically, and environmentally sustainable ways; but it should be approached with an understanding of heritage as a dynamic process. While this chapter and the one proceeding it have highlighted some of the differing concepts and perceptions of heritage and historic preservation, the following chapter will offer some ideas for integration and common ground.

7.0 LOOKING AHEAD: FUTURE OPTIONS FOR YES HERITAGE

The preceding chapters discussed the different perceptions of heritage, and the potential for misunderstanding when the two intersect during the regulatory process; in this chapter, I will offer some ideas for bridging those differences. The landowners of YES have demonstrated a willingness to adapt and change, and in fact, recognize those traits as an aspect of heritage that has enabled them to stay on the land for close to seven generations. With goals that include enhancing the heritage, economic stability, and natural resources of their working landscape, consideration of some of the tools used by the historic preservation field may be beneficial. In this chapter, I will clarify some of the misconceptions and fears surrounding historic preservation, examine the relative costs and benefits, and provide some examples where other ranching communities have embraced its utility. There still remains an overall structural shortfall in the implementation of cultural resource laws that are based on rigid programmatic agreements, MNDs, and the concept of object-based *significance*.

Regulators and agencies are beginning to come around to the idea that ranchers are indeed, stewards of the land. YES is in a position to showcase their cultural resource values in a way that may make their working landscapes even more attractive to grant funding, provide some tax relief, and to win over some of the public who still hold beliefs that are negative toward ranching and logging. One statement made repeatedly by members of YES, both in interviews and during participant observation during their

meetings, is the strong desire to “remain ahead of the ball, to not get behind it”. By this, they mean they would like to be a part of solutions, and to have a voice in the processes that ultimately decide what they can or cannot do on their land. Given the current events in the watershed, with cultural and natural resources wantonly destroyed by an unregulated marijuana industry, YES, having brought millions in restoration grants to the watershed and developed meaningful partnerships with other agencies, is poised to win the war of public opinion. Highlighting the valuable cultural heritage present in the people and the landscape, will only strengthen the communities’ support.

7.1 National Register of Historic Places, Again...

7.1.1 Fears and Costs

As touched upon in the previous chapters, the agency and regulatory position holds the National Register of Historic Places as a key component to gaining incentives that can protect the object based perception of heritage. Landowners however, feel heritage means more than distinct places or buildings, and fear a listing as another regulatory ‘take’ that would limit their options or rights. Part of the misconception comes from many of the horror stories landowners hear about historic preservation gone awry. For example, most people can recount hearing stories in the media or through word of mouth about historic preservationists mandating that a home be painted a certain color or prohibiting a homeowner from altering their windows. These fears can be valid, but it is

important to note that the strongest historic preservation laws are passed by local ordinances. In some local districts, Arcata and Ferndale for example, historic preservation commissions have earned the reputation of being inflexible or contradictory (Hum. Co. Grand Jury Report, 2013). However, within Humboldt County, no county-wide historic preservation commission exists; the General Plan, makes some recommendations, but they stay within the scope of CEQA and other existing laws. Local governments, such as cities or districts, exert involvement that far surpass the Federal historic preservation requirements for private property owners. The only time the Federal Government can meddle in the affairs of a National Register listed property is if the owner has taken preservation tax credits (Dougherty, 2013). Properties are under no obligation to remain on the list forever; the process for removing a property is clear and simple (Dougherty, 2013). The title is largely honorific, and a designation can an incentive, not an impediment.

Another misconception about the National Register is based on concerns about trespassers. Some landowners have expressed that if people passing by are alerted to the presence of a historic building by signage or a plaque, they may wander on to the property uninvited and become a liability if they get hurt. Again, this is a mistaken belief about the National Register that is based on the experience of seeing signs and plaques posted on historic buildings. In reality, those plaques cost money, and the National Register does not pay for them. If a building is listed, then landowners can choose to

purchase them, or not. There is no requirement to post anything, and neither is there a requirement to provide access or tours to a listed property.

The organizations that advocate and encourage listing on the National Register do so for several reasons. One important reason would be to determine if a site is eligible in order to donate it or sell it, as suggested by the Archaeological Conservancy for archaeological sites, or by the California Office of Historic Preservation, for historic building easements. For the most part, any type of incentive-based program will be based on this type of determination. To reiterate, the listing does not require the landowner to do anything *unless* the landowner is receiving funding or permits.

Hesitations not only surround the functions and requirements of a National Register listing, but also the process of nominating a property. The process for listing on the National Register begins with contacting the State Historic Preservation Office (SHPO) which can offer some assistance, step by step guides, and forms. The next step requires filling out a nomination form which asks about current and historic uses and functions, architectural descriptions (for buildings, not landscapes or archaeological sites), a narrative description, statements of significance, and specific boundaries and locational data. Again, this format is a reflection of the bounded, managed, and object oriented view of heritage that has its limitations and weaknesses. The Estimated Burden Statement at the end of the form reads: “Public reporting burden for this form is estimated to average 100 hours per response including time for reviewing instructions, gathering and maintaining data, and completing the reviewing form” (NPS; form 10-

900). It should also be noted that if 100 hours of historic documentation and paperwork seems burdensome for already busy landowners, there are significant sources of assistance potentially available. Humboldt State University, as a teaching institution, may be able to offer student support from the Cultural Resources Facility, cultural resource management courses, or through the History or Geography Departments. College of the Redwoods offers the only program of its kind in California that offers certification in Historic Preservation and Restoration Construction Technology. The Humboldt Historical Society has a membership of over 3,000, making it one of the largest county historical organizations in the nation. Locally, there are active Facebook groups that are devoted to admiration of Humboldt County's barns and scenic landscapes. Should the individual landowners of YES ask for assistance in documenting a building or site for the National Register, it is my belief, based on the demonstrated public interest in local history, that it would be forthcoming.

7.1.2 Benefits

In order to justify the costs of time, and the reservations about listing, benefits to this process must be articulated. Depending on the property, and what the landowner is willing to contribute, the incentives could include some significant tax benefits (NPS Technical Preservation Services, 2012).. Landowners may find that being reimbursed at a rate of a 20% tax credit for repairs on buildings they already use and enjoy, may be worthwhile to look into. Or, depending on the property, perhaps the landowner would be willing to donate an easement to a qualified organization, like the Archaeological

Conservancy. Another example, is used hypothetically; perhaps the Humboldt Historical Society or “Friends of One-Room Schoolhouses” could become the benefactors of donated schoolhouses that remain sprinkled throughout the YES watershed. The donor of the property would be able to claim the value attributed to the easements as a charitable contribution deduction. In addition, many state tax codes provide benefits for conservation easement contributions when there is a reduction in the value of the property. If landowners hesitate at the idea of donating the entire building and the real-estate it sits on, there are ways in which just the façade of the building can be donated, again, receiving tax benefits for this donation. If donating the property or building itself is out of the question, there are still other benefits available, should a non-residential property be listed. There is a 20% tax credit for the rehabilitation of a certified historic structure, which could include barns, hunting cabins, or other income producing properties that are not residences. Tax laws can be complex, and any undertaking should be discussed in full with a qualified tax advisor or attorney, but there are plenty of on-line resources available for landowners to become acquainted with the requirements and benefits. These resources are included in Appendix B.

Another option is still available to landowners who wish to avoid listing altogether. Though not as generous as the other tax benefit, it is possible to receive a 10% tax credit to rehabilitate a building built before 1936 (NPS Technical Preservation Services, 2012). This is, like the 20% tax credit, meant only for non-residential, income producing properties, barns are included. There are requirements regarding the historic

fabric of the building, for example, 50% of the buildings external walls must exist and the time of rehabilitation and remain in place afterwards. The tax credit is claimed on IRS form 3468 for the year in which the rehabilitated building is placed in service, and there is no formal review process, as they are still considered *non-historic* buildings.

7.2 What Are Other Ranchers Doing?

The challenges of keeping rural working landscapes intact has become a concern in many other ranching communities. While the exurban development pressures, and federal grazing permit issues are not as prevalent in the YES watershed as in other places, some of the tactics used by communities under intense pressure may have some value locally. While the focus of these programs are largely based on environmental values, cultural heritage values, particularly if viewed as a process rather than materials, are also enhanced. Other collaborative ranching groups, such as Malpai Borderlands Group and Quivira Coalition have developed partnerships with local Native groups, archaeologists, and environmental groups to bring much needed fire back to the landscape ("Quivira Coalition", 2015, "Malpai Borderlands Group," 2015). They have also embraced a concept of new agrarianism, a willingness to teach people vital skills of living the conservation values required to sustainably ranch and farm. These collaborative groups share a vision of private landowners contributing their valuable knowledge alongside the scientific and regulatory communities, and creating healthier landscapes based on cooperation.

Some of the imperiled ranchers in the Rocky Mountain region are using a more traditional National Register approach. Here, ranchers are working with the University of Colorado Center for Preservation Research in order to document and analyze rural cultural landscapes (“Ranching Heritage College of Architecture and Planning University of Colorado Denver,” 2015). Because ranchers in this region were threatened by a loss of their way of life, a loss of scenic and working landscapes, and a loss of jobs and businesses, many welcomed the attention of historic preservationists, who recognized the value of vernacular architecture, ranching’s history and place in the West, and the important lessons of interactions between people and place. While this approach is still based the object/material approach of heritage, it recognizes the importance of keeping rural places intact and economically viable as a way to enhance the process- based concept of heritage. In contrast to some environmental groups who view human presence on a landscape in a negative way, the historic preservation field can offer a different approach, that recognizes and values the importance of humans who have lived on and utilized landscape.

7.2.1 Green River Drift

One of the most innovative ranching preservation developments came recently in the recognition of a historic cattle drive trail as a Traditional Cultural Property (TCP) under the NRHP. TCP’s developed to address the limitations of the standard, object-based view of historic preservation significance. The TCP status, goes beyond other National Register designations by explicitly recognizing the importance of a place to the

continued identity of a community. While still focused on *place* (object) and not necessarily intangible values (process), a TCP is identified as important to keeping a living community rooted in its history and vital to maintaining their cultural identity (Parker & King, 1998; Smythe, 2009).

The Green River Drift Trail was approved by the Wyoming SHPO in 2013, who recognized that it has played a “pivotal role in the development of ranching in the area and in the development of the relationships between Federal Property land managing agencies and private property owners” (Sommers & Wyoming State Historic Preservation Office, 2013). Beginning in 1896, this cattle trail has been used continuously to get cattle to and from the range allotments in the Bridger-Teton National Forest, twice a year, in spring and fall. A spokesperson from the Wyoming Stock Growers Association noted:

You don’t often see our organization in support of a National Register nomination. Some people view it as a hindrance to their land and operations. In this case, we view it as an important historical asset to our industry. We strongly support it. (Jim Maganga, quoted in Ballou, 2012).

The Green River Drift nomination was one of the first TCP’s to not be associated with a specific Native or ethnic group, but successfully argued that the shared customs, knowledge and language (place names, terminology) used by the ranchers represented more than an occupational or interest group. Undertaking this nomination was a leap of faith for the normally closed-off ranchers, but it has paid off in the form of official recognition, formalized the groups’ consultation status with government agencies, and strengthened the public’s perception of ranching’s history and place on the landscape. I am not suggesting that this avenue is appropriate or necessary for the YES watershed at

this time, but I provide it as an example of the innovative ways that historic preservation can be implemented, even by groups who have customarily held reservations regarding its utility.

7.3 A System Based on Assumed Conflict

As outlined in the literature review and the agency perceptions of heritage, the laws and regulations meant to protect heritage were based on the best intentions, but their implementation, like other environmental laws, can be flawed. Thomas F. King writes:

The regulations essentially assume that there is *always* some kind of conflict to be resolved, requiring a more or less standard sort of multi-party (though often only bi-party [tribal]) consultation. And they give little to no direction about how to decide how much consultation is necessary. The only real guidance is that if a project will have “adverse effects,” it requires some more consultation, sort of, than does a project without such effects.

And “adverse effect” is defined in a very abstract, theoretical way – you have an adverse effect if you’re going to diminish the integrity of a historic property. It doesn’t matter if you’re just going to diminish it a little bit or a lot, and more importantly it doesn’t matter whether anybody objects to the diminution. Everybody involved can be happy as clams with what you’re going to do to the place, and you’ve still got to go through the motions of consultation and execute a memorandum of agreement. On the other hand, some people can hate what’s proposed, and that doesn’t trigger any higher level of review – unless, of course, the haters are State Historic Preservation Officer (SHPO) staff, based on whatever technical standards they elect to apply. Inevitably, such a system allocates unnecessary time, effort and angst to routine, non-controversial projects, while allocating insufficient resources and attention to projects that are troublesome. (T.F. King, 2010).

These are not problems that the landowners of YES can fix themselves, this issue must be owned, recognized and addressed by the practitioners in the cultural resources field. There is often an unending dependence and faith on using the National Register to determine the outcome of a property. Thomas F. King warns against the field congratulating themselves on having preserved, at great costs, places disassociated from their traditional role in the community; instead, he advocates using the intellectual energy, normally used to argue *significance*, to pay attention to the processes of better management (King, 2009b). Understanding different concepts of heritage is one place to start.

8.0 CONCLUSION

The heritage needs of the YES group are met, in their opinion, by the ability to continue to make a living on the landscape and pass that way of life down to the next generations. They understand that different social, political, environmental, and economic realities often require changes in strategy, whether moving from sheep to cattle, or logging to restoration. They have concerns about over-regulation, and feel that the costs associated with compliance make it difficult to manage their land, but in forming the collaborative watershed group, they have been able to prove to many outsiders and regulatory agencies, their commitment to good stewardship practices. Because there are currently other, more environmentally intensive operations going on in the watershed (marijuana), the legitimate, taxed, and regulated ranchers and loggers are no longer viewed as a major adversary of natural and cultural resources. In other places, where ranching conflicts with other land users or development is more pronounced, ranchers have found utility in using historic preservation methods to protect their heritage. I believe that this paper presents some options should the landowners of YES begin to feel increasing social, regulatory, and ecological pressures in their watershed. With trepidation in the beginning, YES harnessed the power of using collaborative natural resource management practices with various agencies, to many positive outcomes. It is the goal of this paper to show that cultural resource management collaboration may

also offer the some of the same benefits, enhancing the economic stability and heritage of this important working landscape.

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APPENDIX A

Sample Interview Questions

Sample Interview Questions for Landowners:

1. Please tell me about your family history and your history on your ranch.
2. What have been the most significant changes you have seen on your landscape over time?
3. What do you define/value as aspects of your heritage?
4. Do you feel like aspects of your heritage is threatened, or negatively impacted? If so, how or by whom?
5. What would you like to see as far as having your heritage recognized/valued/documented?
6. Do you have a conservation easement or an inheritance plan for your land?

Sample Interview Questions for Agency Stakeholders:

1. Do current CRM policies do a good job of protecting cultural resources and property rights? Where might there be some room for improvement?
2. What would you describe as the character defining elements of the YES landscape?
3. What would be some possible incentives to encourage further protection of cultural resources? How can Historic Preservation be more “carrot” and “less stick”? Or is it already?

4. What are some common complaints/gripes you hear from landowners/foresters/tribes regarding CRM laws?
5. What can you tell me about archaeological easements/cultural or ceremonial easements? Are you aware of anything like this happening in the region?
6. How can perceptions that landowners typically have toward regulatory agencies (i.e. they don't understand their needs) be addressed?

APPENDIX B

Helpful Sources for Landowners

WHAT DOES IT MEAN TO LIST SOMETHING ON THE NATIONAL REGISTER OF HISTORIC PLACES?

The National Register Does . . .

- Identify significant buildings, structures, sites, objects and districts according to the National Register Criteria.
- Encourage the preservation of historic properties by documenting their significance.
- Provide information about historic resources for planning purposes.
- Facilitate the review of federally funded, licensed, or permitted projects to determine their effects on historic properties.
- Assist state government agencies in determining whether their projects will affect historic properties.
- Make owners of historic properties eligible to apply for federal grants for historic preservation projects.
- Provide federal and state tax benefits to owners of taxable historic properties if they rehabilitate their properties according to preservation standards.
- Insure that listed properties are considered in decisions to issue surface mining permits.
- Allow consideration of fire and life safety code compliance alternatives when rehabilitating historic buildings.
- List properties only if they meet the National Register criteria for evaluation.

The National Register Does Not . . .

- Provide a marker or plaque for registered properties (property owners may obtain markers or plaques at their own expense).
- Restrict the rights of private property owners or require that properties be maintained, repaired or restored.
- Automatically invoke local historic district zoning or local landmark designation.
- Stop federally assisted government projects.
- Stop state assisted development projects.
- Guarantee that grant funds will be available for all properties or projects.
- Require property owners to follow preservation standards when working on their properties, unless they wish to qualify for tax benefits.
- Automatically stop the permitting of surface mining activities.
- Mandate that special consideration be given to compliance with life safety and fire codes.
- List individual properties if the owner objects, or districts if the majority of property owners object.

(“National Register of Historic Places: Recognizing and Preserving Our Historic Properties” accessed April 20, 2015 georgiashpo.org/sites/uploads/hpd/pdf/NR_fs.pdf)

THE ARCHAEOLOGICAL CONSERVANCY

<http://www.archaeologicalconservancy.org/>

This organization could be a resource for landowners who wish to sell or donate (in exchange for tax benefits) archaeological sites to a trusted, established institution.

HISTORIC PRESERVATION TAX INCENTIVES

<http://www.nps.gov/tps/tax-incentives/taxdocs/about-tax-incentives-2012.pdf>.

This on-line resource from the National Park Service discusses Preservation Tax Incentives, Tax Credits, and Other Tax Provisions Affecting Preservation Tax Incentives. This is a glossy booklet with good descriptions of the types of buildings that are eligible and step by step methods for obtaining the benefits.

INCENTIVES FOR HISTORIC PRESERVATION IN CALIFORNIA

<http://ohp.parks.ca.gov/pages/1054/files/ta15.pdf>

This document will assist interested parties in locating funding and incentives available to qualified historic properties.