

Minutes
September 27, 2007

*Vermont Commission
On
Native American Affairs*

Mark Mitchell, Chairman
vcnaa@earthlink.net
www.vcnaa.com

Commission Members:

Jeanne A. Brink
Timothy de la Bruere
Hilary Casillas
Judy Dow
Charlene R. McManis
Donald W. Stevens

Members Present: Mark Mitchell, Chairman; Tim de la Bruere, Charlene McManis, Don Stevens, Judy Dow, Jeanne Brink, Hilary Casillas

Staff: Diane McInerney, Executive Assistance; Scott Dillon, Survey Archeologist, Giovanna Peebles, VT State Archeologist

Guests: John Moody; Phyllis Donovan, Wheelock; Richard Bernier, Newport; Jedd Kettler, Country Courier; Robert Appel, Human Resources Commissioner; Sara Kariko, So. Burlington; Jesse Larocque, Abenaki; Nancy Millette, Koasek Abenaki Nation

This meeting was brought to order by the Chairman, Mark Mitchell, at 1:02 p.m. in the AOT Board Room, 5th Floor, National Life Building, Montpelier, Vermont.

Minutes from August 23, 2007 meeting

Corrections were made to the minutes on page 2, "...a resolution was signed by the De Bande D'Odenak; Chronologique GOB-045-07-08, a letter of support." Don moved to approve the minutes and Charlene seconded. The minutes were approved with the corrections by Commission consensus.

1. Update - Intervale

Mark presented the Commission members with a letter from Catherine Jamieson, Solid Waste Program Manager for the Department of Environmental Conservation concerning IPC's failure to completely respond to technical issues that have been raised. IPC has until January 11, 2008 to provide an adequate report addressing these issues. If IPC chooses not to pursue recertification by this deadline they will be required to cease operations by July 1, 2008. IPC has been warned to be prepared to begin executing its approved revised closure and post-closure plan on April 1, 2008. A notice of alleged violation (NOAV) has been issued to ICP by the Agency of

Environmental Conservation. Unless ICP has received a solid waste recertification from the Agency, and can demonstrate compliance with that recertification, they will be required to cease operations as of July 1, 2008.

Commission members thanked Judy Dow for being proactive with these Environmental concerns. Mark asked Judy to talk about her current work and investigations concerning citizen health issues related to the Intervale. Judy began her report with these words, "This is not a story about good and bad, or right and wrong, this is a story about the land...the land and the people..." Once again Judy cited many violations in regard to the environment and public health. After her presentation Commission members wanted to know if there had been any positive changes noticed. Judy reported that on Monday the 24th the gate is now being locked after the facility closes at 5 p.m., much to the dismay of some individuals being trapped behind it because there was no notification of the change. Containers once available for residence to leave food waste have been removed. ICP has been given 14 days to remove leachate and a small sign has been posted that says "do not enter." Guest members were concerned with where the leachate will be going and if it can be tracked. Robert Appell noted that, unless there are investigative materials in the leachate, the information is not available to the public.

Mark felt that although we (all concerned) did not create this situation, we have a duty to our children, and that as good 'stewards of the land' it is time to remove this composting facility.

Judy then explained the test results from the Agency of Natural Resources. Judy attended a 2 hour meeting with the state toxicologist to be able to properly interpret the findings, and presented a test result overview.

- Public beaches are closed when levels of e-coli bacteria reach **77** – Intervale levels are from **1,790** up to **6,130**
- Arsenic levels should be no greater than **.02** – Arsenic levels at the Intervale are **67.7**
- Bio-organisms (BOD) that deplete oxygen in the water rank bad at **10** – Intervale BOD test was **8,570**, similar to a manure pit on a dairy farm.

ICP needs to establish a plan for removal of the leachate ponds. These ponds are unlined with no base; one is in a river channel, a channel that drains into water levels when the rise. This in turn drains into the river.

Judy contacted NOFA Organic Farmers who certify the compost at ICP and asked what the process for certification is. Nothing more than an application with questions answered is needed for certification; there is no on site inspection.

Judy explained that Scott Dillon is working hard to get the land listed as a District on the State Register. This listing will afford the land Historic Site status. Both Burlington and ICP's future plans include agriculture and energy with further building on this land. There will be a public DHP meeting about this listing on October 17, 2007 and an Advisory Council meeting on October 23rd where the listing will be presented for approval.

2. Review and Discussion draft amendment to S117

Mark presented a Working Draft for S117. This draft began in a summer study group with Mike McShane, Susanne Young, and Mark Mitchell. Mark felt it was time for the Commission to agree on the amendment and find sponsorship so it can be presented for approval. There was a conference call to the Indian arts and crafts board in Washington for answers to questions regarding statute.

Commission members discussed the relevance of "splinter groups" and if this term was appropriate. Members were not willing at this time to add the year of "long standing connection," and felt the need for testimony from other tribal members at the next meeting to determine an appropriate date. Robert Appel agreed that the draft amendments should not be submitted without the date. Tim moved to put this information on the NAAC web site and give Mark the authority to establish the procedures for the meeting. Don seconded and there was Commission consensus. Mark asked if he should post the Draft for comments and public testimony on the web site and Don moved to approve his actions. Jeanne seconded and there was Commission consensus. Robert Appel said there would need to be a quorum for testimony that had to be voted on.

At this point federal statute states that the Legislature has the authority to approve tribal recognition for the sale of arts and crafts, but there is no process – NAAC was given the authority to recommend. According to Act S117 Legislature can give NAAC the authority to determine recognition.

3. Update – College Grant Resource Guide

Hilary and Charlene shared information on the latest work they have been doing to create a resource guide. They proposed that the resource guide be available through a link on the NAAC web site. Grants specific to Abenaki and all Native Americans will

be available on the web site. Currently they are looking for funding available for the web site work and Tim suggested they contact UVM Anthropology Department because graduate students may be available for this work.

There are plans for a teacher's convention workshop, where information on grants can be acquired and discussed. Every College has their own policy for acceptance of grants, but UVM, CCVU & Dartmouth will be approached for information on minority grants and scholarships. Hilary and Charlene will continue researching and compiling grant information. They plan to have information other than just grants on the web site.

4. Other Business

Judy thanked the public for their many support letters about Intervale issues.

Sarah Kariko shared information about the availability of an Arapaho horse training program. She is looking for funding sources in the Newport area. Members agreed to e-mail her suggestions at sjkariko@gmail.com

Nancy Millette, Koasek Abenaki Nation, presented archived information about a Mission Village in Newbury, VT. This mission was established by Father Joseph Aubery and the state archive has a map showing the location. The Division for Historic Preservation has agreed to help locate the village. It is the hope of the Koasek Abenaki Nation to erect a monument plaque at the site. There are burial grounds that are located on the New Hampshire side of the river. Nancy asked if the Commission was interested in being involved with the project.

Charlene has become aware of and Independent Living Project that may benefit Native Americans and asked that there be a link to NAAC from their website.

The meeting was adjourned at 2:55 p.m.

Respectfully submitted,
Diane McInerney (say-air-kee-wayn-chukws)