

## [EXTERNAL] Tribal Letter and Meeting Request Regarding Ongoing Alaska Salmon Crisis

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**From:** Erin C. Dougherty Lynch <dougherty@narf.org>  
**To:** secretary@ios.doi.gov  
**Cc:** Mellisa Johnson <director@beringseaelders.org>, tommy\_beaudreau@ios.doi.gov, bryan\_newland@ios.doi.gov, ann.bledsoedownes@sol.doi.gov, natalie.landreth@sol.doi.gov, raina\_thiele@ios.doi.gov, whcnaa@bia.gov, "Reese, Elizabeth A. EOP/WHO" <(b) (6)>, "Podesta, John D. EOP/WHO" <(b) (6)>, "Prabhakar, Arati EOP/OSTP" <(b) (6)>, "Mallory, Brenda EOP/CEQ" <(b) (6)>, "Goldstein, Miriam C. EOP/CEQ" <miriam.c.goldstein@ceq.eop.gov>  
**Date:** Fri, 07 Jul 2023 22:41:02 -0400  
**Attachments:** 2023 07 07 BSTC Letter to DOI re Salmon Crisis - Final.pdf (290.69 kB)

Dear Secretary Haaland,

Please find attached a letter from Tribes and Tribal Organizations in Western and Interior Alaska regarding the ongoing salmon crisis. Collectively these entities represent over 100 of Alaska's federally recognized Tribes.

Jaylene Wheeler, Executive Director of the Bering Sea Elders Group, is the point of contact for the meeting request in the letter. Ms. Wheeler's contact information is included and she is also cc'd here.

Thank for your time and warmest regards,

Erin Dougherty Lynch  
*Counsel to the Bering Sea Elders Group*

Erin Dougherty Lynch  
Managing Attorney – Alaska Office  
Native American Rights Fund  
745 W. 4<sup>th</sup> Avenue, Suite 502  
Anchorage, Alaska 99501  
907.276.0680  
>[www.narf.org](http://www.narf.org)<

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July 7, 2023

Secretary Deborah Haaland  
Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240  
[secretary@ios.doi.gov](mailto:secretary@ios.doi.gov)

Dear Secretary Haaland:

Quyana cakneq for visiting rural Alaska several weeks ago with the First Lady and Representative Peltola. We know that one of the issues that you heard about during your trip was the crisis that our tribal communities in Western and Interior Alaska are facing due to declining salmon runs. We are writing to ask for your help in bringing cohesion to the federal government’s response to this crisis.

**I. The Current Salmon Crash Has Resulted in Food Insecurity and Threatens Our Culture and Our Existence**

Alaska Native tribal communities live a subsistence way of life—we live off the land, the ocean, and the rivers, and our traditional waters have sustained us for millennia. The availability of salmon is particularly critical for our coastal and river communities, where more households report food insecurity than in other areas of the state and nation.<sup>1</sup> Over 100 Alaska Native tribal communities in our Western and Interior regions rely on salmon for the mainstay of our diet, but in recent decades, plummeting salmon stocks have resulted in repeated fishing closures and our nets, our tables, and our freezers have been empty. Salmon should be returning to our waters, yet we are entering another season of predicted poor runs. Our people—particularly those on the Yukon River—will not be able to fish for another year and the situation is dire.<sup>2</sup>

<sup>1</sup> CAROLINE L. BROWN, ET AL., ALASKA DEPARTMENT OF FISH & GAME, SUBSISTENCE HARVESTS IN 8 COMMUNITIES IN THE CENTRAL KUSKOKWIM RIVER DRAINAGE, 2009 369-70 (Jan. 2012) [hereinafter ADF&G REPORT]. Mean per capita incomes in the Yukon and Kuskokwim regions are about half that of Fairbanks or Anchorage, and even less when adjusted to account for the high cost of store-bought food. Robert J. Wolfe & Assocs., *People and Salmon of the Yukon and Kuskokwim Drainages and Norton Sound: Fishery Harvests, Culture Change, and Local Knowledge Systems*, AM. FISHERIES SOC’Y SYMPOSIUM 70, 353 (2009).

<sup>2</sup> On the Yukon River, for example, Chinook salmon have been on the decline since at least 2007; from 2018 to 2022, the average harvest was below the “Amounts Reasonably Necessary for Subsistence” designation. Deena M. Jallen et al., *Yukon River Salmon Stock Status and Salmon Fisheries, 2022: A Report to the Alaska Board of Fisheries*, ALASKA DEP’T OF FISH & GAME 3, 11 (Dec. 2022). See also Melanie Bahnke et al., *Western Alaska salmon numbers continue to fall—and that’s a serious threat to food security and indigenous cultures*, ANCHORAGE D. NEWS,

As you know, salmon are critical to our communities for reasons beyond nutrition—harvesting and sharing salmon is also at the core of our culture, traditional practices, and values.<sup>3</sup> Salmon are shared through inter- and intra-community networks, and fishing at fish camps provides an opportunity to share Traditional Knowledge and practices with each other and with our children.<sup>4</sup> These practices are central to the existence and food sovereignty of the Tribes in Western and Interior Alaska, and the loss of these opportunities is not compensable.

## **II. Current Federal Fisheries Management Structures Are Unable or Unwilling to Address the Salmon Crisis**

### **A. Tribes and Tribal Organizations Have Been Engaging in the North Pacific Fishery Management Council Process For Decades, Yet the Council Is Unwilling—and Has No Incentive—To Change the Status Quo**

The Magnuson-Stevens Act created the North Pacific Fishery Management Council (NPFMC) and provides it with a role in the management of federal fisheries in the federal ocean waters of Alaska. For years, the NPFMC has allowed commercial trawling vessels in the Bering Sea to take hundreds of thousands of our salmon as bycatch, which are discarded and wasted. The NPFMC continues to allow this bycatch to take place while our villages go hungry. The NPFMC is dominated by members who are employed by or are otherwise loyal to large, private commercial fishing interests, many of which are located out-of-state (and in some cases foreign-owned).

Tribes in Western and Interior Alaska have been requesting actions to protect important subsistence resources for years, but our requests have largely been ignored. Tribes and Tribal organizations have asked for a variety of solutions to protect our salmon including:

- Adopting meaningful caps on chum and chinook salmon bycatch;

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June 1, 2022, <https://www.adn.com/opinions/2022/05/31/opinion-western-alaska-salmon-numbers-continue-to-decline-rapidly-thats-a-serious-food-security-threat-and-a-threat-to-our-indigenous-cultures>.

<sup>3</sup> See KAISU & TERO MUSTONEN WITH THE PEOPLE OF UNALAKLEET, SNOWCHANGE COOPERATIVE, IT HAS BEEN IN OUR BLOOD FOR YEARS AND YEARS THAT WE ARE SALMON FISHERMEN: A BOOK OF ORAL HISTORY FROM UNALAKLEET, ALASKA, USA 32-35, 41-52 (2009), available at <http://www.snowchange.org/pages/wp-content/uploads/2014/07/Unalakleet.pdf> (describing changes in salmon fishing and the loss of opportunities to pass on cultural traditions); BRENDEN RAYMOND-YAKOUBIAN & JULIE RAYMOND-YAKOUBIAN, KAWERAK, INC., “ALWAYS TAUGHT NOT TO WASTE”: TRADITIONAL KNOWLEDGE AND NORTON SOUND/BERING STRAIT SALMON POPULATIONS (2015), available at <https://kawerak.org/wp-content/uploads/2018/04/TK-of-Salmon-Final-Report.pdf> (describing the interconnection between salmon and culture in the Norton Sound and Bering Straits regions). See also KUSKOKWIM RIVER INTER-TRIBAL FISH COMMISSION, KUSKOKWIM RIVER SALMON SITUATION REPORT 7 (Sept. 30, 2021) [hereinafter KRITFC REPORT], available at [https://www.kuskosalmon.org/s/FINAL-Kusko-Salmon-Situation-Report\\_to-print.pdf](https://www.kuskosalmon.org/s/FINAL-Kusko-Salmon-Situation-Report_to-print.pdf); Tribes have asked for salmon by-catch by factory trawlers to be reduced, and we have been denied. Tribes have asked for a disaster declaration, and we have been denied. We have engaged in consultation after consultation, but still nothing has been done to address the dire circumstances we are experiencing in Western and Interior Alaska. YUKON RIVER INTER-TRIBAL FISH COMMISSION, YUKON KING SALMON AND CHUM SALMON SITUATION REPORT 6 (Sept. 21, 2021) [hereinafter “YRITFC REPORT”].

<sup>4</sup> See KRITFC REPORT, *supra* note 3, at 7; YRITFC REPORT *supra* note 3, at 6; Wolfe *supra* note 1, at 367-74.

- Lowering the total allowable catch of groundfish, setting a moratorium on bottom trawling, creating buffer zones to protect salmon, and instituting time and area closures;
- Creating designated, voting Alaska Native Tribal seats on the NPFMC;
- Ensuring that any new appointments to the NPFMC represent tribal perspectives in Western Alaska;
- Following National Standard 2 regarding the use of best scientific information available with regard to Traditional Knowledge.

None of these measures has been adopted. We have been told by the NPFMC that if we attend meetings and participate in the process, the process will work. Yet year after year, our requests are formally heard by the NPFMC and then largely ignored.

### **B. Tribal Engagement with the Department of Commerce Has Had No Meaningful Results**

Although the Magnuson-Stevens Act vests the NPFMC with the authority to develop fishery management plans, the law reserves to the Department of Commerce, through the National Marine Fisheries Service (NMFS), the responsibility to review the NPFMC’s recommendations and potentially reject them.<sup>5</sup> Yet Tribes’ efforts with the Department of Commerce have met dead ends due to Commerce’s selective understanding of its powers and obligations.

Executive Order 13175 “requires Federal agencies to have an accountable process to ensure meaningful and timely input by tribal officials in developing policies that have tribal implications, and are responsible for strengthening the government-to-government relationship between the United States and Indian tribes.”<sup>6</sup> The Department of Commerce implemented a tribal consultation policy a decade ago,<sup>7</sup> which serves as the over-arching policy for all Commerce bureaus and agencies, including the National Oceanic and Atmospheric Administration (NOAA) and NMFS.<sup>8</sup> NOAA has its own policy,<sup>9</sup> and NMFS Alaska Region has issued its own guidance.<sup>10</sup> NOAA has long held the position that the NPFMC has no obligation to follow Executive Order 13175 and consult with Tribes.<sup>11</sup>

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<sup>5</sup> Magnuson-Stevens Act, § 304(a), 16 U.S.C. § 1854.

<sup>6</sup> Consultation and Coordination with Indian Tribal Governments, Executive Order No. 13175, 65 Fed. Reg. 67,249 (Nov. 9, 2000).

<sup>7</sup> Tribal Consultation and Coordination Policy of the U.S. Department of Commerce (May 21, 2013), <https://www.commerce.gov/sites/default/files/media/files/2013/tribal-consultation-final.pdf>.

<sup>8</sup> Tribal Leader Letter from Commerce Secretary Gina Raimondo (April 2, 2021), <https://www.commerce.gov/sites/default/files/2021-04/SGR-2021-Tribal-Leaders-Consultation.pdf>.

<sup>9</sup> NOAA 13175 Policy, NOAA Procedures for Government-to-Government Consultation With Federally Recognized Indian Tribes and Alaska Native Corporations (Nov. 12, 2013), <https://www.noaa.gov/sites/default/files/2021-11/NOAA-Tribal-consultation-handbook-2016.pdf>.

<sup>10</sup> NMFS—Alaska Region Tribal Consultation Process (May 23, 2019), <https://media.fisheries.noaa.gov/dam-migration/sf-akr-tribal-consult-process.pdf>.

<sup>11</sup> *Id.* at 2 (citing Tribal Consultation and Coordination Policy for the U.S. Department of Commerce, Comment 5 and Response, 78 Fed. Reg. 33,331, 33,332 (June 4, 2013)).

Instead, NMFS maintains that *it* will consult with Tribes on fisheries issues.<sup>12</sup> Yet these consultations have no meaningful role in federal fisheries management and are essentially performative:

- If NMFS holds a tribal consultation prior to the NPFMC taking up an issue, the feedback that NMFS receives from Tribes is not integrated into NPFMC processes. We are not aware of any instance in which a NMFS tribal consultation has impacted a NPFMC decision.
- The NPFMC sometimes makes decisions *before* NMFS holds a tribal consultation, making it impossible for tribal consultation to inform NPFMC deliberations.
- NMFS is by law the final decision maker on federal fisheries issues, yet no one can remember a time when tribal consultation impacted a decision by NMFS, or, more broadly, when NMFS overruled the NPFMC.

The third point above is critical. NMFS rarely, if ever, rejects any recommendation from the NPFMC. It simply does not happen. This is not a controversial statement as NMFS conceives of its own power as extremely limited, noting in its Tribal Consultation Process guidance that “the important policy decisions generally are made by the Council.”<sup>13</sup>

In short, tribal consultation does not play a role in Commerce’s management of Alaska’s salmon. Nor can it, since the agency with the responsibility to consult with Tribes about offshore salmon issues has no meaningful system in place to integrate tribal perspectives and Traditional Knowledge into offshore salmon management.

### **III. Inaction by the Department of Commerce Actively Impedes the Department of Interior’s Work and Trust Obligations**

“The trust responsibility consists of the highest moral obligations that the United States must meet to ensure the protection of tribal and individual Indian lands, assets, resources, and treaty and similarly recognized rights.”<sup>14</sup> The Department of Interior has long recognized its trust obligations towards Tribes and is the principal agency charged with maintaining the relationship between the federal government and Tribes.<sup>15</sup> “As instruments of the United States that make policy affecting Indian tribes and individual Indian beneficiaries,” all of Interior’s bureaus and offices “share the same general Federal trust responsibility toward tribes and their members.”<sup>16</sup> The trust responsibility owed to Alaska Tribes include “various responsibilities [that] impose fiduciary duties upon the United States,

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<sup>12</sup> *Id.* See also, Letter from Tribes and Tribal Organizations to Regional Administrator Jon Kurland and Science and Research Director Dr. Robert Foy detailing longstanding issues with NMFS’s approach to tribal consultation (Aug. 19, 2022), available at [https://www.npfmc.org/wp-content/PDFdocuments/CM/2022/083022/81922\\_BeringSea\\_NMFS\\_TribalConsultation.pdf](https://www.npfmc.org/wp-content/PDFdocuments/CM/2022/083022/81922_BeringSea_NMFS_TribalConsultation.pdf).

<sup>13</sup> NMFS—Alaska Region Tribal Consultation Process, *supra* note 10 at 2.

<sup>14</sup> Secretary of the Interior, Order No. 3335, Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries § 3(a) (Aug. 20, 2014) (citing Cohen’s Handbook of Federal Indian Law § 5.04[3] (Nell Jessup Newton ed., 2012); *Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942)).

<sup>15</sup> *Id.* at § 3(d).

<sup>16</sup> *Id.*

including the duties so to regulate as to protect the subsistence resources of Indian communities and to preserve such communities as distinct cultural entities[.]”<sup>17</sup>

Interior commits significant resources to working with Alaska Tribes to administer a wide range of programs that promote healthy ecosystems, support tribal self-determination, build strong tribal economies, and further the well-being of Alaska Native people.<sup>18</sup> *But how can Interior execute these programs and fulfill its trust responsibility when another arm of the federal government allows the destruction of a resource so central to our physical health, community wellness, subsistence economies, culture, spirituality, and identities as Alaska Native people?*

The loss of salmon has and continues to affect our Tribes and communities in multiple and compounding ways while Commerce stands by. *What is the point of the trust responsibility or of tribal consultation if both responsibilities nonetheless allow the federal agency with jurisdiction over a significant portion of the North Pacific salmon’s migratory range to mismanage the resource so critical to our communities’ existence that we are on left on the brink of famine?*

#### **IV. The Department of Interior Must Take a More Active Role in Addressing the Salmon Crisis**

The Biden Administration has released a great deal of new guidance related to the arctic, climate, tribal engagement, and environmental justice.<sup>19</sup> We are very appreciative of these policies as they address the need to consult, coordinate, and co-manage with Tribes and value our Traditional Knowledge. These policies acknowledge the federal government’s trust responsibility to our people and make commitments to advancing environmental justice and equity, climate resilience, and ocean protection. But the salmon crisis is a true test of these federal policies and strategies, and thus far they are largely just words on a page; the federal government remains siloed, which prevents meaningful application of these new policies in rural Alaska.

The Department of the Interior has a unique relationship with—and indeed, a unique obligation to—Alaska’s federally recognized Tribes. Because Interior is the primary federal agency charged with carrying out the United States’ trust responsibility, maintaining the government-to-government

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<sup>17</sup> *People of Togiak v. United States*, 470 F. Supp. 423, 425 (D.D.C. 1979).

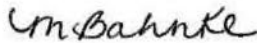
<sup>18</sup> See, e.g., Order No. 3335, *supra* note 14 at § 3(d).

<sup>19</sup> Tackling Climate Crisis at Home and Abroad, Exec. Order No. 14008, 86 Fed. Reg. 19 (Feb. 1, 2021); Memorandum from Council on Env’t Quality to Heads of Fed. Dep’ts & Agencies, Guidance for Federal Departments and Agencies on Indigenous Knowledge, EXEC. OFF. OF THE PRES. (Nov. 30, 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/12/OSTP-CEQ-IK-Guidance.pdf>; Memorandum on Tribal Consultation and Strengthening Nation to Nation Relationships, WHITEHOUSE.GOV (Jan. 26, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>; Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, Exec. Order No. 13985, 86 Fed. Reg. 7009 (Jan. 25, 2021); National Strategy for the Arctic Region, WHITEHOUSE.GOV (Oct. 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/10/National-Strategy-for-the-Arctic-Region.pdf>; Ocean Climate Action Plan, WHITEHOUSE.GOV (Mar. 2023), [https://www.whitehouse.gov/wp-content/uploads/2023/03/Ocean-Climate-Action-Plan\\_Final.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/03/Ocean-Climate-Action-Plan_Final.pdf); Revitalizing Our Nation’s Commitment to Environmental Justice for All, Executive Order 14096, 88 Fed. Reg. 25,251 (April 21, 2023).

relationship with Alaska's Tribes, and promoting and supporting our tribal self-determination, we write to ask for your help in bringing cohesion to the federal government's response to the salmon crisis. The federal government must approach the salmon crash from a whole-of-government approach, as every agency that has a footprint in the Bering Sea or that works in partnership with Alaska Tribes on the health and well-being of their communities has a part in addressing this crisis.<sup>20</sup> The Department of Interior must have a leadership role in this effort.

Salmon are central to the existence of our communities, and we need urgent action. We are requesting a meeting with you and/or Assistant Secretary of Indian Affairs Bryan Newland to discuss this further. Please reach out to Jaylene Wheeler at [director@beringseaelders.org](mailto:director@beringseaelders.org) or (907) 891-1229 to schedule this meeting as soon as you are able.

Sincerely,



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Melanie Bahnke  
President  
Kawerak, Inc.



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Vivian Korthis  
Chief Executive Officer  
Association of Village Council Presidents



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Brian Ridley  
Chief/Chairman  
Tanana Chiefs Conference



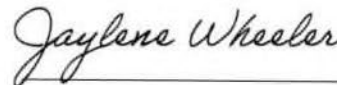
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Amos Philemonoff  
President  
Aleut Community of St. Paul Island



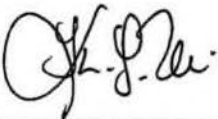
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Kevin Whitworth  
Executive Director  
Kuskokwim River Inter-Tribal Fish Commission



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Jaylene Wheeler  
Executive Director  
Bering Sea Elders Group



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Karma Ulvi  
Chair  
Yukon River Inter-Tribal Fish Commission

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<sup>20</sup> For example, earlier this month, the Northern Bering Sea Climate Resilience Area Bering Intergovernmental Tribal Advisory Council requested that the federal government work with Alaska Tribes to co-produce a Salmon Restoration Plan. Bering Intergovernmental Tribal Advisory Council's letter to President Biden and others, including the Department of the Interior, regarding the "Crisis in Western Alaska and Request for Salmon Rehabilitation Plan" (June 13, 2023).

Cc:

Tommy Beaudreau, Deputy Secretary, Department of the Interior, tommy\_beaudreau@ios.doi.gov

Bryan Newland, Assistant Secretary of Indian Affairs, Department of the Interior, bryan\_newland@ios.doi.gov

Ann Marie Bledsoe Downes, Principal Deputy Solicitor, Department of the Interior, ann.bledsoedownes@sol.doi.gov

Natalie Landreth, Deputy Solicitor, Department of the Interior, natalie.landreth@sol.doi.gov

Raina Thiele, Senior Advisor for Alaska Affairs & Strategic Priorities, Department of the Interior, raina\_thiele@ios.doi.gov

Anthony Morgan Rodman, Executive Director, White House Council on Native American Affairs, whcnaa@bia.gov

Elizabeth Hidalgo (Yunpovi) Reese, Senior Policy Advisor for Native Affairs, Domestic Policy Council, Executive Office of the President, (b) (6)

John Podesta, Senior Advisor for Clean Energy Innovation and Implementation, Office of Domestic Climate Policy, Executive Office of the President, (b) (6)

Dr. Arati Prabhakar, Director, Office of Science and Technology Policy, Executive Office of the President, (b) (6)

Brenda Mallory, Chair, Council on Environmental Quality, (b) (6)

Dr. Miriam Goldstein, Director of Ocean Policy, Council on Environmental Quality, miriam.c.goldstein@ceq.eop.gov

Bering Intergovernmental Tribal Advisory Council, by email to TAC Coordinator



## [EXTERNAL] Background Materials on ANWR Tribal Sacred Site

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**From:** Matthew Newman <mnewman@narf.org>  
**To:** "Pidot, Justin R. EOP/CEQ" <justin.r.pidot@ceq.eop.gov>  
**Date:** Tue, 05 Dec 2023 13:58:38 -0500  
**Attachments:** 2023-09-25 - Rogers Mack & Schnurr 2023 EO13007 and Sacred Place Where Life Begins.pdf (1.18 MB); 2023-12-01 - ANWR sacred sites cover letter - USFWS.pdf (95.81 kB)

Hi Justin,

Thanks again for our chat today on the proposed Tribal sacred site the Native Village of Venetie Tribal Government is proposing within the Arctic National Wildlife Refuge. Please find attached the background materials that I mentioned on the call. These materials have been submitted to both the U.S. Fish and Wildlife Service and the Bureau of Land Management.

Very best – Matt

Matthew N. Newman  
Senior Staff Attorney  
Native American Rights Fund  
745 West Fourth Avenue, Suite 502  
Anchorage, AK 99501  
(907) 276-0680



**ATTORNEYS**  
Erin C. Dougherty Lynch  
Matthew N. Newman  
Wesley James Furlong  
Megan R. Condon

# Native American Rights Fund

745 W. 4th Ave., Suite 502, Anchorage, AK 99501 (907) 276-0680 FAX (907) 276-2466

**EXECUTIVE DIRECTOR**  
John E. Echobawk

**MAIN OFFICE**  
250 Arapahoe Avenue  
Boulder, CO 80302  
(303) 447-8760  
FAX (303) 443-7776

**WASHINGTON OFFICE**  
950 F Street NW, Suite 1050  
Washington, D.C. 20004  
(202) 785-4166  
FAX (202) 822-0068

**WEBSITE ADDRESS**  
[www.narf.org](http://www.narf.org)

December 5, 2023

Martha Williams  
Director, U.S. Fish and Wildlife Service  
1849 C Street, NW  
Washington, DC 20240

Dear Director Willaims,

The Native Village of Venetie Tribal Government, the Arctic Village Council, and the Venetie Village Council submitted the attached memorandum to U.S. Fish and Wildlife Service and the Bureau of Land Management personnel on September 25, 2023. The memorandum identifies and outlines the existence of a Tribal Sacred Site within the Arctic National Wildlife Refuge's Coastal Plain pursuant to Executive Order 13007. The Tribes discussed the memorandum's contents with USFWS and BLM officials in formal government to government consultations which occurred in Venetie and Arctic Village on September 26 and 28, respectively.

Sincerely yours,



Matthew N. Newman  
Staff Attorney

## Porcupine Caribou Herd Calving Grounds Sacred Site

Dear US Fish and Wildlife Service:

With this letter, the sovereign governments of the Native Village of Venetie Tribal Government, Arctic Village Council, and Venetie Village Council (hereto after Tribes) are informing the US Fish and Wildlife Service (USFWS) that the Tribes have identified the core Porcupine Caribou Herd calving grounds as a Sacred Site under Executive Order (EO) 13007 Indian Sacred Sites (Federal Register Volume 61 No. 104:26771-26772). The Sacred Site is in the Arctic National Wildlife Refuge in northeast Alaska (Figure 1).

The Porcupine Caribou Herd Calving Grounds Sacred Site is one part of the Iizhik Gwats'an Gwandaii Goodlit (Sacred Place Where Life Begins). While all the Iizhik Gwats'an Gwandaii Goodlit is sacred to the Gwich'in, the Tribes recognize EO 13007 only applies to federal lands (EO 13007 Section 1(b)(i)). Furthermore, EO 13007 defines a Sacred Site as:

any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site. [EO 13007 Section 1(b)(iii)]

To meet the standards of EO 13007, the Tribes used BLM's "Seasonal Distribution of the Porcupine Caribou Herd May 26 – June 10 Calving Period" for just cows and calves based on 37 years of data<sup>1</sup>. While the entirety of the calving grounds are significant to the Tribes, they have narrowly delineated the Porcupine Caribou Herd Calving Grounds Sacred Site using only the area where  $\geq 40$ -percent of cows and calves are present during a two-week window for calving on federal land (Figure 2), which is discrete from the larger historical extent of the calving grounds. The Porcupine Caribou Herd Calving Grounds Sacred Site (approximately 1,595,259 acres) using the  $\geq 40$ -percent data is approximately 88.5-percent smaller than herd's maximum calving ground where  $< 20$ -percent of cows and calves are present during the two-week window (approximately 13,872,987 acres). The Porcupine Caribou Herd Calving Grounds Sacred Site is a specific and discrete location the Tribes have "narrowly delineated" through an 88.5-percent reduction in overall calving range based on 37-years of data<sup>2</sup>.

The Tribes describe the history and cultural significance of the calving grounds in the Sacred Place Where Life Begins this way:

"For thousands of years, the Gwich'in have depended on the animal for Physical, Cultural, Spiritual, Social and Economic means. The Gwich'in creation story tells of

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<sup>1</sup> BLM 2019 *Coastal Plain Oil and Gas Leasing Program Final EIS: Volume II: Appendices A, Map 3-28 Seasonal Distribution of the Porcupine Caribou Herd, Frame: Seasonal Distribution of the Porcupine Caribou Herd*. Electronic document, [https://eplanning.blm.gov/public\\_projects/nepa/102555/20003763/250004419/Volume\\_2\\_Appendices\\_A-R.pdf](https://eplanning.blm.gov/public_projects/nepa/102555/20003763/250004419/Volume_2_Appendices_A-R.pdf), accessed August 11, 2023.

<sup>2</sup> *ibid.*

## Porcupine Caribou Herd Calving Grounds Sacred Site

a time when animals had human characteristics, then there was a split between the animal and human...humans came to be. In the story it is said that Gwich'in came from the Caribou. There was an agreement between the two, from that time on the Caribou would retain a part of the Gwich'in heart and the Gwich'in would retain a part of the Caribou heart. In a spiritual sense the Gwich'in and Caribou are one, if there is harm to one, the other will also be harmed. Reliance on traditional and customary use (now termed "subsistence") of the Porcupine Caribou Herd is a matter of survival. Beyond the importance of our basic needs, the caribou is central to our traditional spirituality. Our songs and dances tell of the relationship that we have to the caribou. The caribou is a part of us.

When the herd nears a village on its annual migration to the Coastal Plain, the entire Gwich'in community prepares to harvest food for the year. During the harvest, the Caribou are also central to the social fabric of the Gwich'in. The Gwich'in use their vast store of traditional knowledge and take the opportunity to pass on that knowledge along with Gwich'in cultural values to the younger generation."<sup>3</sup>

We look forward to consulting with your agency on:

- 1) accommodating access to and ceremonial use of this sacred sites (EO 13007 Section 1(a)(1)); and
- 2) avoiding adversely affecting the physical integrity of this sacred site (EO 13007 Section 1(a)(2)).

Thank you and we look forward to hearing from you.

Sincerely,

 , and Sean Mack

Monty Rogers, Peter Schnurr, and Sean Mack  
Archaeologists and Owner  
[www.culturalalaska.com](http://www.culturalalaska.com)

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<sup>3</sup> Native Village of Venetie Tribal Government. 2013. "Izhik Gwats'an Gwandaii Goodlit" in United Nations Human Rights Committee 109<sup>th</sup> Session: Consideration of the Fourth Periodic Report of the United States of America Under Article 40 of the International Covenant on Civil and Political Rights Indigenous Peoples Consolidated Alternative Report. Electronic document, [https://www.iitc.org/wp-content/uploads/2013/11/ICCPR-IITC-Consolidated-Alternate-Report-FINAL-Corrected\\_web.pdf](https://www.iitc.org/wp-content/uploads/2013/11/ICCPR-IITC-Consolidated-Alternate-Report-FINAL-Corrected_web.pdf), accessed August 13, 2023.

Porcupine Caribou Herd Calving Grounds Sacred Site

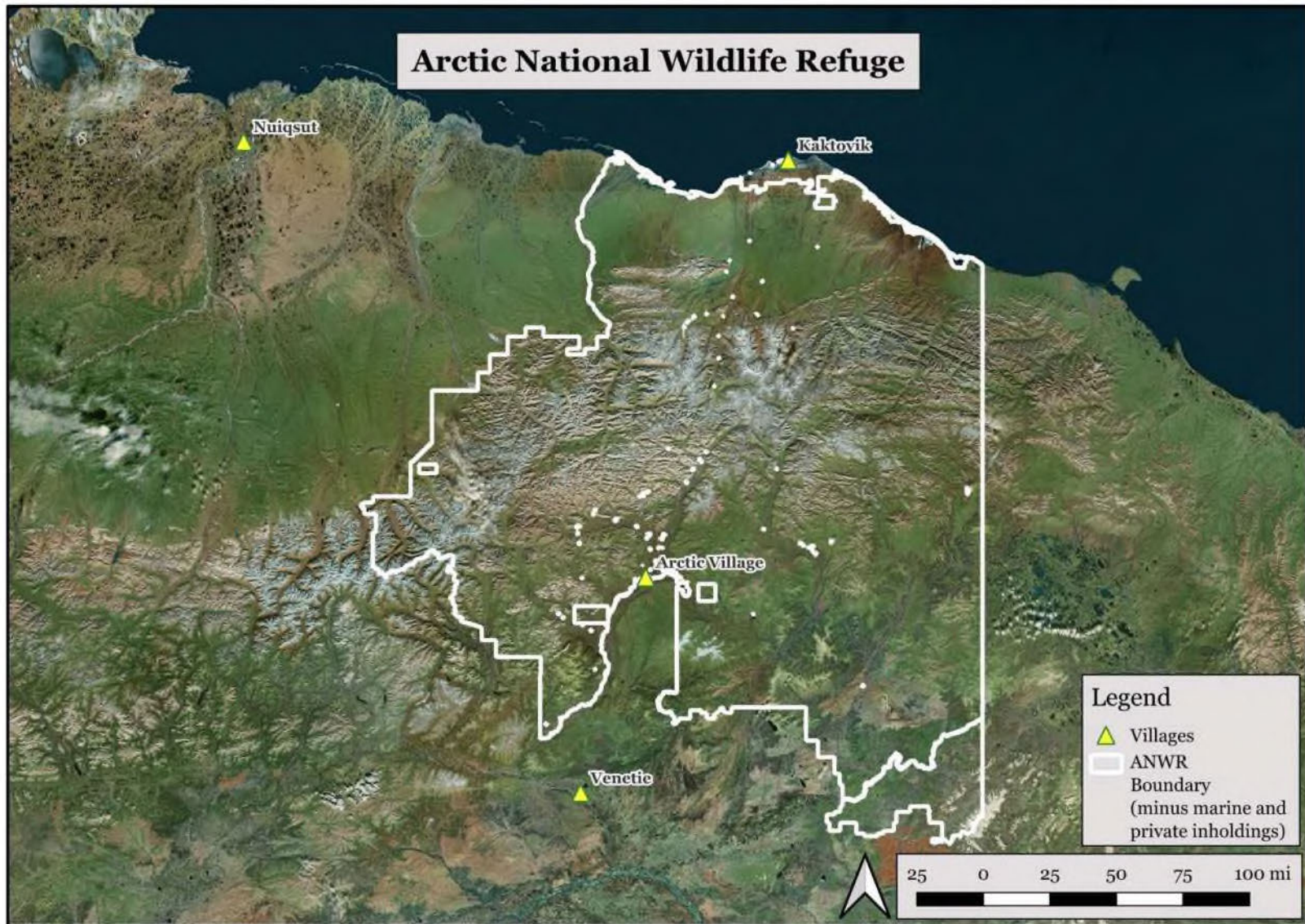


Figure 1: Arctic National Wildlife Refuge.

Porcupine Caribou Herd Calving Grounds Sacred Site

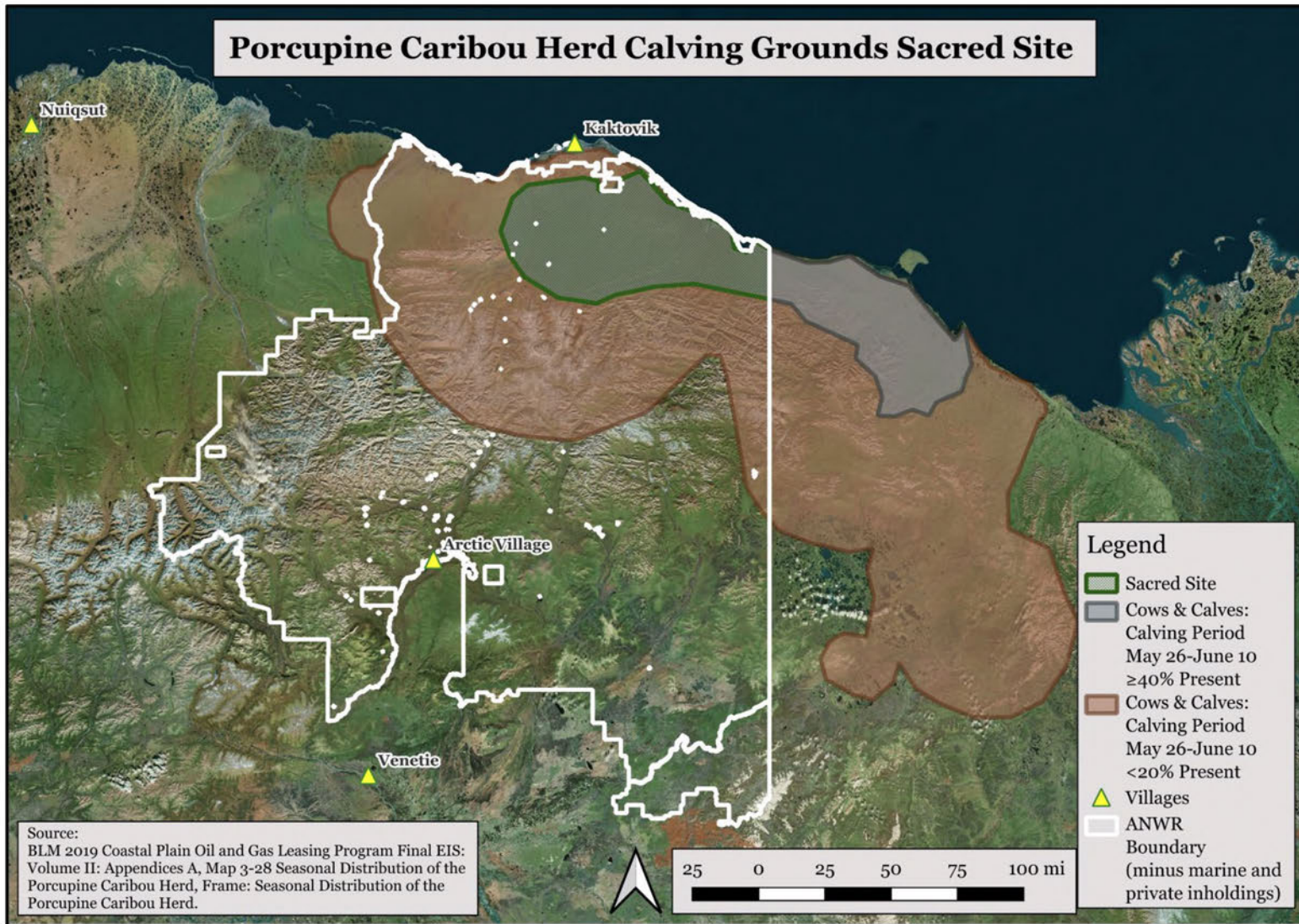


Figure 2: Porcupine Caribou Herd Calving Grounds Sacred Site

## RE: Agenda for WH/Partners Meeting

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**From:** "Schifeling, Deirdre A. EOP/WHO" <(b) (6)>  
**To:** mjawando@omidyar.com, "Maurice, Nathaly Arriola A. EOP/WHO" <(b) (6)>, robin@emersoncollective.com, bill@corridorpartners.com, "Ruiz, Emmy EOP/WHO" <(b) (6)>, sarah.knight@opensocietyfoundations.org, laleh.ispahani@opensocietyfoundations.org, micaela.fernandezallen@opensocietyfoundations.org, leah@waytowin.us, tory@waytowin.us, m.torres-springer@fordfoundation.org, nicole@waytowin.us, sarah@propelcapital.org, robb.gray@wkkf.org, drs889@gmail.com, matt@wyssfoundation.org, tom.perriello@opensocietyfoundations.org, heather@2hadvisors.com, jon@2hadvisors.com, chris@wyssfoundation.org, dmitri@investingin.us, nicole@thejusttrust.org, lizzy@impactual.com, jgoldman@democracyfundvoice.org, lflint@democracyfundvoice.org, scott@thesvf.org, anya@emersoncollective.com, vlabaton@jsoros.com, jsoros@jsoros.com, kathleen@corridorpartners.com, heather@corridorpartners.com, williams@omidyar.com, mkubzansky@omidyar.com, goldzim@gmail.com, jberkenfeld@oneoneventures.com, ashley@impactual.com, "Chiu, Rachel I. EOP/WHO" <(b) (6)>, tperry@omidyar.com, bkettenring@hewlett.org  
**Cc:** "Mirza, Asma Y. EOP/WHO" <(b) (6)>, "Kieve, David K. EOP/CEQ" <david.k.kieve@ceq.eop.gov>, "Vail, Justin W. EOP/WHO" <(b) (6)>  
**Date:** Fri, 10 Dec 2021 11:49:08 -0500

Reminder of the zoom link:

(b) (6)

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**From:** Schifeling, Deirdre A. EOP/WHO  
**Sent:** Friday, December 10, 2021 11:00 AM  
**To:** 'mjawando@omidyar.com' <mjawando@omidyar.com>; Nathaly A. EOP/WHO Maurice (b) (6) <(b) (6)>; 'robin@emersoncollective.com' <robin@emersoncollective.com>; 'bill@corridorpartners.com' <bill@corridorpartners.com>; Ruiz, Emmy EOP/WHO <(b) (6)>; 'sarah.knight@opensocietyfoundations.org' <sarah.knight@opensocietyfoundations.org>; 'Laleh.ispahani@opensocietyfoundations.org' <Laleh.ispahani@opensocietyfoundations.org>; 'micaela.fernandezallen@opensocietyfoundations.org' <micaela.fernandezallen@opensocietyfoundations.org>; 'leah@waytowin.us' <leah@waytowin.us>; 'tory@waytowin.us' <tory@waytowin.us>; 'm.torres-springer@fordfoundation.org' <m.torres-springer@fordfoundation.org>; 'nicole@waytowin.us' <nicole@waytowin.us>; 'Sarah@propelcapital.org' <Sarah@propelcapital.org>; 'Robb.Gray@wkkf.org' <Robb.Gray@wkkf.org>; 'drs889@gmail.com' <drs889@gmail.com>; 'Matt@wyssfoundation.org' <Matt@wyssfoundation.org>; 'tom.perriello@opensocietyfoundations.org' <tom.perriello@opensocietyfoundations.org>; 'heather@2hadvisors.com' <heather@2hadvisors.com>; 'jon@2hadvisors.com' <jon@2hadvisors.com>; 'chris@wyssfoundation.org' <chris@wyssfoundation.org>; 'Dmitri@investingin.us' <Dmitri@investingin.us>; nicole@thejusttrust.org; lizzy@impactual.com; 'jgoldman@democracyfundvoice.org' <jgoldman@democracyfundvoice.org>; 'lflint@democracyfundvoice.org' <lflint@democracyfundvoice.org>; 'Scott@thesvf.org' <Scott@thesvf.org>; 'anya@emersoncollective.com' <anya@emersoncollective.com>; 'vlabaton@jsoros.com' <vlabaton@jsoros.com>; 'jsoros@jsoros.com' <jsoros@jsoros.com>;

'kathleen@corridorpartners.com' <kathleen@corridorpartners.com>;  
'heather@corridorpartners.com' <heather@corridorpartners.com>; 'twilliams@omidyar.com'  
<twilliams@omidyar.com>; 'mkubzansky@omidyar.com' <mkubzansky@omidyar.com>;  
'goldzim@gmail.com' <goldzim@gmail.com>; 'jberkenfeld@oneoneventures.com'  
<jberkenfeld@oneoneventures.com>; 'ashley@impactual.com' <ashley@impactual.com>;  
Rachel.I.Chiu (b) (6); 'tperry@omidyar.com' <tperry@omidyar.com>;  
'bkettenring@hewlett.org' <bkettenring@hewlett.org>  
**Cc:** Mirza, Asma Y. EOP/WHO <(b) (6)>; David K. EOP/CEQ Kieve  
(David.K.Kieve@ceq.eop.gov) <David.K.Kieve@ceq.eop.gov>; Vail, Justin W. EOP/WHO  
<(b) (6)>  
**Subject:** Agenda for WH/Partners Meeting

Hi All:

Looking forward to talking today at 12pm – we have a packed agenda (below). Let me know if there are other items you would like to discuss. Thanks – talk to you soon –

Deirdre

Agenda

12:00	Welcome (Deirdre)
12:00- 12:05pm	Quick update on Infrastructure Implementation (Asma Mirza, Deputy for
Implementation	Management )
12:05- 12:15pm	Update and state of play on BBB, inflation (Deirdre)
12:15 – 12:20pm	Update on Sustainability Executive Order (David Kieve, Council on
Environmental Quality)	
12:20 - 12:25pm	Synopsis of Summit on Democracy and next steps (Justin Vail, Domestic
Policy Council)	
12:25 – 12:30pm	Open Mic/Closing