

AMENDED



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COMMISSION
Luke Willard, Chairman
Carlton Bertrand Jr, Vice-Chair
Charlene McManis, Secretary
Andrew Beaupre
Jeffrey Benay
Lucy Cannon-Neel
Dave Van Deusen
Shirly Hook
Trudy Ann Parker



VCNAA Meeting Minutes
Friday, March 29, 2013

Members Present: Carlton Bertrand Jr., Vice-Chair; Charlene McManis, Secretary; Lucy Cannon-Neel; Dave Van Deusen; Shirly Hook; Trudy Ann Parker.

Via Phone: Andrew Beaupre

Absent: Luke Willard, Chair; Jeffrey Benay

Guests: Donald H Parker, Lunenburg; Giovanna Peebles, VTDHP; Chief Pero, Fairlee; Pat Leno, Fairlee; John Kessler, ACCD.

The meeting was brought to order by Vice-Chair Bertrand at 12noon at BGS – 133 State Street, Montpelier, VT 05602.

1. Approval of the Koasek Final Report

Andy read the draft for review. After much discussion, the following changes were made from the original report:

- a. On page one, the following was added: Vermont Commission of Native American Affairs

Preface:

The following document fulfills the commissions' statutory obligations outlined below.

§852(c) The commission shall:

2. *Provide technical assistance and an explanation of the process to applicants for state recognition.*

3. Compile and maintain a list of professionals and scholars for appointment to a review panel.

4. Appoint a three-member panel acceptable to both the applicant and the commission to review supporting documentation of an application for recognition and advise the commission of its accuracy and relevance.

5. Review each application, supporting documentation and findings of the review panel and make recommendations for or against state recognitions to the legislative committees.

The commission wishes to make clear that the decision refers to the recognition of a tribal government and should not be construed as a decision on the ethnic nature of the people of the State of Vermont.

- b. On page two, third sentence to read “The applicant was not able to demonstrate to the commission’s satisfaction that majority of the group’s members live in a specific area in Vermont.”

- c. The sentence was changed to “*the applicant, when applying for state recognition from the State of Vermont and the commission must satisfy the criterion of §853(c) (1).*”
- d. On page three, “the” was removed from the Mr. Rinehart.
- e. On page four, the sentence “*while some members of the commission question the connection between the current group and the historical references made, the commission agrees that the criterion has been met*” was removed.
- f. One page six, the following was added:

While official documents where provided, the commission asserts the documents do not demonstrate the applicants' history or delineate tribal business. The commission asserts the applicant has not met criterion §853(c) (9) (A).

The applicant provided a letter of support from a Canadian band. The official status of this band was not determined. Due to this lack of determination combined with the absence of letters from recognized bands within Vermont, the commission asserts the applicant has not met criterion §853(c) (9) (B).

Additional Concern –

While the commission recognizes that issues of copyright and trademark are not explicitly delineated within the nine criteria for recognition set forth in Act 107, during both the public hearing and open deliberation, the commission expressed concern over the similarity in name and history between the applicant Koasek Traditional Band of the Sovereign Abenaki Nation and state recognized Koasek Traditional Band of the Koas Abenaki Nation trademark and copyright dispute was presented by both groups in the public hearing and commission meetings. The commission feels that this dispute stands unresolved and the commission is not the forum for resolving this dispute.

CONCLUDING STATEMENT

The commission wishes to remind the applicant that according to state statute

§853(d)(5) The applicant may file additional supporting documentation for reconsideration within one year after receipt of denial.

Charlene suggested the commission should go over the nine criteria to make sure everyone understanding the charges for the commission. Discussion was held regarding finding genealogy for tribal members.

Discussion was held regarding the tribal name and resubmitting documentation.

Andy read the amended report portions. Dave moved to accept the report. Lucy seconded. All agreed. Dave and Joe thanked the commission for all the time and efforts.

The meeting was adjourned at 1:20pm.

Respectfully Submitted,

Charlene McManis
Secretary

