



# North Fork Mono Tribe

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## North Fork Mono Tribe

Eastern Madera County  
Southeastern Mariposa County  
Northeastern Fresno County

## Chronology of Land Tenure

A parallel report by the North Fork Mono Tribe titled Previous Recognition, speaks directly to land tenure issues via federal and state acknowledgment of the Tribe's federal recognition. This segment will address the land tenure issues of the North Fork Mono Tribe in congruence with the philosophical concepts the Americans brought with them regarding the, and their ill perceived, dominion over the land and all its inhabitants. The government of the United States continues to exude this presence of dominance even though their own rules unequivocally spell out the Tribe's jurisdiction of their lands.

The North Fork Mono Tribe has a pronounced territorial boundary. While the borders are gray with neighboring tribal overlap, the Tribe began its movement into the Crane Valley/San Joaquin River area some 300 to 400 years prior to 1900. They maintained their land tenure presence during the latter 1700's and early 1800's against Spanish intrusions. They fought briefly with the American militia and held them off in the 1850's. Tribal members removed the last of the Chukchansi from Crane Valley in the latter 1800's.

Land tenure issues and land losses began in 1851-52 with the Unratified Treaties. As stated in the Previous Recognition segment, a reservation territory was to be established for the four creeks (Chowchila, Fresno,

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San Joaquin and Kings Rivers). These treaties were politically fought against by the State of California. This land base was a 16 mile swath from the edge of the foothills to the edge of the mountains. During this treaty period, politicians and bureaucrats discussed moving all Central Valley Indians to the Tejon Mountains, or back over the Sierra's with the Paiutes, and even discussion for a forced removal to Oklahoma. Skirmishes with the Yosemite Indians and North Fork Mono in 1851, with the Dunlap Mono and Choinumni in 1856 and finally with the Paiutes in 1864 changed their removal concept.

The treaties went unsigned by executive representatives and unratified by the United States Congress and thus secretly tabled from 1853 to 1903. In 1903 these unratified treaties were brought forth to Congress and vetoed in 1905. In 1868 military and government officials met with treaty signer chiefs and requested them to, "get their renegades" under control as the chiefs had promised under the peace and freedom unratified unsigned treaties of 1851-52. At no time did these officials tell the "chiefs" that the treaties were secretly tabled and were not going to be signed. If they did it wouldn't have been a secret anymore. So began the swindling of the land away from the California Indians. Keep in mind during the entire Spanish Mission period (1769-1820); American/Canadian exploration period (1820-1840); and Mexican establishment period (1825-1848); that the Mono, Yokutch and Miwuk never relinquished or loss control over any of their lands.

One of the first land tenure endeavors served up to the Central Valley Indians was a product of "Manifest Destiny," via the Homestead Act of 1864 and 1872. Indians nation-wide could denounce their tribe, culture and unbeknownst to them their Indianness simply by applying for land for themselves and their families under the Homestead Act. During this Conflict/Land Grab period, a continuum of decisions to alienate the Indians, came the establishment of Reservations in California. In Central and Northern California there were approximately seven large reservations established. This was a ten year period from 1863 to 1873, ending in 1873 with the 56,000 Tule Indian Reservation east of Porterville.

For some of the reservations they were set up for one tribal group while others encompass multiple tribal groups. Like the North Fork Mono Tribe all the tribal groups had some form of tribal territory. By forcing the

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native people into a smaller more compact land base, not only did the Indians leave their traditional lands but in some cases tribal sub-groups were left out from inclusion from the reservation land base. Hence, these said tribal groups are locked into an acknowledgment process costing over \$300,000 and thirty plus years trying to prove they are a tribe and should be federally recognized.

United States bureaucrats and politicians were still adhering to the signed treaties the "chiefs" signed even though the unratified treaties were secretly tabled. The traditional lands that the tribes gave up was land that they lived off, gathered their resources from, hunted, fished and traveled to trade on. Now these lands were being logged, mined, ranched, hunted, and guarded by gun point. The staple acorns were reserved for sheep, goats and cattle. Indians were hung, beaten, raped or shot for gathering or hunting on these lands. Once on the reservations promises of food, shelter, clothing, farming tools and farm animals never came as promised in the treaties. What came was starvation, cultural genocide, assimilation and change of a lifeway that the Indian would never return to. Even though Indian tribes and native people had territories, they were not constrictive as the reservation boundaries now were. They still had the freedom to hunt, fish, gather and move about freely on the reservation but now there were more Indians in a more confined area and in some cases other tribal groups sharing the same land and its resources.

The Indian Allotment period of 1887 to 1968 was a continuance of a thought process that was centuries old. 'If you can't convert the Indian, or change the Indian, then decentralize the Indian, by breaking down the tribal unit.' A tribe is an entity of a lineage unit. By alienating a family from the tribe and offering them their own land that the tribe can not control this gives the government more control over the body or entity. However, this control thought process had a flaw as the government couldn't just give land to anybody, so they required an applicant to state their tribal affiliation and tribal body from where they resided. This then gave the tribe "jurisdiction" over the individual allottee lands.

The General Allotment Act was established in 1887. Included was the Indian Allotment Act. The North Fork Mono Tribe had six (+) tribal members who applied for an allotment at that time. The government did not have an official document which applicants could fill out. So they used

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the existing homestead forms but added "IA" for Indian Allotment on the homestead forms. These applicants were also given an IA-number. In 1890 the Bureau of Land Management controlled most of the federal lands. A transfer began between BLM and the U. S. Forest Service. Full Forest Service transfer of lands and services took until approximately 1910.

In 1905 following the veto of the unratified treaties, the State of California and the U.S. Congress had a little "remorse" for swindling the land away from the California native people and began a data collection regarding the status of the State's native tribes. Charles E. Kelsey was hired as a Special Agent to come throughout California recording where the Indians resided, their tribal affiliation and whether or not they had land (see Previous Recognition for the North Fork Mono Tribe, 1905 Kelsey Report). In 1900 the North Fork Mono Tribe had 72 heads of families. Kelsey identifies approximately 65 as having some form of land base.

As previously stated prior to 1850 the Central Valley Tribes were in complete control over their respective traditional territorial lands. How the local natives lived off the land changed after the treaty signing. Food was now traded for from town markets. Baskets which were utilitarian then became monetary assets as the Indians bartered for their goods and services. While gathering still took place, the numbers of who gathered and resources that were once abundant subsided drastically.

Over the next fifty years the Indian men began to transform into the new dominant culture by becoming, miners, loggers, and ranchers. Therefore when the Homestead and Allotment Acts arrived, this brought another dimension to the home way of life. Both the Homestead and Allotment Acts were centered around agriculture. When the Mono applied for lands through these Acts they listed existing farm resources such as goats, pigs, a horse or two, and even some fruit trees. Each home had their own family garden of vegetables. Archaeology and ethnohistory has also shown that many families were transplanting or growing their own cultural plant resources.

At the turn of the century, religious sects began to set up church missions within Indian communities. Prior to that the North Fork Mono stoned the Padres and ran them off. But after 1900 a renewed attempt to assimilate the native people commenced with churches and schools being established

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in the various tribal communities. Indian youth were pulled from their homes and forced to live at these missions learning western Euro-American lifeways. Many were not allowed to speak their language or sing their songs. A select few who were used for "show and tell" when visitors came around were allowed to make baskets, bead jewelry and weave yarn straps. A few Mono ran away and lived with their grandparents who still tried to live and practice their traditions off the land.

From the 1920's to the 1940's high school age children were sent to Sherman Institute in southern California with hundreds of other tribal Indians. A few went east to Stewart Indian School, Nevada. Even though local schools were built in the early 1920's, Indians did not attend high school until the late 1930's and early 1940's.

In 1910 the U.S. Forest Service Indian Allotment Act was established. Most of the Tribe's members applied for land through this Act from 1910 to 1920. By 1920 the Forest District Ranger stated that most of the land around North Fork was distributed out. Allotments were made in 160 acres to families and 80 acres to individuals. But because land was becoming sparse, suitable for agricultural endeavors, the size of allotments diminished to acreage's of 30, 35, 40, 44.5, 65 and 120 as examples. Kelsey had already identified the land areas and the people residing on the land in 1906. Those who were applying for lands occupied these lands as stated on the applications: for more than ten years; back to the 1890's; two or three generations; and sometimes for as far as they could remember.

Land tenure issues arose after 1910 when previous IA allotment holders were invited to reapply under the Forest Allotment Act, utilizing forms established for allottee applicants. These said IA applicants lost land when they transferred their signatures to new forms. The lands were resubjugated to the scrutiny of the allotment officials. Lands with creeks on them were removed in the future event hydro utilities might want the usage of the waterway. In some cases adjoining lands were given as a replacement and sometimes not. Tribal water rights had no bearing in these decisions. All available allotment lands could not be suitable for timber harvest, hydroelectric, or agricultural crops. Once land was determined to be available then it had to be suitable for secondary agriculture which was the design of the Homestead and Allotment Acts.

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As identified by Kelsey in 1906 some families did not have land claimed or settled on. These families became known as 'homeless or landless Indians.' So Indian agents, local parish leaders, District Rangers, and County Supervisors began working with the Indian Service and the State of California to acquire small land acreage's of 80 to 160 acres for these said families to live on. These lands became known as Rancheria's. Our local Rancherias were established between 1909 to 1916. However, these families who would retain the assets to the land also had to show improvements upon the land the same as the homesteaders and allottees. By 1932, sixteen years later, the North Fork Rancheria asset holders had not done any improvements and almost lost their right to the land. The Indian Agent had to come to their rescue with promises that these said families would do improvements and reiterating that all the North Fork Mono had rights to the land for educational purposes so they could get to the local church mission.

From 1920 through the 1930's a few families who had not claimed their respective family lands continued to apply for the trust status under the Allotment Act. Some allottee's were concerned that when they went off to work in the woods or down to the Valley in the crops that their extended stay would jeopardize their opportunity to claim their land or that someone else would come and squat on their land and try to claim it. They were told that it was their land and no one would be allowed to claim it. That in-fact they didn't even have to worry about claiming the land as long as it was theirs to begin with, it would stay that way. When researching the existing archived allotment land files, numerous letters are in the files that were passed back and forth between the allottee applicant and the Forest Service officials. Consequently, because of the information communicated some Indian families did not apply right away for the land and still others ended up owning the land all right, but had to pay taxes as the land became fee land. Some of these lands were considered range land while some land owners applied under the Williamson Act to diminish their tax base fees. Had they secured it under the trust land status of an Allotment they would not have had to pay taxes.

While Indians did not become United States citizens until 1924 many of our men went off to WWI to fight for their land with the United States of America. Our men and women have been in every war and conflict since then. It wasn't until after the election of 1952 that they began not to be

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treated as second class citizens. In 1948 a few of our elders were known to have voted, but most did not vote until 1952. Indian men who returned from WWII were not allowed to buy alcohol or cigarettes from a market. Although this privilege of buying alcohol and cigarettes in the following decades came to be a major contributor of shortening the Native Americans life span to 49 years, they were legal citizens since 1924 and gave their lives to protect their country, people and lands. After WWI some veterans were told they were to receive land but had to denounce their Indian heritage and tribal affiliation.

Land loss heightened during and after WWII and the Korean Conflict. With the men and some women off to war, other family members of the allotments made decisions to sell the property. Some lands went for less than \$100 per family member and others sold for several hundred dollars. Even though the land was under Trust, if an allottee approached a Forest official and stated the land wasn't being used for agriculture and or no one was living on it, they were told to get all signatures of the allottees and the land would be declared void of its agricultural responsibility and therefore open for transfer or to be sold out right. This process would take no more then three to six months to reverse the status from trust land to fee based land's (taxable property).

The 1950's became an interesting time for the North Fork Mono Tribe's land tenure. Prior to the 1950's California went through the Land Judgment Court case in which California was sued for the taking of the land by the State from the Indians. The Judgment paid each enrolled member 47 cents per acre, this was the price of land in 1849. So in 1950 each California Indian received \$150 as their settlement. Many tribal people refused to cash their checks, and have not to this day. The United States government attempted to once again decentralize the tribal entity unit. Congress passed the Termination Act of 1953. This Act gave Rancheria asset holders the opportunity to change their status from trust to fee based lands. Some did immediately and others changed their minds and some never entered the Act. As soon as the asset holders terminated, taxes were immediately applied to homes and elders with no substantial income. Within 30 days foreclosures were being sought. Some paid their taxes but could not keep it up and had to sell. The U. S. government once again made promises of road repairs, housing upgrades, wells, etc., and once again they failed to comply with their promises.

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In 1958 the North Fork Rancheria terminated. One of the asset holders attempted briefly to put the land under an Allotment but never finalized it. During this time several families who did not end up on the Rancheria but resided nearby applied for Indian Allotments. A few other Mono applicants also applied for their family lands that were not held in trust. The Indian Allotment Act sunsetted in 1968, however, those families that applied in the 1950's were still seeking approval for their lands under the allotment trust status. In 1969 several families were granted allotment status. Still some six to seven families of the North Fork Mono Tribe were not grant this status. These families continued their quest for the lands into the 1970's and 1980's. They were reminded that the Allotment period was over but no decision was ever rendered.

Over the decades the Bureau of Indian Affairs conducted a few 'probates' for original allottees but by no means are all the allotments in proper order. Some allotments have received attention and services from the BIA but not all the services that should be bestowed on them. One thing that is still prevailing is that the North Fork Mono Tribe still has jurisdiction over all the Allotments and the North Fork Rancheria.

In 1979 a court case reversed 17 of some 41 remaining Rancherias that were terminated in the 1950's. The North Fork Rancheria was one of those that was reinstated to its original status. Their federal recognition restored; the land was placed back under trust status; and their Indianness was returned to them. While they were terminated, like the homestead people they were not considered Indian by the United States Government.

In 1983 the Rancheria asset holders were met with by the BIA in North Fork. In 1983 the North Fork Mono Tribe initiated the federal acknowledgment process for status clarification. The Tribe still holds jurisdiction over their traditional territorial lands. Which includes all allotments, the Rancheria, ancestral sites, gathering areas and their 25 burial sites as well as sacred sites such as their Creation, prayer and healing areas.

In 1984 the Tribe was informed elders out gathering acorns were being held by gun point by Forest police. The Forest Supervisor put out an all points alert immediately to "cease and desist" all actions against native

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people gathering in the Forest. A simple one page authorization for the local Indians to gather any and all cultural material and resources from the Forest lands was signed and implemented by the Forest Supervisor of Sierra National Forest Service. This document is still in place today.

In the early 2000's the Tribe encountered a conflict with Madera County regarding the replacement of a small bridge on a San Joaquin River tributary. The County wants to put the replacement on an identified archaeological site and the Tribe is refusing. A very dangerous curve needs to be eliminated. To do this a new or alternate route was proposed by the Tribe. A land tenure issue arose by the Forest Service who laid claim that the alternate route would transect an existing allotment. However no allotment was in place there.

Upon further research it was discovered that the original family living there had applied for their land allotment in 1957. In 1958 the Forest Service denied the family the right to improve their lands and further requested they vacate the property. In 2005 the Tribe received allotment applications that were being released by the Freedom of Information Act to the general public. However, several applications were not available as the Tribe was informed these said applications were still considered live and active applications.

As previously stated no determination ever came for these applicants. Further research shows the allotment application for the River bridge issue had gone through the decision process and was in-fact recommended for approval but had not been finalized. Because the family had been forced removed or for whatever reason, these applications are live and active and still need to be addressed. The United States Forest Service still has a trust and responsibility to all Indian Allotment holders under jurisdiction of the North Fork Mono Tribe.

From 1995 to 2008 the Tribe worked diligently with Southern California Edison Company on their relicensing of the hydro projects along the San Joaquin River through the Tribe's territory. Negotiations over restoring ancestral sites, archaeological, ethnographic sites, aquatic and resource gathering areas, historic trails and artifact curation provided a small land tenure restoration for the North Fork Mono Tribe.

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In 2004 the Tribe engaged with the Pacific Watershed Stewardship Council and a ten year process of disseminating excess lands Pacific Gas and Electric Company was court ordered to donate following their bankruptcy settlement. The lands the Tribe are seeking are lands previously utilized and lived on by tribal members. The Tribe has been a stakeholder in the relicensing of the utilities hydroelectric operation.

In 2008 and continuing, the Tribe participated with the California Department of Water Resource (DWR) regarding their 2009 California Water Update Plan. One of the Tribe's members instituted a new chapter on Meadow Restoration. The Tribe became the fiscal agent for funds raised to bring all the California Native people to a government to government historic water summit in 2009 in Sacramento. In 2011 the Tribe will once again engage this process for the 2013 Water Plan Update and future water summits. DWR has established a California Tribal Advisory Council and the North Fork Mono Tribe will have a representative on the Council. For now, the Tribe has agreed to continue as the "fiscal agent" for future government to government water summit(s).

In 2010 the North Fork Mono Tribe participated in workshops and consultation with Washington D. C. United States Department of Agriculture Officials regarding their update of the Forest Planning Rule. The Rule is the umbrella guidelines for policy making by Regional and National Forest Service Officials. Included in the guidelines will be the philosophy and traditional practices the Native Americans. Land tenure issues regarding gathering policy and Indian Allotments have been a major discussion with the Forest Officials.

The North Fork Mono Tribe is very active with organizations and issues regarding our land tenure and land restoration. The Tribe is a stakeholder with Pacific Gas and Electric Company and Southern California Electric Company and their relicensing of their hydro projects, facilities, delivery lines and land bases. The Tribe is an active participant with the Sustainable Forest Communities Collaborative; US Forest Service Willow Creek Collaborative; US Forest Service Dinkey Creek Collaborative; and the US Forest Service Tribal Forum. Creating a healthy forest environment and thereby sustaining nature's economy will sustain the future of our human economy.

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