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Wabanaki Access to Sweetgrass (*Hierochloe odorata*) within Coastal Maine's Diminishing Open Land Tradition

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WABANAKI ACCESS TO SWEETGRASS *HIEROCHLOE ODORATA (L) P.Beauv*
WITHIN COASTAL MAINE'S DIMINISHING OPEN LAND TRADITION

By

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A DISSERTATION

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By Amanda Marie Ellis

Dissertation Advisor: Dr. John Daigle

An Abstract of the Dissertation Presented
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December 2016

Nontimber forest products (NTFPs), refer to a class of resources (i.e. moss, fungi, mushrooms, plants, etc.) gathered in both rural and urban landscapes. NTFPs are utilized by a variety of cultures all over the world and are a critical part of medicinal, spiritual, dietary, and economic practices. In fact, some NTFP species are so critical to people that they are considered ‘cultural keystone species’ (Garibaldi and Turner 2004). This designation means that without access to the NTFP, cultural survival is at risk. This is the case in Maine where the Wabanaki, a confederacy of four tribes (Passamaquoddy, Penobscot, Mikmaq, and Maliseet), utilize sweetgrass (*Hierochloe odorata (L) P.Beauv.*) for a variety of cultural practices.

Sweetgrass is a perennial grass that grows in rhizomatous mats (Baumflek et al. 2010). Sweetgrass is classified as a wetland plant and typically inhabits riverbanks, moist meadows, and places along the coast (Baumflek et al. 2010) The Wabanaki use sweetgrass for a variety of purposes. For example, sweetgrass is part of creation narratives, and figures prominently in fiber arts and ceremonies. Sweetgrass is a critical component of Wabanaki fancy baskets, intricately

designed baskets that are sold and collected throughout the world (Neuman 2010). Wabanaki basketry traditions are an important part of cultural heritage, sovereignty, and economic survival (Brooks 2014).

Anecdotal evidence suggested that the ability of Wabanaki harvesters to gather sweetgrass in coastal communities was declining due to development pressures and changes in property ownership. This research examined access issues and harvesting practices within the context of Maine's diminishing open land tradition, which refers to the increased posting of private land in order to prevent trespass. Utilizing a case study approach that incorporated the perspectives of coastal property owners and Wabanaki Citizens, this study illuminated a variety of factors that influence access issues. Specifically, the landowners interviewed and Wabanaki Citizens agreed that development within coastal communities has become problematic; existing access policies favor commercial fishing; and the Wabanaki are disproportionately impacted by access loss. This research concludes with a discussion of strategies for improving coastal access to culturally significant NTFPs, such as sweetgrass.

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CHAPTER 1

INTRODUCTION TO THE DISSERTATION

“If we knew what we were doing, it wouldn’t be called research”
-Albert Einstein

I began my PhD in the fall of 2013 with a keen interest in understanding how individuals from diverse cultures perceive and interact with the forest. While conducting a literature review, I came across an article, written in 2010 by Dr. Lisa Neuman, titled *Basketry as Economic Enterprise and Cultural Revitalization: The Case of the Wabanaki Tribes of Maine*. There is a section of the article where Neuman details a sweetgrass gatherer’s interaction with a landowner: *Paula Thorne (gatherer) once was accosted by a white woman near a newer vacation home who questioned why she was gathering sweetgrass and then, not liking the basketmaker’s explanation, made racist comments* (Neuman 2010: 98). It was disheartening to read about gatherer’s being turned away and that they were subject to racist comments. This gatherer’s experience ignited my desire to explore tribal access to natural resources and better understand what factors might be influencing landowner behavior. It is my hope that this research begins to change how individuals, living in the State of Maine, address access issues. Perhaps with greater understanding, access conditions can improve for the Wabanaki.

Background: Situating the Research

Non-timber forest products (NTFPs), broadly defined, are natural products gathered from ‘forests’¹ (Chamberlain et al. 1998, Robins et al. 2008, Vaughan et. al 2013). The types of natural resources that are harvested include fungi, lichen, moss, tree boughs, twigs, berries, seeds, floral greens, and medicinal herbs (Chamberlain et al. 2002). NTFPs are often used to

¹ It should be noted that not all gathering happens in forests-there are studies that examine gathering in other contexts including cities.

create an array of value-added products including decorative arrangements, food items, herbal and medical products (Chamberlain et al. 1998, Turner & Cocksedge 2001, Vaughan et. al 2013). Some of these products are sold in commercial markets, exchanged for goods/services, used for subsistence purposes, or retained for personal use (Chamberlain et al. 1999). NTFPs are typically classified into the following use categories: edibles, decorative products, medicinal/dietary supplements, and cultural/religious (Chamberlain et al. 1998, Robbins et al. 2008).

It is difficult to quantify the economic value of NTFPs in national or regional contexts, because there is no large-scale system in place to monitor products as they move through the market (McLain 2005). Furthermore, some exchange of NTFPs occurs outside of mainstream markets. For example, some people who gather NTFPs may sell them to neighbors or at craft fairs. However, there are value estimates for some large-scale NTFPs. For example, the wholesale value of medicinal plants (falling under a NTFP classification), sold in the United States, is estimated at \$4 billion (McLain 2005). In 1993, the estimated value of the international morel trade was between \$15 and \$18 million (Barron & Emery 2009). In 2013, Vermont's maple syrup industry contributed \$330 million in sales to the state economy (Becot et al. 2015). These types of estimates have led McLain (2005) to conclude that the overall annual value of NTFPs within the United States is over a billion dollars.

NTFPs: Historical and Cultural Considerations

NTFPs have been an important component of human history from pre-historic times to the present day (Emery & McLain 2001). Early inhabitants, in North America, utilized a variety of plants for survival and subsistence purposes (Emery & McLain 2001). In their historical overview of NTFP use, Emery and McLain (2001) have noted that the writings of European

explorers from the seventeenth and eighteenth centuries' contain descriptions of plant materials, which were used for musical instruments, bedding, eating utensils, and medicinal purposes (Emery & McLain 2001). Furthermore, many indigenous communities practiced plant enhancement in order to improve production or quality (Deur & Turner 2011). These plant products had and continue to have cultural and spiritual significance.

As time progressed, NTFPs have been integrated into the world market through trade (Emery & McLain 2001: 26). Emery & McLain (2001) noted that by the mid nineteenth century income generated from NTFPs had become significant enough to warrant inclusion in the 1840 census (27). The utilization of NTFPs even persisted beyond the Industrial Revolution, when people turned to NTFPs in times of crisis (Emery & McLain 2001). For example, during the Depression era berry picking and preservation helped sustain many families who needed to supplement their intake of food (Emery & McLain 2001). Today, many Americans still rely on NTFPs for subsistence, cultural, recreation, and spiritual purposes (Emery & McLain 2001, Robbins 2008). Overall, NTFPs have contributed to livelihoods through an array of economic exchanges and they are an important part of social, spiritual, and cultural life ways.

General NTFP Research Trends

Despite their historical, cultural, and economic significance, NTFPs have only recently caught the attention of researchers, forest managers, and policy makers (Alexander & McLain 2001). Until the late 1980's NTFPs were perceived as "minor" forest products (Alexander & McLain 2001). This perception was reinforced by forest management policies, which emphasized multiple use (Jones & Love 2001). Multiple use tended to favor a "technocratic scientific discourse of rational experts and spawned an entire university research establishment tied in many ways to it. It came at the expense or exclusion of alternative or local

knowledge...privileging scientific ways of knowing” (Jones & Love 2001: 112). This paradigm fostered management and policy considerations that were driven by timber harvest and production, which excluded other forest uses like NTFPs (Jones & Love 2001).

However, over the past two decades the interest in NTFP related research has increased (Alexander and McLain 2001). A greater interest in NTFPs stemmed, in part, from shifts in national forest policies and the decline of the timber industry in the Pacific Northwest (Love and Jones 2001, Robbins et al. 2008). Ecosystem management emerged emphasizing “for the long-term integrity of the whole ecosystem not just for the production of a single resource” (McLain & Jones 2001: 149). Changes in management practices prompted forest service personnel to begin studying NTFPs (Robbins et al. 2008). The studies emphasized the ecology of NTFPs and the conflicts between harvesters and management personnel (Robbins et al. 2008). In addition, NTFPs were perceived as striking a balance between logging opposition and the opportunity to support the livelihoods of rural people who had previously relied on timber harvests (Robbins et al. 2008). Therefore, many NTFP studies have focused on the economic benefits derived from gathering (Robbins et al. 2008).

In their review of NTFP literature and research, Robbins et al. (2008) noted early that NTFP scholarship reflected the time:

US NTFP literature, like all scholarship, is a reflection of the conditions under which it was produced: in this case, political struggles in the management of public forestlands in the Pacific Northwest in the late 1980s and early 1990s. In the process, the literature usefully focused on commercial NTFP *economies* and autonomous NTFP *communities* (Robbins et al. 2008: 268; emphasis original).

Essentially, the market, or “exchange” values of NTFPs, on public lands, in the Pacific Northwest have dominated the literature² (Robbins et al. 2008: 267). The emphasis on commercial values and public lands in the Pacific Northwest has tended to ignore other cultures and an array of research possibilities (Robbins et al. 2008).

Since the publication of Robbins et al. (2008) article, many researchers have broadened (or in some cases continued to broaden) NTFP research by exploring gathering outside of federal forests, considering culturally important NTFPs, integrating traditional ecological knowledge (TEK), and analyzing a variety of other factors that influence access to NTFPS (Greenlaw et al. 2010, Diamond and Emery 2011, Grabbatin et al. 2011, McLain et al. 2012, Ginger et al. 2012, Poe et al. 2013, Cocks and Wiersum 2014, McLain et al. 2014). For example, Poe et al. (2013) considered the social benefits of gathering NTFPs in Seattle Washington’s urban forests. Grabbatin et al. (2011) explored how social relationships amongst and between gatherers are capable of preserving access to NTFPs in the face of increased development and urbanization. These studies draw on an array of theories to understand NTFPs. For example, some studies rely on political ecology frameworks, while others utilize environmental justice, urbanization, or sustainable development literature (Grabbatin et al. 2011, McLain et al. 2012, Poe et al. 2013). This study is similar to the analysis conducted by Grabbatin et al. (2011) in that it examines how coastal development influences how cultural groups respond to access. It also attempts to understand development and access from the perspective of landowners

² Robbins et al. (2008: 267) acknowledge some researchers have challenged the NTFP commodity focus. These researchers have documented that economic calculations fail to account for how some people value NTFPs (see Dick 1996, Emery 1998, Hinrichs 1998, Carroll et al. 2003).

interviewed. The study also expands the NTFP literature by examining gathering beyond the forest to coastal communities.

Sweetgrass (*Hierochloe odorata*) and the Wabanaki

Sweetgrass is a culturally and economically important NTFP (Baumflek et al. 2010). It is a perennial grass that grows in rhizomatous mats (Baumflek et al. 2010). The stems can grow up to three feet in length and the base of each plant is purple in color (Baumflek et al. 2010). Sweetgrass is classified as a wetland plant and typically inhabits riverbanks, moist meadows, and places along the coast (Baumflek et al. 2010). It can be difficult to identify sweetgrass since it grows with a variety of plants that are similar in appearance to sweetgrass (Baumflek et al. 2010). People who gather sweetgrass have suggested harvesting the plant in the early morning hours to aid with identification, because the sun strikes the plants making them appear “neon green” in color (Baumflek et al. 2010).

Native American groups throughout the United States and Canada utilize sweetgrass for a variety of purposes (Baumflek et al. 2010). In Maine, the Wabanaki use sweetgrass for a variety of purposes. However, before discussing Wabanaki uses of sweetgrass it is important to provide some background information about the Wabanaki. The term Wabanaki is interpreted as “People of the Dawnland” and refers to the Maliseet, Mi’kmaq, Penobscot, and Passamaquoddy tribes (Abbe Museum 2014). Each tribe is federally recognized and has an extensive history in Maine. Archaeological evidence suggests that Native Americans first arrived in Maine, after the Laurentide Ice Sheet retreated, nearly 13,000 years ago (Clark and Neptune 2014). Wabanaki history is based on the oral tradition, which explains through stories and song how the world began and how Wabanaki society is defined (Abbe Museum 2015). For example, according to

oral tradition the Wabanaki people were created after Koluskap³ the “trickster hero” shot an arrow into an ash tree and the “people of the dawn” came into being (Abbe Museum 2015).

Sweetgrass is an important part of Wabanaki culture and can be considered a cultural keystone species. The designation of cultural keystone species provides a framework for understanding the effects that changes in access can have on cultural lifeways (Garibaldi & Turner 2004). The ecological idea of a “keystone” species is one that “keeps the system in check,” or “whose effects on the community is large” (Garibaldi and Turner 2004). Cultural keystone species share a similar role in the function and resilience of culture (Voggesser et al. 2013). Something is considered a cultural keystone species by the intensity of use, role in narratives or ceremonies, and unique position in culture (Garibaldi and Turner 2004, Voggesser et al. 2013). Sweetgrass is part of Koluskap narratives, and figures prominently in fiber arts and ceremonies. An excerpt from the Koluskap narratives details the creation of sweetgrass:

As skunk walked through the grass the grass became evil-smelling. But Glooskap breathed on the bad-smelling grass and it became sweet smelling: the sweetgrass of today. Since that time Skunk must hide in the daytime and is seen about at night (Prinns 2007: 386).

Sweetgrass has also been incorporated in woven items including mats, containers, and baskets (Prinns 2007). Sweetgrass is an integral component of fancy baskets, intricately designed baskets that are sold throughout the world (Neuman 2010).

Basketry is an important part of Wabanaki cultural heritage and survival (Brooks 2014). Passamaquoddy weaver, Deborah Gabriel Brooks notes, “before recorded history woodsplint and birchbark baskets were made for utilitarian use and trade purposes. Splint baskets made of brown ash and sweetgrass from saltwater marshes in Maine eventually

³ Also spelled as Glooskap

became a means of economic and cultural survival, particularly at the turn of the nineteenth century...” (Brooks 2014:5). During the turn of the century,⁴ the Wabanaki began making “fancy baskets” to appeal to tourist communities throughout Maine (Brooks 2014). The sale of fancy baskets helped many Wabanaki people supplement their income during hard times (Brooks 2014).

By the 1930’s the sale of baskets began to steadily decline as more employment opportunities became available for Wabanaki People (Brooks 2014). By the early 1990’s very few young Wabanaki people were practicing the basket making tradition (Maine Indian Basketmakers Alliance 2014). In fact, in 1993 there were less than a dozen people under the age of 50 who were practicing or learning the tradition (Maine Indian Basketmakers Alliance 2014). The decline was based, in part, on the fact that making baskets was labor intensive and makers were receiving low prices for their baskets (Brooks 2014). In 1993, the Maine Indian Basketmakers Alliance (MIBA) was formed to prevent the widespread loss of ash and sweetgrass basketry traditions. Through education and marketing initiatives, MIBA has simultaneously lowered the average age of basket makers and increased the number of basket makers (Maine Indian Basketmakers Alliance 2014). Many Wabanaki basket makers have earned national recognition for their work- including distinctions from the National Endowment for the Arts (Maine Indian Basketmakers Alliance 2014).

Black ash and sweetgrass basketry also continue to be an important part of economic survival. The sale of baskets exceeds \$150,000 annually and many Wabanaki households are dependent upon the income baskets generate (Daigle & Putnam 2009). In

⁴ This period in time was the Victorian era, which began with Queen Victoria’s ascension to the English throne in 1837 and ended with her death in 1901.

context, Maine's indigenous populations have lower per capita incomes compared to Maine averages: \$12,700 versus \$19,727 respectively and experience higher rates of unemployment compared to Maine averages: 6.6% versus 14.4% respectively (Kuehnert 2000). More than 95% of Maine tribal basketmakers live on or near reservations at or below the poverty level (Voggesser et al. 2013). Neuman (2010) suggests that basketmaking is a "form of cultural preservation, revitalization, and education that makes a powerful statement about sovereignty" (90). Sovereignty is an important part of indigenous lifeways.

Understanding Indigenous Sovereignty

In the United States there are 560 federally recognized tribes, which share a set of basic rights including the right to define their own form of government, establish conditions for citizenship, enforce laws, tax, and regulate domestic relations and property use (Brimley 2004). Prior to European contact, native concepts related to these basic rights differed, but each tribe exercised these powers to culturally specific extents (Brimley 2004). Since European contact, the rights of indigenous communities have been codified in non-native terms and have been limited in their practice (Brimley 2004). The 1831 ruling in the U.S. Supreme Court case, *Cherokee Nation v. Georgia* describes the relationship between tribes and the federal government. In the ruling, Chief Justice Marshall described the relationship between the government and tribes as "that of a ward to his guardian" and referred to tribes as "domestic dependent nations" (Brimley 2004). The ruling held that tribes are sovereign nations with rights, but that the tribes are dependent upon the federal government (Brimley 2004). The decision also defined the federal governments trust responsibility to the tribes-mainly to oversee the tribes and "protect" their resources from harm (Brimley 2004).

In 1832, Chief Justice Marshall ruled in *Worcester v. Georgia* that tribes could not lose their status as a sovereign by becoming subject to the power of the United States (Brimley 2004). This decision also ruled that state laws do not pertain to tribes or tribal lands *unless* Congress grants powers to a state (Brimley 2004). The decisions in 1831 and 1832 meant that the relationships between the federal government, state government, and tribal nations were considered government-to-government (Brimley 2004). However, no tribal nation is completely sovereign as Congress has taken many indigenous rights away, or tribes have relinquished certain rights through treaties and agreements (Brimley 2004). This is the case in Maine, where the 1980 Maine Indian Claims Settlement (MICS) has limited Wabanaki sovereignty.

The story of MICS begins in 1790 when the first Congress passed the Non-Intercourse Act, which governed activities between Native Americans and non-natives (Walstad 2007). The Act required the United States Congress to ratify land transfers between Natives and non-natives (Walstad 2007). The Act was intended to guard against claims of unfair land transfers (Walstad 2007). After the passage of the Act, land belonging to the Passamaquoddy and Penobscot tribes was transferred to the State of Maine (at the time, Massachusetts) through leases, sale, and agreement (Walstad 2007). The land transfers violated the Non-Intercourse Act, because Congress did not ratify them. The title to the relinquished land became an issue in the 1960s when a Passamaquoddy leader found a copy of a 1794 treaty between Massachusetts and the Tribe, which has deeded thousands of acres of tribal lands to Massachusetts (now Maine) (Walstad 2007). However, since the transfers were made after passage of the Non-Intercourse they were invalid. The invalidated claim meant the tribes had a legitimate claim to nearly 2/3rd of Maine's land base (Brimley 2004). The claim created a situation the Department of Justice described as: *potentially the most complex litigation ever brought in the federal courts with*

social costs and economic impacts without precedent and incredible litigation costs to all parties (Walsh: 485). Settlement negotiations with the Tribes were strongly encouraged and in 1980 the tribes and state reached an agreement.

As part of the settlement, the Passamaquoddy and Penobscot Nation were able to retain their reservation lands and any land that had not been transferred (Walstad 2007). All of the land claims brought by the tribes were dropped in exchange for \$81.5 million: \$54.5 million for land acquisition and \$27 million divided between the two tribal nations. The Land Acquisition Fund was created to purchase nearly 150,000 acres of land that would be kept in trust by the federal government. Despite the benefits to the Passamaquoddy and Penobscot Nation, the settlement limited their sovereignty by relegating them to municipal status (Brimley 2004). The settlement act stated that the Passamaquoddy and Penobscot *“shall have, exercise, and enjoy the rights, privileges, powers and immunities of a municipality; Be subject to all the duties, obligations, liabilities, and limitations of a municipality; and be subject to the laws of the State”* (Scully 1995).

In the years following the settlement, the municipality provision has become quite controversial. Some interpret the provision to mean that the tribes have federal recognition, but that their sovereign rights are limited, which subjects them to state oversight (Brimley 2004). Others maintain that the section about municipal powers was intended to expand tribal authority and provide for a dual status (Chavaree 1998). Meaning that the Nations have the rights of a municipality for certain purposes, while maintaining the powers of an Indian tribe (Chavaree 1998). Therefore, when the Nation acts as a municipality it is subject to the same limitations as a municipality and when a Nation exercises its sovereignty as a tribe it should not be limited to state rules or limitations (Chavaree 1998). Despite the differing interpretations, many agree that

the State of Maine has continually failed to treat the Wabanaki as nations, focusing instead on their municipal status (Chavaree 1998).

This treatment and limits to sovereignty, specified in the settlement, have had important implications for the Nations. For example, the tribes in Maine are unable to benefit from most federal Indian law passed since 1980 (Brimley 2004). This includes the Indian Gaming Regulatory Act of 1988, which recognized the rights of Indian tribes to establish gaming facilities in order to promote their economic development and self-sufficiency (Brimley 2004). This is important since many Wabanaki Citizens live at or below poverty level and federal funding for programs related to healthcare, environmental management and law enforcement are inadequate (Brimley 2004). Tribes have tried to build gaming facilities off reservation lands in southern Maine, but these efforts have been unsuccessful. More broadly, limits to sovereignty hinder the ability of Native nations to govern themselves and create meaningful solutions (Brimley 2004). It has also created tensions between the State of Maine and the tribes (Brimley 2004).

In recent years, many of these tensions have centered around who has authority over natural resources. For example, there was a conflict between the Penobscot Nation and State of Maine over whether or not the Penobscot's owned the waters around their reservation. Municipalities around the reservation (home to companies that discharge into the Penobscot River) were concerned that a ruling in the Nation's favor would give it control over water quality standards and the Penobscot's would impose stricter rules for municipal discharges (Harrison 2015). There was also tension between the state and the Passamaquoddy Nation over regulation of the elver fishery. A boom in elver prices created a "gold rush" mentality and put pressure on the fishery. The Maine Department of Marine Resources announced that it would invalidate all

but 150 of the 575 licenses issued by the Passamaquoddy tribe (Trotter 2014). Despite these ongoing challenges the Wabanaki continue to assert their rights to self-government. It is important to remember, as Neuman has suggested, that these efforts *stem not from the tribes' attempts to assert unique rights as ethnic minorities but from a legitimate claim to sovereignty* (Neuman 2004: 32). In addition to sovereignty issues, there are also external factors that limit access to natural resources, which must also be considered.

Maine's Open Land Tradition

Being able to access the shore is important for coastal communities who rely on the ocean for recreation, harvesting, and other uses (Gulf of Maine 2013). Maintaining access has become difficult with increases in development and taxes, changes in ownership, shifts to tourism based economies, and declines in maritime industries (Colgan 2004, Gulf of Maine 2013, Thompson and Johnson 2016). These concerns are especially true in Maine, which based on 2010 census data has the highest percentage of second homes in the Nation (118,000 residences, which is 16.4 of the housing market). As development progresses and brings an influx of outsiders: *landowners can become more protective of their substantial shorefront investments-closing off traditional public access* (Gulf of Maine report: 8; see Thompson and Johnson 2016). Overall, Maine has experienced increased conflict and litigation surrounding access issues (Woodard 2012). Part of these tensions have to do with the laws regulating shoreline access.

Though most of the shoreline is held in private ownership, the Public Trust Doctrine and state specific laws afford certain access rights to members of the public for ocean dependent activities. In addition to common law principles, members of the public may also gain access to the coast through a variety of easements. In Maine, coastal property owners own to the low water

mark, but the public has an easement for the purposes of fishing, fowling, and navigation in the intertidal zone. Maine is unique in this regard as the majority of states only grant ownership to the high water mark. This right is derived from a colonial ordinance enacted, between 1641-47, when Maine was still part of Massachusetts. Although Maine's Legislature never officially adopted the ordinance it became part of state common law.

Beginning in the late 1980s a series of court cases and laws began challenging and shaping coastal access in a variety of ways. For example, in 1986 *Bell v. Moody Beach*-known most commonly as "Moody Beach" became one of the more notorious cases related to coastal access and has come to symbolize the conflict between the public and private property owners. Moody beach is a mile-long stretch of sandy shorefront located in Wells, Maine. In 1984, twenty-eight homeowners (out of one hundred) that lived on the beach filed suit against individuals, the Town of Wells, and the Maine Bureau of Parks and Lands. The plaintiff's (landowners) wanted the courts to issue a declaration that would prevent the public from recreating on the beach. Simultaneously, the legislature passed the Public Trust in Intertidal Land Act, which stated that the intertidal lands were imparted with a public trust and as such citizens had the right to recreate in the intertidal zone.

The Superior Court struck down the act as an unconstitutional taking of private property and found that the public did not have a right to privately owned tidelands unless it was for fishing, fowling, and navigation (Duff 2016). The decision was appealed, but in 1989 the Maine Supreme Court upheld the Superior Court ruling. This meant that even if an individual could get to the shore their utilization of the area was limited to fishing, fowling, and navigation. However, Judge Wathen issued a dissent in the Moody Beach case. Wathen felt the Colonial Ordinance applied "by custom" not "by terms" so that public rights did not have to be limited to fishing,

fowling, or navigation (Duff 2016). Essentially, because the times have changed the permitted uses in the intertidal zone should as well. This dissent left the door open for future legal challenges to what constituted fishing, fowling, and navigation.

In 2000, *Eaton v. Wells* made its way to the Maine Supreme Court. In this case, the Town of Wells had actively maintained a stretch of private beach for the public to use. A private landowner sued the Town declaring that the public (and Town's) use of the beach constituted trespass. The Supreme Court ruled in favor of the Town of Wells, which found that a non-property owner could achieve legal interest in a property through a prescriptive easement, so long as the non-owner has used the property, uninterrupted for 20 years; and the claim is adverse to the property owner. The importance of this case is that the attorney general joined the case to declare that it was time to address the public trust and easement rights associated with shoreland access (Duff 2016). A concurring opinion by then Justice Saufley reaffirmed the attorney general's opinion that the public trust doctrine be re-evaluated. However, the court decided not to address the expansion of the public trust doctrine.

In *McGarvey v. Whittredge* (2011) the Maine Supreme Court was charged with answering the question of whether or not the public had the right to walk across intertidal lands for scuba diving. The court affirmed that the public could walk across intertidal lands for scuba diving, but the decision ended in a tie, with three justices agreeing that scuba diving fell under navigation and three justices declaring that scuba diving stretches the meaning of navigation beyond the public right to cross intertidal land. Without a majority decision, this case did not overrule *Moody Beach*. At the time of this writing, there has yet to be a case that addresses whether or not activities such as gathering sweetgrass would be covered under fishing, fowling,

or navigation. As these cases demonstrate the conversations about access are centered around recreation (i.e. the public using private beaches for swimming, sunbathing, boarding, etc.).

However, Maine also has policies in place to preserve access to the working waterfront. The “working waterfront” is used to describe areas of the shore dedicated to commercial activities such as fishing and boat building (Colgan 2004). These areas contain piers, wharves, and ramps making them desirable for development. With declines in the fishing industry many working waterfronts have been converted from commercial to residential use (Colgan 2004). This conversion has contributed to a loss of access areas making it difficult for fishermen to pursue their livelihoods (Cameron and Johnston 2016). In order to address decreases in access, Maine initiated the Working Waterfront Access Protection Program, which establishes permanent protections for commercial properties providing fisherman with a degree of financial stability (Cameron and Johnson 2016: 170). Much of the justification surrounding the preservation of the working waterfront is focused on economic impacts and benefits. For example, Colgan’s (2004) research notes:

in this report you will find evidence that protecting our working waterfront is smart economic development...the working waterfront contributes anywhere from \$15 million to \$168 million more per year to our gross state product than does coastal residential construction (i).

In addition, the statute creating the protection program notes that its purpose is to *protect strategically significant working waterfront property whose continued availability...is essential to the long-term future of the economic sector* (MRSA Title 12, Chapter 603-section 6042). A solely economic focus excludes uses that cannot be quantified, changing the access dynamic to favor commercial activities.

Study Design

This study is designed to understand the factors that influence coastal access to sweetgrass from the perspective of Wabanaki Citizens, coastal landowners, land trust personnel, and marine patrol officials. In order to develop a comprehensive understanding of sweetgrass access, I employed a case study methodology. I chose this approach as “case studies are the preferred strategy when “how” or “why” questions are being proposed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon with some real-life context” (Yin 2014: 1). The case study is process oriented, used primarily to understand situations and the meanings people ascribe to them (Merriam 1998). Case study methodology has been used by a variety of disciplines to expand knowledge about group, social, political, individual, and organizational phenomena (Yin 2014).

Bounding the Case: Units of Analysis

Bounding the case study into units of analysis helps determine the parameters of data generation (Creswell 2014, Yin 2014). This study adopted a holistic analysis approach. The purpose of a holistic design is to understand the “global nature” of particular phenomena (Yin 2014). Below is a schematic of the holistic analysis I will be conducting. It follows a “layered analysis approach” whereby case studies of individuals are combined into a larger case study of a particular phenomenon (Patton 2002). For my study, units of analysis were tribal members, and landowners. land trust officials and a member of marine patrol served as an important source of evidence about access. The diagram below (Figure I) is a conceptualization of the holistic design.

Figure 1. Conceptualization of Holistic Case Design (Yin 2014).



In bounding the case I also considered a variety of spatial and temporal factors including the time period covered by the case study and geographic location (Yin 2014). A description of the factors that were used to bind my case are included below.

Table 1. Factors Used to Bind Case Study

Factors Binding the Case	Description
Geographic Area	Limited to coastal communities, in Maine, where the shoreland property owner lived. Locations included communities in the Downeast, Mid Coast, and Southern Maine regions.
Temporal Scale	The interviews had a contemporary focus (2013-2016), but landowner's and Wabanaki Citizens often referred to the past to make comparisons about access and their experiences.
Study Participants	Wabanaki Citizens and shoreland property owners were the primary focus, but land trust personnel and a marine patrol officer provided supplemental information.

Research Paradigm

Initial interactions with Wabanaki Citizens, and readings related to indigenous research have prompted me to ground this study in a participatory action research (PAR) worldview.

Reason and Bradbury (2001) define action research as a:

participatory, democratic process concerned with developing practical knowing in the pursuit of worthwhile human purposes...it seeks to bring together action and reflection, theory and practice, in participation with others, in the pursuit of practical solutions to issues of pressing concern to people (1).

There are many definitions and practices of PAR, but Reason and Bradbury (2001) have identified four defining characteristics, which include emergent development, concerns with human flourishing, practical issues, and knowledge-in-action. These characteristics and key assumptions are enumerated in Table 2 (below):

Table 2. Defining characteristics of Participatory Action Research (PAR)

Purpose	Create practical knowledge that be utilized by people. Action research is intimately tied to the well-being (i.e. spiritual, economic, political, psychological, etc.) of individuals in order to foster better relationships.
Generating New Forms of Knowledge	Action research requires understanding and reflection, which is key to generating meaning.
Emancipatory	Community is empowered by knowledge and new ways of knowing.
Process Oriented Inquiry	Knowledge is a “verb” emerging and evolving over time.

I chose this paradigm, in part, to prevent the marginalization of indigenous perspectives. Generally, western research has operated in ways that classifies and condenses societies into categories and systems of representation (Smith 2001). As a result, indigenous perspectives are often coded into western systems of knowledge. The benefit of the participatory worldview is that it provides a framework for people to begin to see themselves as “cohabitants of the planet” an important consideration since “the current Western worldview has come to the end of its useful life...and left us with a legacy of human alienation and ecological devastation” (Heron and Reason 1997: 291). A participatory worldview is more holistic than other paradigms, as it

emphasizes the role of the person, acknowledges the living cosmos, and the integration of action with knowing (Heron and Reason 1997).

In implementing a PAR approach, I was influenced by the points related to dialog as articulated by Freire (2001) in *Pedagogy of the Oppressed*. In his work, Freire conceptualized dialog as the key to addressing oppression: “through dialog, the teacher-of-the- students and the students-of- the-teacher cease to exist and a new term emerges: ‘teacher-student with student-teachers’ in this scenario everyone is responsible for jointly growing together” (Freire 2001: 80). Freire’s articulation of creating dialogs of mutual trust is particularly salient given the nature of my research. He argued that, as researchers, “it is not our role to speak to the people about our own view of the world, nor to attempt to impose that view on them, but rather to dialog with people about their view and ours” (Freire 2001: 96). It is important to learn from people, rather than becoming an “invader” and trying to teach, or transmit ideas (Freire 2001: 180).

Dialog formed the basis of how I developed research questions, built trust, and developed strategies to communicate results. For example, I developed a list of research questions from materials that I had read in the literature related to NTFP gathering and accounts from other studies. Once I had developed these questions, I asked a harvester to review what I was asking. The harvester provided feedback about how to reframe questions so that they were more sensitive about gathering and cultural practices. For example, harvester’s reiterated the importance of not asking about specific harvest locations and suggested making this explicit when asking others to participate in interviews.

In addition, dialog led to important insights about structuring the research project. For example, my original intention was to conduct landowner interviews over the

summer of 2015 (May-August), but harvesters were concerned with that schedule. They worried that if I conducted interviews about sweetgrass during the summer it might create unwanted attention. Therefore, I waited until October of 2015 to start the landowner interview process. I also asked Wabanaki Citizens what they wanted to know from landowner's, or what they hoped might come from this research. One Citizen replied: *it would help us to understand what landowners are thinking because we tend to jump to conclusions that they are racist. Maybe if there was dialog or if we knew what was going on then maybe it could change.* Another person answered: *I just want to know, why. Why do they say yes or no?* Again, someone said: *You should ask private landowners why they don't give access-that would be interesting.* It became apparent that the question of "why" was important to the Wabanaki. It formed the basis of my landowner interview questions and was something I always referred back to when conducting analysis.

Dialog also led to moments of transformative personal growth and change. As a researcher, I often unintentionally assumed that Western frameworks and the things I had been learning would be an accurate descriptor of the Wabanaki experience. For example, I had the following exchange with a Wabanaki Citizen in the summer of 2014:

Wabanaki Citizen: *What are you studying?*

Researcher (Me): *I am examining Wabanaki tribal member's access to non-timber forest products. Specifically, sweetgrass access...* I went into a long recitation of NTFP literature and how this research fit into the framework.

Wabanaki Citizen: *Well, there's a problem with that. First of all, we're not members-we're citizens. You can't go to Sam's Club and buy a membership. Membership makes it seem like you pay yearly dues or something. I would appreciate it if you referred to us in your research as citizens. Second of all, sweetgrass isn't a product...*

He continued to provide feedback and at the end of the conversation we shook hands. He wished me luck on my project and said it was important work, but I felt terrible. I had

explained the Wabanaki experience using western frameworks. Nothing had prepared me for that situation. I remember feeling foolish and wanting to change research subjects. It became clear that knowing academic parlance did not mean I could understand a particular issue.

After that conversation, I wrote in a reflection piece: *I assumed too much-I was wearing my researcher hat and trying to demonstrate that I knew what I was talking about. We have to do that all the time in the classroom, but in the field I am realizing that I have no clue. They never talk about that in academic articles* (Reflection June 2015)! A few months later, I revisited this experience and noted how my thinking had evolved: *Looking back I was naive and felt like I needed to prove myself. That I knew what I was talking about. I think the lesson is listen, don't assume* (Reflection September 2015). This reflection helped me remember that PAR is process of growth, change, and mutual learning. Rather than feeling embarrassed, I came to appreciate the exchange I had, without it I do not think my project would be as meaningful. It also taught me to “trust the process” and that research is a living organism, always evolving and always changing.

This is an important point to remember since the PAR process might unfold in unexpected ways. Initially, I thought I had the support of the Maine Indian Basketmaker's Alliance (MIBA) in recruiting participants. MIBA was founded in 1993 to help preserve the sweetgrass and ash basketry traditions. The original plan, developed with input and support from a MIBA member, was to come to a board meeting and present my research. The thought was that this would help build trust and additional community support. However, for reasons beyond my control this plan fell apart. MIBA

was going through a transition period and attempts to schedule meetings did not occur as anticipated. At first, I was frustrated and worried about this especially since the delays stretched an entire summer (approximately three months). Due to time constraints, my advisor and I decided to move forward with an alternative plan that included emailing individual basketmakers. However, our emails went unanswered.

Given the sensitive nature of the subject, I was not astonished by the lack of response. I wrote in a reflection: *I am frustrated but not surprised by the lack of response. This is a sensitive subject and people are probably reluctant to talk with someone they don't know. It takes a long time to build trust and this highlights the importance of being flexible* (Reflection August 2015). Fortunately, my advisor suggested working as a camp counselor each summer, at Wabanaki Youth in Science (WaYs) camp. WaYs is a program, coordinated by the Wabanaki Center at the University of Maine intended to integrate Native teachings with environmental science. My advisor knew this would be a good opportunity to build trust and rapport with the community.

The summer camp is a week in length and I was able to observe and in some cases participate in various cultural activities. Being immersed in culture for a week including sharing meals and living quarters with individuals helped build rapport. Furthermore, I worked with some Wabanaki Citizens to develop outreach materials, for WaYs, at a summer basket show. Having shared experiences and offering to help was essential to the trust building process. Through WaYs, I was to meet harvesters, but it took two years to build trust and develop rapport with the Wabanaki harvesters that I interviewed.

My experience demonstrates some of the challenges associated with PAR, including the length of time it can take to implement projects and the demands it can place on a researcher (Maguire 1987). It takes additional effort to be both a researcher, educator, and advocate. Furthermore, PAR projects may require additional funding and technical support, which can make implementation difficult (Maguire 1987). In some instances, the relative “newness” of the methodology and its underlying political nature may make it difficult to secure funding for projects. In addition, it can be challenging to maintain a balance between knowledge generation and action.

Research Questions or “Issue Statements”

Research questions, or “issue statements” were formulated at the outset of the research process and helped guide preliminary interviews, observations, and document review (Stake 1995). Preliminary issue statements are etic (created by the researcher), but they evolve throughout the research process, becoming more emic in nature-reflecting the issues of the individuals who are part of the case study (Stake 1995). The issue statements I was interested in exploring were developed from reviewing literature about NTFP gathering and access. Specifically, many questions were based on the work of Ginger & Emery (2012), which expanded Ribot and Peluso’s (2003) theory of access to include social and biophysical dynamics. In keeping with PAR frameworks, questions were also generated and reviewed by Wabanaki Citizens. Specifically, their wanting to know why landowner’s prohibit or permit access was central to the study. The issues this study explored include:

1. What factors influence a landowner’s decision to permit or prohibit access?
2. How is, if at all limited access to sweetgrass affecting Wabanaki Citizens?
3. What factors, if any, are Wabanaki Citizens and landowner’s observing that could impact access to natural resources?

4. What harvesting strategies do Citizens rely on when they are gathering sweetgrass?
5. Do issues of power (power differentials between government leaders and tribal members) influence access? If so, how?

Researcher as Instrument

In a qualitative study, the researcher is centered in the generation and interpretation of data (Creswell 2014). Therefore, it is important for researchers to “position themselves” within a study and share that with readers (Creswell 2014: 47). Researchers should provide relevant information about their background, how it might influence their interpretation of the data, and what they stand to gain from conducting the study (Creswell 2014).

On July 10, 2014 I had the opportunity to observe Wabanaki citizens gather sweetgrass at a coastal location. Elder tribal citizens were teaching younger members about harvesting techniques. As an outsider and observer, it was an honor to watch the harvest process and witness tribal elders passing their knowledge on to the next generation. Young tribal citizens were curious about the harvest process-asking lots of questions about how the grass was dried and braided. Everyone seemed to be happy-laughing, talking, and learning. Suddenly, a man appeared near the harvest site and he started yelling: “you’re making it so difficult for me to live here!” He threw his hands up in the air and continued to yell, the anger in his voice rising: “what have I got to do to enjoy my property?” Then without any hesitation, an elder instructed everyone to leave the area.

The mood changed quickly and tribal citizens began telling me that these types of interactions with landowners are common. Sometimes the interactions are much more negative: “I’ve been threatened with violence” one citizen said. Another citizen explained how he gathered early in the morning, or late in the evening to avoid encountering any landowners. Witnessing

this event confirmed my commitment to address the structural inequalities that disproportionately influence minority communities. This interest stems from grade school-when I began to learn about the civil rights movement. Until that moment, it had never occurred to me that people would be treated differently based on their skin color. I quickly realized that America had a long history of categorizing people as “other.”

Overtime, I became interested in learning why these differences exist and their implications for society. I believe this interest is what drew me to major in history as an undergraduate. After completing my bachelor’s degree, I spent a year in the Pacific Northwest backpacking, hiking, and enjoying the outdoors. The year I spent out west prompted me to combine my love for the outdoors and concerns about inequality into a master’s degree. As a master’s student at Vermont Law School, studying environmental law and policy, I developed an interest in how western institutions, like law and policy, create barriers to accessing natural resources. This interest has persisted throughout my coursework as a Ph.D. student.

The combination of coursework and personal experiences, have led me to believe that the lack of access to sweetgrass is unjust and unfair. I believe that the lack of access to natural resources is a reflection of the structural inequalities that prevent certain groups from enjoying the same benefits and privileges as others. My goal as a researcher is to illuminate these injustices and advocate for meaningful change. I do not want to be complacent, or passive in a system that prevents groups of people from accessing resources that are an important part of their cultural identity. These beliefs may make my research more critical of events and factors that I perceive as creating or furthering injustices. I addressed these biases by regularly reflecting on my work through journaling and debriefing sessions with colleagues.

These strategies helped me process my emotions and keep my research centered. This study is part of my doctoral program and research. Successful completion of the study and program requirements will lead to a doctorate in forest resources. Eventually, I hope to use my doctoral degree and the skills gained from completing the study to work as an advocate for environmental justice causes.

Data Generation

Interviews

(A) Landowners

I conducted semi-structured interviews with 24 coastal landowners. I utilized pre-formulated questions asked in a specific order (Bernard 2006). The questions were intended to elicit information about each landowner's perceptions of access. Including the factors that influence their decision to permit or prohibit access, how they perceived the current state of access (i.e. has it improved or decreased), factors beyond their control that influence access (i.e. coastal development) and their perceptions about public access to private shorefront (see Appendix A for examples). For the purposes of this study, "coastal landowner" denotes an individual(s) who owns any amount of shorefront property on the ocean.

In order to recruit participants, I placed a notice describing my research in the *Working Waterfront* a newspaper published by the Island Institute, a nonprofit in coastal Maine. The *Working Waterfront* is described as a *must-read for anyone who wants to be well informed about the issues, interests and culture of Maine's year-round islands and working-waterfront communities*. The newspaper has a wide distribution and is available in both electronic (via email or by visiting the Island Institute website) and print formats. Once the notice was published, I

began receiving phone calls and emails from shorefront property owners who were interested in discussing access issues.

Based on these initial interviews, I used chain sampling techniques to identify other participants. Chain sampling also helped concentrate the interviews to specific geographic areas. The interviews lasted anywhere from thirty minutes to an hour and a half. All interviews, with the exception of four, were conducted in person. Three interviews occurred via telephone as the participants were out-of-state and one individual, for extenuating circumstances, preferred to have the questions in advance and type responses. The majority of interviewees were male (n=19) and the rest were female (n=5). Regionally, half of the participants were from Downeast and the other half were from mid-coast Maine (See Figure 10 for a map of interview locations). All of the interviews, with the exception of the typed response, were digitally recorded and transcribed verbatim.

Table 3. Regions and Towns of Landowner Interviews

Region/Town	Number of Interviews
Downeast.....	12
Prospect Harbor.....	2
Machiasport.....	1
Hancock Point.....	2
Franklin.....	1
Gouldsboro.....	1
Corea.....	4
Winterport.....	1
Mid-Coast Maine.....	12
Friendship.....	5
Spruce Head.....	4
Brunswick.....	2
Phippsburg.....	1

(B) Wabanaki Citizens

I conducted semi-structured interviews with six Wabanaki Citizens. I utilized pre-formulated questions asked in a specific order (Bernard 2006). The questions were intended to elicit information about each Wabanaki Citizen's perception of access and experiences harvesting sweetgrass. All of the interviews were conducted in person and lasted between thirty minutes to an hour. I built rapport with a few harvesters who were willing to be interviewed and then, using chain referral sampling techniques, I was able to contact other participants. The majority of interviewees were male (n=4) and the rest were female (n=2). All of the interviews except one were digitally recorded and transcribed verbatim. I had to conduct one interview in a truck with all the windows down and the recorder picked up too much sound, so I took notes which were included with the transcripts.

Table 4. Tribal Affiliations and Number of Interviews

Tribal Affiliation	Number of Interviews
Passamaquoddy.....	1
Penobscot.....	5

(C) Land trust Personnel:

I conducted semi-structured interviews with staff members from three land trusts. I selected the land trusts based on landowner feedback. Specifically, landowners would often refer to their experiences with certain land trusts and how important they are in preserving access to the Maine Coast. The purpose of these interviews was to gain additional perspective on coastal access issues in Maine and to ascertain how land trusts approach the preservation of culturally significant species. All of the interviewees were female. The interviews lasted between thirty

minutes and an hour and a half. All interviews were digitally recorded and transcribed. For confidentiality purposes, I cannot disclose which two land trusts were interviewed.

(D) Marine Patrol Officer

I shadowed and observed a marine patrol officer for half a day. He talked about coastal access issues and some of the problems he has observed throughout the years. I took notes and reflected on the experience, which were used to help triangulate data.

(E) Secondary Data Sources

In addition to conducting interviews, I utilized archival evidence, kept a reflective journal, and conducted observations. My observations included attending municipal clam board meetings, and shadowing members of marine patrol.

Data Management and Coding

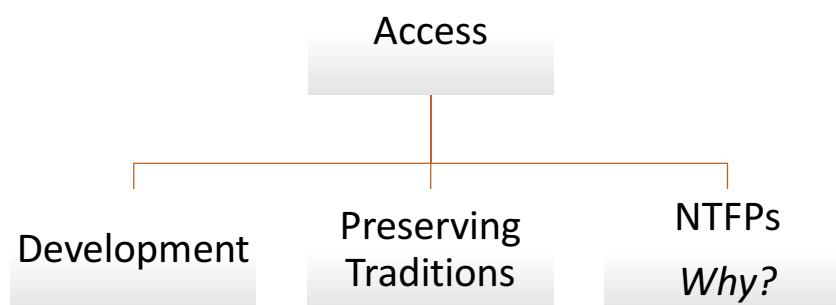
I used MAXQda¹² to assist in the management and analysis of interview data. I divided coding into first and second cycles (Saldana 2013). In first cycle coding, I adopted an inductive approach and utilized a combination of holistic and causation coding strategies. In holistic coding, a single code is assigned to a large unit of data (Miles et al. 2014). Holistic coding allows the researcher to develop a sense of the content and the themes that might emerge in second cycle coding (Miles et al. 2014). Causation coding is used to discern the phenomena that influences an individual's thinking and action (Miles et al. 2014). Second cycle coding was utilized to group the first cycle of codes into themes (Miles et al. 2014).

After completing first and second cycle coding, I conducted both within case and cross-case levels of analysis. Within-case analysis helped to describe and understand access experiences from the distinct perspectives of the Wabanaki, and private landowners, respectively. A cross-case level of analysis allowed me to compare and contrast perceptions on

access issues between the Wabanaki and landowners. The overarching purpose of the cross-case analysis was to understand the similarities, differences, and uniqueness of access issues between two different groups (Miles et al. 2014).

In conducting analysis, I looked for differences and commonalities amongst themes within and across sources (Miles et al. 2014). The themes that were most salient are included in the matrix display below (Figure 2). Each of the themes helps explain what influences access decisions and how they relate to the Wabanaki. The ensuing chapters discuss the findings as they relate to each theme. *Development* refers to changes in the land that influence physical access and access decisions, *Relationships* refer to how Wabanaki Citizens and landowner's relate to the natural world and each other. This theme was particularly salient for landowner's who sought to distinguish themselves from 'out of staters,' and *Tradition* refers to the desire of both landowners and Wabanaki Citizens to preserve various elements of cultural heritage. The chapters present data using direct quotes, so that analysis is true to the perspective of participants (Miles et al. 2014).

Figure 2. Display of Themes and How They Relate to Access



Information Integrity

Trustworthiness is an important concern throughout the research process, which includes assessment of the accuracy of findings as described by the researcher and participants (Creswell 2007). It ensures that the research is trustworthy, credible, transferable, and dependable. In order to maximize trustworthiness, I followed four of the eight strategies outlined by Creswell and Miller (2000). Researchers do not need to use all eight strategies in order for the study to be considered trustworthy (Creswell & Miller 2000). I have selected these four strategies, because they were a good fit for the case study and could be readily achieved given cost and time constraints.

Table 5. Trustworthiness Strategies

Trustworthiness Strategy	Description
<i>Triangulation</i>	Corroborating evidence from difference sources to identify themes, or perspectives. The strategy creates multiple sources of evidence, which improves construct validity.
<i>Researcher as Instrument</i>	Provide an outline, at the beginning of the study, of the researchers perceptions about the topic.
<i>Rich, Thick Description</i>	Keeping detailed descriptions about the participants and rich description of the context allows readers to determine transferability to other situations.
<i>Member Checking</i>	Asking participants to review final manuscripts for accuracy of interpretation of meanings.

In addition to incorporating a trustworthiness strategy, I developed a case study protocol to help increase consistency with the research process and provide a framework to follow (Yin 2014).

The protocol also helped me think about field procedures, which are important, because case study research happens in the “real world” where situations can change quickly (Yin 2014).

Therefore, it was helpful to develop strategies that guide data collection and other procedures.

An outline of the case study protocol developed is included in the appendix.

Ethical Considerations⁵

Historically, indigenous knowledge has been misrepresented and withheld from participants. In order to prevent this from happening, participants will be able to review articles before publication. In addition, tribal offices will be given copies of relevant research findings. I also conducted my research in compliance with the guidelines and regulations set forth by the University of Maine's Institutional Review Board (IRB). Furthermore, I reviewed and followed ethical guidelines established by the American Anthropological Association (AAA). I have included a few examples of AAA guiding principles below. A complete list of AAA ethical guidelines can be accessed online (www.aaanet.org/ethics).

I. *Do no harm*: researchers should avoid causing direct or immediate harm to the populations they are working with, this includes careful consideration of any inadvertent effects the research could have on participants. In this study, an inadvertent effect would be the disclosure of harvest site. Therefore, special care will be given to maintaining the confidentiality of harvest sites and practices. All data will be kept in a locked office, and password protected computer. Furthermore, tribal members will have an opportunity to review data before it is published, which will prevent any sensitive information from being made public.

II. *Be open and honest regarding your work*: this includes representing research accurately, being transparent about the nature of the study, and honest about what participants can expect. Honesty and openness are achieved through the IRB informed consent and review process.

⁵ This section adapted from: Daigle/Ranco Emerald Ash Borer IRB application, 2011.

III. *Obtain informed consent and other necessary permissions*: consent processes are a vital part of working with human subjects. Informed consent includes sharing with participants the study goals, methods, outcomes, and impacts of the research. There should be clear guidelines that establish participant confidentiality and anonymity. The researcher will review all of this information with interviewees before and after each interview, so they are aware of the study's expectations and are comfortable with the process.

Chapter Overview

Chapters two and three explore how development and the desire to preserve fishing traditions shape access to Maine's coastal resources. The fourth chapter answers the question so many Wabanaki Citizen's asked, *what motivates landowners to permit or prohibit access?* It also assesses landowner NTFP gathering practices and strategies for improving access. The fifth chapter is a reflective discussion of my experience working with indigenous communities. The sixth chapter examines the implications of findings, lessons learned, and offers suggestions for future research. It is my hope that readers develop a better understanding of access issues within Maine and how they affect Wabanaki Citizens.

Terminology

Unless indicated otherwise, the term 'landowner' is used throughout the dissertation and refers to the 24 coastal property owners that were interviewed for this study. It does not refer to all landowners who own coastal property in Maine. The results of this analysis are not representative of all coastal property owners living in Maine. In addition, the term Wabanaki Citizen(s) refers to Maine's indigenous communities and those I interviewed.

CHAPTER 2

**UNDERSTANDING HOW DEVELOPMENT AND AMENITY MIGRATION
INFLUENCES ACCESS AND COMMUNITY CHANGE FROM THE PERSPECTIVE
OF COASTAL PROPERTY OWNERS**

Abstract

The majority of land within the State of Maine is privately owned, but it has one of the most unique open land access traditions in the United States. However, this tradition has eroded as amenity migrants, unfamiliar with the ‘open land tradition,’ move into the state. Amenity migration refers to “the movement of people based on the draw of natural and/or cultural amenities” (Gosnell and Abrams 2011: 303). This case study examines how development changes access dynamics from the perspective of coastal landowners interviewed and Wabanaki Citizens. The Wabanaki, a confederacy of four indigenous tribes in Maine, rely on shoreland access to harvest sweetgrass (*Hierochloe odorata*) a perennial grass that grows along the Maine coast. Sweetgrass is an important part of Wabanaki culture and basketry traditions. The focus of this analysis is based on 24 interviews conducted with private shoreland owners across Maine’s coastal communities.

The themes generated from these interviews are compared to the experiences of Wabanaki Citizens. Although, the focus of this analysis is on Maine’s coastal communities, forestland access is used as a point of comparison in order to develop a better understanding of access changes as a whole. This study found that landowner observations about coastal development were supported by themes from amenity migration literature. Specifically, the influx of people from outside of Maine and development are changing the character of coastal

communities and access traditions. The results of the analysis, highlight the importance of expanding the amenity migration narrative to include diverse cultural perspectives.

Introduction

If you ask most Mainer's (defined as people born and raised in the State of Maine) about accessing private land you will likely hear the terms 'fishing, fowling, navigation' or 'open land tradition.' These terms are derived from Massachusetts colonial ordinances dating from 1641-47, which allowed members of the public to cross private property for the purposes of fishing, fowling, and navigation (Acheson 2006). In 1820, when Maine achieved statehood, the ordinance became part of state common law (Acheson 2006). As a result, Maine has a rich and unique history of 'open lands' whereby, unless posted, members of the public have widespread use of private land for a variety of activities including hiking, fishing, snowmobiling, hunting, etc. (Acheson 2009). The State also supports the open land tradition through landowner liability laws that protect landowners from being sued if someone is injured on their land while engaged in recreation or harvesting activities (Maine Revised Statutes 159a).

The law applies whether or not the landowner granted permission to access the property (Maine Revised Statutes 159a). This access tradition is of particular importance in Maine where the ownership of private land outnumbers public land (Daigle et al. 2012). Specifically, 90% of the state's land is held in private ownership (Acheson 2006). This is different from most other states where public lands are more abundant and the public relies less on private land owners for access (Acheson 2006, Daigle et al. 2012). In Maine, open access has a critical role in ensuring people can utilize lands. Open access is usually contingent upon several factors including the landowner's familiarity and comfort with the custom, members of the public respecting the landowner's rules concerning land use (i.e. staying on marked trails, not littering, etc.), and in

some cases reciprocity (Acheson 2009, Ginger and Emery 2012). For example, clammers may provide private landowners with a bushel of clams as a token of appreciation for access.

Snowmobile clubs may work with private landowners, helping make small improvements to their land in order to foster positive relationships (Maine Snowmobile Association 2016).

These examples demonstrate the importance of understanding property ownership as a social process rather than ascribing to traditional Lockean notions of ownership (Yung and Belsky 2007). A social process approach views the meaning of private property as fluid and changing throughout time (Yung and Belsky 2007). Specifically, property ownership is relational and often negotiated at the community level creating informal customs about land use that may not be codified in law (Yung and Belsky 2007). This differs from Lockean notions of property ownership whereby “private property rights are often viewed as stable, longstanding rights that grant landowners significant, if not total, control over their property” (Yung and Belsky 2007: 691).

A social process approach also recognizes that when new owners move into an area “they bring new ideas about the meaning of property, the rights inherent in ownership, and the appropriate uses of private land” (Yung and Belsky 2007: 691). These new ideas may conflict with existing conceptualizations leading to tensions amongst landowners (Yung and Belsky 2007). These tensions can be exacerbated in “landscapes undergoing rapid changes in ownership and land use” (Yung and Belsky 2007: 690). The section below explores how and why land tenure has changed in Maine’s forest and coastal areas, and the implications of these changes for access more generally. The focus of this research pertains to changes in coastal access, but existing data on forestland ownership is utilized to draw comparison. These changes are explored within the context of amenity migration and their implications for access.

Maine's Changing Access Traditions: Forest to the Coast

Geographically, the southern third of Maine is densely populated and most parcels of land are owned by small landowners (Acheson 2006). As one moves into the northern regions of Maine, the population steadily declines and vast tracts of land are held by timber companies and investment firms (Acheson 2006). These large-tract lands, which can be thousands of acres in size provide an array of environmental and economic benefits related to forest products (Daigle et al. 2012). They are also used for recreational activities including snowmobiling, skiing, hunting, fishing, camping, and hiking among others (Daigle et al. 2012). These recreational uses are important to Maine's tourism industry, which is the largest industry in the state (Maine Office of Tourism 2014). However, increasing demands for timber and changes in landownership have many individuals (and businesses) dependent on private access worried about the implications changes in forest ownership and development could have for public access to private land (Daigle et al. 2012). For example, "between 1980 and 2005, over 23 million acres in the Northern Forest were involved in land sales" (Daigle et al. 2012: 90). This figure represents nearly all the total acreage in the Northern forest (Daigle et al. 2012).

Furthermore, an increasing number of smaller landowners are exercising their rights to post their property (the process of limiting or prohibiting access to land by erecting signage). A 1991 survey by the Small Woodland Owners Association of Maine (SWOAM) revealed that 14.9% of landowners were posting their land (Acheson 2006). A follow-up landowner survey conducted in 2005 revealed that 39.4% of landowners were posting their land (Acheson 2009). There are a variety of factors influencing the increases in posting amongst small landowners. For example, 'suburban sprawl' has led to an influx of people in more rural areas and increasing interest in recreational activities in rural areas (i.e. bird watching, hiking, kayaking, etc.) have

brought people into closer proximity with private landowners (Acheson 2006). Rising demand for rural lands coupled with the salient presence of people prompts some landowners to start posting (Acheson 2006). Landowner's may also post their land if they feel it is being abused and disrespected. For example, littering and illegal dumping (i.e. using private land to dispose of tires, refrigerators, and mattresses) are often cited by landowners as reasons for restricting access (Acheson 2009).

Similar to forestland, access to the shore is important for coastal communities that rely on the ocean for recreation, harvesting, and other uses (Schauffler 2013). Maintaining access has become difficult with increases in development and taxes, changes in ownership, shifts to tourism based economies, and declines in maritime industries (Colgan 2004, Schauffler 2013, Thompson et al. 2016). These concerns are especially true in Maine, which based on 2010 census data has the highest percentage of second homes in the Nation (118,000 residences, which is 16.4 of the housing market). It is estimated that by 2050 southern areas of Maine's coast will "be an urbanized extension of greater Boston, and the swath of coast extending to Bar Harbor will be suburban" (Woodard 2004: 284). As development progresses and brings an influx of outsiders (Term used by Mainers referring to people who are not from Maine): *landowners can become more protective of their substantial shorefront investments-closing off traditional public access* (Schauffler 2013: 8, see Thompson et al. 2016). Overall, Maine has experienced increased conflict and litigation surrounding access issues (Woodard 2012). These tensions are often the result of different conceptualizations of land use between Mainers and outsiders that are exacerbated by development.

Policy makers and professionals have recognized that "Maine's coastal frontage is rapidly being bought up and put into private hands" (Anderson 2000: 37). Shifts in ownership

often lead to changes in land-use traditions with more people prohibiting access to the shore (Anderson 2000). One of the significant drivers of this change is Maine's property tax system, which local coastal property owner's often critique as favoring the wealthy. In 2009 (the most current period of data), property tax accounted for forty-three percent of all taxes (residential and commercial) collected in Maine. The State's property tax system is often critiqued as being regressive, because the distribution is unfair with middle and low income residents paying more than the wealthy (Johnson 2013).

For example, in 2009 homeowner's who earned \$12,167 or less per year paid \$2,006 in property taxes, which was 30.6 percent of their income (Johnson 2013). Conversely, homeowner's who earned \$108,724 or more per year paid \$5,258 which was only 2.5 percent of their total income (BDN Editorial Board 2016). Coastal development exacerbates these issues by increasing property values and taxes, which forces locals to relocate (Schauffler 2013). Furthermore, even though residential development in coastal communities can raise the tax base, revenue is outweighed by increasing costs to the municipality (Schauffler 2013). Tax increases may be even more difficult for some households as Maine has eliminated or reduced property tax relief programs for middle and low income residents (Johnson 2013). This is important since increasing taxes may cause locals to leave. When they leave they take valuable knowledge about access issues with them. Eventually, outsiders move into an area with their preconceived notions about access and property ownership, which may clash with existing notions (Yung and Belsky 2007).

The Wabanaki and Sweetgrass

The Wabanaki were the first people to inhabit northeastern New England and parts of Maritime Canada (Attean et al. 2012). Based on archeological evidence, it is estimated that they

have been in the region for more than 12,000 years (Attean et al. 2012). However, the Wabanaki oral tradition dates back to time immemorial and emphasizes values such as generosity, cooperation, and relationships with nature among others (Attean et al. 2012). European contact occurred during the 15th century, which overtime led to population declines through a combination of factors related to disease, warfare and forced removal (Attean et al. 2012). The history of Maine's relationship with the tribes is complex and not without contemporary forms of political and social conflict. For example, the state often tries to exert its authority over the tribes and their resources. However, each community is federally recognized, maintains its own form of government, and manages its natural resources.

Sweetgrass (*Hierochloe odorata*) is an important part of Wabanaki culture. It is a perennial grass that grows in rhizomatous mats (Baumflek et al. 2010). The stems can grow up to three feet in length and the base of each plant is purple in color (Baumflek et al. 2010). Sweetgrass is classified as a wetland plant and typically inhabits riverbanks, moist meadows, and brackish waters along the coast (Baumflek et al. 2010). Sweetgrass is part of the Wabanaki creation narratives, and figures prominently in fiber arts and ceremonies (Prinns 2007). Specifically, sweetgrass is an integral component of fancy baskets- intricately designed baskets that are purchased by collectors throughout the world (Neuman 2010). Basketry is an important part of Wabanaki cultural heritage and survival (Brooks 2014).

Changes in ownership and increases in development can have implications for access to culturally significant natural resources. This has been the case both in Maine and other regions of the United States. For example, Grabbatin et al. (2011: 640) suggests, “when properties change hands, new owners can change the rules of access to natural resources, reflecting their own social and cultural understandings of property and community.” In these situations, private landowners,

policy makers, and resource managers get to define the terms of access, which may differ from previous arrangements (Grabbatin et al. 2011). These new arrangements can have a variety of implications for native communities. For example, in one study based in northern Maine found that Native Americans had to travel the greatest distances from their homes to gather natural resources because of increases in land postings and development (Ginger et al. 2012).

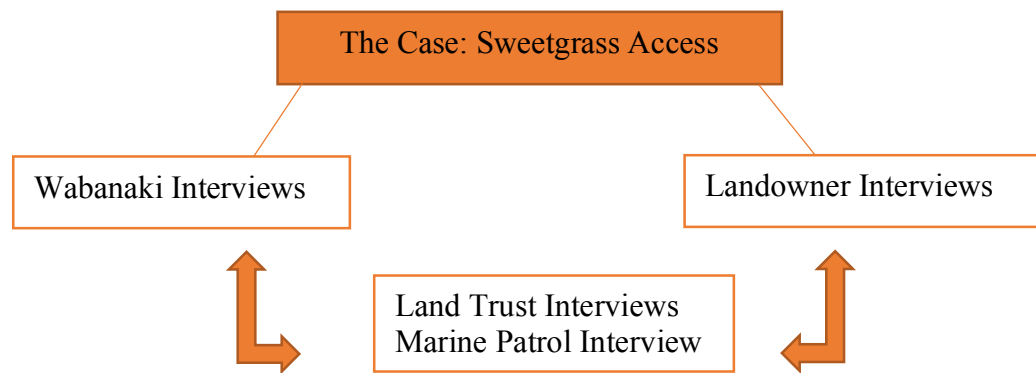
Methods

This research utilized a case study approach to understand the situations and meanings people ascribe to coastal access (Merriam 1998). Case study methodology has been used by a variety of disciplines to expand knowledge about group, social, political, individual, and organizational phenomena (Yin 2014). In particular, the research questions (designed with input from Wabanaki Citizens) are focused on understanding diminishing access from the perspective of coastal landowners. These questions included:

1. What factors, if any, do landowners identify as influencing access?
2. How has access changed over time from the perspective of landowners?
3. What strategies, if any, are landowners using to address access issues?

This study adopted a holistic analysis approach in order to understand the “global nature” of particular phenomena (Yin 2014). See Figure (1) for more detail. The research followed a “layered analysis approach” whereby experiences of individuals are combined into a larger case study of a particular phenomenon (Patton 2002). Land trust officials and a member of marine patrol served as an important source of evidence about access.

Figure 3. Conceptualization of the Holistic Case Design (Adapted from Yin 2014).



I conducted a total of 33 semi-structured interviews with a combination of private landowners, Wabanaki Citizens, land trust personnel, and a marine patrol officer (see Table I for more detail). Recruitment of coastal landowner's involved posting a call for participants in a widely circulated and respected publication that reaches shorefront property owners. Once the notice was published, I began receiving phone calls and emails from shorefront property owners who were interested in discussing access issues. Based on these initial interviews, I used chain sampling techniques to identify other willing participants (Miles et al. 2014). Land trusts and the marine patrol officer were also identified through shorefront owners. I built rapport with Wabanaki participants by attending basketry shows and other cultural events.

Table 6. Breakdown of Interviews

Interview Group	Number of Interviews
Landowners	24
Wabanaki	6
Land Trust	2
Marine Patrol	1

I utilized pre-formulated questions asked in a specific order (Bernard 2006). The questions were intended to elicit information about perceptions of access what experiences individuals had

utilizing private property. The interviews lasted between thirty minutes to an hour. All of the interviews were transcribed verbatim.

I used MAXQda¹² to assist in the management and analysis of interview data. I divided coding into first and second cycles (Saldana 2013). In first cycle coding, I adopted an inductive approach and utilized a combination of holistic and causation coding strategies (Miles et al. 2014). After completing first and second cycle coding, within-case analysis helped to describe and understand access experiences from the perspectives of the Wabanaki, and private landowners, respectively. A cross-case level of analysis allowed me to compare and contrast perceptions on access issues between Wabanaki Citizens and landowners. The overarching purpose of the cross-case analysis was to understand the similarities, differences, and uniqueness of access issues between two different groups (Miles et al. 2014).

The data from interviews was triangulated with information from newspaper articles, document reviews, and attending a conference on land access issues. I attended several community clam board meetings where participants discussed limited access. In addition, I spent the day with a marine patrol officer as he conducted inspections on areas where access is problematic. These experiences and observations helped triangulate data from the interviews and provided context. Participating in various events also helped build rapport as people started making connections between my research and presence at events.

The majority of participants (n= 30) were retired, meaning they no longer had a full-time career. Most participants (n=23) were born and raised outside of Maine. However, of these 23 landowners, 21 had established connections to Maine, which created a desire to buy coastal property. For example, some landowners recalled visiting relatives, in Maine, as a child each summer. Others experienced Maine in their adult life through family vacations. Only two

participants (n=2) lacked these types of connections, but both had wanted to retire somewhere on the ocean and prices in Maine were more affordable than other regions. Several landowners noted how these types of connections (i.e. family vacations, relatives living in Maine, etc.) made them feel more connected to the State and its residents. In other words, although they are considered outsiders (born and raised outside of Maine) they did not feel that way.

In addition to having connections to Maine, all landowners (n=24) were actively involved in their local community. For example, some participants served as elected officials, were members of the planning or school board, volunteered with various community groups (i.e. church, art galleries, historical societies, youth organizations, etc.), or ran their own small businesses. Many landowners interviewed noted that they were busier in retirement than when they worked fulltime. These factors helped make property owners more aware about changes in their community through time and their implications for access issues. Throughout each interview, as landowners reflected upon coastal development they were able to draw from a wealth of experiences.

In fact, for landowners, one of the most salient themes that emerged during analysis was ‘development.’ The idea that ‘people from away’ (anyone from locations outside of Maine) are purchasing homes or lands in coastal Maine and changing access dynamics. For example, someone from away will buy a vacant plot of land that community members have been using as an access point for years. The new owner, unfamiliar with access traditions, will exclude people from their property. Exclusion may be forthright or implied. Some landowners discussed how property owners put up signs or gates prohibiting access (forthright) or took subtle approaches including strategically placing gardens, houses, sheds, etc. in the middle of access paths/routes.

These observations related to the literature on gentrification and amenity migration, which is explored in the following section.

Emergent Themes: Gentrification and Amenity Migration

Landowner observations about development and changes in property ownership were supported by themes from amenity migration literature. However, amenity migration shares similar themes with gentrification literature and a brief overview is helpful in distinguishing between the two. Gentrification in urban contexts is theorized to be driven by economic or social processes (Johnston 2016). Economic explanations are exemplified by Neil Smith, a geographer, who had observed that after long periods of deterioration, American cities underwent a period of revival during the 1950s-70s (Smith 1979, Johnston 2016). The ‘rent gap’ referred to the “disparity between the potential ground rent level and the actual ground rent capitalized under the present land use” (Smith 1979: 545). Essentially, gentrification occurs when an investor can purchase a property cheaply, renovate it, and then sell it for satisfactory profits (Smith 1979). An alternate theory developed by David Ley postulated that gentrification was the result of a new, postindustrial middle class which favored the cultural amenities that only cities could provide (Ley 1990).

Over time both economic and social theories of gentrification have been broadened and applied in various contexts including rural areas (Lees 2008, Thompson et al. 2016). For example, ‘rural gentrification’ is used to describe processes related to counter-urbanization whereby people move from cities to the countryside (Gosnell and Abrams 2011). Amenity migration can be thought of as a distinct theory that is often used to understand rural gentrification. For example, amenity migration was utilized to examine the processes of gentrification in Maine’s rural fishing communities (see Thompson et al. 2016). Amenity

migration refers to “the movement of people based on the draw of natural and/or cultural amenities” (Gosnell and Abrams 2011: 303). These “pull factors” can include wildlife, scenic beauty, and tourism among others (Gosnell and Abrams 2011). Typically, people are purchasing primary or secondary homes based on these values (McCarthy 2008).

Amenity migrants are often wealthier than local community members (Thompson et al. 2016). The influx of wealth coupled with transitions in property ownership can lead to changes in land use, socio-economic inequality, and community identity (Gosnell and Abrams 2011). Many of these changes can create conflict or resentment between different groups (Thompson et al. 2016). In this study, both landowners and Wabanaki Citizens acknowledged that amenity migration commonly referred to by participants as ‘development’ is changing access dynamics in coastal Maine. Landowner’s perceived development as a threat to the economic and social stability of coastal communities. For the Wabanaki, development limits access to sites and erodes access agreements between Citizens and local people. I begin with results and discussion of landowner perceptions and move into an analysis of Wabanaki perspectives.

Landowner Perceptions

Most coastal landowners owned their property for a minimum of nine years or more with the average length of ownership extending 33 years. This is significant because even though most property owners were not native Mainer’s (born and raised in Maine) they did have long standing connections to their communities and could speak with authority on the changes they were observing. All landowners interviewed were either involved in their community through various organizations or had connections to Maine that extended to their childhood. Landowners often viewed coastal development as the result of a combination of factors including generational changes in shorefront property ownership, the relatively inexpensive price of shorefront property

in Maine compared to other regions, and fluctuations in the real estate market which enabled ‘people from away’ to purchase a second home in coastal Maine. Landowner’s felt that addressing development was difficult, because their community is reluctant to enact zoning. Each of these themes are explored in the subsections below.

Amenity Migrants and Regulation

Several landowners observed how overtime, many young people did not want, or could not afford to keep their family’s waterfront property. For example: *either the kids didn’t live here or the kids didn’t want the houses and the same with my dad’s generation. If they lived here, they either had a house or they wanted a new house...so they got sold and they were sold to people from out of state who discovered that you could come up here and buy a house super cheap (LO 16)*. The sale of property that heirs did not want, created an opportunity for ‘people from away’ to purchase second homes in Maine, because of strong real estate markets elsewhere. One participant who was born and raised in Maine and had been an active volunteer in her community, recounted her observation of the factors that made coastal property affordable to outsiders: *I spent 25 years working with the IRS program VITA (Volunteer Income Tax Assistance) volunteers and over and over I would deal with people who would retire in Massachusetts -you know middle class lifestyle she was a teacher and he was a middle level business man and they’d buy a house when they had kids. Then they’d sell it for 20 times what they paid for it when they started their family and you could buy something comparable and retire to Maine (LO 11)*.

In addition, some landowner’s noted that the sale of shorefront of property was used to help fishermen finance their retirement or save money. One landowner, who had spent his youth summering in Maine, observed: *if I was to walk around the shoreline and point to the number of*

houses that belonged to fisherman you'd only be able to count them on one hand. Some of that is economics driven because a fisherman can now sell a waterfront property for a significant amount of money and then go somewhere else, build a new house and still have money in their pocket. So it's almost like a city gentrification (LO 17). This landowner bought his shorefront property from a lobsterman who could no longer afford to maintain his cottage. The lobsterman ended up moving inland to a smaller residence where he also stores his boat and traps. A landowner whose family owned a marina observed that: *there's hardly anyone who works on the water that can live on it. They can't afford it anymore. Its one of those situations where grandpa sold the shorefront to finance his retirement (LO 11).*

Wealth was often seen as the driver of this change. Specifically, there existed the perception that people from away come to Maine and build grand homes, which increases property taxes to the detriment of locals. In talking about coastal development one landowner, who was a lobsterman, noted: *I think what happened was that money came in and money started the idea that waterfront was good. Money wanted to be on the water, because they could build nice houses with water tight windows and crank up the furnace. The weather difficulties were not a problem money will take care of that sort of thing (LO 20).* In circumstances where the availability of undeveloped coastal land is limited, people will buy existing structures to tear them down and rebuild. A landowner, who also was a contractor, observed: *I build houses on the coast so I know that that's a scarce resource so I've certainly seen more and more pressure on the coastline for people that want to build year round homes. It's to the point now where there's so little land. A lot of what I do is tear down cottages, subpar places and build other stuff (LO 3).*

Many people recognized a connection between development and increases in property tax, which caused locals to leave communities: *they're (out-of-staters) driving property taxes up and*

families have to move out of their traditional family homes that they have had for generations because they can't pay the property tax. And it's not right, and it's because these out-of-staters come in, they'll be building million dollar mansions and it's just crazy, it's crazy, they should not be allowed to own property on the coast (LO 6). Another shared: it [development] changed value and as a result family's can't keep their waterfront property and they have to sell it or feel like they have to sell it to other people who want to develop it and put fancier homes on it (LO 21). In turn, wealth and the influx of people from away change communities. As one landowner noted: I think it (development) transformed coastal communities from year round places to summer colonies. The village where we have our place was a fishing town, but now the fishermen live primarily further inland and all the old homes are summer rentals and there is a completely different vibe to the place, now (LO 21).

The connection between amenity migration, increasing property taxes, and home values has been discussed by several authors (see Ghose 2004; Loffler and Steinecke 2007; Torrell et al. 2005). As Johnson et al. (2016) observed amenity migration coupled with increasing property taxes and home values can create a 'positive feedback cycle' in which housing costs increase to the point where only amenity migrants can afford to purchase property. Eventually, as community demographics shifts traditional customs and industries are eroded (Torrell et al. 2005). This can create tensions between long term residents and newcomers, especially if newcomers attempt to enact changes that do not reflect the values of long term residents (Ghose 2004). This is especially true for zoning regulations, which are discussed in the next section.

Addressing Development: Perceptions of Local and State Responsibility

Though many landowners were concerned about development there was a sense that there was little interest in addressing it. Some landowner's theorized that the lack of interest in

addressing development, especially second home construction stemmed from unofficial state policies and attitudes. For example, one landowner who was a native Mainer and spent several years as a caretaker of coastal properties, believed that: *The State of Maine, if they had it their way, it would all be the tourists. The rest of you can go live in Florida somewhere. Get out. You know. You have no right to be here, because you don't make enough money* (LO 5). This concern was echoed by another landowner: *the state isn't being helpful at all and it really ticks me off the way the state is not informing people (tourists and residents) that the coast is 95% privately owned to the low water mark. They don't even make that attempt. Maine: vacationland we have 3500 mile of coast: go for it* (LO 12). There was a concern that the State, under the current administration, is not listening to the concerns of coastal communities, prioritizing development and the sale of coastal resources over smart growth and the health of the environment.

Landowners noted that development is often perceived as a “good thing” in that it can lower individual taxes and generate revenue, but as some participants observed no one is questioning the repercussions of growth. As one landowner reflected: *All of these towns are led down the primrose path [by government agencies and officials] with this idea that second home development is a good thing-you get more tax money. But you never get ahead. The more developed a town or city is the higher the taxes are because you have to provide more services* (LO 11). In addition to tax rates, some landowners were also concerned about the environmental effects of development. Maine’s coastline is “inherently dynamic-eroding and depositing material continually...as shoreline becomes more built-up, communities have less capacity to accommodate moving shorelines” (Schaeffer 2013: 9). Development of Maine’s coast could become increasingly problematic as sea level rises and storm surges become more frequent (Schaeffer 2013).

The tools that communities could use to address these concerns such as comprehensive planning and zoning are hard to implement. One landowner, who was an elected town official noted: *It's [town comprehensive plan] been gathering dust, it's a hundred pages, anything over a hundred pages, people won't read, but in that report they point out that this town has no planning. Look to the past instead of to the future and government here is reactive rather than proactive. That worries me* (LO 7). Several landowners also discussed the difficulty of implementing zoning beyond what is required by federal and state regulation, to address development, in coastal Maine. Another landowner, who also served as an elected official in his community noted: *We don't have zoning in this town. Zoning is a four letter word. The only thing we have is shoreland zoning but the rest of the land is if you can get a septic put in then it's yours-that's it* (LO 23). In describing his community's reaction to zoning one landowner noted that people did not care for it until someone built a strip mall in town. It was not until after the strip mall was built that people began to think about zoning. This example highlights the reactive nature of zoning within Maine. People do not want rules until something becomes problematic.

In addition, the problem is not the zoning rules but their perceived impacts on Maine culture and lifeways. For example, as this particular landowner noted it is not uncommon, especially in Downeast Maine, to have "junk cars" in driveways. The junk cars are kept for spare parts, so that individuals can keep their primary vehicles running. Therefore, zoning ordinances that limit the number of junk cars in driveways pose a threat to the economic survival of locals. This was echoed in one landowner's observation that people from away only get involved to change the community: *the first thing they [people from away] want to do is get on the planning board and they come here. This is a common joke with locals they come here to get rid of regulation and the first thing they want to do is regulate the town like it was where they came*

from (LO 19). This is unfavorable in coastal communities where the ethos is: it's your property, you can do whatever you want on your property, we don't have any zoning, we have very few ordinances and it suggests that we're respectful of that traditional kind of openness where people can do what they want on their own property (LO 7).

Positive Changes Associated with Development

It should be noted that not all of the changes associated with development were perceived as negative. Some landowner's described how development provided communities with important services: *some of it is changing for the better, because I've noticed in South Thomaston now. They have their own library which is an old school house. Which instead of tearing it down, they turned it into a library and we never had access to anything like that. I think some of the island communities have changed for the better in that the kids have more access to things that only wealthy children in cities used to have when I was growing up (LO 2).* This was especially true for two landowners who owned businesses in their respective communities. For example, *it [development] also gives our business, business. We have books and art and local things so these people who come and stay we get a new audience every week. We had no clue when we opened our business we just wanted to sell our books and my art, but its turned into something unimaginable (LO 15).* Even though there were some tangible benefits to development, many landowners felt it needed to occur in ways that were respectful of local customs and culture. In addition, many felt conflicted between maintaining their community's historical roots and moving towards a future built around tourism and the service industry. Conflicting feelings about community change are documented outcomes in the amenity migration literature (Robbins et al. 2009; Thompson et al. 2016).

Geographical Factors and Community Perceptions of Risk

In addition, some landowner's observed that even though development is occurring in Maine's coastal communities, they did not perceive it as an immediate threat to their own community. They believed that their community was too isolated. This was particularly true of Friendship, a community in mid-coast Maine, where one landowner who had been coming to Maine since childhood noted: *I think it [Friendship] is too far off the beaten path and its too hard to get here. My family comes up from Houston in the summertime and they always complain that you can't get there from here. When they fly it is never direct, they have to rent a car and its just an ordeal* (LO 10). In addition to isolation, some landowner's believed that long winters deterred some outsiders from making Downeast Maine their permanent home: *That winter we would get a call every snow storm "hi we're in Ellsworth at the motel and are the roads plowed yet?" They would leave every time it snowed! We knew they wouldn't last and they ended up moving. The point is for some people it's the weather, for others it is how far away you are* (LO 24). This landowner noted that southern Maine's coastal communities including York or Wells were much closer to metropolitan areas (i.e. Portland, Maine; Portsmouth, New Hampshire; Boston, Massachusetts), shopping centers, and good hospitals which people from away are perceived to want and enjoy.

In addition to geographical factors, some landowner's felt that their community's ethos often prevented an influx of outsiders. Many people in Friendship described this phenomena: *if you come into Friendship with a yacht, you are not received friendly. They are [locals] very apt to run their boat by you fast. Rock you. No it's not a friendly place for a new comer to come to unless they have someway of getting in with a tentacle of some sort* (LO 1). This 'unfriendliness' was supported by coastal landowner's who lived in communities outside of Friendship. They

were often quick to point out how ironic it was that such an unfriendly place would be named “Friendship.” Based on personal observations, readers should not conclude that Friendship is an unpleasant community. Rather, it is a coastal town comprised of individuals who typically have long standing generational connections to the community.

Furthermore, the people I interviewed who lived in Friendship valued its status as a fishing community and took pride in the fact that it is undeveloped and ‘off the beaten path.’ One landowner described Friendship as having a ‘lobster colony mentality’ meaning that community identity was intimately connected to lobster fishing and people did not want to lose that heritage. In this particular case it is difficult to discern if and how landowner’s perceptions of community attitude and isolation might influence development. Factors such as geographic isolation and community histories can limit development, but because each community is unique it hard to specify how each factor influences change (Jackson 2006, Thompson et al. 2016). This is especially true in Maine’s coastal communities where many people live in their homes seasonally, which can mitigate the impacts of amenity migrants in a community (Thompson et al. 2016). However, it is important to recognize the various factors that contribute to or limit growth in coastal communities (Thompson et al. 2016).

In summary, all landowners that were interviewed for this study perceived that coastal development was the result of a variety of different factors including generational changes in ownership, lack of zoning, and strong real estate markets outside of Maine. There was also the sense that encouraging second home development in coastal Maine displaces locals and fisherman who can no longer afford to pay their property taxes. As a result, out-of-staters with a higher socio-economic status are purchasing coastal property and changing communities. Efforts to address development through zoning are perceived as unsuccessful because the ordinances

hinder Maine lifeways and many landowners have an ethos that they should be able to utilize their property unencumbered. Furthermore, some landowner's believed that their community was safe from development because of its isolation and cautious approach to outsiders.

Wabanaki Perspectives

Although this analysis has focused on the perspective of coastal property owners, Wabanaki Citizens shared similar observations. In particular development can have negative repercussions for access as out-of-staters develop land and attempt to keep locals out: *people built houses on property that hadn't been developed and was traditionally used for access. Or now they build houses and they don't want people walking across and the access lots people here buy and build a house on and either directly or subtly block access* (LO 15). Blocking access in subtle forms means that the landowner does not post their property, but they take actions that make it difficult for members of the public to cross their land. These actions might include using boulders, constructing gardens, or putting up fences to block off access. There is a sense that people who are developing land are unaware of Maine's access traditions: *these people buy the land and they don't allow people to have access to the beaches and the clam flats. Stuff like that. They'll make it private property* (LO 6). Another landowner reflected: *There is a reputation that people from away don't have a sense of how Maine culture operates because they come from a totally different culture* (LO 10).

For the Wabanaki development both limits access to sites and has implications for traditional access agreements. For example, *a lot of times basketmakers had agreements with landowners that they would give them a basket every year to pick grass, or whatever they agreed to* (WC 6). However, overtime these arrangements have started to erode as out-of-staters or new landowners purchase property. One Citizen noted that: *over the last 10 years the lack of sites has*

definitely doubled because of development and people putting up fences (WA 5). Another Citizen described these changes: when I first started hearing about problems it was in the early to mid-90s and I think there were a lot of out-of-staters coming in to areas where it was just accepted that native people were going to be coming in and picking sweetgrass and they always have and always would (WC 6). However, new property owner's may not recognize previous access arrangement, making it difficult to get to certain sites: people buying property down on the coast and not letting us going down and access sweetgrass... finding a new spot with all the development is getting tougher (WC 1).

An important distinction between coastal property owners and Wabanaki Citizens, is that even though both groups identified access as a problem the Wabanaki experience the impacts of development on access differently than coastal landowners. Unlike coastal property owners, Wabanaki Citizens do not have guaranteed rights to shorefront property. In accessing the coast, many Wabanaki Citizens are dependent upon situations that could easily change. For example, a landowner could sell their home and a new owner might revoke permission. In addition, undeveloped property could be converted, which would result in the loss of a gathering site.

Discussion

Access Changes from Forests to Seas

Landownership and access patterns seem to be changing across Maine, from forested landscapes to coastal villages. However, there are some key differences in how these changes affect access. In their analysis of large tract forest owners, Daigle et al. (2012) found that despite recent shifts in ownership “all landowners, regardless of length of tenure recognize public access as a tradition” (93). Furthermore, there were no statistically significant differences between the length of time someone owned their property and decisions to post their land (Daigle et al. 2012).

Their findings were similar to other studies of small tract landowners in the Northeast (see Brown et al. 1984; Dennis 1993). Researchers believe that the persistence of land use traditions in Maine's forested regions is due, in part, to land managers (Daigle et al. 2012). Land managers are familiar with the traditions of particular regions, often having connections to local organizations that rely on the forest (i.e. sportsman's associations, recreational clubs, etc.) and are an important resource for new landowners (Daigle et al. 2012).

Unlike larger forests, coastal property owners do not have land managers to instruct them on access traditions. The social networks of coastal property owners tend to be homogenous with little interaction between groups. For example, locals tend to socialize with other locals and people from away socialize with others from away. A lack of overlap between groups could mean less opportunity for talking about and sharing access traditions. Although coastal property owner's do not have land managers, some landowner's discussed the possible role real estate agents could have in educating newcomers about access traditions. That is, before a property is sold real estate agents would share with their clients the historical use of the property and the realities of living in a coastal community. A few landowners thought that some real estate agents are engaged in this practice although it is not widespread.

Tax structure is also another factor that influences landownership in Maine's forest and coastal regions. The Tax Reform Act of 1986 significantly increased tax rates for corporate timberlands, which prompted many large tract owners to sell their parcels to other entities including real estate investment trusts, timber investment firms, and individuals (Hagan et al. 2005). Similar factors influence ownership patterns in coastal Maine. Under the State's regressive property tax system, many families can no longer afford coastal real estate and are forced to sell. Perhaps it is time to develop alternate strategies that help keep property affordable

for Mainers. Some landowner's suggested offering generous tax incentives for native Mainer's, similar to the Homestead Exemption, and taxing the wealthier at much higher rates. Other proposed solutions included banning out-of-staters from owning waterfront property.

While some landowner solutions seem more feasible than others, they highlight the desire for reassessing current policies. Even those policies designed to address development pressure do not go far enough in meeting community needs. For example, Maine's Working Waterfront initiative, only provides tax benefits for the commercial fishing industry (Colgan 2004). For landowner's it does little to address issues related to affordability, displacement, and loss of community. However, not all change was perceived as bad. In some cases, needed services are expanded and businesses are able to thrive. The problem arises when state officials or people from away fail to consider community needs and traditions.

Amenity Migration and Cultural Perspectives

This analysis also underscores the importance of expanding amenity migration theory to include the perspective of different cultural groups and how they perceive changes in rural spaces. This is consistent with acknowledgement in the literature that there is no universal narrative of rural change and efforts should be made to understand the multidimensional facets of amenity migration (Murdoch et al. 2003; Travis 2007; Robbins 2009; Johnston 2016). This is critical to prevent what Turner et al. (2008) have described as "invisible losses." An invisible loss is what happens when an individual or community experiences a devastating loss that is not perceived as being important by others, obvious to others, is not easily measured, or the result of cumulative impacts that are difficult to trace (Turner et al. 2008).

Turner et al. (2008: 1) note that losses "range from indirect impacts not widely recognized (e.g. the loss of a berry picking site) to losses resulting from a complex series of

events or decisions, such as a general decline in the productivity of traditional food species due to habit changes from fire suppression policies.” These losses can have negative consequences for a culture. Turner et al. (2008) documented how the declines of salmon species led to negative health outcomes for indigenous tribes in the northwest. Some scholars are attempting to document and analyze how amenity migration contributes to the loss of culturally significant resources. For example, Grabbatin et al. (2011) analyzed how development along South Carolina’s coastline and barrier islands influences sweetgrass (*Muhlenbergia filipes*) basketry practices among Gullah communities. Essentially, new owners who bought property had different notions of land-use that were more restrictive than previous owners leading basketmakers to expand their harvest areas (Grabbatin et al. 2011).

In conclusion, it is important to understand how amenity migration influences diverse groups of people. This can only be achieved by working with an array of cultural groups. Specifically, more Wabanaki perspectives are needed on matters pertaining to amenity migration and its affects. This could be achieved at the community level. For example, local land trusts and community natural resource boards could engage Wabanaki Citizens in ongoing discussions about preservation and access issues. In addition, it seems likely that amenity migration will persist highlighting the importance of working towards solutions that reflect community needs. This seems especially true in Maine where access traditions are eroding and people feel their way of life is being compromised to meet the needs of amenity migrants.

CHAPTER 3

“STUDYING THROUGH POLICY:” UNDERSTANDING WORKING WATERFRONT POLICY AND PRESERVING “TRADITION”

Abstract

Jamie Wyeth, an American realist painter, and grandson of NC Wyeth, once said: *There's a quality of life in Maine which is singular and unique. It's absolutely a world onto itself.* The Wyeth's summered in coastal Maine, often creating paintings inspired by life along the sea. Central to Maine's uniqueness is the fishing culture, in particular lobster fishing. It has come to symbolize an array of Maine values including hard work, perseverance, and cooperation. It is a heritage that is capitalized upon by the tourist industry with “lobster fishing tours” (you can be a lobsterman or woman for a day), catered lobster bakes, and festivals celebrating the crustacean and what it means to live in Maine. Much less consideration is given to how these ideals shape policy. This analysis explores Maine's fishing traditions (emphasizing lobstering) and how conceptualizations shape policy and access issues. Most notable is how the narrative of the hard-working fisherman influences landowners to permit access to the shore. The implications of this narrative on access for the Wabanaki, a confederacy of four tribes in Maine, that also relies on marine resources is explored. It is argued that pervasive narratives such as the “hard working fisherman” leave little space for other cultural groups whose experiences are not included in the story of Maine's coast. This can have negative implications for access issues among others.

Conceptualizing Policy: An Overview

Policy is understood as a social phenomenon that is constantly changing. Specifically, it is a “political process involving many actors all proposing how people should relate to each other, conduct themselves and be governed” (Shore and Wright 2011: 14). Policies are

“instruments for consolidating the legitimacy of an existing social order or they can provide a rationale for ‘regime change’ and the subversion of an established order” (Shore and Wright 2011:3). Policy becomes a symbol of social relationships and how people construct their reality (Shore and Wright 2011: 2). As such, policies are not simply instrumental governmental tools- they are ‘actants’ that have agency and that change as they enter into relations with actors, objects and institutions in new domains” (Shore and Wright 2011: 20). The challenge is to “find ways of studying through the specificities of particular sites and their relationship to events in other sites to grasp large-scale processes of change and track the emergence of new systems of governing and formations of power” (Shore and Wright 2011: 29).

In “studying through” one must explore the discourses that contribute to policy (Feldman 2011). In other words, it is critical to understand the forces and social relations that transcend space (Olson 2005). Studying through policy also involves connecting how “small details of social change that are observable in particular locations connect to wider processes of social, economic and political transformation” (Wright 2011: 27). The value of this approach is that it allows one to “focus on the connection between actors, agents, discourses and sites and for exploring how small details of everyday life are connected to larger processes” (Wright 2011: 30). This is of particular importance since the formation of policy is often left to the discretion of the elite and powerful with marginalized populations being excluded (Hoben 1995).

In the sections that follow, I attempt to “study through” Maine’s coastal access issues by examining working waterfront policy (WWP). I explore the cultural, economic, and political factors that gave rise and influenced the policy. Next, I examine the state’s political relationship with the Wabanaki in order to contextualize the power imbalances that exist within WWP. I

conclude with a discussion about why these power imbalances are detrimental to Wabanaki Citizens and analyze possible alternatives.

The Wabanaki and Sweetgrass (*Hierochloe odorata*)

Mention the State of Maine and most people conjure images of pristine coastline, lighthouses, lobster, fishermen, forests, and moose. Less salient is the story of Wabanaki Citizens⁶, the first people to inhabit Northeastern New England some 12,000 years ago (Attean et al. 2012). When European contact occurred during the 15th century, the Wabanaki experienced significant declines in population, which were the result of warfare, disease, and colonial legacies (Attean et al. 2012). Today, there are approximately 8,000 Wabanaki residing in Maine, a state with a population of 1.3 million (U.S. Census 2015). The Wabanaki are comprised of four nations the Penobscot, Passamaquoddy, Maliseet, and MicMaq with reservations in Maine's northern and Downeast regions. Each community is federally recognized and maintains its own form of government.

This analysis was part of an effort to better understand access to sweetgrass, an important part of Wabanaki culture. It is a perennial grass that grows in rhizomatous mats (Baumflek et al. 2010). The stems can grow up to three feet in length and the base of each plant is purple in color (Baumflek et al. 2010). Sweetgrass is classified as a wetland plant and typically inhabits riverbanks, moist meadows, and brackish waters along the coast (Baumflek et al. 2010). It is part of the Wabanaki creation narratives, and figures prominently in fiber arts and ceremonies (Prinns 2007). Specifically, sweetgrass is an integral component of fancy baskets- intricately designed

⁶ Refers to community members that part of the Wabanaki Confederacy, Elders asked that I refer to them as Citizens in writing.

baskets that are purchased by collectors throughout the world (Neuman 2010). Basketry is an important part of Wabanaki cultural heritage and survival (Brooks 2014).

Figure 4. Strawberry Fancy Basket (Made by Pam Outdusis Cunningham).



Wabanaki sweetgrass harvesters have noticed that their ability to access sites is gradually diminishing. One harvester observed: *over the last 10 years the lack of sites has definitely doubled because of development and people putting up fences* (WA 5). Another Citizen described these changes: *when I first started hearing about problems it was in the early to mid-90s and I think there were a lot of out-of-staters coming in to areas where it was just accepted that native people were going to be coming in and picking sweetgrass and they always have and always would* (WC 6). Changes in ownership and increases in development can have a variety of negative implications for access to culturally significant plants. For example, Grabbatin et al. (2011: 640) suggests, “when properties change hands, new owners can change the rules of access to natural resources, reflecting their own social and cultural understandings of property and community.” In these situations, private landowners, policy makers, and resource managers get to define the terms of access, which may differ from previous arrangements (Grabbatin et al. 2011).

Central to this analysis is the idea that the meanings people ascribe to plants and animals are the reflection “of a particular history of human-environment relations and play a key role in the construction of cultural identities and senses of community” (Cortes-Vazquez and Zedalis

2013: 937). For the Wabanaki, maintaining connections to the land is about preserving connections with ancestors. Access and relationships with the local environment are more than being able to acquire plant and animal species, it is also about engaging spiritual connections. This point is illuminated by the idea that “the cultural and subsistence relationships that native peoples maintain with the Earth’s resources and systems are defined by the traditions and beliefs practiced by indigenous peoples” (Chief et al. 2014: 162). Therefore, wild products, marine resources, and other species provide cultural connections “through storytelling, harvesting, processing and sharing of food resources” (Chief et al. 2014: 163).

Landowner’s rely upon Maine’s maritime history, particularly lobstering to explain the importance of maintaining access. For landowners, it is important to preserve community connections to lobstering, clamming, and other maritime dependent activities, because those industries are essential to defining the ethos of coastal communities. For example, the lobsterman is stoic, fiercely independent, and has strong ancestral ties to community (Woodard 2004).

These ideals are the antithesis of suburban America, which is “manicured, conforming, office bound, climate-control, status minded, and exclusive” (Woodard 2004: 286). Instead coastal Maine’s identity is “tied up in what it is not: rush hour, business suits, and flashy jewelry” (Woodard 2004: 286). Therefore, preserving access to the coast is about ensuring these ideals embedded in aspects of Maine’s coastal heritage survive in the face of change. Examining these conceptualizations highlights the importance of “addressing the historical and contemporary dimensions of how social groups...view the surrounding environment, build relationships with the surrounding environment, and view one another” (Cortes-Vazquez and Zedalis 2013: 944).

Materials and Methods

This analysis is based, in part, on semi-structured interviews I conducted with a combination of 33 private coastal landowners, Wabanaki Citizens, land trust personnel, and a member of marine patrol between the Fall of 2014 and Spring of 2016. All interviews were transcribed and coded verbatim using MAXQda¹² software. In addition to conducting interviews, I was able to observe some Wabanaki cultural practices and participate in marine patrol monitoring activities. I also relied on a variety of primary and secondary data sources including policy reports, transcriptions of policy round-table discussions, historical accounts, marketing and outreach materials, and government documents among others. The interviews along with the incorporation of other data sources provide a detailed account of how shoreland access is conceptualized in Maine from a variety of perspectives.

It is important to note that most participants (n=23) were born and raised outside of Maine. However, of these 23 landowners 21 had established connections to Maine, which created a desire to buy coastal property. For example, some landowners recalled visiting relatives, in Maine, as a child each summer. Others experienced Maine in their adult life through family vacations. Only two participants (n=2) lacked these types of connections, but both had wanted to retire somewhere on the ocean and prices in Maine were more affordable than other regions. Several landowners noted how these types of connections (i.e. family vacations, relatives living in Maine, etc.) made them feel more connected to the State and its residents. In other words, although they are considered outsiders (born and raised outside of Maine) they did not feel that way. Landowner's owned their property for nine years or more with an average length of ownership extending 33 years.

This is important, because even though these landowners are not native Mainers (born and raised in Maine) they actively distinguish themselves from “newcomers” (people born and raised outside of Maine, who have relocated to the state). The landowners I interviewed believe that because they have lived in Maine for so long and actively try to preserve cultural traditions they are a different subset of Mainer. For example, many newcomers perceive the Maine coast “as simply an attractive place to buy property, construct a massive trophy house, and stake out one’s own, private bit of coastline” (Woodard 2004: 288). These newcomers “give themselves away with un-Yankee displays of wealth, taste, or downright foolishness” (Woodard 2004: 288).

An example of this “un-Yankeeness” is Charles Butt, a millionaire who owns the H-E-B supermarket chain. He blocked traffic on one of Mount Desert Island’s roads for over ten hours in order to move an apple tree to his summer home (Woodard 2004). These newcomers are more likely to post no trespassing signs, blocking access to areas that had been opened to the public for years (Woodard 2004). Conversely, the landowners I interviewed (although not native Mainers) are what Woodard (2004) would refer to as artists, rusticators, and back-to-the-landers. They came to coastal Maine for the culture. For example, they recognize the resilience of Maine people, noting how community members are working two, sometimes three jobs to survive. They understand the importance of certain industries, like fishing, to Maine heritage and families. Although they have greater financial freedom than most Mainers, they designed their homes to “fit-in” with the landscape. These are not ostentatious places like some of the mansions that are increasingly common along the Maine coast (Woodard 2004). The landowner’s I interviewed have a commitment toward preserving the heritage of Maine’s coastal communities.

Economic Factors Influencing WWP

Maine has the largest coastline in the nation stretching 3,500 miles. However, by 2005 only twenty miles of the coast could be considered “working waterfront” defined as shoreline property that supports commercial fishing and other water dependent businesses (Snyder 2011, Donahue 2014: 297). In addition, 67% of those 20 miles are privately owned and could be converted to uses that are no longer consistent with maritime activities (Working Waterfront Report 2012). The lack of access stems from the real estate boom of the 1990s and early 2000s, which contributed to the purchase of second homes, high property taxes, increases in recreational use, and conversion to non-maritime use (Snyder 2011, Donahue 2014). Once a property is converted access is eroded as new owners post their property and terminate or contest long-standing access agreements (Snyder 2011). A lack of shoreline access can have a variety of implications for a state where approximately \$750 million is generated on an annual basis through fisheries and other marine dependent businesses (Donahue 2014).

By the early 2000s a lack of access caught the attention of policy makers who recognized that a failure to address development and conversion could be disastrous for Maine’s economy and coastal communities (Snyder 2011, Schauffler 2013). As a result, the legislature commissioned several studies to examine access issues (Donahue 2014). One of the more notable studies published in 2004 was commissioned by Maine’s Working Waterfront Coalition. It assessed the economic impacts of Maine’s working waterfronts noting that they “contribute anywhere from \$15 million to \$168 million more per year to the gross state product than does coastal residential construction” (Colgan 2004: i). This figure helped justify state policies focused on preserving and promoting Maine’s working waterfront.

In November 2005, Maine voted to amend its constitution in order to permit current use taxation of waterfront lands that support commercial fisheries. Following that vote, the legislature worked to pass LD 1930 and LD 1972, which permitted working waterfront businesses to sell portions of their development rights as covenants. These covenants helped guarantee that property remained working waterfront. In addition, \$2 million in bond money was made available via Land for Maine's Future for the purchase of such covenants. These initiatives also established the legal and policy frameworks necessary for current use valuation of working waterfront properties.

Maine Revenue Service (MRS) administers the *Current Use Valuation of Certain Working Waterfront Land Law*. The MRS website describes the purpose of the law as: *encourage[ing] the preservation of Maine's working waterfront and to prevent the conversion of this land to more intensive uses as the result of economic pressures caused by high property taxes. The program is intended to support commercial fishing activities.* A landowner who provides access for commercial fishing activities can apply for a reduced valuation of their property. Providing access means that the landowner allows the commercial fisherman to access the water or cross waterfront land (Maine Revenue Service, Working Waterfront). In exchange for providing access the land is assessed as 'working waterfront' rather than at market value reducing a landowner's property tax burden. The percentage of deduction depends upon how much of the parcel is designated as working waterfront. For example, parcels that are primarily classified as working waterfront (defined as more than 50%) would be eligible for a 10% reduction in property tax (Maine Revenue Service, Working Waterfront).

April 1, 2007 was the first year eligible shorefront property owners could enroll in the program. Prior to the enrollment deadline, MRS and other stakeholder groups including the

Working Waterfront Coalition conducted several outreach events designed to educate the public about the program. MRS also sent targeted mailings to municipalities that had coastal zoning ordinances. Based on available data, the policy has led to the enrollment of 96 acres of commercial shorefront and the participation of 33 municipalities (Working Water Front Report 2012). Though acreage has been preserved, policy makers acknowledge that the program is not without its faults. For example, some participants were dissatisfied with the lack of reductions in valuation. Participants were also concerned that assessment methodologies and interpretations would result in unfair application of the law across municipalities (Working Water Front Report 2012). The 2012 report declared the program a success and recommended only providing updates as requested by the legislature.

Culture Importance of Access Preservation

The coast and its marine resources have always been an important part of the North Atlantic's identity and history. European settlers and their descendants have always "relied on the vitality and productivity of marine biological communities" (Bolster 2012: 6). The establishment of the earliest settlements was contingent upon the presence or absence of marine resource communities (Bolster 2012: 51). Settlers relied upon many species including smelts, bass, cod, mackerel, and whales (Bolster 2012). At low tide, settlers accessed mud flats to harvest mussels, clams, lobster, and marine vegetation (Bolster 2012). The relationship between settlers and the sea has often been defined by tradition. Whether it was determining the proper equipment, where to fish, or the changing seasons tradition guided those who made a living on the sea (Bolster 2012).

It also contributed to the belief that the sea was immortal, it could provide resources indefinitely even as stock populations fluctuated or became extinct (Bolster 2012). However, the

reality is that the ocean has always been changing. This reality has become more salient as an array of evidence points to the “living ocean’s deep predicament and the implications for the rest of our planet” (Bolster 2012: 3). In the mid 1990s “most fisheries scientists would have reacted to news of a global crisis in fisheries with disbelief. Today few would dispute the matter” (Bolster 2012: 3). Currently, 53% of the world’s fisheries are fully exploited, and 32% are overexploited, depleted, or recovering from depletion (FAO 2010). Confronting this reality means developing a stronger sense of the human-maritime dynamic (Bolster 2012).

Specifically, examining how relationships between people and the sea shape policies related to access. This section explores how historical notions of the ‘anglo-saxon’ fisherman influence a landowner’s understanding and willingness to preserve access to the Maine coast. This is based on the assumption that “our vision of the marine environment is shaped by how we view the people working in it” (McKenzie 2012: 6). As McKenzie (2012) describes these relationships have been well established in literature exploring human relationships with terrestrial systems. For example, McKenzie highlights the work of Samuel Hayes, Roderick Nash, and John Reiger among others to demonstrate how “nature’s value to human society and its ability to improve the social fabric of the American nation all rested on widely held idealized perceptions of the non-human world” (McKenzie 2012: 6).

Prior to the 1880s fisherman were rarely celebrated in writing or art. Their activities were perceived as mundane similar to agriculturists who toiled in terrestrial systems (McKenzie 2012). However, at the beginning of the industrial revolution many Americans grew concerned about how increases in development and immigration were influencing American values (McKenzie 2012). People began to celebrate fisherman as an embodiment of the past and American values including honesty and integrity (McKenzie 2012). The ‘idealized fisherman’

became part of American consciousness through art and story and a way to respond to the changes ushered in by the industrial revolution. Perhaps the most notable fisherman story is that of Howard Blackburn (McKenzie 2012).

In 1883, Blackburn's dory was carried off the Newfoundland coast during a winter squall. During the storm Blackburn rowed for five days with his hands frozen to the oars (McKenzie 2012). Blackburn was rescued, his story gained national attention and was used to emphasize the virtue, strength, and hard working nature of fishermen (McKenzie 2012). In 1885, Winslow Homer revealed a series of paintings including *The Fog Warning*, which depicted a single halibut fisherman battling tumultuous seas in a dory. This painting was unlike any prior depictions as the fisherman was portrayed as being "heroic, strong, resolute, and humbled by natural forces" (McKenzie 2012: 9). These stories and artistic depictions made people more aware of the fisherman's plight and character (McKenzie 2012). These romantic depictions of fisherman became increasingly important in 1887 as federal policy debates over the merits of corporate versus artisanal fishing became commonplace (McKenzie 2012).

Figure 5. Winslow Homer, *Fog Warning*.



The public developed such an interest in fishing culture that journalists started accompanying fishermen on their exploits (McKenzie 2012). Articles and stories about fishing appeared in several mainstream publications including *Harper's* and *Forest and Stream* (McKenzie 2012). In their writing, journalists depicted small, artisanal fishermen as honest,

simple, and hardworking (McKenzie 2012). Overtime, the “artisanal fishery came to personify what many saw as traditional New England virtues of honesty, bravery, and diligence” (McKenzie 2012: 13). Fishermen, especially those involved in lobstering, have come to embody similar, contemporary values in Maine’s culture. As Acheson (1988) notes: “the Maine lobsterman often appears as the last of the rugged individualists. He is his own boss and his own man...the lobster fisherman embodies many of our most cherished virtues. He is, along with the farmer and rancher the quintessential American” (2).

Today, entire festivals are dedicated to celebrating marine species and those who make their living on the sea. The Maine Lobster Festival, held annually every August in Rockland, is a five-day event that attracts people from around the world. In 2015, approximately 30,000 people attended the event where over 17,000 pounds of lobster was consumed (Maine Lobster Festival 2016). The Yarmouth Clam Festival is a three-day event where people gather to celebrate and enjoy nearly 6,000 pounds of mollusks and drink Lime Rickeys, a traditional festival beverage (Yarmouth Clam Festival 2016). These festivals are in addition to the numerous books, works of art, marketing efforts, and other initiatives that highlight Maine’s connection to the fishing industry. One can even customize their Maine license plate with a lobster, with a portion of the proceeds being used for lobster research (Maine Bureau of Motor Vehicle).

Figure 6. Maine’s ‘Lobster Specialty Plate’ (Maine Bureau of Motor Vehicle).



Another contemporary theme, which is quite similar to historical depictions is that Maine’s fisheries are artisanal (whether referencing lobstermen, or those who are harvesting

mussels, clams, scallops, etc.) where everything is caught or harvested “by hand.” The fisheries are marketed in terms of their connections to family and the community. Generally, fishing is a family tradition with sons and daughters following their parents and grandparents into the industry (Acheson 1988, Bolster 2012). It is one of the few remaining generational industries within Maine. Even in the digital age, there are a plethora of bloggers and journalists who still make a habit of shadowing fisherman, detailing what a typical day on the open ocean is like. Perhaps the only significant difference between the cultural constructs of the 1880s and today, is that there seems to be a greater emphasis on the sustainability of certain fisheries, especially those related to lobster.

Figure 7. Outreach Materials From Lobster Marketing Collaborative



The historical and contemporary legacies of Maine’s fisheries, especially those related to lobster are an important part of culture and lifeways. Maintaining these traditions is about preserving Maine identity and what, in part, makes the state unique. To have these practices vanish, because of access loss would be disastrous for many Maine’s culture and economy.

Landowner Perspectives on WWP and Fisherman

The cultural significance of fishing and fishermen was not lost on private landowners. Traditional conceptions of the fisherman and their importance to Maine culture seemed to shape how landowners framed access issues. Specifically, landowners often noted how important it was

to maintain access, because fishermen work hard and their ability to continue Maine's fishing traditions are contingent upon access. Several landowners either explicitly made this connection, mentioned how hardworking fishermen are, and/or discussed how fishermen are perceived by people living outside of Maine:

Although I am not a Maine native, I really value the traditions of Maine in particular the hardworking Maine fisherman tradition... I came for the fishing industry and we set up our house so we could watch the fisherman come in and out everyday. I love that. (LO 17).

The heritage piece of it counts a lot. I think more than other places that I have lived. You feel that here-there is such a strong sense of survival around here. The multiple jobs and being attached to where people are and you respect that and you don't want to get in the way of that (LO 13).

I think most people from away, at least what I have seen around here, regard lobsterman as a romantic, last of the Cowboys type thing. Independent businessman (LO 20).

Sometimes mussel draggers come down here to work. They are hard working buggers. In fact, I said to one of my neighbors you realize that these people are working everyday. They are feeding people. Mussels feed people (LO 24).

I learned that it was important to maintain access to support the lifestyle of the people and their way of life. I am comfortable with the feeling that they should be able to get to the water if they want to for clamming and any other purposes (LO 23).

These people that come down here have been fishing and clamming and that sort of thing for long before I was born. And I have no objection to them coming down, going clamming, digging worms- Whatever they want (LO 1).

You also get scallop fisherman out here. Usually in December and January, I admire them. Anyone willing to get in that cold water and harvest scallops, more power to them (LO 7).

I mean when you move into a community like this, you need to realize that its their life. The main occupation is clamming or lobstering and you are not going to tell these guys what to do (LO 8).

If they [out of staters] had any common sense, they'd realize that, but they don't care. It's their land, they don't want anybody to cross it. You know they don't. They're selfish. They don't understand that's how a worm digger or a clam digger makes a living (LO 6).

These descriptions support the idea that Maine's cultural heritage is intimately connected to ideas of the fisherman and the fishing industry. It is a difficult job with long hours and less

than ideal conditions, but fishermen are hard-working. Denying access to the coastline would be denying Maine its traditions, what makes it unique. Recognizing the importance of the fishery, landowners feel that it is important to accommodate the needs of fishermen rather than asking fishermen to modify their practices. As Woodard (2004) has noted: “there are untold hundreds of homebuyers who settle on the shores of some “quaint” fishing harbor only to clamor for noise ordinances to stop lobsterman from leaving the harbor early in the morning” (289). This can create tensions between newcomers and members of the community, especially those engaged in fishing.

Landowner’s conceptualizations about WWP were less explicit and more ambivalent. While many landowners acknowledged the economic contributions of fishing and the challenges associated with a lack of coastal access, there seemed to be uncertainty about WWP. For example, many landowners felt that WWP favored development or that wealthy individuals were able to manipulate the policy to their benefit. Others thought it was a good idea, but were unsure how it impacted their community. In talking about the WWP landowners discussed the following:

We found out that 250ft of a working harbor they do not follow any zoning rules like the rest of us follow because it is working harbor. They get away with everything on the harbor (LO 15).

Waterfront taxes are significantly higher and there is a place where the state could do something. I think a working waterfront where you have stacks of traps, that shouldn’t be taxed as much as mine should be. He is on the waterfront because he has to be. I am on the waterfront because I choose to be (LO 17).

As far as I know it [WWP] seems like a wonderful idea and if it works I am for the idea. The four buying stations in this area haven’t really changed much and they’ve been around since I was a kid. It isn’t really because of the working waterfront initiative at all its just that so far lobstering has been a good enough business (LO 20).

I think its good to preserve the working waterfront as a matter of history, but that’s about all I can really say about it. I am not criticizing except to say that people who own expensive waterfront property, if they want to let someone store some traps or even store some bait tubs

they can get a tax break. And it's good of them, it does allow some of my relatives who fish to get by. I guess if you do it as a friend its one thing, but if you do it for a couple of bucks its another (LO 19).

Based on landowner feedback, there seems to be a lot of uncertainty and misunderstanding when it comes to WWP. In 2012, policy makers noted in the “Recommendations” section of WWP report that:

The Working Waterfront Tax Law has been very successful in its purpose. We do not wish to submit any recommendations for changes to the program at this time... now that the program has established itself and future activity will likely be minimal, the biennial reporting requirement is unnecessary and could be replaced with a system where information and reports are provided upon request.

In light of what landowners believe about WWP, state personnel may want to revisit this recommendation and reassess education/outreach initiatives. In this case, a lack of understanding leads to misunderstanding, which can contribute to feelings of frustration and resentment.

Discussion: The Wabanaki and Access Policies

Unfortunately, other uses of the coast including cultural harvesting of sweetgrass are not considered in WWP. The policy is based upon preserving Maine's commercial fishing traditions, which reflect the values and experiences of anglo-saxon culture (McKenzie 2012). As a result, there is no space for the Wabanaki who have always engaged in fishing, but whose experiences have been written out of the 'working landscape' (Bolster 2012, McKenzie 2012). This can lead to the assumption, amongst landowners, that Wabanaki Citizens should only participate in gathering activities in ways that are 'traditional' and 'sustainable.' For example, as one landowner noted: *If you want to have your aboriginal rights recognized than you should hunt and harvest in the aboriginal way* (LO 12).

For some landowners granting access depended upon how things were harvested. One landowner did not want any plants dug up: *I wouldn't want plants dug up for removal. Although of course there are some roots from plants that are desirable, but that as long as they were conservative in their harvest. I wouldn't object to that either* (LO 4). Other landowners made distinctions between mechanized and Native American harvesting practices: *Some of the harvesting is done by machines and that's a completely different matter than Native Americans harvesting* (LO 9). In this instance, it was assumed that Native American harvesting would be more sustainable because no machines would be used. Commercial fishermen are not held to the same harvesting standards by some coastal property owners as Wabanaki Citizens. For example, no one is expecting them to catch fish using the same methods that were employed two hundred years ago.

Although technology has and continues to evolve not all fisheries (historical and contemporary) are or were considered sustainable (Bolster 2012). For example, the National Oceanic and Atmospheric Administration (NOAA) has designated Gulf of Maine cod as “overfished” and significantly below biomass levels needed to rebuild stocks (Miller 2016). This has led to organizations such as the Maine chapter of the Nature Conservancy to provide fishermen with new technologies designed to prevent the by-catch of cod (Miller 2016). Landowner's never mentioned overfishing of any species only highlighting the sustainable practices of fishermen. Conversely, the Wabanaki have been harvesting sweetgrass in a sustainable manner since time immemorial. The most significant threat to sweetgrass appears to be land conversion and development, which is beyond the control of the Wabanaki.

Landowner's differing perceptions of “tradition” and “sustainability” between fishing and indigenous practices highlights how the politics of indigenous representation may influence

issues including access (see Ranco 2007). In this instance, some landowners are making personal assessments about what indigenous practices are “authentic” and “sustainable” without understanding Wabanaki culture or lifeways. This can limit indigenous access and cultural practices, if landowners believe certain activities are not being conducted in traditional ways.

In addition, many landowners were unaware that the harvest sites themselves are imbued with meaning and significance. In talking about a lack of access to culturally significant plants, many landowners suggested that Wabanaki Citizens could find new places to harvest. However, in some cases harvest locations have been part of families for generations: *its not so simple to go and find a new place. There are limited places to pick and people feel a connection to place where they have been going for years and generations. There are places where we pick where probably for hundreds and hundreds of years our ancestors have been picking in that same spot and so when you are there its not just about the grass, but you are feeling that connection to your tribe, ancestors, and family and the memories* (WC 6). Maintaining connections to the past is important for future generations of Wabanaki Citizens: *to have that connection to pass onto my son means a lot to me and it means the world to still go back to those spots where I harvested with my grandfather, its like reliving my childhood every time I go and pick* (WC 3). Therefore, losing access to a site is not something Citizens can “just get over:” *So its not so simple as stop picking there and go someplace else, because where do you go? Its not that easy or simple. Just the grief and trauma of being kicked out of place you belong to is difficult and traumatic* (WC 6).

How can one prevent this trauma? How can we ensure access to sweetgrass for future generations of Wabanaki Citizens? These questions are challenging and raise issues related to the relationship between the state and tribes and the nature of cultural harvesting. For example, Wabanaki Citizens are secretive about their harvest sites: *we don't want to be in people's faces*

picking it. We want to be invisible as possible (WC 6). Citizens worry that if people know where their sites are they could become over harvested and landowners might prevent their entry. In addition, the political relationship between the State of Maine and the Tribes is tenuous, especially under the current administration. Also, there are power imbalances between the state and the tribes stemming, in part, from the 1980 Maine Indian Claims Settlement Act (MICSA).

MICSA limited Wabanaki sovereignty by relegating the tribes to municipal status stating they: “shall have, exercise, and enjoy the rights, privileges, powers and immunities of a municipality; Be subject to all the duties, obligations, liabilities, and limitations of a municipality; and be subject to the laws of the State” (Brimley 2004: 18). In the years following the settlement, the municipality provision has become controversial (Chavaree 1998). Some interpret the provision to mean that the tribes have federal recognition, but that their sovereign rights are limited, which subjects them to state oversight (Brimley 2004). Others maintain that the section pertaining to municipal powers was intended to expand tribal authority by creating dual status (Chavaree 1998). Dual status implies that the Nations have the rights of a municipality for certain purposes, while maintaining the powers of a sovereign nation (Chavaree 1998). Therefore, when the Nation acts as a municipality it is subject to the same limitations as a municipality and when a Nation exercises its sovereignty as a tribe it should not be limited by state rules (Chavaree 1998). Despite the differing interpretations, many agree that the State of Maine has continually failed to treat the Wabanaki as nations, focusing instead on their municipal status (Chavaree 1998).

Given the political strife, power imbalances, and the desire to keep harvest sites private, developing a state-wide policy solution to improve cultural access does not seem possible at least for now. However, there are other ways to address access issues outside government-to-

government policy realms. Within the last ten years Maine land trusts have started to change their conservation priorities, moving from solely scenic preservation to working with communities on issues that affect them most. Some land trusts are even thinking through access for cultural purposes: *We do work with tribes. We do for example own a preserve...that is a sacred sight with a lot of pictographs. So we work with the tribes to figure out how to get people on the property to enjoy it and so forth without destroying these sites* (Land trust personnel). This could be a good opportunity for Wabanaki Citizens to collaborate with the land trust community in protecting sites from development and ensuring access into the future.

These suggestions are just a starting point for addressing access issues. Despite the many challenges, it is important to think about access in order to prevent what Turner (2008) calls “invisible losses.” An invisible loss is what happens when an individual or community “experiences a devastating loss that is not perceived as being important by others, obvious to others, is not easily measured, or the result of cumulative impacts that are difficult to trace” (Turner et al. 2008: 1). Turner et al. (2008) note that losses “range from indirect impacts not widely recognized (e.g. the loss of a berry picking site) to losses resulting from a complex series of events or decisions...” (1). These losses can have negative consequences for a culture (Turner 2008). Preventing losses is contingent upon successful collaboration, which begins with the understanding that many decision-making models fail to account for indigenous values and lifeways.

It is also important to examine how narratives and constructs influence conservation efforts. In the case of coastal Maine, the pervasive image is the noble fisherman. A white, Anglo-Saxon male representing the last of the ‘cowboys.’ Efforts to improve access conditions, most notably through WWP, are efforts to save an image that does reflect the diversity of peoples

utilizing the coast. The Wabanaki are disenfranchised by the noble fisherman, written not only out of the narrative, but what it means to be a “Mainer” entirely. At risk “are cultural and traditional ways of life...based on reciprocity-relationships of mutual responsibilities shared between indigenous peoples and the living and spiritual inhabitants and systems of the Earth” (Chief et al. 2014: 163).

Moving forward, solutions need to account for the unique “social, political, cultural, and economic circumstances that define the vulnerabilities of communities” (Chief et al. 2014: 162). The best way to achieve these types of solutions are to engage indigenous perspectives. It is widely acknowledged that “when indigenous peoples shape...policies, foster strong economies, engage in sustainable development, and are part of natural resource management decisions, indigenous communities and livelihoods become more resilient” (Daigle and Putnum 2009, Chief et al. 2012: 167). This level of engagement will require strengthening tribal consultation efforts and broader knowledge of indigenous governance in the face of change (Chief et al. 2014). It will require organizations to develop an understanding of Wabanaki culture and the willingness to incorporate indigenous feedback, not just listen to it. These are not easy tasks, but they are essential in confronting the “invisible losses” faced by Wabanaki Citizens.

CHAPTER 4

GATHERING PRACTICES AND ACCESS: ENGAGING NONTIMBER FOREST PRODUCT RESEARCH (NTFPS).

Abstract

The majority of land within Maine is held in private ownership. Even though most land is privately owned, Maine has a rich tradition of open access. However, access to Maine's coast is on the decline due to increasing development and an influx of outsiders (those not born or raised in Maine) unfamiliar with the open land tradition. The decline in coastal access can have negative implications for maritime industries, fishermen, and people engaged in recreational activities. Also impacted are citizens of Maine's Wabanaki community who access the coast to harvest sweetgrass (*Hierochloe odorata*). Sweetgrass is an important part of Wabanaki lifeways. This study attempts to understand how a decrease in coastal access impacts sweetgrass harvesters by building on research conducted by Ginger and Emery (2012), who examined access issues in Maine's St. John region. In addition, the gathering practices of shorefront landowners is explored in order to develop a more holistic account of how Maine's coastal resources, beyond commercial fishing and recreation, are utilized. While findings indicate that Wabanaki Citizens are disproportionately impacted by losses of access, the study offers suggestions for moving forward and creating equity in access.

Introduction

Over the past decade, some Wabanaki sweetgrass (*Hierochloe odorata*) harvesters have observed that their ability to access gathering sites has diminished. A lack of access can have a variety of implications for Wabanaki Citizens including their ability to continue cultural practices. This research examines sweetgrass gathering practices and meanings from the perspective of Wabanaki harvesters. It also explores how private shorefront landowners utilize

“non timber forest products” (NTFPs) and conceptualize public access to private property. The term NTFP can be limiting as it implies that gathering practices only occur within forested landscapes and that items gathered are “products” implying economic use (Robbins et al. 2008). This framing has its origins in how NTFPs were first conceptualized. In the early 1990s commercial NTFP harvesters, in the Pacific Northwest, began advocating for increased access to forests (Robbins et al. 2008). As a result, “US NTFP literature has been driven by the hopes and fears inspired by commodification of plant material and fungi” (Robbins et al. 2008: 267).

Despite the connotations the term might invoke, since the late 1990s scholarship has demonstrated that NTFPs are not just commodities. Rather, NTFPs “are collected and used by people from varied socio-economic and ethnic backgrounds across the rural to urban gradient” (Ginger and Emery 2012: 701). They are gathered for a variety purposes including spiritual, medicinal, food, and craft (Robbins et al. 2008). NTFPs also contribute to food security, economic livelihoods, and cultural identity (Robbins et al. 2008). The cultural values of NTFPs “are produced through and require both the material of plants and mushrooms and the practices of human culture. Further, their values extend beyond harvesters, as family and community members take part in and benefit from NTFP practices” (Lake et al. 2015: 2). For indigenous communities, NTFPs are central to cultural practices and identity (Lake et al. 2015). They also play a critical role in sovereignty, health, and food security (Lake et al. 2015).

Scholars examine NTFPs through a variety of lenses including political ecology, social, and environmental justice (See Kassam et al. 2011, Cocks and Wiersum 2014, McLain et al. 2014, Poe et al. 2014). These approaches recognize “the fundamental ways that diverse cultural identities and social relations are embedded in gathering practices” (Poe et al. 2014: 411). This perspective is important in improving the ability of people to receive the benefits derived from

NTFPs. This is of particular relevance for communities that have been marginalized and their perspectives ignored.

By examining and comparing the dimensions of NTFP access from different cultural perspectives, we begin to understand that the changes faced by user groups are multi-faceted and often unaccounted for in current conceptualizations of land use (Ginger and Emery 2012). Perhaps with a greater understanding of how access issues affect different communities, private property owners, and other stakeholders can work toward more equitable solutions. Central to this study was the role Wabanaki Citizens had in shaping the research agenda. Specifically, harvesters helped develop research questions and protocols. What follows is an account of access issues that mattered most to harvesters. In particular, they wanted to know why property owners permit or prohibit access and what strategies might be utilized to improve access.

Wabanaki and Sweetgrass

The Wabanaki are a confederacy of tribes, located in Maine, comprised of the Penobscot, Mi'kmaq, Maliseet, and Passamaquoddy nations. Based on archeological evidence, it is estimated that they have been in the region for more than 12,000 years (Attean et al. 2012). European contact during the 15th century led to significant population declines through the introduction of disease, warfare, and forced removal (Attean et al. 2012). The legacies of European contact have persisted into the 21st century with many Wabanaki Citizens disproportionately living in poverty and poor health. For example, when compared to the state's population, Maine's indigenous peoples experience higher rates of tobacco addiction, alcohol abuse, and obesity (Daigle and Putnum 2009). Indigenous youth drop out of school at higher rates and attain higher education at lower rates-less than 50% complete a degree once starting college compared to other Maine students (Daigle and Putnum 2009: 39). Despite these

challenges, the Wabanaki have persisted, keeping many cultural traditions alive and fighting for sovereignty. Today, each tribe is federally recognized, maintains its own form of government, sets rules for citizenship, and manages its natural resources.

Sweetgrass is a perennial grass that grows in rhizomatous mats (Baumflek et al. 2010). It is found in brackish waters, but Wabanaki Citizens prefer grasses that grow closest to the coast as it tends to smell sweeter and is longer in length (Baumflek et al. 2010). Sweetgrass is an integral part of Wabanaki cultural traditions, figuring in both creation narratives, prayer ceremonies and basketry. Wabanaki fancy baskets are renowned for their intricate designs, bold colors, and shapes like the one featured in Figure 8. Many basketmakers have been recognized internationally for their craft and their works are displayed in museums and cultural centers around the world (MIBA 2016).

Figure 8. Wabanaki Fancy Basket With Sweetgrass on the Rim and Cover (Photo Credit: Abbe Museum)



Basketry is also a form of economic sovereignty, helping many Citizens earn a sustainable living. Economically, the sale of baskets exceeds \$150,000 annually and many tribal households are dependent upon the income baskets generate (Daigle and Putnam 2009).

In context, Maine's indigenous populations have lower per capita incomes compared to

Maine averages: \$12,700 vs. \$19,727, respectively, and experience higher rates of unemployment compared to Maine averages: 14.4% vs 6.6%, respectively (Kuehnert 2000). More than 95% of Maine tribal basketmakers live on or near reservations, at or below the poverty level (Voggesser et al. 2013). Economic considerations factors into teaching the next generation of basket makers. One basket maker who teaches young people how to weave noted: *I teach them so that, well a lot of them are poor and they shop for school clothes at the Goodwill. But if they could make their own basket, bookmark, or braid and sell it to someone they could make \$20 and buy a new shirt at Abercrombie and Fitch they would have that and it would boost their spirit. And that's why I am trying to help-to let them know that they don't have to be on welfare that they can make a living with basketmaking* (WA 1).

Not everyone who harvests sweetgrass makes baskets. It is also braided and used in prayer ceremonies. As one harvester noted about gathering the grass: *there are some people who pick it because it is sweetgrass season, and you are Indian and that's just what you do* (WA 1). Picking sweetgrass is an important part of maintaining culture and connection to family. As one Citizen noted: *To have that connection to pass onto my son means a lot to me and it means the world to still go back to those spots where I harvested with my grandfather, its like reliving my childhood every time I go and pick* (WA 3).

Access Trends in Maine

Accessing land in Maine for recreation, hunting, gathering and other purposes is unique compared to other regions of the United States. The majority of Maine's land base, roughly 95%, is privately owned. Even though most of the state's land is privately owned, Maine has a legacy of open access. This 'open land tradition' stems, in part, from the 'Great Pond Colonial' ordinance dating to 1641 when Maine was part of the Massachusetts Bay Colony. The ordinance

allowed members of the public to cross private land, with ponds 10 acres or greater in size for the purposes of fishing, fowling, and navigation (Acheson 2006). When Maine achieved statehood the ordinance became part of state common law and helped create a unique culture of land access. Essentially, unless land was posted many people assumed the right to access an area.

Maine has one of the strongest landowner liability laws in the United States, which protects property owners from someone filing suit should they be hurt while recreating or harvesting (14 M.R.S.A. Section 159-A). The statute also pertains to activities related to environmental education and research as well volunteer maintenance and improvement of the land (Brown and Daigle 2009). The law applies regardless of whether or not the property owner gave permission to access the land. This has been an important tradition in a State with an economy dependent on outdoor recreation activities including snowmobiling, fishing, hiking, hunting, camping, and backpacking among others.

Despite these laws, landowners still have the right to post their property. As time has progressed, Maine's access traditions have started eroding based on a variety of different factors. One reason is that an increasing number of landowner's feel that people using their property are abusing the privilege, so they find it necessary to post their land. In these instances, landowners are likely to cite a range of irresponsible behavior (i.e. dumping garbage, not complying with the landowner's use rules, etc.) as reasons why they start to post land or restrict use (Acheson 2006, Daigle et al. 2012).

While property rights are an important part of how access is conceptualized, there are a variety of structural and relational factors that influence access (Ribot and Peluso 2003; Ginger and Emery 2012). As Ribot and Peluso (2003) articulated in their theory of access, there are critical distinctions between property ownership and access. Specifically,

property is the right to benefit from things whereas access is the ability to benefit from things. Their theory includes property and rights-based access as the one component of a framework that emphasizes structural and relational factors (Ginger and Emery 2012: 703).

They explored the factors that enable people to “gain, control, and maintain access to resources” (Ribot and Peluso 2003, 159-60). These factors can include, but are not limited to knowledge, social relationships, identity, capital, and technology (Ribot and Peluso 2003). Ginger and Emery (2012) expanded Ribot and Peluso’s (2003) theory by exploring how biophysical factors (i.e. environmental conditions, land management decisions, etc.) and spatial proximity impact access. They applied this theory to northern regions of Maine, where changes in the ownership of private forestland “has been associated with increased posting against trespass...this raised concerns about being able to access land for resource use” (Ginger and Emery 2012: 700).

This study takes a similar approach but examines NTFP access and use along Maine’s coast. The ability of the public to access Maine’s coastline is on the decline. Increases in population and development, declines in maritime industry, shifts in property ownership, and the high costs associated with owning coastal property have led to conflicts over access (Springuel 2007). Development and changes in landownership are particularly salient, as Maine has the highest percentage of second homes in the nation (Schauffler 2013). In addition, the state seems to be becoming an increasingly popular retirement destination. In 2013, more than 6,000 people aged 55 or older moved into the state (Merrill 2015).

As people, unfamiliar with access traditions, move into Maine conflicts can increase. Specifically, “with more people moving to small communities, the system of access that once functioned quite well between locals and long-time property owners is failing” (Springuel 2007: 9). The erosion of this system, can have negative consequences for NTFP gathering since “social networks are an important part of negotiating access to raw materials on both public and private

lands” (Grabbatin et al. 2011: 640). This is particularly salient for indigenous communities and their ability to maintain NTFP-based cultural practices, since many culturally significant species, including sweetgrass, are not readily found on reservations or lands owned by the tribes. This means that Wabanaki Citizens are often left relying on private property, making them vulnerable to development and changes in property ownership.

Methods and Materials

This study utilized qualitative research methods including participant observation and semi-structured interviews. A total of 32 individuals were interviewed: 24 shorefront property owners, six Wabanaki harvesters and two land trust staff members. Wabanaki harvesters were selected using chain referral sampling techniques. Shorefront property owners were identified via outreach materials and chain sampling. Interviews were conducted in a variety of locations across Maine from summer 2014 through winter 2016. Three separate interview guides were developed, one for landowners, one for harvesters, and one for land trust personnel. Three guides were necessary since different information was desired from each group. Harvesters were asked a variety of questions about their gathering practices, observations about changes in accessing sites, and the meanings they associate with harvesting and harvest sites. Landowners were asked questions about what motivates them to permit or prohibit access to their land, observations about land development and community change, and any conditions they place on people wanting to use their land for harvesting. Land trust staff members were interviewed, because several participants (Wabanaki Citizens and shorefront owners) identified the work of land trusts as an important part of maintaining Maine’s access traditions.

With permission, all interviews were recorded and transcribed verbatim. MaxQDA¹² software was used to code and analyze data). First cycle coding incorporated an inductive

approach and utilized a combination of holistic and causation coding strategies (Miles et al. 2014). Second cycle coding was utilized to group the first cycle of codes into themes (Miles et al. 2014). After coding, within case and cross-case levels of analysis were conducted. Within-case analysis helped describe and understand access experiences from the distinct perspectives of the Wabanaki, and private landowners, respectively. Participant observation included harvesting sweetgrass, attending cultural events and conferences where access issues were discussed. In addition, clam⁷ board⁸ and city council meetings were attended in order to gain a better sense of how community officials perceive land access issues. Field notes from these events were used to gain a deeper sense of issues beyond participant interviews.

Results

Wabanaki Citizens

Participants were citizens of the Passamaquoddy and Penobscot Nations. Most harvesters, with the exception of one, had been gathering all their lives. They were taught to gather by a family member or friend. Participants harvested sweetgrass for baskets, prayer, and ceremony. For confidentiality purposes, the location of interviews or areas where harvesting occurs will not be disclosed.

Nature of Harvesting and Relations: Sweetgrass harvesting occurs during the late summer months and is often done as a collective activity with friends and family. When picking the grass, harvesters are careful not to disturb the root system. Leaving the root system is important from a cultural perspective as it symbolizes the Wabanaki connection to earth. It also helps ensure that

⁷ Clam species harvested in Maine include: *Arctica islandica*, *Spisula solidissima*, *Mercenaria mercenaria*, and *Ensis directus*

⁸ Clam boards are a function of municipal government in coastal communities. They work to protect clam flats including authorizing municipal clam licensing and enforcing ordinances.

the grass returns the following season. The harvesters interviewed described the landscape where sweetgrass grows using the following terms: *salt water marsh*, *brackish water*, *right next to the coast*, and *clam flats*. Some observed that it grows best on *points that stick out into the ocean* (LO 1). After sweetgrass is harvested, it is combed (with a wooden comb, or hands) and hung to dry (see Figure 9 for example of comb). Combing cleans and separates the grass and drying discourages the growth of mold.

Figure 9. Sweetgrass Comb



Once the grass is dried, it is braided and utilized in ceremonies, baskets, and other crafts. Harvesting occurs on a combination of private and public (state park) lands. All harvesters travel to pick sweetgrass. The shortest amount of travel time was forty minutes with the longest travel time being six hours. Most harvesters reported that it takes an average of two hours to reach their sites. Travel can be prohibitive for some Citizens within the community, especially elders. Some Wabanaki Citizens discussed modifying their harvest activities, so that elders do not have to travel as far: *I don't pick near my community anymore, so that the elders can get to it. I noticed that elders had to drive long distances, which some of them were unable to do, so I stopped picking near my community since I can drive to get grass* (WA 5).

Perceptions of Access: All harvesters noted that access to sweetgrass has diminished. Most started noticing the lack of access during the late 1990s and early 2000s. The lack of access was perceived as a combination of land development, property owners (summer people) wanting

to keep people off their property, and land management practices. For example, some landowners have mowed down sweetgrass and erected fences. One Wabanaki Citizen believed that rising sea levels, the result of climate change, was contributing to declines in the grass. Others had not observed such changes, but were concerned that sea level rise would destroy sweetgrass habitat. Global sea levels are rising and have accelerated since pre-industrial times (IPCC AR 5). The most recent Intergovernmental Panel on Climate Change (IPCC) report projects that the global sea level will rise by a range of 28-98 cm by 2100 (AR 5).

Over the last 10 years the lack of sites has definitely doubled because of development and people putting up fences. I also think rising sea levels are wiping out bogs where the grass grows (WA 5).

I have heard horror stories about people mowing it [sweetgrass] down with a tractor, development is a problem... That's an issue people have had with out of state people buying up land, building a house and then they just block it all off (WA 6).

We are starting to hear about ocean levels rising so I am concerned about what will happen when water levels rise that could definitely be an impact. Is there time for the grass to move? What will happen to these marshy areas that are low and wet anyway. What will happen to the grass (WA 6)?

I haven't been out as much as I used to, so I stick to these five spots I know about and keep going to. But finding a new spot with all the development is getting tougher (WA 1).

I think the landowners in areas where we used to pick are just aging out or are moving on and new owners are coming. You look at coastal property and a lot of people are out of state they are not even from around here. So I mean, they really have no clue and they think you are pulling up their lawn. I think its that switch over to new landowners. You just have out of staters who have no idea (WA 4).

Harvesters were concerned about the ability of future generations to gather sweetgrass. However, there was the perception that concern is not widespread throughout the tribes, only amongst those that gather and some of the elders. One harvester believed that the lack of widespread concern was because many Citizens think that sweetgrass is infinite. This harvester was worried that a false sense of plenty could create a situation where it becomes too late to do

anything: *Right now it might not feel like an issue but with private land getting constantly bought up and Maine public land getting smaller and smaller all the time; Eventually, my son's or grandson's generation may not have access to those spots anymore (WA 3).*

Connectivity: The location of gathering sites may hold special significance for harvesters. For example, some gatherers discussed how some sites have been in their family for generations and they feel a connection to their ancestors anytime the land is accessed. As one harvester described:

There are limited places to pick and people feel a connection to place where they have been going for years and generations. There are places where we pick where probably for hundreds and hundreds of years our ancestors have been picking in that same spot and so when you are there its not just about the grass, but you are feeling that connection to your tribe, ancestors, and family and the memories. So its not so simple as stop picking there and go someplace else, because where do you go (WA 6)?

In addition to ancestral connections, some sites are used by a particular tribe. For example, a Penobscot Citizen noted that some gathering sites are Passamaquoddy and that in order to access these spaces he needs to ask permission or be accompanied by a Passamaquoddy Citizen. Tribes are not territorial about specific sites, rather they might have different guidelines about harvesting which are important to uphold. Connections also refer to the networks that exist between harvesters. For example, many harvesters talked about the importance of making sure elders are able to get sweetgrass. This might mean harvesters pick extra grass for elders, or they travel to locations further away, so that elders can access sites closer to home. There are also networks that exist in order to ensure that tribal citizens can get the materials they need for baskets, ceremonies, and other events. One harvester discussed how she periodically buys sweetgrass from a Passamaquoddy gatherer, because the grass they harvest is longer. Also, many harvesters noted the importance of making time to take youth harvesting, so that the traditions can continue.

Landowner Interactions: All harvesters are discrete about their gathering and keep the location of sites secretive for two reasons. The first is that gathering sites are imbued with meaning and represent connections to ancestors, so losses are experienced on a personal level. In addition, the number of sites are limited and it can be difficult to find a new place to gather. Therefore, harvesters try to avoid being seen by others and making sure that no one else could tell that they were at a site. When landowner encounters occur they involve a range of exchanges that can be anything from curious to negative. For example, some of the negative experiences have included the following:

Landowners haven't been good-the few I've run into. One person recently came out and told us we couldn't pick grass where we were. It was a spot we always picked, so that's not very good (WA 4).

A gentlemen threatened to pull a shotgun on me and another one threatened me by showing his knife saying that if I didn't leave he was going to use it on me...that's the most negativity I've experienced. But I've never been directly harmed, mostly empty threats which are enough for me to say okay I am leaving (WA 3).

Some landowners and members of the public are overly curious about what harvesters are doing, which can make some gatherers uncomfortable. They worry that if they share too much, landowners or others may decide to start picking the resource or ruin the site: *We had a bunch of people stop and ask us what we were doing and what we use it for. We didn't want to tell them because they might have come and trampled it or ruined it (WA 1).* These factors can leave harvesters nervous about the future of their sites: *I think there is always this anxiety that you are going to go to your place and something terrible is going to happen and that's increased over the years (WA 6).*

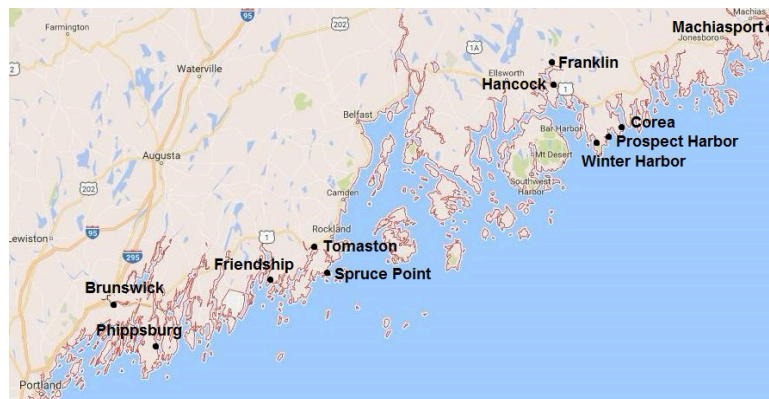
This nervousness stems, in part, from the breakdown of social relationships harvesters have had with landowners. In the past, it was common for some harvesters to have verbal access agreements with landowners. For example: *A lot of times basketmakers had agreements with*

landowners that they would give them a basket every year to pick grass, or whatever they agreed to (WA 6). As ownership of property changed many of these relationships were lost. It has been difficult for harvesters to establish new relationships with landowners who are unfamiliar with access traditions.

Landowners

The majority of landowners interviewed (n=13) lived in the Downeast/Acadia region of Maine. This region of the state is home to Acadia National Park (one of the most visited National Parks in the world) and markets itself as “True Maine” (National Park Service, Acadia National Park website 2016). The region has an extensive network of scenic and heritage trails, which makes it a prime destination for tourists (Downeast and Acadia 2016). The remaining landowners (n=11) lived in Maine’s Midcoast region, which includes places such as Rockland, Camden, Brunswick, and Boothbay Harbor among others.

Figure 10. Map of Coastal Regions



Most landowners were well educated with 17 participants having earned a bachelor’s degree or higher. Those who did not have bachelor’s degrees had entered into trades (i.e. lobstering, commercial sailing) or made a career out of military service. The majority of landowner’s (n=16) were not born or raised in Maine, but typically had some connection to the state through relatives or friends. It was not uncommon for landowners to describe, how in their

youth, they would visit their family in Maine each summer. As they got older and reached retirement age (all participants were retired) they would purchase their own property or inherit the places their family owned. These connections were noted by landowner's who were born and raised in Maine: *A lot of people who retire in Maine have Maine connections they don't just decide out of the blue to retire in Maine. Usually they came here in the summer to visit their grandparents-that's a standard story* (LO 11).

Even though most participants were not born or raised in Maine, they made the state their year round home. Most landowner's distinguished themselves from 'summer people' or those who reside in Maine on a seasonal basis. The perception was that summer people tend to be less engaged with the local community and more interested in upsetting the lifeways of coastal communities:

People from away come in and do it their way. When we came into the community we didn't try to change anything and we abided by their rules and we took an interest in what was going (LO 8).

The ones that really tick me off are the ones that come up here [from away] and then I hear them say: well we do it this way where I am from, so you should do it up here. When they want to come up and change the place I go right off the deep end (LO 11).

They [people from away] live by their rules and their laws, and they are trying to affect our traditions. Its like right now, I was left trusting them and I never asked them for permission to cross their property and they never asked permission to cross mine and then they went and built a house in the middle of the road (LO 14).

There is a reputation that people from away don't have a sense of how Maine culture operates because they come from a totally different culture (LO 10).

One landowner suggested that there is a hierarchy to Maine's resident status: *there are different levels of residents in Maine. So the lowest level is tourists and then there are summer folk. Then there are the permanent residents who are "from away," and then there are Mainers. So we have gotten as high as we can go* (LO 14). Many landowners felt that permanent residents

are the most active within coastal communities whether its serving on planning boards, organizing community events, running for elected office, etc. Permanent residents see themselves as filling an important gap between the summer people who try to change a community, because they do not understand it and native Mainers who are too busy working and raising families to be engaged. Permanent residents are “gate keepers” of many Maine traditions.

Perceptions of Access: More than half of all landowners interviewed (n=16) believed that access to Maine’s coast is problematic or becoming an issue. Many cited development as the reason access is diminishing-more and more people are choosing to construct homes along Maine’s coast. Many also believed that there was a connection between coastal development and an influx of outsiders. Essentially, only wealthy individuals from away could afford to build along the coast. Development and outsiders pose problems for access as people from away, unfamiliar with Maine traditions, change communities. As landowner’s noted:

The places that go in are bigger and fancier and the whole access thing with the lawsuit are because people built houses on property that hadn’t been developed and was traditionally used for access (LO 15).

In addition to development, some landowners believed that an influx of outsiders burdens other aspects of coast including boat launches, walking trails, landmarks, etc. The landowners (n=8) that did not perceive access as an issue cited the work of land trusts and their geographic location. For example, one landowner believed that their coastal community was too isolated for people to take an interest in building homes or businesses: *I think it is too far off the beaten path and its too hard to get here. My family comes up from Houston in the summertime and they always complain that you can’t get there from here (LO 12).* However, even this varied within coastal communities as another person living in the same place believed that development was

increasing to the detriment of access: *access is less because there is a lot more out of state people that are more private, which means less open land for anybody to use* (LO 19).

Other landowners felt that access was not an issue, because land trusts are working to preserve the shoreline for public use. They believed that maintaining access was the responsibility of land trusts and that people who wanted to access the coast could visit preserves. However, the land trust personnel I talked with cautioned against assuming that their efforts would automatically lead to improved access. As one staff member noted: *on the coast we've protected about 10% of the land and much of that is focused further east where fewer people live. So when you get down to these populated areas about 5 to 10% of the land is protected, which means 90% of it isn't* (LT I). The majority of the coast is still held in private ownership and places where land protection efforts are implemented are sparsely populated. This means that not everyone may be able to get to these areas and there is no guarantee that these are harvest spots. In addition, not all land trust lands are open access: *And when we say protected some of that is with conservation easements and they don't always have-in fact I think about a third of our easements allow for public access, so 2/3rds of them don't and not all protected land is accessible land* (LT I). People hear protected and assume access, but the opposite could be true.

Conditions of Access: The majority of shorefront owners (n=16), interviewed for this study, allowed members of the public to access their land.⁹ Most preferred that potential users ask them for permission and explain what they intended on doing (i.e. walking, launching a kayak, gathering, etc.). The majority of landowners did not have an issue with people gathering resources, so long as it was done 'sustainably.' When asked what they meant by 'sustainable' most responded with answers such as not taking all of a particular resource, leave no trace

⁹ More interviews may have revealed a different pattern.

(cannot tell that someone has been on the property), and that gathering activities did not interfere with the landowner's enjoyment or use of the property. What motivated landowners to permit access to their property was varied. Some landowners believed that no one should own the shorefront and it is important to ensure that everyone has a chance to enjoy the ocean:

I grew up thinking the shore belonged to everybody and it was always annoying to people, I would overhear the adults talking as a kid, when someone would put up a cottage and wouldn't let anyone go down there (LO 11).

It's a human right to access the water and to enjoy the beauty of it... yes your property is your property, but the public has the right to access it (LO 7).

In my particular case it is because of the beauty-it belongs to everyone in Maine and the beach is everyone's beach. And that's how we've always treated it (LO 14).

Others allowed access, because they believed it embodied the Maine 'way of life' and they wanted to support access traditions:

I'm a Mainer, because that's what my family always did [allow access]. We don't have that mindset that somebody's trying to hurt us or take advantage of us (LO 2).

It's [land] always been open-as long as I can remember its been open to the public and I can't imagine not letting the public use the land (LO 14).

The heritage piece of it counts a lot. I think more than other places that I have lived. You feel that here-there is such a strong sense of survival around here. The multiple jobs and being attached to where people are and you respect that and you don't want to get in the way of that (LO 13).

Some landowners were motivated to allow access, because they wanted to support local fishermen. They recognized that fishing (particularly clammers and wormers) is a difficult occupation and allowing fishermen to access their land might alleviate some of the challenges. In addition, some people noted that fishermen have historically had access to the property and they wanted that to persist:

I have a cove here that is usually rich in clams and worms and so historically they've had access through here and I've never prevented that (LO 3).

They were coming there before we bought the property and we always felt that it was important for the clambers to have access to the shore (LO 8).

I learned that it was important to maintain access to support the lifestyle of the people and their way of life. I am comfortable with the feeling that they should be able to get to the water if they want to for clamming and any other purposes (LO 23).

Six (n=6) landowners allowed ‘limited access,’ meaning that access would be granted if the person asking for permission had a connection with the property owner. For example, one landowner only allowed friends and family to access the property. Another landowner would only allow people referred to him by marine patrol. In this instance, the landowner relied on the judgment of marine patrol staff to decide if someone would be responsible in their use of the property. Those who allowed ‘limited access,’ tended to be more cautious about who was utilizing their property and believed that a social connection would be a proper way to vet potential users. Of the two (n=2) landowners that prohibited access one was concerned about liability, while the other believed that most people are not respectful. The landowner concerned about liability had never been sued, but did have problems with people breaking into buildings and causing property damage:

There is a liability problem and it's a real one...if I allow someone down here I have to make it a reasonably safe environment for them, or I can be sued if they get hurt and there is a lot to get hurt on down here (LO 12).

The landowner concerned about the lack of respect referred to an incident in which he caught someone cutting down a balsam fir (*Abies balsamea*) on his property. The person never asked permission and had according to the interviewee had a ‘negative attitude.’ For both landowners, negative experiences have made them unwilling to permit access. Both landowner’s discussed how out-of-staters were the ones doing most of the trespassing.

Notably, all landowners were actively involved in their community, which might influence a decision to allow access. Many pointed out that their level of engagement had to do

with their status as retirees giving them more time to be involved. However, landowners also talked about wanting to ‘fit in’ with locals and not disturb community traditions. Being involved was also a way to get to know their community and give back. As some landowners described:

I think being involved and showing a native Mainer that you care about community is important (LO 17).

When we moved up here we knew no one. I was always community involved when I lived in New York. When we came up here we knew that to meet people we would need to get involved in the town (LO 23).

You [meaning people from away] need to show that you are willing to help out, because that’s the way Maine survives. You need to be appreciative of the fact that they have a jig-saw puzzle income-a piece there, a piece here and hopefully you get a picture that covers the income. You cannot flaunt. Maine people do not like flaunting, so an expensive car or a recreational boat in a lobster town is an oxymoron. You don’t do things to show-off (LO 10).

Becoming involved in the community was also seen as a way to avoid the mistakes many outsiders make when they first move to Maine. A lot of landowners discussed how people moving to coastal communities are, at first, charmed by the way of life. The small communities, beautiful views, and the idealization of lobster fishing. Once they move into a community, the reality begins to set in and that can lead to problems. For example, fishermen get up early, bait smells, and small communities might lack the amenities people from away are used to. Rather than adjusting to a new way of life, people from away might try to change things. As one person noted: *There are a lot of things to put up with and it might be pretty, but to go in and not be happy about it would make a lot of other people unhappy. Especially fisherman because they don’t want people complaining when they start their boat at 3:30am, or the smell of the bait (LO 16).*

Landowner Gathering Practices: The majority of landowners interviewed (n=22) gather NTFPs on their property. Nearly everyone gathered sea glass and some property owners discussed how they enjoy ‘seeding’ it. Seeding involves disposing of empty glass bottles into the

ocean, so that they ‘weather’ into sea glass. The majority of landowners who gathered sea glass, did so because it was a fun activity to do with friends and family. Only two people utilized sea glass to make crafts that they sell. In addition, several landowners gather sea lavender (*Limonium carolinianum*) and dry it to make flower bouquets for personal enjoyment, not sale. Landowner’s also discussed gathering seaweed and other organic materials to add their gardens and compost piles. Gathering NTFPs was widespread, but it was primarily for personal use and enjoyment.

Strategies for Moving Forward

The majority of landowners and Wabanaki harvesters agree that access is becoming problematic. For harvesters, this means that their ability to gather sweetgrass is diminishing. One of the most significant challenges in addressing access to sweetgrass is the secretive nature of harvesting. Specifically, many harvesters want to keep their sites private because they do not want to lose access to them. This makes it difficult to thoroughly assess the status of sweetgrass and develop strategies for improving access. Though the situation is difficult, it is not impossible. Failure to address what is happening could lead to “invisible losses” (Turner 2008).

Invisible losses happen when communities experience significant losses that are not acknowledged or recognized by others (Turner 2008). They can include the loss of economic opportunities, the loss of self-identity, and the loss of cultural practices and knowledge. Such losses can leave indigenous communities vulnerable to change and unable to respond in ways that allow them to maintain their culture (Turner 2008, Nelson & Finan 2009). Below are strategies that could be utilized to help stakeholders and Wabanaki Citizens address access issues.

Working with land trusts: Over the last two decades, Maine’s land trusts have been moving from the singular goal of scenic preservation to working with communities in a variety

of areas. As one staff member noted: *in the last ten-year period we've really started to say humans are part of the ecology and to ignore them is to ignore them at your peril. Not that we were entirely ignoring them, but we started to talk about what communities want and we started to, with the last strategic plan in 2009, to shift. We work with more partners to do projects that communities really need.*

Staff noted that as land trusts shifted toward “people centered conservation” they became better at stakeholder engagement and mobilizing support. A viable option for the tribes might be working with land trusts to help preserve harvest sites. Many land trusts have “cultural significance” as criteria in deciding to preserve a parcel of land. Although “cultural significance” has traditionally meant historic artifacts or areas of archeological significance. The information about what constitutes “cultural significance” comes from the state. This means that the state, rather than the tribes are deciding what is relevant.

Both land trusts were interested in working directly with tribes to preserve gathering locations. One land trust already had experience working with the tribes in conserving historic sites. At this time, land trusts have the capacity and desire to develop sweetgrass (and other culturally significant plants) preservation goals that would meet the needs of the tribes without compromising their desire for privacy. Historically it has been difficult for various management regimes to account for and recognize human-nature relationships that differ from western conceptions of the natural world (Cronon 1996, Moran 2006). However, any partnership needs to recognize the validity of indigenous worldviews and ontologies. In addition, any research should be conducted *with* the indigenous community, *not on* them (Ranco 2007).

Landowner Engagement and Education: Landowners noted that people moving to Maine are unfamiliar with access traditions. Some suggested that education initiatives might help

outsiders understand traditions and make them more willing to permit people to use their property. One strategy included making sellers responsible for disclosing the access history of the property: *I think it [conflict over access] all has to do with people coming in and buying property and not understanding how it has been used historically. I would see it almost like an asbestos or lead paint warning in your contract. It would obviously have to be more specific to that property* (LO 17). Some also suggested that the state create brochures explaining coastal access, which realtors could give to clients interested in purchasing coastal property.

Education initiatives should also include outreach about the landowner liability law. Research on existing liability laws has demonstrated that many landowners are concerned about lawsuits (Brown and Daigle 2009). Specifically, “many landowners...have pointed out that no matter how comprehensive the liability statutes...the fact remains that a landowner can always be sued in the event of an injury on property” (Brown and Daigle 2009: 136). It may be useful to instruct property owners that Maine’s liability law awards legal costs, including attorney fees, to an owner who is sued and found not liable (Brown and Daigle 2009: 136). This helps discourage people from bringing suit against landowners. In addition, there has never been a successful case against a landowner where the Maine Landowner Liability law applied.

Wabanaki harvesters also thought education might help landowners understand access issues, but were worried that it could be used against them: *education might give us access, but some people might use that information for their own gain or that they’ll have that knowledge and use that against you* (WA 3). Some harvesters believed that even with education landowners might not care about the issue enough to take action. For some harvesters, education might be a viable option, but it would depend on how it is implemented. Most preferred solutions that are legally binding (i.e. guaranteed harvest rights), but harvesters acknowledged that this is highly

unlikely given the current political climate and the fact that many people are sensitive about property rights.

Another possible solution is to educate tourists about Maine's access traditions. The landowners who had negative experiences with people using their land felt that people did not have any regard for their rights as property owners. People did what they pleased without asking landowners for permission, or ignoring postings. Some believed that this was the result of a "vacation mentality." *You know there's certain cavalier attitude. I can abandon my normal good behavior and be obnoxious because I'm on vacation. Set off fireworks, you know I'll pick up stones off the shore. I'll walk into somebody's land and pick their blueberries, whatever* (LO 7). Situations like this make landowners more likely to post their land, often to the detriment of people that are respectful of property rights.

It is also important to research the impacts climate change could have on culturally significant NTFPs and those that harvest them. For example, predicted changes in temperature and precipitation patterns will likely result in increases in insects including ticks and mosquitoes. These insects can transmit life-threatening and debilitating diseases, which pose health risks for NTFP harvesters (Lake et al. 2015). As researchers have noted: cultural practitioners and the NTFPs they depend on are experiencing acute and chronic effects as a result of sea level rise and changing storm regimes...research is needed to understand, anticipate, and adapt to these changes (Lake et al. 2015). Without understanding the implications of climate change on gathering practices, entire lifeways could be lost.

In the years ahead, it is likely that access will continue to decline from development pressures, changes in climate, and other factors. In order to address this growing problem, it is important to understand that access is more complex than rights of entry (Ginger and Emery

2012). Access is shaped by a variety of factors including social relationships, spatial proximity, environmental conditions, and land management practices among others (Ginger and Emery 2012). A loss of access is also experienced differently depending on the circumstances. For example, access to the resource itself and the physical location of harvest sites may be of equal significance. This was the case for the Wabanaki, who are also concerned about maintaining important ancestral connections to the land. In this case, the cultural significance of harvesting NTFPs extends to the site itself. Moving forward, it will be important to develop solutions that work for communities of gatherers, which take into account their worldviews and perspectives on all aspects of harvesting, not just the resource itself.

CHAPTER 5

REFLECTIONS ON WORKING WITH INDIGENOUS COMMUNITIES.

Abstract

This chapter is based upon my reflections working with indigenous communities in Maine and my experiences as a doctoral student. I discuss some of the challenges building rapport and trust with indigenous communities and strategies to overcome these obstacles. These strategies are not universal solutions, but may provide students and other researchers with helpful ideas. In addition, I explore some of the struggles I encountered as a graduate student and how I addressed them. Based on my experiences talking with other graduate students, both in Maine and abroad, it is important to reflect upon our experiences. Everyone encounters difficulties and there is a power in sharing. My hope is that this reflection inspires graduate students to become more open about their experiences and persist through the challenges research projects and graduate school present.

Background

I began my PhD in the fall of 2013 with an interest in understanding how individuals from diverse cultures perceive and interact with the forest. While conducting a literature review, I came across an article, written in 2010 by Dr. Lisa Neuman, titled *Basketry as Economic Enterprise and Cultural Revitalization: The Case of the Wabanki Tribes of Maine*. There is a section of the article where Neuman details a sweetgrass gatherer's interaction with a landowner: *Paula Thorne (gatherer) once was accosted by a white woman near a newer vacation home who questioned why she was gathering sweetgrass and then, not liking the basketmaker's explanation, made racist comments* (Neuman 2010: 98). It was difficult to read about gatherer's being turned away and that they were subject to racist comments. This gatherer's experience

ignited my desire to examine tribal access to natural resources and understand what factors might be influencing landowner behavior.

The Wabanaki were the first people to inhabit Northeastern New England and parts of Maritime Canada (Attean et al. 2012). Based on archeological evidence, it is estimated that they have been in the region for more than 12,000 years (Attean et al. 2012). However, the Wabanaki oral tradition dates back to time immemorial and emphasizes values such as generosity, cooperation, and relationships with nature among others (Attean et al. 2012). European contact occurred during the 15th century, which led to population declines through a combination of factors related to disease, warfare and forced removal (Attean et al. 2012). The history of Maine's relationship with the tribes is complex and not without contemporary forms of political and social strife. For example, the state often tries to exert its authority over the tribes and their resources. However, each community is federally recognized, maintains its own form of government, and manages its natural resources.

The Wabanaki utilize sweetgrass for a variety of purposes. It is a perennial grass that grows in rhizomatous mats (Baumflek et al. 2010). The stems can grow up to three feet in length and the base of each plant is purple in color (Baumflek et al. 2010). Sweetgrass is classified as a wetland plant and typically inhabits riverbanks, moist meadows, and places along the coast (Baumflek et al. 2010). Sweetgrass is part of Wabanaki creation narratives, and is incorporated into certain ceremonies. Sweetgrass has also been incorporated in woven items including mats, containers, and baskets (Prinns 2007). Sweetgrass is an integral component of fancy baskets, intricately designed baskets that are sold throughout the world (Neuman 2010).

Many Wabanaki Citizens prefer harvesting sweetgrass that grows closest to the coast. However, the ability of Wabanaki Citizens to harvest sweetgrass is declining as coastal development increases and landownership patterns along the coast change. The purpose of this study was to understand the implications of these changes on the Wabanaki community. As part of the study, Wabanaki Citizens were instrumental in formulating research questions and interview protocols. Without their help this research project would not have been feasible.

Research Experience

When the project began, I had no prior experience working with indigenous communities. My advisers and mentors had explained the importance of building rapport and relationships with Wabanaki Citizens, but I was naïve. I thought that building rapport would be as simple as sending a few emails and making phone calls. As multiple emails and phone calls went unanswered I remember feeling angry, writing: *I don't know why people won't call me back! It is rude and I am falling behind on my timelines* (Reflective Journal 2013). At this point, I had not met any Citizens and I was expecting them to respond to my inquiries. I explained these frustrations to my advisors and they kindly reminded me that I needed to build relationships with Citizens, which included meeting people face-to-face.

A few months later, I worked at a week-long summer camp for Wabanaki youth where I met sweetgrass harvesters. The opportunity to work at the summer camp was a turning point in the research process. I was able to participate in various cultural activities including ash pounding, gathering medicinal plants, and listening to traditional stories. I shared meals with Wabanaki Citizens and had the opportunity to make valuable connections. The week was also intimidating and emotionally charged. Many conversations that I was part of seemed to go

wrong. For example, a Wabanaki Citizen asked me what I was researching. My explanation was replete with western jargon and technical language. I wrote about the exchange:

Wabanaki Citizen: *What are you studying?*

Researcher (Me): *I am examining Wabanaki tribal member's access to non-timber forest products. Specifically, sweetgrass access...* I went into a long recitation of NTFP literature and how my research fit into the framework.

Wabanaki Citizen: *Well, there's a problem with that. First of all, we're not members- we're citizens. You can't go to Sam's Club and buy a membership. Membership makes it seem like you pay yearly dues or something. I would appreciate it if you referred to us in your research as citizens. Second of all, sweetgrass isn't a product...*

He continued to provide feedback and at the end of the conversation we shook hands. I learned more from that ten-minute exchange than reading any academic article. I also spent the rest of the day crying feeling as though I had no idea what I was doing.

Despite the challenging nature of these conversations, I fostered the connections I made at summer camp and my emails and phone calls were returned. I had gained entry and built rapport. I continued to work at summer camp where I interacted with the same gatherers. Overtime, I started to notice differences in my interactions with Wabanaki Citizens. Most noticeable was that conversations became comfortable and easy. This past summer (2016), during a camp session, a Wabanaki Citizen and I took some youth out to build a fishing weir (obstruction placed in water to direct the passage of fish, making them easier to catch). When we got back to camp, he asked me about my group's experience:

Wabanaki Citizen: How did your group do? Did they catch anything?

Me: Oh yeah! We caught a huge bass, but one of the kids dropped it!

Wabanaki youth: Yeah you should have seen it!

Wabanaki Citizen: (*laughs*), Nice try I know you guys are lying!

In reflecting on this exchange I wrote: *two years ago, this never would have happened. I would*

have been too afraid and self-conscious. What changed within that three-year period, from the first summer camp in 2014 to 2016? Some of it has to do with familiarity. Seeing the same faces summer after summer creates a level of comfort that enables one to become more open.

However, the change has to do with ‘emotional work’ or the processes of taking an active rather than reactive approach to the emotions that qualitative research invoke (Blix and Wettergren 2014). The emotional aspects of qualitative interviewing are not a new area of research. However, emotions are often perceived as a bi-product that needs to be addressed rather than an important source of information (Blix and Wettergren 2014). Blix and Wettergren (2014) argue “...emotions are a vital source of information...emotions are not simply responses to things happening, but they also constitute the proactive mapping of the social situation” (Blix and Wettergren 2014: 688-89). In their research, Blix and Wettergren (2014) argue that researcher’s must engage in ‘emotional labour’ if they are to collect data.

Emotional labour is a form of emotional management whereby researchers engage in a variety of practices to utilize their emotions strategically. Blix and Wettergren (2014: 689) analyzed the emotional work of researchers along three dimensions: 1. *Strategic emotion work*: the processes researchers use to gain and maintain access to the field; 2. *Emotional reflexivity*: monitoring the researchers place within the field; 3. *Emotive Dissonance*: coping with the role of the researcher and the sense of self.

Without conducting emotional work, it is impossible to successfully collaborate with indigenous communities, especially as a cultural outsider. In the sections that follow I describe what these stages looked and felt like in my own work. Since each researcher and project is unique there is no “universal” way to feel. It is important to note that this is an iterative process.

One does not progress in an orderly fashion from stage one through stage three. Rather, each stage is a place unto its own, which the researcher visits frequently.

Initially, I assumed that I knew the nuances of access issues and cultural gathering practices. After all, I had spent two years conducting research and taking classes. This belief made it impossible to gain entry, because no one wanted to share their experiences with someone who acted as though they understood the situation. Instead of talking about access, like *I wanted*, Wabanaki Citizens explained how *they expected* to be treated. When I finally realized this I was able to build relationships and trust. It became less about the answers to my research questions and more about the needs of participants. I stopped with long-winded, academic answers and just listened.

As I listened and built trust, it was difficult to confront the political and social realities that Wabanaki Citizens face. In particular, it was uncomfortable to process my role within mainstream political and social realms, which are often oppressive for Wabanaki Citizens. It was easy to find fault in history, and government policies, but harder to confront my role within the system. This mentality (i.e. I did not create the problem) enabled me to remove myself from the legacies of an issue. I could compartmentalize the things that made me uncomfortable including stories about racism and cultural loss. This made it harder to listen, but easier to believe that I understood the nuances of access and cultural gathering practices.

I blurred the distinction between researcher and self. I realized that in order to move forward as a researcher, I needed to engage with the political and social realities that Wabanaki Citizens face. Specifically, I realized that I could no longer deny that I was part of a system that has and continues to oppress Wabanaki Citizens. Confronting this

truth fostered a deep sense of guilt and helplessness. I went from denial to feeling that I was responsible for the negative experiences Wabanaki Citizens discussed. I did not think I had the right to be researching a community that differed from my own. I often debated abandoning the project with the hope that I might find a study that was emotionally easier to research.

Prior to these feelings emerging, I had been keeping a research journal but I had not vocalized any of my concerns to my advisers or peers. I felt too embarrassed to share; *I am reluctant to talk with others about how I am feeling. It's a sensitive subject and I feel vulnerable sharing. However, I feel I need to unload a burden which only talking can do. Keeping a journal is helpful, but it is a one-way interaction* (Reflective Journal 2015). I gradually started talking about my feelings with my peers. Initially, these conversations were short exchanges and I only shared what felt comfortable. As time progressed and I grew more comfortable I began to share more. I cried several times, which felt strange at first because I did not believe that this was part of the research process.

However, sharing and talking through feelings helped address emotional reflexivity and dissonance. In particular, one adviser encouraged me to revisit my 'researcher as instrument' statement. Reading about the factors that influence my research helped process my role as a researcher and what I was experiencing on a personal level. I realized in order to move forward as a researcher I needed the space to process my emotions on a personal level. When I confronted this reality I was able to move forward with the research process.

In learning to process my emotions, I have come to appreciate the value and power of sharing. At a conference, I shared my experiences and the fact that I had cried

multiple times. After my presentation, I had several people thank me for my honesty. They had gone through similar experiences, but had not felt comfortable enough to share. This is unfortunate since emotions are an integral part of the qualitative research process. When working with indigenous or other minority populations it is critical to conduct emotional work. One cannot foster meaningful connections without first confronting the political and social realities indigenous communities face.

Overtime, I have had several students ask me how to work with indigenous communities. In particular, they inquire; *How do I make connections with the indigenous community? How do I get communities to take me seriously? What can I do to build trust?* These are the exact same questions I asked myself and others when I first embarked on my research journey. Now, having the advantage of experience, I answer these questions with several pieces of advice. The first is that there are no universal rules or guidelines when it comes to building relationships with indigenous communities. Each community has a unique story and worldview. I recommend that students familiarize themselves with that story and worldview. It can provide essential information about the community's interactions with researchers and other stakeholder groups. This information can help researchers tailor their outreach and interaction with tribal citizens. For example, understanding how the State of Maine has treated Wabanaki Citizens was helpful in contextualizing access issues. It may also help convey to indigenous communities that you care about the broader context of an issue.

I also encourage students to 'acknowledge not ignore.' Several students I have talked with want to avoid the emotional aspects of working with indigenous communities and only get answers to research questions. This is not to imply that students are selfish

or are ill intentioned. Rather, students face pressures to publish, meet deadlines, and develop tangible reporting measures. In some cases, the broader research community places so much emphasis on extraneous factors that one cannot develop the appropriate relationships with indigenous communities. As a result, much less emphasis is placed on creating meaningful connections.

In my experience, research with indigenous communities requires a re-evaluation of academic and program expectations. For instance, it was hard to follow standard research timelines with deadlines. Meetings and plans were constantly changing and I would miss deadlines, which made me feel like I was falling behind. I realized that I needed to adjust how I measured progress, so instead of creating fixed deadlines I adopted 'ranges of completion.' These ranges specified tasks to be completed within a certain amount of weeks rather than a specific day. Utilizing this strategy provided greater project flexibility and the sense that I was meeting goals.

The advice 'acknowledge not ignore' also applies to how researchers interact with indigenous communities. Although interviews are directed conversation, many times topics would surface that I had not anticipated. For example, during one interview a Wabanaki Citizen wanted to explore the tension between Mainers and indigenous communities. Rather than ignoring the points he was making or encouraging him to continue with my line of questions, I created a space to talk about the tensions. It was important for him to explore the connections between race and access issues.

As a graduate student researching indigenous communities it is important to be strategic in formulating your committee. At a conference I had the opportunity to talk with a student who was trying to implement a research project with indigenous

communities. She was very frustrated, because her committee was not supportive and she was thinking about dropping out of her program. I asked if anyone on her committee had experience working with indigenous communities to which she replied “no.” Working with indigenous communities presents a unique set of challenges. It is important to have the wisdom and guidance of researchers who have experience working with indigenous populations.

My PhD committee was comprised of five researchers, each of whom had experience working with indigenous communities. In addition, one member provided methodological strategies and guidance that proved beneficial for working with for the community I was in. I would also encourage students to create a committee that represents different disciplines. For example, my committee members came from anthropology, geography, forestry, and nature based tourism backgrounds. The advantage of diverse backgrounds is the richness of perspectives and insights. In addition, two committee members had connections to the Wabanaki community. These connections were instrumental in gaining trust and building rapport.

I also became friends with two graduate students who were Wabanaki Citizens. Both students answered my cultural questions and provided advice about conducting research within the community. These types of connections, both through peers and advisers, may not always be possible, but I encourage students to reach out and determine if they exist. If there are existing relationships, it is the student’s obligation to dialog with ‘gatekeepers’ (the people who have a relationship with the indigenous community) about their intentions and project. These conversations are critical in preventing the community

from being ‘over researched’ (too many projects), compromising the integrity of existing research projects, and gaining valuable insights about working with a community.

Graduate Student Experiences

The next set of recommendations are focused on my situated experiences as a graduate student working on a qualitative research project. One of the most important pieces of advice is to avoid the perils of peer-to-peer comparison. It is helpful to talk with peers about the research process- sharing joys, challenges, and frustrations. However, it can be detrimental if you start comparing elements of your project to someone else’s project. I tended to do this with the progress of my project. I would often listen to where my peers were in their research process and become upset if I perceived I was falling behind. The feeling of falling behind happened frequently since many of my colleagues were working on projects that did not involve interviewing people.

What helped me overcome the sense of failure was forming deep friendships with students who were also working on qualitative projects that had interviewing as a significant component. We would meet over coffee and talk about the status of our work. One afternoon the subject of comparison arose and one student shared a quote she had heard: *comparison is the thief of joy*. I spent the next few days reflecting on that quote and the reality that each project is unique. I realized that nothing good comes from comparison, it made me feel inadequate and resentful. I learned to stop comparing my project to everyone else’s and focused more on *my* research.

I also had to address ‘imposter syndrome’ defined as “the condition where people find it hard to believe that they deserve any credit for what they may have achieved and, whatever their outward appearances, remain internally convinced that they are frauds”

(Pedler 2011: 90). It is a form of self-doubt that can negatively influence how we perceive ourselves and our work (Slaughter 2010). I battled many difficult thoughts including the idea that I was not intelligent, but that no one had discovered this yet. The feelings only intensified when I started teaching undergraduates. I worried about the day my students would realize that I did not know anything.

In talking with my peers, I discovered that this feeling was common especially amongst female colleagues. One of my female peers shared; *I am waiting for everyone to figure out I am a fake and that my research isn't any good*. I was surprised to hear her share this since her work was highly regarded and had won several accolades. In addition, she garnered a lot of respect for her work ethic and commitment to quality research. I quickly realized that these feelings affect nearly everyone in a myriad of ways. For my friend, it affected her confidence. For me, it fostered anxieties that limited the choices I made throughout my graduate career. For example, throughout my program of study I tried to avoid statistics courses. At one point, I was registered for an undergraduate statistics course, convinced that I was not ready for graduate level work. Taking undergraduate courses would have delayed the completion of my program, but I did not care. Fortunately, my advisor convinced me to reconsider my decision and encouraged me to talk with the statistics professor about the course. I took the graduate level course and did well, but I kept thinking that luck was responsible for my success.

Throughout my graduate career, I have learned that “imposter syndrome” never goes away. It manifests itself in a variety of ways and is often lingering in the background between courses, conducting research, and writing. Though I may not be able to conquer imposter syndrome, I have learned how to manage it. One of the most helpful

strategies has been talking through my fears with colleagues, especially if they are experiencing similar feelings. I have discovered that sharing helps normalize feelings, and colleagues can identify the falsehoods that imposter syndrome fosters. Dialoging, with peers and academic advisors, is an important part of successfully overcoming feelings of inferiority.

It is also important to foster greater understanding about qualitative research methods amongst graduate students, in general. In my academic department the majority of students were conducting quantitative studies. In many cases, there was a lack of understanding between quantitative and qualitative methodologies, which lead to skepticism amongst students. For example, students utilizing quantitative approaches would become dubious about aspects of qualitative research including the idea that research participants could help develop study questions, or review data for accuracy. In addition, some students conducting qualitative research would question the ability of quantitative work to capture the human-based complexities of a problem.

The animosity or uncertainty between methods can create a false sense of superiority. Some students may believe that one approach is inherently better than the other. Rather than focusing on the differences between the two approaches, it is important to focus on their application, implementation, and when they are utilized. The best approach is for students to remain unbiased and well informed. There are many opportunities for cross-collaboration that could be lost to the idea that one method is better than the other.

Perhaps with more education and acceptance funding opportunities for qualitative research methods will improve. Specifically, many students and faculty members who

were taking emancipatory approaches in their research struggled to secure funding. These were projects that emphasized community involvement and transformation. The communities were often involved in designing the research, measuring results, and defining outcomes. Anecdotally, it seems as though community control over a project, which is not a 'standard' methodological approach can be unappealing to funding sources. It is also likely, that these projects are competing against topics that are more en-vogue and have more mainstream methods or approaches.

In conclusion, it is my hope that these reflections and experiences have helped students working with indigenous communities or struggling with the complexities of graduate school. What these experiences demonstrate are the importance of reflection throughout the research process, both in written and verbal forms. Keeping a journal of thoughts and feelings helps process the complex emotions research can evoke. Dialoging with friends, family, and members of the research community can help overcome the challenges of a project or situation. Ultimately, reflection is what makes us grow as researchers and human beings. Where we start is not where we will finish, change keeps us moving forward.

CHAPTER 6

CONCLUSION

As time progresses, it is likely that coastal access will become more problematic. Specifically, as coastal land is developed or converted fishermen, tourists, kayakers, gatherers, and others wishing to utilize the shore will have less options and more competition. For example, more people may want to utilize an area for competing activities. Access may also be complicated by factors such as climate change, which contributes to erosion through storm surges and sea level rise. These issues are problematic for the Wabanaki who utilize the coastal lands for a myriad of cultural purposes. Failure to address coastal access issues will only make the problem worse. The following sections offer some solutions to some of the issues landowners and Citizens described.

It is important to note, that any solution should have the support of the community it is affecting whether it is harvesters, lobstermen, kayakers, etc. Without the community's support it is unlikely the solution will succeed. This may seem like an obvious statement, but many times people would share how local concerns were ignored in favor of solutions that were created in an office by people who did not understand or care about a problem. It is not enough to be heard, rather one must act based on those most impacted by an issue.

Creating Awareness

Landowners and Wabanaki Citizens were frustrated by the rules and regulations governing shoreland access. As currently conceived, the public is allowed to access the shore in the intertidal zone. Many people are unsure where this mark is and inadvertently

trespass, or landowners become upset when they perceive someone is trespassing even when they are well within their rights. Complicating this even further is what activities constitute an allowable use. In order to make this determination, landowners and people wishing to access the coast need to be legally savvy and possess the ability to understand complex court decisions.

As a result, who decides coastal access is usually a negotiation (sometimes hostile, sometimes amenable) between private property owners and members of the public. Many landowners wanted the state to intervene with various education initiatives and legislative clarity. For example, some landowners believed that signs in coastal communities explaining access “dos and don’ts” would be helpful. Some hoped that the state would provide “friendly” no-trespassing signs that reminded people to stay off shorefront property. Legislative clarity was the desire for the state to pass a law that thoroughly defined shoreland access and use, but everyone who suggested this realized that it was unlikely. Property owners felt that the measure would be unpopular and challenged in court.

Similarly, many Wabanaki Citizens felt that education could improve access. Specifically, Citizens believed that if property owners understood access laws and why people gather they might be more inclined to permit members of the public to utilize their land. Education did not include disclosing the nuances of sweetgrass gathering, but working to raise awareness about cultural gathering practices, in general.

Outreach to coastal property owners about their rights and liability issues should be expanded. Some landowners were concerned that if they let someone use their land they could be sued if that person was injured. For some landowners it was easier to

prohibit access than having to deal with the possibility of a lawsuit or other legal claims. Maine's Landowner Liability law protects landowners should someone become injured whether or not the landowner gave permission. Organizations like Maine SeaGrant could conduct targeted mailings that include information about the liability law, landowner rights, and the benefits of permitting access.

Espousing the benefits of access will require agencies and other stakeholders to modify the way they frame the issue. Currently, discussions about access are focused primarily on benefits to commercial fishermen and recreation (i.e. boat launches, kayak access points, beach access, etc.). This focus excludes uses of the coast that do not fit neatly into economic or recreational categories. Expanding the dialog to include gathering could help increase awareness.

Building Partnerships

For the Wabanaki, it may be beneficial to explore partnerships with various organizations to help improve access. For example, some groups have had success using memorandums of understanding (MOUs) to create access agreements on private land. These MOUs are usually made with non-profit organizations or businesses, not individual landowners. The MOU is more formal than a handshake agreement, but less formal than a contract, which can make some people hesitant. It could help ensure access to a harvest site for a given period of time. Since harvesting locations and gathering is a private act, MOUs would need to be utilized on a case-by-case basis. For example, not every site owner would be amenable to sweetgrass harvesting let alone signing an agreement.

Collaborating with land trusts is another viable option. Many land trusts specializing in coastal preservation are interested in cultural access and working with

tribes. Wabanaki Citizens could work with land trusts in designing policies and procedures for preserving sites that have cultural significance. One of the obstacles that would need to overcome is what happens when harvesting practices conflict with preservation practices. The land trusts I spoke with noted that there could be instances where harvesting would not be allowed if it conflicted with a management plan for a site. The fact that this could happen might deter Wabanaki Citizens from working with land trusts who do not want to risk losing access. In any case, it is important to engage with harvesters and incorporate their feedback.

Future Research and Limitations

One of the limitations of this study is that the findings are not representative of Maine's 142 coastal communities. Instead, it provides a detailed look at what access looks like and feels like for a specific group of people, at a specific period in time. In the future a larger study may be able to explore more communities. In addition, I was unable to find Citizens from the Mi'kmaq or Maliseet tribes to participate in the study. This stemmed, in part, from a lack of relationship building and practical considerations. For example, limited funding and time made it difficult, if not impossible to coordinate the amount of visits it would have taken to build rapport and complete interviews.

However, I did conduct an informal interview with two members of the Maliseet community who were working on transplanting sweetgrass. In addition, citizens of the Penobscot and Passamaquoddy tribes would sometimes share how their practices and experiences compared to the Miqmac and Maliseet. Based on their feedback, it seems that sweetgrass is used for the same purposes and access problems are similar. I hope that future studies are able to integrate the perspective of all four tribes as this would help

illuminate the nuanced factors that influence access including spatial proximity, development, changes in property ownership, etc.

This project also highlighted areas where research related to coastal access could be expanded or improved. A survey based study that targeted residents (seasonal and permanent) in Maine's 142 coastal towns would be beneficial in determining access trends more generally. The data from the surveys could be used to explore potential differences between summer residents and those who live in Maine year round. For example, in many cases landowners who were engaged in their community through service initiatives or social gatherings seemed more willing to permit access to their property. Several landowners discussed how community engagement helped them understand Maine culture and lifeways. Community engagement also facilitated interactions between people from away and locals. Exploring the connection between community service and access could prove beneficial for maintaining the open land tradition.

Another area of potential research pertains to coastal development trends. Specifically, it was challenging to find any data that detailed coastal development trends in Maine. Most of the data utilized came from the Census, which provides a broad overview. One of the more comprehensive access assessments was conducted in 2005 by the Island Institute. They conducted an inventory of coastal waterfront access points including public boat landings, municipal rights-of-way, boatyard, marinas, and private fishing docks. The inventory, titled *The Last 20 Miles: Mapping Maine's Working Waterfront*, revealed that over half of all access points (859 of 1,555) were private or restricted access. While this is instructive, it could be expanded beyond public boat

landings, marinas, and fishing docks. Many individuals are seeking access points that do not meet the criteria explored by the Island Institute. Overall, more information about how coastal communities perceive access issues could be a powerful planning tool for a variety of stakeholders. This is especially true given the possible challenges facing coastal communities including the effects of climate change (i.e. erosion, storm surges, etc.) and development pressures.

Understanding Access

For Wabanaki Citizens, access issues are complex and it is difficult to identify a single solution. Where does one begin? This is an access issue, but the problem is also about broken promises and relationships. State government continues to challenge the settlement agreement and there can be negativity surrounding indigenous sovereignty. As one Citizen noted: *There's a lot of friction in the State between the natives and the rest of the people and I don't know why. If you see in the Bangor Daily [local news publication] about something that happened on the reservation, go through the comments you'll see how much negativity there is. It is astounding* (WA 2). The comments included below demonstrates some of this negativity. Figure 11 was a response to a June 29, 2015 editorial piece in the Bangor Daily News arguing that Maine owed the tribes sovereignty and respect. Figure 12 was a response to a June 21, 2016 article that argued it was time for Maine to renegotiate the terms of tribal sovereignty.

Figure 11. Response to BDN Article About Sovereignty

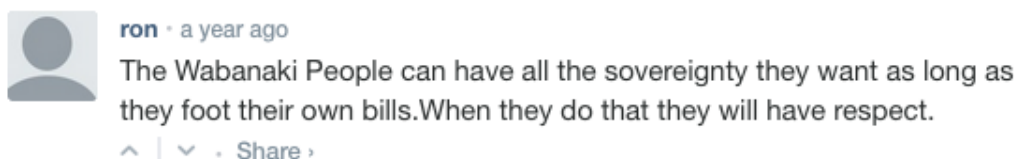


Figure 12. Response to BDN Article About Renegotiating Sovereignty



Downeastvalues · 3 months ago

As long as an entity takes money from the state /federal government it WILL NEVER be a sovereign body. It is like your 30 year old living at home with no job saying they are an independent adult and don't have to follow house rules

While the comments section of a newspaper is not representative of an entire state (there were also positive comments that supported the Wabanaki), they illustrate some common misconceptions about sovereignty.

For example, some people believe that the Wabanaki are “free loading” or taking resources from the state. The argument is that since the tribes are taking so much they have no right to ask for ‘more.’ This belief is a reflection of Maine’s relationship with the tribes and a misunderstanding about indigenous sovereignty, more generally. As Brimley (2004: 49) notes:

the majority of Americans are unaware that individual Native American tribes are defined by the U.S. Constitution, by the American courts, and by several international conventions as sovereign nations. It is also difficult for most to believe that individual tribes are sovereign nations because the U.S. federal government has rarely treated them as such.

When European settlers “discovered” the new world they recognized that Native Communities had their own forms of government and organizational structure. As a result, European settlers and Native Communities interacted with each other on a “nation-to-nation” basis via treaty (Brimley 2004). As the U.S. government was established these “nation-to-nation” relationships were intended to continue, but expansion into the west and the quest for resources changed the relationship.

The U.S. attempted to “balance the treatment of native communities as the inherent sovereigns that they were and the perceived notion of being conquered nations” (Brimley 2004: 49). This is embodied in the 1832 Supreme Court case *Worcester v. Georgia* in

which Justice Marshall ruled:

Indian nations [are] distinct political communities, having territorial boundaries, within which their authority is exclusive and a right to all the lands within those boundaries, which is not only acknowledged but guaranteed by the United States....

This case is often perceived as a victory for tribes, but the long term consequences have been negative (Brimley 2004). In that same case, Marshall also declared that the tribes were “domestic dependent nations,” their relationship to the U.S. was that of a “ward to his guardian.” The ruling acknowledged that although the tribes were sovereign they were dependent upon the U.S. government (Brimley 2004). Most Americans assume that the limited powers tribes have were conferred to them by the United States through treaties or the Constitution (Brimley 2004). However, in most cases the U.S. government took these powers via treaty or congressional acts without proper consent and often under coercion.

Another principle guiding the relationship between the federal government and tribes is the ‘trust doctrine.’ The obligation was first discussed by Marshall in *Cherokee Nation v Georgia* (1831) and was expounded in *Seminole Nation v United States* (1942). As part of the trust doctrine, the U.S. “has charged itself with moral obligations of highest responsibility and trust” (*Seminole Nation v United States* 1942). The doctrine also establishes a legally enforceable fiduciary obligation to protect the resources, lands, and assets of tribes. In 1977, the Senate report of the American Indian Policy Review Commission described the purpose of the trust obligation as:

Ensuring the survival and welfare of Indian tribes and people. This includes an obligation to provide those services required to protect and enhance tribal lands, resources, and self-government, and also includes those economic and social

programs which are necessary to raise the standard of living and social well-being of the Indian people to a level comparable to the non-Indian society (121).

Since many tribal lands and resources are under the control of federal agencies the government has an obligation to provide services to the tribes. Many people are unaware that this responsibility exists or they misunderstand it. This is especially true since MICSA (see introduction for description) has complicated the relationship between Maine and the Wabanaki. People assume that the Wabanaki are trying to obtain state or federal aid, when in actuality they are trying to hold both parties accountable for promises they made. The public's lack of knowledge can make it difficult for the Wabanaki to advocate for change.

There is no easy way to overcome these challenges and the affects of a relationship that for hundreds of years has been characterized by deceit, racism, and oppression. However, the Wabanaki community needs to be heard and this means that stakeholder groups (i.e. land trusts, government, private property owners, etc.) need to re-evaluate their expectations of what "listening, hearing, and negotiating with tribal leaders is supposed to look like" (Richland 2011:102). Specifically, just because voice is given to Wabanaki Citizens does not imply that we understand their perspective. Nor does it mean that we can disregard their concerns and continue on a course of action that conflicts with Wabanaki desires.

In conclusion, these are not simple solutions, or quick fixes. In some cases, they may involve structural changes and confronting power dynamics. They require meaningful engagement with tribal communities and relationship building, not empty commitment and promises. These types of changes are possible, so long as people are willing to work together. In particular, if people are willing to work in mutual trust,

honesty, and respect. Without trust, honesty, and respect nothing meaningful can be accomplished.

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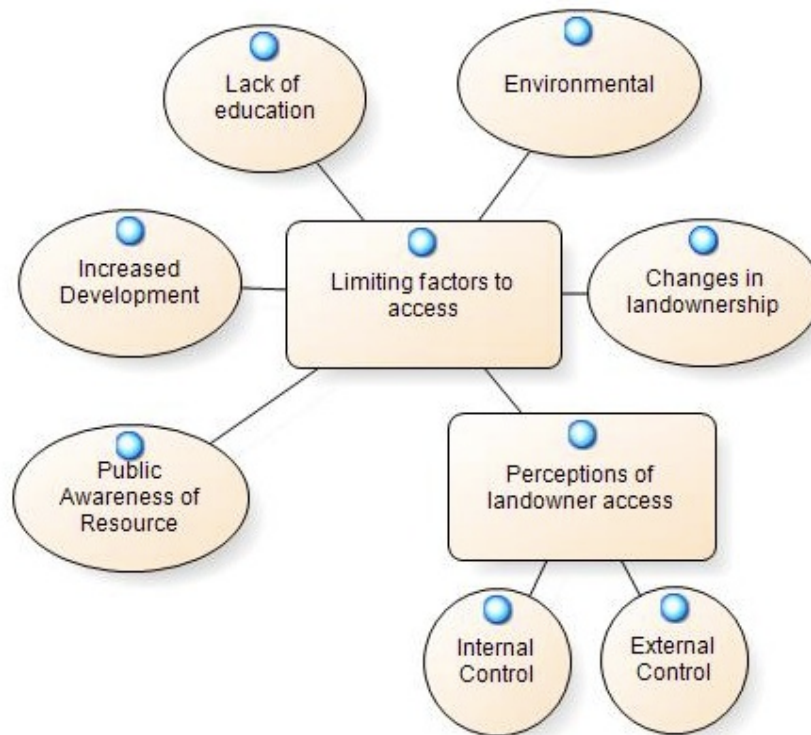
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APPENDIX A: LANDOWNER SURVEY INSTRUMENT

1. How long have you lived in Maine?
Are you a resident of Maine?
2. How long have you owned your property?
3. What made you decide to purchase property here?
4. Do you allow members of the public to access to your land? Why or why not?
5. What factors influence your decision to allow or deny access to your property?
6. Have you ever put conditions on utilizing your land? For example, allowing someone to harvest raspberries from your property, on the condition that they shared their bounty with you?
7. If you've never put conditions on using your land, would you ever consider doing so?
8. Are you familiar with the concept of "Maine's Open Land Tradition?" If so, when did you learn about it and how?
9. Do you think it is important to maintain Maine's traditions when it comes to allowing public access on private lands? Why or why not?
10. What are some "rules or guidelines" people should follow when they are utilizing private land (i.e. leave no trace, clean-up trash, etc.)?
11. How often, if ever, do you access land owned by others?
12. Could you explain your definition of public shoreland access?
13. Are you aware that some ethnic groups in Maine rely on certain plant species for cultural purposes?
14. Are you aware that some of these resources may only be found in certain locations and often on private property? Are you aware that some of these resources are culturally sensitive? In other words, for a variety of reasons members of ethnic groups may not want to disclose with you what they are gathering and why.
15. Would you allow someone to access your property, if it were for cultural purposes? If so, how should people go about asking permission (especially if the resource they are gathering is sensitive?
16. Do you have any issues with people gathering resources on your land that they would make a profit from? For example, persons gathering sea shells to make art that they sell?

17. Would you support legislation that requires members of the public to obtain written permission before they access your land? Why or why not?
18. Do you think that land sales in your region have increased? If so, are you worried about these sales?
19. Have you ever felt that development is changing community traditions and life ways?
20. How would you characterize public access to coastal lands in your area over the past 10 years?
21. Are you concerned about the future of public coastal access? Why or why not?
22. During the last five years, have you collected any plant, or coastal materials (i.e. mushrooms, berries, seaweed, grasses, etc.)?
23. During the last five years, have you collected any plant, or coastal materials (i.e. mushrooms, berries, seaweed, grasses, etc.)?
24. What types of materials are you gathering?
25. For what purpose are you gathering?
26. Do you use tree and plant materials to make products that you sell (i.e. jams, wreaths, home décor, etc.)?
27. Is there anything else you'd like to share about accessing public land or gathering?
28. Do you know of anyone else that might be interested in being interviewed, who I could contact?

APPENDIX B: MODEL DISPLAY



Model Display:

In conducting interviews about sweetgrass access, Wabanaki Citizens began to speculate what factors might limit their ability to access sweetgrass. I grouped the factors they identified into “internal” and “external” control categories. Internal control categories relate to Wabanaki beliefs about their own behavior that might limit access. For example, I asked one citizen if they had any negative encounters with landowners and they explained: *I am a nice person, so I tend to find nice people*” (Penobscot Citizen 10/5/14). It seemed as though the interviewee believed that their behavior and attitude were responsible for the type of gathering experience they had.

Conversely there are also “external” control categories that affect harvesting, which Wabanaki citizens attribute to forces beyond their control. For example, *“who has the right to this? They think that they own it and they pay for that. The European side of me says they own it and they pay tax for it, so they have rights to it. And then there’s the indigenous right that we*

were promised this-access to sweetgrass-there's a whole list of things that we were supposed to be provided by the state" (Passamaquoddy Citizen 10/3/14).

APPENDIX C: TIME MODEL

Tribal Affiliation	Time to Travel Site
Penobscot	6
Passamaquoddy	3

Time Model

Using a matrix-coding query, I compared tribal affiliation to time to travel site (in hours) and ordered the tribes based on the longest travel time. The results indicate that the Penobscot are traveling the farthest to access sweetgrass. There could be a variety of reasons for this, including their proximity to harvest sites. It was not uncommon for one Penobscot Citizen I interviewed to travel as far south as Portland, because they had permission to harvest: *“there’s a place in Portland. My friend knows those people in Portland, but Portland it such a long ride. And you still have to come home and clean it”* (Penobscot Citizen 10/3/14).

APPENDIX D: INFORMATION DISSEMINATION PLAN

In selecting a participatory action research (PAR) approach, it is important that the outcome of the project have tangible outcomes benefiting the participants. An information dissemination plan helps to ensure that the project meets the needs of Wabanaki Citizens.

Phase I (Control over Information and Community Engagement):

All interview transcripts and copies of the dissertation will be made available to each tribe. I will also submit copies of interview transcripts and a copy of the dissertation to the Maine Indian Basketmakers Alliance (MIBA). In addition, all Wabanaki participants will receive an electronic copy of the dissertation. Prior to publication, articles will be reviewed by Wabanaki participants to ensure that information contained in the articles meets the needs and expectations of Citizens. Access to this information, gives Citizens control over the data and ensures that information is used ways that benefit the tribes.

Becoming involved in aspects of the Wabanaki community has been a powerful experience. I hope to volunteer with Wabanaki communities on the Wabanaki Youth in Science (WaYs) Program. The summer camp, intended to integrate traditional knowledge with science, is a meaningful way to give back to the community and help with initiatives designed to advance indigenous perspectives in science fields. I have a variety of skills that I would be happy to share with the community in order to help the project into the future.

Phase II (Dialog and Collaboration):

The results of the research project, including implications, will be shared at meetings between Wabanaki Citizens and members of the land trust community. The purpose of these meetings is to facilitate a dialog about access to culturally significant species and to explore possible collaborations. Members of the land trust community expressed a genuine interest in

collaborating with Wabanaki Citizens in order to improve access. Possible partnerships could help preserve lands that are important to sweetgrass harvesters. The meetings will be scheduled at a time and location most convenient to collaborators. It is my hope that these meetings will lead to the development of processes and procedures that can be utilized for the preservation of culturally significant lands, which may be utilized by other organizations (i.e. the National Park Service) that are interested in collaborating with indigenous communities on access issues.

APPENDIX E: EXAMPLE OF PRIMARY DOCUMENTS/MEETINGS UTILIZED FOR RESEARCH¹⁰

I. Documents:

- Criteria worksheets provided by land trusts and volunteers. In many cases, criteria sheets are used to evaluate the conservation value (i.e. biodiversity, scenic beauty, etc.) of a property;
- Tideland coalition meeting minutes and outreach materials;
- Annual reports and strategic planning documents provided by various land trusts;
- Planning documents and zoning ordinances of various coastal communities;
- Blogs and websites maintained by landowner harvesters;

II. Meetings/Events:

- 2016 Maine Land Conservation Conference;
- River and coastal waters committee meetings (local government organization);
- Tideland coalition meetings (local government organization);
- Informative meetings with Maine Sea Grant personnel;
- Wabanaki basketry and craft shows;

¹⁰ Identifying information has been excluded to protect confidentiality. For example, the name of specific land trusts is not disclosed.

BIOGRAPHY OF THE AUTHOR

Amanda Ellis was born in Augusta, Maine on January 10, 1988. She was raised in Farmingdale, Maine and graduated from Hall-Dale High School in 2006. Amanda graduated from the University of Maine in 2010 with a Bachelor's of Art in History. She completed a Master's degree in environmental law and policy from Vermont Law School in South Royalton, Vermont. Amanda is a candidate for the Doctor in Philosophy degree in Forest Resources from the University of Maine in December 2016.