

Testimony of
Chief Galen Gilbert

First Chief of the Arctic Village Council

Before the House Subcommittee on Energy
and Mineral Resources

On **H.R. 1146**

*Arctic Cultural and Coastal Plain
Protection Act*

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I. INTRODUCTION

My name is Galen Gilbert and I am the First Chief of the Arctic Village Council, a federally recognized tribe. I am the son of Brenda Gilbert and the late Gregory Gilbert and the grandson of Rev. Trimble and Mary Gilbert; Alan and the late Margaret Tritt of Arctic Village. I am 30 years old and have lived in Arctic Village all of my life. Arctic Village is one of two Neets'ąjį Gwich'in villages located on the former Venetie Indian Reserve, a 1.8 million acre land base that our Tribal Government now owns in fee simple.

Before I begin my full testimony today, I would like to thank the Chair and the Committee for hosting me today in Washington, D.C. It is a long way from Arctic Village to here and I greatly appreciate the hospitality you all have shown me and my fellow panelists. I would also like to recognize the presence of my fellow Chiefs here today: Chief Dana Tizya-Tramm of the Vuntut Gwitchin First Nation and Chief/Chairman Victor Joseph of the Tanana Chiefs Conference.

At the outset, I would like to state the position of my Tribal Government on this issue: we unequivocally oppose the proposed oil and gas leasing program set out in the Tax Cuts and Jobs Act of 2017. The Coastal Plain of the Arctic National Wildlife Refuge is one of the most important natural, cultural, and subsistence resources to our Tribe and to the Gwich'in people as a whole. This is reflected in the Gwich'in name for the Coastal Plain: Izhik Gwats'an Gwandaii Goodlit, or "the sacred place where life begins". Oil and gas development in this area is wholly incompatible with the Gwich'in worldview. The caribou that calve within the Coastal Plain are the primary source of our Tribal members' subsistence harvests—the keystone species that has made it possible for us to live within our traditional areas from time immemorial to the present. Any impacts to those animals, from changes in migration patterns, lower fertility rates, and/or loss of habitat, will be felt by the Neets'ąjį Gwich'in in Arctic Village and Venetie.

II. THE NEETS'ĄJĀ GWICH'IN

The term "Neets'ąjį Gwich'in" refers to the descendants of those families who traditionally occupied the territory south of the Brooks Range between the Chandalar and Coleen Rivers. The Neets'ąjį are a subset of the larger Gwich'in Nation whose territory extends from what is now known as the northeastern Interior of Alaska to the Yukon and Northwest Territories of Canada. The term "Gwich'in" refers generally to a people; however, when coupled with place-name identifiers, it literally translates to the people of a certain location. At present, the Gwich'in occupy twelve villages located along the Yukon, Chandalar, Porcupine, Black, Arctic Red, Mackenzie, and Peel Rivers and their tributaries.

The experiences of the Neets'ąjį Gwich'in, as compared to other Alaska Native groups, are unique in some important respects. Most notably, the Neets'ąjį hold fee simple title to 1.8 million-acres and have rejected both municipal governments and Native corporation structures. Today, the communities of Arctic Village and Venetie are independently governed by their respective Tribal governments, the Arctic Village Council and the Venetie Village Council. The land base is jointly managed by a third Tribal entity, the Native Village of Venetie Tribal Government.

For most of our history, Neets'ąjį people lived in scattered camps moving in relation to seasonal resources. Traditional housing models such as *neevyaa zhee* (caribou skin tents) and, later, canvas tents were designed to be transportable enabling families to move between customary use areas. Life in those days cycled through periods of abundance and scarcity. A prominent theme of our oral history is the struggle against starvation. Each season posed unique challenges that often required Neets'ąjį families to continually evaluate and adjust their plans. Sometimes this meant camping together and other times apart. Sometimes it meant moving to areas that were known to be productive in terms of harvesting and other times it meant taking calculated risks in terms of where and when to move.

The pattern of life for Neets'ąjį people in a pre-settlement context generally followed the four seasons: *shin* (summer-time), *khaiits'ą'* (fall-time), *khaii* (winter-time), and *shreenyaa* (spring-time). Not all camps followed the same patterns of movement. Different families had their own customary use areas for hunting, trapping, and fishing. While most families operated from a seasonal blueprint, plans had to be continually adjusted to account for changes in weather, resource availability and other external factors.

Around the turn of the twentieth century, certain locations became more prominent in terms of supporting several Neets'ąjį families at a given time. Arctic Village (or *Vashraqjį K'qo* as it is known in Gwich'in meaning "creek along a steep bank") was a traditional fishing spot which later was strategically chosen as a site for a permanent settlement due to the supply of both animals and fish. Venetie (or *Vjįhtqjį*) was similarly chosen due to the regular crossing of moose, caribou, and other migrating animals. The first cabin constructed in Arctic Village occurred in 1909 however many years would pass before the community became a year-round place of residence. Most Neets'ąjį families continued to maintain seasonal camps or traplines along the Koness, Sheenjek, Wind and other rivers.

Since contact, the traditional territory of the Neets'ąjį Gwich'in has been threatened by numerous forces including encroachment, ownership transfers, and resource extraction. In a (post)colonial context, the Neets'ąjį Gwich'in have frequently found themselves to be in value-conflict with others, particularly on issues relating to the use and management of lands and resources.

III. OUR CONNECTION TO IZHİK GWATS'AN GWANDĀI GOODLIT

The living history of the Neets'ąjį Gwich'in is embedded within *googwandak* (our stories) that have been passed down between generations for as long as anyone can remember. Gwich'in people, in general, are natural storytellers, and for many decades outside researchers have busied themselves with documenting our stories, traditions, hardships, and ways of life that seemed to them to be quickly disappearing. The existing literature on the Neets'ąjį Gwich'in has overwhelmingly been dominated by non-Gwich'in authorship, and the outcome has been mixed. Though some of the literature offers interesting insights into Neets'ąjį culture and experiences post-contact, it invariably requires critical reading and careful consideration of the author, their intended audience, and the extent to which Neets'ąjį people were involved in the co-creation of documented knowledge. It is from *googwandak* that the Neets'ąjį Gwich'in have come to know

the meaning of Izhik Gwats'an Gwandaii Goodlit, what you call the "Coastal Plain" or the "1002 area".

"We have always, for countless generations, governed our own people our own Indian way, according to Gwich'in traditional customs."¹ Our way of life is based on a unique relationship with the land. We are a people of place with extraordinarily strong ties to our traditional territory and are guided by a desire to exercise stewardship over the places our ancestors called home.² We must care for and respect the land and animals given to us by the Creator and left for us by our ancestors.³ According to our elder Gideon James, "The very purpose of [the Native Village of Venetie] tribal government was for the tribe to maintain control over their land and water and to be able to continue to practice their spiritual and cultural activities."⁴

We have always regarded Izhik Gwats'an Gwandaii Goodlit as sacred and important. It has historical significance as a place where Gwich'in have traveled, camped, hunted, and traded since time immemorial. Today, we avoid Izhik Gwats'an Gwandaii Goodlit to reduce the chances of disrupting caribou calving and to ensure future successful harvesting. It continues to be associated with our cultural practices and belief system and is important to maintaining our cultural identity. Our cultural identity as caribou people is intertwined with the Porcupine Caribou Herd's calving areas in the Coastal Plain. Development in the Coastal Plain constitutes a direct attack on Gwich'in culture. Proposed oil and gas development in the Coastal Plain is already negatively impacting us through stress and fear for our way of life and cultural identity.

"We are the caribou people since the beginning of time."⁵ The caribou that calve on the Coastal Plain are the primary source of our Tribal members' subsistence harvests—the keystone species that has made it possible for us to live within our traditional homelands for countless generations. Caribou form the backbone of Gwich'in life and culture, providing for the physical, cultural, and spiritual health and well-being of our Tribal members. We adhere to the traditional laws and practices surrounding the stewardship of resources, which emphasize respect and relational accountability for all life forms.⁶ We take care of the caribou because we need them. It is our responsibility to provide for the needs of present and future generations. "[W]hat we do is not really for us but for our children's and our grandchildren's futures."⁷

Our way of life is dependent on the Porcupine Caribou Herd, including our reliance on caribou for subsistence. The act of harvesting and providing traditional subsistence resources has positive psychological health benefits both at the individual and community levels. Hunting, fishing, picking berries, and other land-based traditions hold mental, social, and emotional benefits that

¹ Arctic Village Council, *Nakai' t'in'in: "Do It Yourself!" A Plan for Preserving the Cultural Identity of the Neets'aiti Gwich'in Indians of Arctic Village*, 36 (1991).

² Charlene Barbara Stern, *From Camps to Communities: Neets'aiti Gwich'in Planning and Development in a Pre- and Post-Settlement Context* 118 (2018).

³ Arctic Village Council, *supra*, at 33.

⁴ Arctic Village Council, *supra*, at 45.

⁵ BLM, Transcript, *Coastal Plain Oil and Gas Leasing Program EIS Public Scoping Meeting: Arctic Village, Alaska* 49 (May 24, 2018) (statement of Jewels Gilbert).

⁶ Stern, *supra*, at 121.

⁷ Arctic Village Council, *supra*, at 38.

extend far beyond the actual harvest.⁸ Our subsistence resources and practices are an essential component of our relationships with one another. Our people share among each other and help out those in need. Sharing reinforces our kinship ties with family and the community. For example, during community potlatches it is common knowledge among our people that elders are the first to be served food. Similarly, when boys harvest their first *vadzaih* (caribou) or *dinjik* (moose), families know to distribute the meat around the community. Any impacts to caribou and the other migratory animals that depend on the Coastal Plain, will have significant adverse social, cultural, spiritual, and subsistence impacts on our Tribes and Tribal members.

“We will oppose any efforts by outsiders, which we believe threatens our land, our animals, or our traditional way of life.”⁹ Oil and gas development in the Coastal Plain is wholly incompatible with the Gwich’in worldview. Our identity, culture, and way of life are at stake. Like our ancestors, we will never give up. We will never stop fighting to protect the Coastal Plain, the animals that depend on it, and our way of life.

Izhik Gwats’an Gwandaii Goodlit is not only a place of birth, it is also a place of peace. My great-grandmother was Maggie Gilbert. She passed on the story to my grandfather Trimble of our ancestor Dajalti’, who was a leader of our people long ago. During a conflict between the Neets’ajj and the Iñupiat, Dajalti’ led the Neets’ajj north over the Brooks Range into what we now call Izhik Gwats’an Gwandaii Goodlit. From there, Dajalti’ and his people made camp, and he struck out to the coast alone to meet with the Iñupiat. At their meeting, Dajalti’ met the Iñupiaq leaders and they made an end to the war. Our stories tell us this is the last time there was conflict between the Neets’ajj and the Iñupiat. All of this occurred in the land you now call the Coastal Plain.



Dajalti’ makes a speech to thousands of Eskimos on the Arctic Coast to end the war (Illustration by Kathy Tritt)

⁸ Stern, *supra*, at 119.

⁹ Arctic Village Council, *supra*, at 33.

IV. OUR EXPERIENCE IN THE BLM'S NEPA PROCESS

When the Bureau of Land Management (BLM) initiated its review process under the National Environmental Policy Act (NEPA) last year, our Tribes made a controversial decision: our Councils agreed we would each become “cooperating agencies” in the NEPA process. We made this choice, not to support the development of oil and gas in the Refuge; an outcome that our Tribes unequivocally oppose. Rather, we sought to sit at the table as equals with the BLM to provide a direct link between the agency and the Tribes so that the BLM’s Draft Environmental Impact Statement (DEIS) would be the kind of comprehensive and thorough report that our people deserve. That was not, however, our experience in this process.

At the outset, the BLM’s review process was destined to be inadequate. This was a self-inflicted injury by the agency itself by laying out a timeline for completion that is unparalleled in Alaska. Our Tribes continually expressed our concerns about the BLM’s compressed timeline for completing this DEIS, and routinely advised the agency that the speed at which it was working was undermining the integrity of the NEPA process and creating significant barrier to our Tribes’ meaningful participation. Despite our Tribes’ good faith participation in this process, the BLM has consistently rebuffed the Tribes’ substantive comments and concerns. The DEIS’s wholly inadequate analysis of the proposed leasing program’s impacts on cultural and subsistence resources reflects the BLM’s continued failure to adequately consider and address our Tribes’ concerns.

One potentially positive note in this process, was the BLM’s willingness to fund our Tribes’ effort to translate sections of the DEIS into written Gwich’in. In our villages, our Native language is still widely spoken and read, and indeed for many, English is their second language. However, the BLM’s priority focus on completing this process as quickly as possible once again hindered any possibility of Tribal success. In order to fund this project, the BLM had to establish a section 638 self-governance contract with my Tribe. This contracting process takes time, especially when there is, as was the case here, no prior contracting relationship between the federal agency and the tribal government. Between the lengthy bureaucracy and the recent government shutdown, the funding for the translation effort did not make it to the Tribes until late January 2019, well into the BLM’s comment period for the DEIS. Because of the delay in funding, the Tribes were unable to translate the entire draft environmental impact statement, and the translation of selected sections of the DEIS was not available until March 10, 2018—three days before the DEIS comment deadline.

During the shutdown, the Tribes requested that the BLM extend the comment period to provide sufficient time to produce an accurate and understandable translation. The Tribes also informed the BLM that not extending the comment period to provide sufficient time for translation would severely hinder the participation of tribal members and other Gwich’in people who speak Gwich’in as their first language. The BLM ignored the Tribes’ requests. The BLM’s decision to continue to work on the DEIS during the government shutdown—but to not provide timely funding for translators or additional time for translation—disenfranchised tribal members and other Gwich’in people from the public comment process. Funding the translation efforts while

simultaneously not providing adequate time to translate the DEIS demonstrates, in my view, how the BLM views trust responsibility to our Tribes.

Finally, while BLM officials did commit to and attend government-to-government “consultations” in Arctic Village and Venetie, I want the Committee to understand these sessions did not live up to our expectations as Tribal Nations and did not live up the federal government’s trust responsibilities to Tribes. Rather, these sessions consisted of BLM representatives and their consultants arriving in the village and meeting with the Councils for what was essentially a “listening session.” Questions asked by Council members often went unanswered, information presented by the agency was little more than information previously available to the public, and little if any of our Tribes’ requests were followed up on by the agency. Our Tribes provided literature, posters, and other documents at these meetings for the BLM and their consultants to review, however they did not review them even after our elders reminded them of the importance of this information. Our Tribes’ have come to view these “consultation” sessions as mere “box-checking” exercises by the agency. It seems to me that the BLM measures the effectiveness of government-to-government consultation in terms of quantity not quality. That is not, in anyway shape or form, how the trust responsibility should work.

V. CONCLUSION

In closing, I would like to thank the Committee again for inviting me to testify today. I must share that this has not been easy for me to do. I have three small daughters back home as well as the rest of my family and my village. It is hard to come all this way and to talk about this issue. But, I am doing it for my people and that makes it all worth it. Izhik Gwats’an Gwandaii Goodlit is not just a place on a map for our people. It is the foundation for our entire way of life back home. From it, we have our caribou, our stories, and our identity. For our Tribes, this is not just an issue of conservation verses development. We just do not see it that way. For us, this is about our desire as a tribal people to continuing living a way of life that we chose for ourselves. We chose to settle where we did because we knew that is where the caribou go. We established our reservation to ensure we would keep that land. We did not participate in the Alaska Native Claims Settlement Act of 1971 because we wanted to continue being Tribal land owners. And today, we want to carry on that legacy by protecting the place that provided for our people throughout our history: Izhik Gwats’an Gwandaii Goodlit. No one, from any walk of life, has the right to deny our people the right to be who we are or believe what we believe. Izhik Gwats’an Gwandaii Goodlit is not just the sacred place where caribou life begins. It is the sacred place where all life, including the lives of the Neets’ąjį, begin. And we will never stop in our effort to protect it.

Mashhi’ Cho (Thank you).