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March 14, 2024

Stephanie Sfiridis  
Acting Director, Office of Federal Acknowledgment  
Office of the Secretary  
Attention: Office of Federal Acknowledgment  
Mail Stop 4071 MIB  
1849 C Street NW  
Washington, DC 20240

Re: Southern Sierra Miwuk Nation, Petitioner No. 082

Dear Ms. Sfiridis:

On December 6, 2023, the Southern Sierra Miwuk Nation (herein after “SSMN” or “Tribe”) submitted their response to the Proposed Finding against federal acknowledgment entered by the Assistant Secretary-Indian Affairs (“AS-IA”) on November 16, 2018 (“Response”). During the public comment period on the Proposed Finding, as extended multiple times (most recently extended to December 6, 2023), interested third parties and the public were entitled to submit comments expressing their views of the Proposed Finding.

By transmittal letter dated January 10, 2024, the Acting Director of the Office of Federal Acknowledgment (OFA), provided the SSMN a flash drive containing public comments received on the Proposed Finding during the period from November 16, 2018, through December 6, 2023, and advised the Tribe that, pursuant to the 25 C.F.R. §83.10(k) (1994), it would have a 60-day period, until March 15, 2024, in which to respond to the public comments. The following is the SSMN’s response to the public comments.

Three hundred fifteen (315) public comment letters were provided to the Tribe via the OFA’s transmittal letter and accompanying flash drive.<sup>1</sup> While the majority of public comment letters appeared on the January 10, 2024, thumb drive, twelve (12) persuasive letters of support were missing.<sup>2</sup> Of the several hundred public comment letters submitted over five (5) years, none were submitted in opposition to federal acknowledgment of the Tribe and all letters, with

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<sup>1</sup> Three hundred fifteen separate documents were delivered to the Tribe on January 10, 2024 with pink contact paper separating each submission. When a form letter in support of SSMN was submitted, the letters were often grouped together. In the January 10, 2024 thumb drive sent by the OFA, there were also several instances of duplicate letters appearing multiple times on the thumb drive. The three hundred fifteen figure represents the number of separate letters, regardless of whether the document was sent in duplicate or was combined with other form support letters.

<sup>2</sup> A thorough review of the January 10, 2024 thumb drive sent by the OFA, the FOIA document releases by OFA, and copies of public comment letters mailed to the Tribe, revealed that twelve letters were missing from the final OFA account of comments. The twelve missing letters were submitted in the Tribe’s December 6, 2023, narrative response. The details of the twelve missing letters appear in Appendix A (attached).

the exception of two, were unambiguously supportive of the Tribe's pursuit of recognition.<sup>3</sup> To facilitate our analysis of the substance of these many letters we have loaded all the public comment letters provided by OFA onto in a database in a manner that allows the SSMN to link or associate selected comment letters to specific facts or arguments presented by the Tribe in its December 6, 2023 Response to the Proposed Finding. To accomplish this, we have used a handwritten, four-digit code that OFA had inserted at the bottom right-hand corner of each letter's first page. This code, in addition to the commenter's name, is followed by a bracket noting where the letter is located on the digital copy of the letters provided by the OFA. As such, a reference to a letter by John Doe would appear as:

Example: #00-00 John Doe [2019 P1, pg. 1], with the bracketed information showing where the digital file is stored on the flash drive.

In the following discussion, comment letters will be cited in the above format in support, as appropriate, of specific arguments and facts included in the Tribe's Response to the Proposed Finding.

**I. The public comment letters reveal significant concerns regarding lack of transparency and fairness in the Federal acknowledgement process.**

Public comments from former U.S. Senator Dianne Feinstein, the Director of the Peabody Institute of Archaeology, Tribal leaders and various community members and other SSMN supporters all express concerns over the lengthy delays in OFA's responses to the Tribe's FOIA requests, the burdensome process the SSMN has undergone for recognition, and the possible inconsistencies between the Proposed Finding and the OFA's professional and peer review standards.<sup>4</sup> Below are two examples of public comments raising such concerns.

Kevin Day, Tribal Chairman of the Tuolumne Band of Me-Wuk Indians writes:

*We have reviewed the letter sent by Aldo Salerno, Ph.D. who worked in the Office of Federal Acknowledgement from 2011-2017. He has some very strong points that deserve to be looked into. He states that you cannot issue a finding on only a portion of the criterion as you have.*<sup>5</sup>

Ryan Wheeler, Ph.D., Director and Instructor at the Peabody Institute of Archaeology, expresses similar concerns when he writes:

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<sup>3</sup> Of the three hundred fifteen public comment letters delivered to Tribe on January 10, 2024, only two letters were not explicitly supportive of the Tribe's petition. The first letter was sent by Jimmy L. Gutierrez, General Counsel for California Cities Gaming Authority, who requested notice of action pertaining to the petition (#NA Jimmy L. Gutierrez [2021 pg. 28]). The second letter was sent by David Mowry who mistakenly sent a request for BIA's acknowledgement of his California Indian ancestry to OFA (#02-06 David Mowry [2019 P3, pg. 92]).

<sup>4</sup> #NA Dianne Feinstein [2021 pg. 26]; #11-41 Heather Bernikoff [2019 P1, pg. 67]; #11-30 Bryce & Cristina Johnson [2019 P2, pg. 2]; #04-28 Ryan J. Wheeler, Ph.D. [2021 pg. 122]; #05-45 Dana S. Hallett [2021 pg. 75]; #02-10 Kevin Day [2020 pg. 124]; #11-44 Nadine Pourier Blumeshine [2019 P1, pg. 71]; #01-09 Jason Schmidt [2020 pg. 136]; #NA Flint McGrath [2022 pg. 163]; #NA Heather Van Der Grinten [2022 pg. 312]; #NA Irene Vasquez [2023 pg. 13]; #NA Tom McClintock [2023 pg. 94]; and #NA Raul M. Grijalva, et al. [2023 pg. 179].

<sup>5</sup> #02-10 Kevin Day [2020 pg. 124].

*I also had the opportunity to read the letters submitted to your agency by former employees Aldo Salerno, Mark Nicholas, and Gordon Schoepfle, which address issues with the negative decision regarding federal recognition. I would add to those comments, that, in fact, the process should consider this specific case of Dulcie Beale's basket, which reflects the nineteenth and early twentieth century situation, as well as present-day exercise of sovereignty by the Southern Sierra Miwuk Nation.<sup>6</sup>*

**II. The Proposed Finding lacks fundamental fairness because of the conflicted role played by the Federal government in the historic survival of the SSMN as a distinct Indian community.**

The United States' history of poor treatment of Native Americans was a topic or reference point in many public letters of support. Many SSMN supporters pointed out the irony of the Federal government, which was instrumental in the destruction of SSMN's society, now playing the role of gatekeeper to federal acknowledgment, functionally holding the key to SSMN's future as a tribe.<sup>7</sup>

Talley Kayser, faculty member at Pennsylvania State University, provides an excellent recapitulation of the tangled history between the Federal government and the California SSMN:

*The violence against the Native people of what we now call California is interwoven tightly with public lands, including what we now call Yosemite Valley. The more clearly we see those strands, the more absurd, ironic, and brutal the specific federal response to Petitioner #82, the Southern Sierra Miwuk Nation . . . The Proposed Finding uses several techniques to invalidate the Southern Sierra Miwuk Nation that are consistent with the long history of injustice toward and manipulation of Native people, including: fixating on explicable particularities that are inconsistent with the letter of U.S. law (such as the evolution of "American Indian Council of Mariposa Co." into the "Southern Sierra Miwuk Nation," see page 4); relying on unjust treaties and flawed censuses documented during a genocidal campaign against Indigenous people (pages 8 – 10); and valuing the assertions of non-Indigenous anthropologists working over a century ago more than Indigenous peoples' own knowledge about themselves and their*

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<sup>6</sup> #04-28 Ryan J. Wheeler, Ph.D. [2021 pg. 122]; In January 2021, SSMN tribal member Irene Vasquez asked The Peabody Institute to repatriate her great, great, great grandmother's basket. The basket was established to have belonged to Dulcie Beale, a recognized Native American and ancestor of Ms. Vasquez. He notes that the basket is featured in the 1991 book, Tradition and Innovation: A Basket History of the Indians of the Yosemite-Mono Lake Area, by Craig D. Bates and Martha J. Lee. Although this represents an example of a present-day exercise of sovereignty by the SSMN, he states that transfer of the Dulcie Beale basket is precluded because SSMN lacks federal recognition.

<sup>7</sup> #11-01 Audrey Lynne Spach [2019 P2, pg. 33]; #08-24 Candy O'Donel-Browne [2019 P2, pg. 60]; #03-39 Nicholas Frank Ross-Rhudy [2019 P3, pg. 22]; #04-23 Kurt Vaughn, Ph.D. [2019 P3, pg. 70]; #07-16 Daren Macpherson [2020 pg. 22]; #NA Talley V. Kayser [2021 pg. 16]; #05-42 Amanda Rose Ehler, et al. [2021 pg. 53]; #11-51 Connie Ulasewicz [2019 P1, pg. 48]; #05-37 Janaki J. Patel [2019 P3, pg. 32]; #NA Christina Libre & Katalina Hadfield [2022 pg. 90]; and #NA Dr. Joan Dudney [2022 pg. 16].



*culture (pages 6 - 7). . . . These are all perfectly legal strategies. They [the techniques to invalidate the SSMN petition] are also ethically wrong. They do not emerge from any impulse to offer respect, honor, or dignity to Indigenous people. They emerge from the impulse to deny, to gatekeep, and to continue reaping the benefits of violent land theft that still brings our government profit.<sup>8</sup>*

The public comments referenced in footnote 7 describe a tribe who survived, in spite of attempts to exterminate their people. The SSMN's ability to endure as a distinct Indian community and reestablish their place within their homeland is evident in the cultural and community values and strengths which are exhibited today in their modern Indian community. Janaki Patel, employee of the educational excursion company "Naturebridge," provides a local and professionally informed comment, writing:

*I have lived and worked for much of the past 13 years on the ancestral lands of the Southern Sierra Miwuk in Yosemite National Park . . . In my time here, it has become clear to me that the SSMN has had, and continues to have, a strong presence and sense of community in their ancestral lands, despite the injustice they have endured since the time of the California government-sponsored militia violence in this region. . . . Most of my students, like myself, identify as non-native, yet upon learning the history of the land they are on and the current status of the Southern Sierra Miwuk community, they become keenly aware of the illogic of the denial of their Federal recognition. We wonder: how is it that the National Park Service can have a display in the Indian Museum of Yosemite Valley, exquisite basketry and other cultural materials created and sourced by Southern Sierra Miwuk people who were born, lived, and worked on that very land, and yet the SSMN now cannot have the Federal recognition that would allow permits for those same families to harvest and gather those same materials that are necessary for supporting their physical and cultural health?<sup>9</sup>*

**III. In its implementation of the Federal acknowledgement process, the Department and the OFA have ignored the special historical circumstances of the California tribes that underlie issues of Federal acknowledgement generally, and those which had a specific and direct impact on the Southern Sierra Miwuk.**

Commenters have raised issue with the Proposed Finding's omission of critical historical circumstances, such as the traumatic history as "extermination" and ethnic cleansing of California's indigenous people, orchestrated military campaigns against starving, desperate Indian bands by state militias and the U.S. military, the federal Termination policy and its consequences, and the criminalization of Native spiritual practices to name a few. These letters state, unequivocally, that review of these events in history are critical to a fair understanding and

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<sup>8</sup> #NA Talley V. Kayser [2021 pg. 16].

<sup>9</sup> #05-37 Janaki J. Patel [2019 P3, pg. 32].

assessment of the SSMN’s status as a modern tribal community, a consideration that is sorely lacking in the 2018 Proposed Finding.<sup>10</sup>

Ms. Kayser, faculty member of Pennsylvania State University, offers her views with scholarly precision:

*[C]onsider that between 1846 and 1873, in the years of the Gold Rush, an estimated 80 percent of the Indigenous people in California died. . . . Please consider that their deaths were not accidental. As scholar Benjamin Madley reports, “the organized destruction of California’s Indian peoples under US rule was not a closely guarded secret. Mid-nineteenth century California newspapers frequently addressed, and often encouraged, what we would now call genocide.” . . . Please consider the ethnohistory included in Petition #82 (pages 2-4), which details how the victims of this genocidal, federally-approved campaign endured, gathered in Yosemite Valley and (despite continued humiliation from the Park Service) worked to sustain their ancestral lands and practices. . . . With this historical context in mind, consider the Proposed Finding’s many dismissals, including this one (page 6): “The petitioner’s 1984 narrative claims that the petitioner evolved as a ‘Southern Sierra Miwuk’ Indian Tribe that existed in ‘Yosemite National Park and its environs’ at the time of first sustained contact. In contrast, the Department found evidence of numerous political entities organized as sovereign interdependent bands in 1851.” The implication of the Proposed Finding is that the Southern Sierra Miwuk Nation, despite maintaining traditions, community, story, and relationship with their ancestral homeland in the face of sustained genocidal pressure and government dismissal, is not pure enough for the federal government to acknowledge its existence (emphasis in original document).<sup>11</sup>*

The several hundred public commenters, who took time to submit comments in support of SSMN, are aware, as noted in Anna L. Puchkoff’s letter, that the Southern Sierra Miwuk people (SSM) “sustained itself as a community for far longer than the Department of the Interior has existed,” and of AS-IA’s failure to consider the SSM’s forced removal from Yosemite by the Mariposa Battalion.<sup>12</sup> Kelly Bessem writes that “to deny them their own identity is to perpetuate the misconduct of the past,” a sentiment repeated in many other letters.<sup>13</sup>

<sup>10</sup> #11-46 Phil Emerson [2021 P1, pg. 114]; #11-41 Heather Bernikoff [2019 P1, pg. 67]; #05-32 Roxanne Mulvey [2019 P3, pg. 41]; #05-07 Alex Coburn [2021 pg. 115]; #NA Talley V. Kayser [2021 pg. 16]; #12-78 Anna L. Puchkoff [2021 pg. 6]; #12-07 Claire Seda [2019 P1, pg. 30]; #11-57 Michael Elsohn Ross [2019 P1, pg. 36]; #11-56 Mary Clapp, Ph.D. [2019 P1, pg. 87]; #11-37 David L. Tucker [2019 P1, pg. 108]; #11-33 Laura Manczeqski [2019 P2, pg. 5]; #11-13 Kelly Bessem [2019 P2, pg. 22]; #06-07 Anna Bergland [2020 pg. 69]; #06-08 Nessarose Schear [2020 pg. 72]; #06-10 Samuel Webster [2020 pg. 75]; #03-02 Audrey L. Alorro [2020 pg. 118]; #01-09 Jason Schmidt [2020 pg. 136]; #NA Dr. Joan Dudney [2022 pg. 16]; #NA Johnnie D. Upton [2022 pg. 155]; #NA Deborah Wiese & Ruth G. Haasl [2022 pg. 260]; # Robert Aquinas McNally [2022 pg. 275]; #NA Cooper Stone [2022 pg. 280]; #NA Randall Abbott [2022 pg. 329]; #NA Kurt Vaughn, Ph.D. [2022 pg. 416]; #NA Cicely Muldoon [2022 pg. 420]; #NA Jake Jaramillo [2022 pg. 423]; #NA Eva Short [2023 pg. 97]; and #NA Evan Bissell [2023 pg. 145].

<sup>11</sup> #NA Talley V. Kayser [2021 pg. 16].

<sup>12</sup> #12-78 Anna L. Puchkoff [2021 pg. 6]; *see also* #11-57 Michael Elsohn Ross [2019 P1, pg. 36]; #12-07 Claire Seda [2019 P1, pg. 30].

<sup>13</sup> *See, e.g.,* #11-13 Kelly Bessem [2019 P2, pg. 22].

Many of the commenters, drawing from their lived experiences and personal observations, find the SSMN community to be enduring, strong, and graciously open about their culture and traditions. In fact, many attribute the Tribe’s openness and welcoming nature to be the mechanism by which this distinct Indian community has been able to survive the historical traumas of their collective past.

Mary Clapp, a graduate student of ecology, writes:

*Their survival to this day as a self-governing community is a testament to their strength and unity in the face of over a century of hardship and erasure. Their relationship to the Yosemite Valley and surrounding land is deeper than I or any non-Indian person could possibly have, and yet they have been dispossessed of their ability to live and interact autonomously with the land in accordance with their culture and tradition.*<sup>14</sup>

**IV. The Proposed Finding violates the regulations by using an arbitrary definition of the “present” in evaluating community, by using selected restrictive examples of social interaction without the larger social context, and by failing to include the historical context of the SSMN’s existence as a distinct Indian community.**

The Proposed Finding’s failure to acknowledge and consider the unique history of the SSMN and the context in which the Tribe has survived as a community “at present” for purposes of the federal regulations was a frequent topic of discussion among commenters.<sup>15</sup>

Informed by his profession and his interactions with the SSMN, Dr. Gregory R. Burns describes significant evidence of the factors the regulations recognize as demonstrating community:

*[A]s an archaeologist . . . I am skeptical that historic documents (especially of the variety that have been suggested as evidence in the Proposed Finding) will ever provide an accurate perspective on the past. . . . My experience among the Southern Sierra Miwuk suggests that many complex cultural features are retained through this form of cultural transmission, demonstrating the presence of a community sharing common cultural and rich interactions during the years before I met them. Miwuk members I have met maintain a deep understanding of family history and kin relationships both within the Miwuk community and between California tribes. Understanding these relationships and the collective history they entail is necessarily a community endeavor that demonstrates enduring and widespread social interaction. . . . Language is not maintained, and certainly*

<sup>14</sup> #11-56 Mary Clapp [2019 P1, pg. 87].

<sup>15</sup> #05-35 Dr. Gregory R. Burns [2019 P3, pg. 38]; #05-07 Alex Coburn [2021 pg. 115]; #11-4 Alan S. Bernikoff [2019 P1, pg. 45]; #11-35 David L. Curtis [2019 P1, pg. 117]; #05-33 Patricia Parker [2019 P3, pg. 35]; #05-36 Rick Quesnot [2019 P3, pg. 44]; #NA Cooper Stone [2022 pg. 280]; #NA Dr. Erik M. Bachman [2023 pg. 149]; and #NA Willow Polson [2023 pg. 155].



*cannot spread, without a critical threshold of speakers who are able to interact on a regular basis. Revitalization of the Miwuk language over the period in question indicates that a community not only existed but was increasing in cohesiveness. Similarly, over the time in question, traditional Miwuk basketry went from a rare skill to a common activity engaging an increasing share of the community.*<sup>16</sup>

Many public commenters used very strong language, such as racist and discriminatory, to describe the Proposed Finding. The anger displayed by the public reflects a palpable resentment towards a Proposed Finding which insisted on comparing the modern-day SSMN community of Indians using selective evidence while ignoring historical context, and by employing interpretations of the evidence that misconstrue the true nature and functions of community. Commenters remark that:

*The SSMN's openness towards other tribes and non-Indian people should not be seen as a lack of "community" but rather as a sign of a strong community that interacts and has relationships with other local communities.*<sup>17</sup>

and

*A real community involves families who obviously have their own lives to live and manage. They may not go to every single event but they know that they can go and are welcome.*<sup>18</sup>

Our general sense, having carefully reviewed the hundreds of comment letters in support of the SSMN, is that the Proposed Finding's assessment of the SSMN community is viewed by the commenters as seriously misguided and cannot be reconciled with the nature and existence of the distinct SSMN community, with which many of the commenters have interacted and emphatically believe continues to exist.

## **V. The evidence demonstrates that the SSMN existed as a distinct Indian community at "present" through its connection to Yosemite National Park.**

The original Southern Sierra Miwuk People and their descendants, tribal members of the SSMN, are widely referred to and known as the original inhabitants of what is now Mariposa County and Yosemite Valley.<sup>19</sup> The National Parks Service (NPS) and Yosemite National Park

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<sup>16</sup> #05-35 Dr. Gregory R. Burns [2019 P3, pg. 38].

<sup>17</sup> #11-35 David L. Curtis [2019 P1, pg. 117].

<sup>18</sup> #05-36 Rick Quesnot [2019 P3, pg. 44].

<sup>19</sup> #05-48 Frank Dean [2021 pg. 68]; #05-50 Nicole Geiger [2021 pg. 80]; #11-46 Phil Emerson [2021 P1, pg. 114]; #11-50 Wendy Davis [2019 P1, pg. 51]; #11-30 Bryce & Cristina Johnson [2019 P2, pg. 2]; #02-10 Kevin Day [2020 pg. 124]; #05-23 Sam Hodder [2021 pg. 102]; #04-28 Ryan J. Wheeler, Ph.D. [2021 pg. 122]; #NA Talley V. Kayser [2021 pg. 16]; #05-31 Trevor Denson [2021 pg. 57]; #12-78 Anna L. Puchkoff [2021 pg. 6]; #11-57 Michael Elsohn Ross [2019 P1, pg. 36]; #11-45 Mary Ann Visher [2019 P1, pg. 74]; #11-47 Jason Schmidt [2019 P1, pg. 81]; #11-59 David Gary Engle [2019 P1, pg. 84]; #11-49 Heather Briggs [2019 P1, pg. 90]; #11-35 David L. Curtis [2019 P1, pg. 117]; #11-31 Alex Johnson [2019 P2, pg. 12]; #11-02 Darrow Feldstein [2019 P2, pg. 28]; M. Kat Anderson, Ph.D. [2019 P3, pg. 25]; ; #11-57 Michael Elsohn Ross [2019 P1, pg. 36]; #12-20 Erin E. Dickman [2020 pg. 2]; #03-02 Audrey L. Alorro [2020 pg. 118]; #03-32 Heather K. Powers [2021 pg. 134]; #NA Samantha Busheh [2022 pg. 14]; #Dr. Joan Dudney [2022 pg. 16]; #NA Gary W. Colliver [2022 pg. 244]; #NA Bowman Looney [2022 pg. 252]; #NA Laurie A. Wayburn [2022 pg. 257]; #NA Christine Knight [2022 pg. 316]; #NA Claudeen

(YNP) are among those federal entities that recognize the SSM people as the first people of Yosemite who claim traditional cultural association with Yosemite National Park.<sup>20</sup>

The Superintendent of Yosemite National Park explains in detail why the Park acknowledges the SSMN and their ancestral association with the land encompassed by YNP.<sup>21</sup> Many of the commenters draw from their personal experiences as: long-term residents of Mariposa County (which includes Yosemite National Park), former and current YNP employees, and scholars. The list of commenters also includes outdoor enthusiasts who have no other connection to the SSMN than their shared love of the Park's natural wonders.

Frank Dean, President and CEO of the Yosemite Conservancy writes that in accordance with U.S. law, his organization, together with NPS, regularly works with SSMN on a variety of projects.<sup>22</sup> The author of a Yosemite Conservancy publication, VOICES OF THE PEOPLE, writes, "The SSMN chapter . . . presents a portrait of a distinct tribal community which has proven time and again to be a resilient and vital part of the Sierra Nevada/Yosemite community."<sup>23</sup>

Similarly, the Save the Redwoods League, a nonprofit organization, recognizes that the Tribe's "reverence [for Yosemite Valley] has created a natural landscape treasured by millions of people who visit Yosemite National Park and surrounding areas."<sup>24</sup> Wheeler of the Peabody Institute notes the "ongoing relationship between the Southern Sierra Miwuk Nation and the National Park Service," citing specific ties to their homeland, Yosemite Valley.<sup>25</sup>

An outpouring of support has come from the residents of Mariposa County who recognize the SSMN as a traditionally associated tribe of Yosemite, and note the many artifacts created by their ancestors, which are on display at the Yosemite National Park Museum as further evidence of their legitimacy.<sup>26</sup>

The Tuolumne Band of Me-Wuk Indians, as well as the SSMN's other tribal neighbors, collectively known as the Seven Traditionally Recognized Tribes of Yosemite, recognize the SSMN's origins in Yosemite Valley. Kevin Day, Tribal Chairman of the Tuolumne Band of Me-Wuk Indians, says of the SSMN:

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Gale Ronay [2022 pg. 355]; #NA JoAnne C. Zeek [2022 pg. 371]; #NA Tom Arfsten [2022 pg. 378]; #NA Catherine Fong [2022 pg. 412]; #NA Mark Rose [2023 pg. 16]; and #NA Ben Jealous [2023 pg. 67].

<sup>20</sup> #06-02 Heather Briggs [2019 P3, pg. 8]; #05-44 Allison Smyth [2021 pg. 62]; #NA Anna Puchkoff [2022 pg. 2]; #NA Eliza Kerr [2022 pg. 77]; #NA Catherine Fong [2022 pg. 412]; #NA Andrea Canapary [2022 pg. 401]; #NA Cicely Muldoon [2022 pg. 420]; #NA Wilson Koontz [2023 pg. 20]; #NA Cicely Muldoon [2023 pg. 127]; #NA Laurel Munson Boyers [2023 pg. 124]; and #NA Michael T. Reynolds [2023 pg. 181].

<sup>21</sup> #NA Cicely Muldoon, at 2023 pg. 127.

<sup>22</sup> #05-48 Frank Dean [2021 pg. 68].

<sup>23</sup> #05-50 Nicole Geiger [2021 pg. 80].

<sup>24</sup> #05-23 Sam Hodder [2021 pg. 102].

<sup>25</sup> #04-28 Ryan J. Wheeler, Ph.D. [2021 pg. 122].

<sup>26</sup> #11-46 Phil Emerson [2021 P1, pg. 114]; *see also* #11-50 Nicole Geiger [2021 pg. 80]; #11-30 Bryce & Cristina Johnson [2019 P2, pg. 2]; #11-47 Jason Schmidt [2019 P1, pg. 81]; and #11-57 Michael Elsohn Ross [2019 P1, pg. 36].



*The Southern Sierra Miwuk has been recognized by the National Park Service for more than 100 years. They are clearly a functioning California native community with documented historic roots to the area in which they reside and functioning relationships with the surrounding federally recognized tribal governments and communities.*<sup>27</sup>

Many commenters have worked with members of the Tribe and have personal knowledge of the Tribal community's influence and support in matters of conservation and preservation of Yosemite Valley, including biologists, ecologists, and anthropologists employed by the Park. They speak at length about their collaborations with SSMN tribal members and, in the course of their work, learning native methods which foster reciprocal relationships between man and nature, concluding that the preservation and conservation of the majestic Park needs the ancient wisdom of its original People, the Southern Sierra Miwuk Nation.<sup>28</sup>

Finally, many commenters remark on the intrinsic value they find while visiting YNP, and try to comprehend its significance to the SSMN as an essential and enduring part of their identity as indigenous people. Often, the commenters reflect on how the descendants of the original SSM must feel, knowing that these monuments in stone mark the birth places and grave sites of their ancestors. Many of the contributors conclude that their personal sense of awe and wonderment of Yosemite must surely be amplified for the present day SSMN tribal members. Heather Briggs writes:

*I am a white woman from the Carolinas. I do not know of any words adequate to describe the connection that I feel with and the love that I have for Yosemite National Park and the Sierra, despite going there for the first time at age nineteen. As such, I can not [sic.] fathom the connection that the SSMN must feel to the land now known as Yosemite nor the horror of being forcibly removed from their lands nor the knowledge that they must apply for permits (which can be denied) from the National Park Service to continue their traditions that involve the land.*<sup>29</sup>

In short, in the context of Yosemite Valley, the Southern Sierra Miwuk, by continuing to practice their culture and traditions as a distinct community, have been an essential and enduring presence that has shaped the past and present of this place, and they will continue to shape its future.<sup>30</sup>

The Southern Sierra Miwuk connection to Yosemite National Park and their existence as a distinct Indian community is also demonstrated by their actions and responses to the Termination Era and the 1969 destruction of the SSMN's last village in Yosemite Valley; specifically, the Tribe's initiative to formally organize as a non-profit entity to pursue federal acknowledgment and to reestablish a place for ceremony and celebration in the heart of their

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<sup>27</sup> #02-10 Kevin Day [2020 pg. 124].

<sup>28</sup> #05-31 Trevor Denson [2021 pg. 57]; *see also* #12-78 Anna L. Puchkoff [2021 pg. 6]; and #11-31 Alex Johnson [2019 P2, pg. 12].

<sup>29</sup> #11-49 Heather Briggs [2019 P1, pg. 90]; *see also* #11-45 Mary Ann Visher [2019 P1, pg. 74].

<sup>30</sup> #NA Talley V. Kayser [2021 pg. 16].

ancestral homeland, the Yosemite Valley. These efforts include years of planning and negotiations with the NPS for the construction of a large ceremonial roundhouse, known as Wahhoga, at the site of the Tribe's last village, which was destroyed by NPS firefighters during a 1969 fire drill, and whose restoration is now supported by the NPS.<sup>31</sup>

## **VI. The historic and continuing inter-relationship between the SSMN and neighboring tribes.**

Many of the supporters of the SSMN are themselves enrolled members of a Native American Tribe. Claire Seda, a member of the Coastal Miwuk, comments that the SSMN existed as an Indian community for longer than before the Department of the Interior existed.<sup>32</sup> Roy Schroeder, a retired U.S.D.A. Forest Service Archaeologist explains:

*Since the earliest anthropologists first recorded the indigenous peoples of California, the Southern Sierra Miwuk (Miwok) group has been recognized as a cultural entity standing separate from their neighboring tribes. The Southern Sierra Miwuk are also recognized as linguistically separate by workers such as Sylvia Broadbent, Hammarström, et al, and Marianna Mithun.<sup>33</sup>*

In his letter, Schroeder restates the point raised by many other supporters—the language of the Southern Sierra Miwuk is unique. The Miwuk language and Southern Sierra dialect support a finding that SSMN exists as a vibrant and functioning community today (as articulated by Dr. Gregory R. Burns, who points out that maintaining language requires a critical mass of community members). The SSMN language is equally important, says Schroeder, in understanding how the SSMN relates to its neighboring tribes and the terms of their continued inter-tribal relationships into modern times.

Vincent Diaz, a descendant of the Washoe Tribe of Nevada and California, describes how his People have recognized and traded with the SSMN long before the United States was established.<sup>34</sup>

## **VII. There is evidence to support the SSMN as a distinct community in the present by virtue of the Tribe's role as a partner in joint federal, state, county, and tribal government initiatives and programs within its ancestral homeland.**

The SSMN's continuing presence in its ancestral homeland of Mariposa County, Yosemite Valley and its environs is reflected in its joint partnerships with government entities and the governing bodies of surrounding tribes for the purpose of natural and cultural preservation.<sup>35</sup>

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<sup>31</sup> #11-57 Michael Elsohn Ross [2019 P1, pg. 36]; #05-33 [2019 P3, pg. 35]; #09-14 Phyllis Becket [2020 pg. 11]; #05-10 Lloyd Mathiesen [2021 pg. 109] and #09-08 Allison Krizner [2020 pg. 14].

<sup>32</sup> #12-07 Claire Seda [2019 P1, pg. 30].

<sup>33</sup> #06-09 Roy A. Schroeder [2019 P3, pg. 2].

<sup>34</sup> #04-36 Vincent Diaz [2019 P3, pg. 64].

<sup>35</sup> #05-46 Jeremy Briese [2021 pg. 84]; #08-19 Les Marsden Partners [2019 P2, pg. 63]; #04-05 Rosemarie Smallcombe [2019 P3, pg. 74]; #02-10 Kevin Day [2020 pg. 124]; #05-10 Lloyd Mathiesen [2021 pg. 109]; #04-01

Jeremy Briese, elected Sheriff of Mariposa County and SSMN tribal member, comments that his tribe has existed as an influential tribal entity from historic times to present and that the County continues to recognize them as a political and tribal community.<sup>36</sup>

The Mariposa County Board of Supervisors also offers its support of the SSMN and its existence as a community partner. County Supervisor Rosemarie Smallcombe and former Supervisor Marshall Long each wrote letters detailing the many County projects which have been executed jointly between Mariposa and AICMC/SSMN.<sup>37</sup> Among the many projects listed, Supervisor Long mentions the Community Development Block Grant which offers mental health for Native Americans living in Mariposa County.

James Evan, former Director of Mariposa County's Housing and Community Development Agency, provides a detailed commentary on the SSMN's nonprofit arm as an essential and involved partner in a wide scope of community projects involving federal, state and local entities:

*I worked closely with the AICMC on the following programs and projects: Sarah Priest Allotment housing rehabilitation project . . . Indian Health Clinic . . . Bower's Cave fence project . . . Language preservation . . . Head Start . . . The AICMC is actively involved with federal agencies working in our area. They worked closely with the National Park Service on the creation of the Miwuk Village located in Yosemite National Park. They work closely with the Bureau of Land Management and the Forest Service on preservation of historic sites and with management of the Merced River, a designated Wild and Scenic River. The AICMC works with the California Department of Fish and Wildlife on fisheries issues. The AICMC is actively involved with the local community. Preservation, education, and performance of traditional ceremonies, rites, ritual, cuisine, and art is the goal. Recently, the AICMC worked with the County to establish an art and basketry display at the Mariposa Tribal Arts Park. . . . I am aware of the Indian Education Program operated by the AICMC for the Mariposa County Unified School District. . . . The Southern Sierra Miwuk Nation has been an active and valued community since I moved here in 1990. I'm told they were active for decades prior to my arrival.<sup>38</sup>*

The Tribal Council of the Chicken Ranch Rancheria of Me-Muk Indians, SSMN's tribal neighbor to the northwest, went so far as to pass a resolution during its Regular Council Meeting to memorialize and honor their joint partnerships with and recognition of SSMN Tribal Council as the government and leadership for the SSMN tribal members.<sup>39</sup>

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James F. Evans [2021 pg. 129]; #06-02 Marshall Long [2021 pg. 43]; #05-43 Jeff Aranguena [2021 pg. 46]; #11-57 Michael Elsohn Ross [2019 P1, pg. 36]; #04-03 LeeAnn Hatton-Parks [2019 P3, pg. 77]; #NA Kristina Ryland [2023 pg. 73]; and #NA Mariposa County Resolution [2023 pg. 185].

<sup>36</sup> #05-46 Jeremy Briese [2021 pg. 84].

<sup>37</sup> # 04-05 Rosemarie Smallcombe [2019 P3, pg. 74]; *see also* #06-02 Marshall Long [2021 pg. 43].

<sup>38</sup> #04-01 James F. Evans [2021 pg. 129].

<sup>39</sup> #04-03 LeeAnn Hatton-Parks [2019 P3, pg. 77].



**VIII. The public comment letters submitted to the AS-IA overwhelmingly demonstrate the SSMN’s recognition as a distinct Indian community “at present” and historically.**

Much of the outpouring of support for SSMN came from community members, friends, co-workers, and spouses of SSMN tribal members.<sup>40</sup> The letters referenced here contain passionate, heartfelt accounts by the commenters that, when read as a whole, convey a general sense of disbelief that the highly visible and active community of the SSMN has not yet been recognized by the Federal government.

Some commenters recounted their own experiences observing and sometimes participating in a SSMN event, and recall such moments with great honor and humility. Each instance when a non-Native participant accepted an invitation to a SSMN event, their comments recalling their experience in the event or ceremony were coupled with a deep sense of concern that, should the SSMN not be acknowledged, the future of their ceremonies and traditional crafts could be in danger of perishing over time.

Some letters were concise, offering the writer as a witness to the SSMN’s continued existence.<sup>41</sup> Other letters provided thorough accounts of the larger Mariposa County and how Federal recognition of the SSMN would improve the greater Mariposa community by providing culturally sensitive services to assist the “Sierra Miwuk [who] are the second largest ethnicity in Mariposa County. Therefore, [a finding of] Federal Recognition of this large and active tribe

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<sup>40</sup> #12-79 Spreck Rosekrans [2021 pg. 2]; #11-41 Heather Bernikoff [2019 P1, pg. 67]; #11-42 Alan S. Bernikoff [2019 P1, pg. 45]; #11-40 Vance Bernikoff [2019 P1, pg. 64]; #11-01 Audrey Lynne Spach [2019 P2, pg. 33]; #08-24 Candy O’Donel-Browne [2019 P2, pg. 60]; #11-30 Bryce & Cristina Johnson [2019 P2, pg. 2]; #05-40 Izzi Stalder [2019 P3, pg. 19]; #03-39 Nicholas Frank Ross-Rhudy [2019 P3, pg. 22]; #05-06 Katerina Friesen [2019 P3, pg. 60]; #05-23 Sam Hodder [2021 pg. 102]; #05-08 Greg Little, Nichole W. Little [2021 pg. 112]; #05-07 Alex Coburn [2021 pg. 115]; #04-02 Penny Otwell [2021 pg. 126]; #05-32 Marilyn Casey [2021 pg. 49]; #05-42 Amanda Rose Ehler, et al., [2021 pg. 53]; #12-09 Marsha Matsera [2019 P1, pg. 11]; #12-03 H. Kunhara [2019 P1, pg. 14]; #12-05 Jacob McDaniel [2019 P1, pg. 24]; #12-06 Kate Linguist [2019 P1, pg. 27]; #11-54 Arlyne Boyer [2019 P1, pg. 54]; #11-61 Brigitte K. Engle [2019 P1, pg. 105]; #11-35 David L. Curtis [2019 P1, pg. 117]; #11-19 Karen Helms [2019 P2, pg. 18]; #10-03 Ryan Carle [2019 P2, pg. 36]; #09-08 Les Marsden [2019 P2, pg. 40]; #06-09 Roy A. Schroeder [2019 P3, pg. 2]; #05-41 Jill Harry [2019 P3, pg. 16]; #04-35 Gary and Debbie Friesen [2019 P3, pg. 67]; #03-38 Erin Middleton [2019 P3, pg. 87]; #06-11 Charles Mosher, MD, M.P.H. [2020 pg. 78]; #04-01 David Hitchcock [2020 pg. 112]; #05-20 Denise Godbout-Avant [2020 pg. 115]; #02-12 Lori Oliver-Tierney [2020 pg. 121]; #01-13 Kelly McMenimen [2020 pg. 132]; #03-32 Heather K. Powers [2021 pg. 134]; #03-16 Dianne Mandan [2021 pg. 140]; #NA Samantha Busheh [2022 pg. 14]; #06-64 Alma “Rosie” Sanchez, et al. [2022 pg. 31]; #NA Ashley Glaw [2022 pg. 35]; #08-65 Sarah [2022 pg. 37]; #NA “M” [2022 pg. 42]; #08-01 Marin Hugge [2022 pg. 47]; #NA Shannon Essig [2022 pg. 71]; #NA Eliza Kerr [2022 pg. 77]; #NA Adam Shane [2022 pg. 152]; #NA LuAnn Mello [2022 pg. 241]; #NA Wendy K. Thenell [2022 pg. 283]; #NA Caroline Wenger Korn [2022 pg. 302]; #NA Trish Darcy [2022 pg. 308]; #NA Jum Evans [2022 pg. 326]; #NA Ian Carson [2022 pg. 333]; #NA Michael W. Driscoll [2022 pg. 342]; #NA Tom Reyes [2022 pg. 349]; #NA Tim Esquivel [2022 pg. 352]; #NA Caitlin Manning [2022 pg. 358]; #NA Lynn Galloway & Rick Stalder [2022 pg. 361]; #NA Richard Uebner [2022 pg. 365]; #NA Jetty O’Rorke Uebner [2022 pg. 368]; #NA Tom Arfsten [2022 pg. 378]; #Kathleen & Thomas Armstrong [2022 pg. 382]; #NA Lori Tierney [2022 pg. 385]; #NA Jeanne-Ann Pine [2022 pg. 388]; #NA Gary S. Keorkunian [2022 pg. 405]; #NA Beth Pratt [2022 pg. 408]; #NA Karen Guillory [2023 pg. 5]; #NA Heidi J. Mireles [2023 pg. 23]; #NA Jessica Maitri [2023 pg. 26]; #NA Claire Brown [2023 pg. 70]; #NA Kristin Yamada [2023 pg. 76]; #NA Rose Fluharty [2023 pg. 132]; #NA Richard Kleiman [2023 pg. 152]; #NA Hannah Fleetwood [2023 pg. 161]; and #NA Sharon Whitefawn [2022 pg. 50].

<sup>41</sup> #11-42 Alan S. Bernikoff [2019 P1, pg. 45]; *see also* #03-39 Nicholas Frank Ross-Rhudy [2019 P3, pg. 22].

would open up numerous culturally appropriate foster home placement options, as well as the potential for adoption into these homes.”<sup>42</sup>

Shannon Essig, a community engagement coordinator for Mariposa Health and Wellness, says of the tribe and greater Mariposa community, “The SSMN is an active tribe, contributing to, working with, and recognized by the people of Mariposa County.”<sup>43</sup>

Several members enrolled with SSMN voiced their comments and shared, in great detail, descriptions of the several annual ceremonies and cultural events that provide, what former SSMN Tribal Chairperson Les James called “the backbone of [their] existence.”<sup>44</sup>

Tisina Ta-till-ium Parker describes how being raised as a child in the ceremonial roundhouse in Yosemite affected her upbringing, enriched her Native heritage, and informed her adulthood. When describing the new Yosemite roundhouse, commonly referred to as Wahhoga, Tisina writes:

*The ceremonial use of our roundhouse, which was re-established in the 1970’s unders [sic.] the American Indian Religious Freedom Act, gave back our rights to practice traditional ceremony on our sacred homeland. . . . Today the SSMN Yosemite roundhouse continues to be an active location for California native ceremony and the building of our new roundhouse on the site of Wahhoga in Yosemite is an example of the thriving, contemporary cultural and spiritual community of the Southern Sierra Miwuk Nation.*<sup>45</sup>

Similarly, SSMN tribal member, Robert Rust, describes his childhood in Yosemite Valley, playing in the rafters of the roundhouse and umachas (bark houses) during sweat lodge ceremonies in the mid-1970s, concluding that, “even though we have blended into today’s society we are still here and thriving.”<sup>46</sup> Sara Barton recounts her childhood, describing the unique status of having been born in Yosemite Valley, “back when [her] people still had a village there,” further underlining the strong link between SSMN tribal members’ culture and Yosemite Valley.<sup>47</sup>

In the several self-described cultural and community activities carried out by modern SSMN tribal members, there are common themes that unite the members. Themes such as identifying as “the bear people,” providing specific accounts of broad social interactions across SSMN families, and relating their common experience of being raised by SSMN parents who spent their formative years in Indian boarding schools.<sup>48</sup>

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<sup>42</sup> #05-40 Izzi Stalder [2019 P3, pg. 19].

<sup>43</sup> #NA Shannon Essig [2022 pg. 71].

<sup>44</sup> #07-09 Les James [2020 pg. 43]; and #NA Kevin Spach [2023 pg. 9].

<sup>45</sup> #05-47 Tisina Ta-till-ium Parker [2019 P3, pg. 12].

<sup>46</sup> #08-33 Robert S. Rust [2019 P2, pg. 43].

<sup>47</sup> #05-34 Sara S. Barton [2019 P3, pg. 29].

<sup>48</sup> *Id.* 07-09 Les James [2020 pg. 43]; #03-44 Carla Reta Lovelin [2019 P3, pg. 82]; and #11-58 Valerie Chaira [2019 P1, pg. 40].

SSMN tribal member Genevieve Lemaster shares her memories and experiences having grown up in Yosemite:

*[M]y whole life I've always been part of our gatherings and traditional ceremonies. . . . [W]e don't share our sacred ceremonies publicly through photos due to the sacredness. I've been attending Bear ceremonies and traditional dances in Yosemite my whole life. Our tribe has youth gatherings to keep our traditions alive such as; campouts, schooling, craft classes, powwows, memorials and health awareness. I was a cultural demonstrator. . . .*<sup>49</sup>

Former elder Les James (deceased) and Tisina Parker, both excellent orators and representatives of the SSMN people, described the “long way they have traveled and the many good things [they have done], mostly being seriously involved in [their] culture” and how they have “supported their Indigenous SSMN tribal community with opportunities to scholarship funds . . . consistently host[ing] cultural events throughout the years such as BIG TIME in Yosemite . . . Mariposa Powwow, hundreds of Bear Dances . . . and [their] annual cultural Walk over the Sierras, [teaching] traditional craft and basket classes to [their] youth, held ceremonial sweats and hosted many, many more cultural gatherings.”<sup>50</sup>

Tiana McLeod, member of the Samish Indian Nation, says of acknowledgement:

*Federal recognition provides not only the right to the identified community as a sovereign nation, but it strengthens the resolve of its members to be seen and included as an integral part of their culture and identity. To practice and gather in the ways that our ancestors did helps repair the bonds that have been broken by time and colonization.*<sup>51</sup>

#### **IX. SSMN meets the criteria of political influence or authority.**

Professor of Anthropology John Pryor has worked closely with SSMN for over a decade and was instrumental in creating the “Granddad Archaeological Field School,” a week-long practical course in archeology jointly held by the California State University Fresno and SSMN. In this capacity Professor Pryor has worked closely with the SSMN Tribal Council and says of their government:

*I have had the pleasure of working closely with the tribe over many years. Their tribal government is well organized and I have done much genealogical work on tribal members. They are truly worthy of federal recognition and the reinstatement of this tribe would go a long way to right some of the many wrongs we have inflicted on them.*<sup>52</sup>

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<sup>49</sup> #06-09 Genevieve Lemaster [2020 pg. 92].

<sup>50</sup> #07-09 Les James [2020 pg. 43]; *see also* #05-47 Tisina Ta-till-ium Parker [2019 P3, pg. 12].

<sup>51</sup> #NA Tiana McLeod [2023 pg. 2].

<sup>52</sup> #11-48 John Pryor [2019 P1, pg. 60].



Clay River, former Managing Director of Miwumati Healing Center, writes about the service Miwumati continues to offer the community. River’s public comment impresses on the reader that the mental health services offered by Miwumati would not be possible without a strong tribal government from which it may operate. River states:

*The creation and funding of Miwumati, as a tribally-operated mental health facility, is itself evidence of a community response to personal and family conflicts, including those caused or exacerbated by substance abuse. The services Miwumati provides are an essential and integral part of the SSMN as a Tribal community and its response to situations of actual or potential substance abuse.*<sup>53</sup>

**X. The SSMN meets the requirements for acknowledgment under UPFA based on its ancestors’ negotiation of treaties with United States Commissioners in 1851-52.**

Many commenters referred to the original treaties, which were negotiated, but never ratified, during the era of the California Gold Rush and as a means of ending the Mariposa Indian War. Their comments echo the Tribe’s arguments in its 2023 Response to the Proposed Finding and point out that OFA failed to consider the 1851-52 treaties.<sup>54</sup>

Especially noteworthy is the letter from the Tuolumne Band of Me-Wuk Indians, who point out that, “They [the SSMN] are our neighboring tribe whose ancestors are the Southern Sierra Miwuk people who signed treaties in 1851-52 in good faith.” This statement, supported by the historical record and the oral histories of the SSMN and those neighboring Indian tribes which also signed the treaties, confirms that SSM ancestors resided in the areas now known as Mariposa County and Yosemite, and were known to the neighboring tribes, as well as the original settlers of the area, as the ancestors of the current Southern Sierra Miwuk Nation.<sup>55</sup>

**XI. A thorough analysis of the community criterion, 25 CFR Sec. 83.7(b)(1)(1994), Sec, 83.11(b)(2015), including the political influence or authority criteria included therein, establishes that the SSMN meets its requirements.**

Residents of Mariposa County, employees of Yosemite National Park, non-Native relatives of the SSMN, and friends insist that the SSMN behaves as a community, has regular and meaningful interactions across its membership, carries out cooperative labor for tribal purposes and for tasks involving outside entities, shares sacred traditions, and possesses many

<sup>53</sup> #NA Clay River [2023 pg. 107].

<sup>54</sup> #05-49 Mary Elizabeth Harris [2021 pg. 98]; #04-23 Kurt Vaughn, Ph.D. [2019 P3, pg. 70]; #05-10 Lloyd Mathiesen [2021 pg. 109]; #05-08 Greg & Nichole Little, [2021 pg. 112]; #06-02 Marshall Long [2021 pg. 43]; #05-43 Jeff Aranguena [2021 pg. 46]; #05-41 Jill Harry [2019 P3, pg. 16]; #02-10 Kevin Day [2020 pg. 124]; #NA Victoria Hartman [2022 pg. 249]; #NA Robert Aquinas McNally [2022 pg. 275]; #NA Kiley Voss [2022 pg. 345]; #NA Ben Jealous [2023 pg. 67]; #NA Dr. Jordan Reznick [2023 pg. 83]; #NA River Bradley [2023 pg. 101]; and #NA Sabine Won [2023 pg. 104].

<sup>55</sup> #02-10 Kevin Day [2020 pg. 124].

cultural patterns that are foreign to their non-Indian neighbors.<sup>56</sup> Moreover, nearly all of the three hundred and fifteen letters characterize the AS-IA and OFA's treatment of them to be discriminatory, attributable in large part to the unrecognized 1850-52 treaties, the protracted delays in recognition, and the overwhelming demands placed on this group of Native people.<sup>57</sup>

The above review and selected citation of public comments submitted over a period of five (5) years in response to the SSMN Proposed Finding, illustrate, supplement, and support the primary arguments and evidence set forth in the SSMN Response of December 6, 2023, to the Proposed Finding. The public comments reflect the years of public interaction with the SSMN community. Many of the comments are intrinsic evidence of the continued existence of the distinct SSMN community with whom the commenters have interacted. In addition, the public comments demonstrate the political influence and authority of the SSMN, as well as the community efforts of the SSMN members, by reflecting the multigenerational efforts of the SSMN and their members to maintain their culture and community and reestablish a substantial public presence in their homeland through interactions among members and with federal, state and local entities, public and private local and national organizations, neighboring federally recognized tribes, historians and other scholars, and with generations of families residing within the SSMN ancestral area and its immediate community in the Town of Mariposa.

This amazing outpouring of support for the SSMN would not have been possible except for the decades-long efforts of the SSMN people, as a distinct Indian community, to continuously engage in community activities: to preserve and protect its culture and the places of its ancestors and ancestral villages by working with federal, state and local entities; to initiate efforts to recover its native language; to provide health care and other social and support services to its people and other Indians by entering into funding agreements with local governments; to educate the general public regarding the Tribe, its history, and its struggle for federal acknowledgment; to invite and welcome the general public to join major tribal cultural events, celebrations, and demonstrations, and to accomplish all this as a distinct Indian community, and without access to the special programs and services available to federally recognized tribes. Most importantly, the comments confirm that the SSMN and its non-profit arm, the American Indian Council of Mariposa County, is, has been, and remains an active, vital and respected distinct Indian community, and leave no question that, for purposes of the federal acknowledgment community criterion, 25 C.F.R. § 83.7(b)(1994), § 83.11(b)(2015), the SSMN is a distinct Indian community "at present," as defined by the OFA in the Proposed Finding.

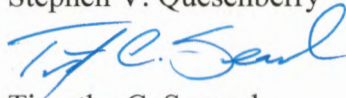
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<sup>56</sup> #NA Tom Arfsten [2022 pg. 378]; #05-47 Tisina Ta-till-ium Parker [2019 P3, pg. 12]; #NA Sharon Whitefawn [2022 pg. 50]; #11-59 David Gary Engle, Ph.D. [2019 P1, pg. 84]; #11-35 David L. Curtis [2019 P1, pg. 117]; #NA Jessica Maitri [2023 pg. 26]; #06-09 Genevieve Lemaster [2020 pg. 92]; #05-35 Dr. Gregory R. Burns [2019 P3, pg. 38]; #11-19 Karen Helms [2019 P2, pg. 18]; #08-33 Robert S. Rust [2019 P2, pg. 43]; #NA Dr. Erik M. Backman; #11-45 Mary Ann Visser [2019 P1, pg. 74]; #11-61 Brigitte K. Engle [2019 P1, pg. 105]; #09-08 Les Marsden [2019 P2, pg. 40]; #09-08 Allison Krizner [2020 pg. 14] (we note that OFA assigned the same document number to the 2019 letter from Les Marsden and the 2020 letter from Allison Krizner); #NA Lori Tierney [2022 pg. 385]; #07-09 Les James [2020 pg. 43]; #11-58 Valerie Chaira [2019 P1, pg. 40]; and #NA Dr. Jordan Reznick [2023 pg. 83].  
<sup>57</sup> See, e.g., #NA Willow Polson [2023 pg. 155]; #NA Randall Abbott [2022 pg. 329]; #04-23 Kurt Vaughn, Ph.D. [2019 P3, pg. 70]; #NA Caitlin Manning [2022 pg. 358]; #NA Christina Libre & Katalina Hadfield [2022 pg. 90]; and #07-09 Les James [2020 pg. 43].

Respectfully submitted,  
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Stephen V. Quesenberry



Timothy C. Seward

Attorneys for Southern Sierra Miwuk Nation



Pilar Calderon, Tribal Legal Assistant

cc. Southern Sierra Miwuk Tribal Council  
State of California, Attn: Governor Gavin Newsom and Attorney General Rob Bonta



# Appendix A

## Public Comments in Support of Petitioner #82 Missing from OFA's January 10, 2024, Thumb Drive

Commenter's Name	Location*	Date	Affiliation
Gordon M. Schoephfle, Ph.D.	PC_3	3/21/2019	Former OFA Employee
Mark A. Nicholas, Ph.D.	PC_4	4/12/2019	Former OFA Employee
Bridget Fithian	PC_7	2/26/2020	Sierra Foothill Conservancy
Daniel Lavele	PC_8	1/7/2022	Survival for Tribes, For Nature, For All Humanity
Robert Jeff II	PC_20	5/19/2021	Santa Rosa Rancheria Tachi Yokut
Hugh Sakols & Mara Dale	PC_22	2/14/2022	YNP Employee
Jaelyn Blonder	PC_59	8/1/2021	California Resident
Carmen P. Saldivar	PC_73	5/14/2021	SSMN Descendant
Lance S. Eber	PC_110	11/19/2019	Merced Resident
Shane Sweeting	PC_151	no date	Community Resident
Gary Lasky	PC_206	4/23/2020	Sierra Club, Tehipite Chapter
Leslie L. Hartzell, Ph.D.	PC_217	3/30/2023	California Department of Parks and Recreation

\*Digital copies of these letters were included in the SSMN December 6, 2023, response to the Proposed Finding. The location column provides the tag# of the document which is stored on the SSMN hard drive found in the subfolder labeled "Tag # Documents," located in the folder labeled "Data File."