

Minutes
August 23, 2007

*Vermont Commission
On
Native American Affairs*

Mark Mitchell, Chairman
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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; Doris Seale, Burlington; Todd Hebert; Shirly Hook-Therrien; Janic Medor, VA Medical Center, WRJ; Gary DeGasta, VA medical Center, WRJ; Jedd Kettler, Country Courier; Robert Appel, Human Resources Commissioner, Caro Thompson, Film Maker

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

Minutes from May 24, 2007 meeting

Spelling corrections were made to the minutes. Don moved to approve the minutes and Jeanne seconded. The minutes were approved with the corrections by Commission consensus.

1. Native American Program – VA Medical Center

Mark began the meeting by introducing Janice Medor from the White River Junction VA Medical Center. Janice shared information about her experience and duties at the center. It is the belief of the VA Medical Administration that the culture and heritage of Native American Veterans needs to be respected. The center asked that the Commission be a liaison between the VA elders and the hospital, and Janice asked for suggestions from the Commission members for native volunteers that may facilitate NA veterans with resource information. Janice presented a facilitators' guide and a resource guide that are currently in use. Janice expressed a vision for formal training at the VA hospital designed to educate contacts who would then help Native Americans become aware of the many benefits for assistance. Commission members suggested many names for this purpose. Janice also told the Commission about a recent Pow-wow the Medical Center held and many Native Americans attended. The Pow-wow was a way for NA Vets from all areas

to become aware of benefits available to them. This event was successful and will be held again next year.

2. The Abenaki in Vermont a Cultural Competency Training–Newport Update, Tim de la Bruere/Jeanne Brink

Tim said this summer he spent time networking with state agencies on the Cultural Competency Training. He is now waiting for UVM to set up an advisory committee so federal aide can be obtained for training of the Odanak. On July 31, 2007 a resolution was signed by UVM and the De Bande D'Odanak; Chronologique GOB-045-07-08 requesting federal aide. Federal funding will be for student internships and training of DCF case managers in the North Country. Students will be receiving college credits for this training. In the future, supplements for the current manual will be composed by community members from each region.

3. Summer Study Group

Mark informed the Commission of his involvement in an informal summer study group with the Governor's office and Mike McShane from the Attorney General's office concerning the Arts and Crafts issues and the amendment to S117 for the purpose of identifying tribes and bands. He had hoped to have a draft for the Commission members at this meeting, but will forward one to them before the next meeting for review and comments. Mark felt that these meetings were not a waste of time and was strongly encouraged. He said that the Commission should be ready in January to submit an amendment to S117 with language for established authority to avoid further conflict. Mark expressed a sense of emergency for completion of this amendment before the Legislative session begins. Since statute in S117 relies on the legislative body to invest authority, it is the goal of the Commission to submit a bill for the purpose of the Commission's authority. The bill will have to be submitted and finalized before Legislatures can sponsor the bill. Commission members were concerned with changes to the bill during the process that would be detrimental to the goals of the Commission. Robert Appel said that vetos are not exercised lightly, but that changing language in the bill is a hard process to control. Appel said Commission members can testify at Legislative Committee meetings and if all major players believe that their best interest is being served there is less chance of it being rewritten, but there can be no guarantees.

4. Intervale Center – Judy Dow Presenter

Judy reported 27 violations by the Intervale Center, complete with colored photographs of the impact from the violations, to members of the Commission and guests. The Commission, as well as the Natural Resources Board and the Division for Historic

Preservation were concerned with the devastating affects on the natural wildlife, and on recorded archeological sites; particularly site VTCH 146. On August 16, 2007 Chuck Lief, Director of the Intervale Center stated publicly on WCAX News, that "Nobody knows if they (the archaeological sites) are there..." even though there is documentation of these numbered archeological sites available to the public.

A Stipulation Order from the Natural Resources Board was presented to the Intervale Center, Inc. Mark presented a copy of this signed order to the Commission, stating that the Natural Resources Board and the Intervale Center have both entered into this Stipulation Order on August 6, 2007. This order applies to all 53 acres of the Intervale Center and Composting Facility.

Commission members wanted to know why the state has not stopped the Intervale from such obvious violations and questioned the states motives. It was reported that 80% of food waste from Chittenden County goes into the Intervale facility and there is no alternative location for depositing this waste. In the past, the Intervale has been perceived as "good stewards" of this ancestral territory inhabited by the Abenaki People.

Since the solid waste permit for the Intervale has expired in August of 2006, the Intervale will be obligated to re-apply for this permit. On July 23, 2007 the Agency of Natural Resources conducted water testing at two ICP collection ponds, ICP's 5,000-gallon holding tank and Class II wetlands that are currently filled with black water. Test results will be released within 30-45 days from said date. Leachae (liquid compost runoff) has been photographed being discharged into the hay fields without a permit. Currently, the District 4 Natural Resources Board is developing a list of violations of Act 250 to present to the Intervale Center. As a commercial enterprise, the Intervale Composting Center is in violation of Act 250 by not applying for a permit.

It was suggested by Caro Thompson that this information be brought forth to the public through a film documentary. Mark noted that the acquisition of information and violations has been a frustrating process, but seems to be coming to a close with help from the Natural Resources Board and the Division for Historic Preservation.

5. Unmarked Burial Law

Mark informed the Commission that a time line for the next two months is being created for the work on the Unmarked Burial Law and a draft will hopefully be finalized by November. Mark noted there had been a first meeting earlier today with Giovanna Peebles and they will be drawing on the State Police, Medical Examiners, the League of Cities and Towns, and any other agencies that are involved in the process of determining

the legitimacy of a burial site. The State Attorney General, Mike McShane, will also be included in this process.

6. Federal Funding – Legal Representation

Mark told the Commission that as part of their established authority, the Commission may seek and receive funding from federal or other sources to assist in their work. Mark said he has been in communication with lobbyists in Washington, lawyers by trade, who are willing to work on a variety of issue; one of them being Arts and Crafts and S117, statute that has paralyzed the work of the Commission this year, and the final BIA decision for St. Francis/Sokoki. One individual has offered pro-bono services to the Commission, but there is an issue with not being licensed in the state of Vermont, so he may only be able to help with language, and some advice. The Commission should be aware of help that is reaching from beyond Vermont that may, or may not, be helpful. Don asked about funding for education and school curriculum issues. Mark said that he has asked Hilary and Charlene to establish a resource guide for high schools in reference to minority and higher education funding that students from Newport could take home to their families.

Hilary discovered that it would be difficult to obtain federal or foundation grants without a non-profit status or cash match through a fiscal agent, but she has checked into the SEVA Foundation and found that they do not require this status. The Commission can apply for funding for a resource guide, but will need information on the total cost of the project. Hilary asked if there could be volunteers who might research all the needs of the project and Jeff Benay was mentioned for that work since he does hold Title 7 status. Robert Appel said it was his understanding that since the Commission is a state commission, they are eligible for grants as long as it is approved by the Legislature or the Emergency Board when the Legislature is not in session. There is, by statute, a procedure where the grant has to be formally accepted by the state. Tim noted that the schools themselves have grant money available and since there is a grant writing staff, he can attend school board meetings and suggest projects. Currently, the Principal at North Country is involved in a grant for the NAAC that can be created for curriculum at that school. The school board will have to approve of these grants, but they do have special funds available and support they can lend to this work.

Hilary will be checking on the amount of resource guides needed and the cost of printing. Resources will include grants available for college funding in all states that do not fall under students belonging to a state or federally recognized tribe.

7. Other Business

Jeanne informed the Commission that she and Tim had participated as presenters in The Lake Champlain: Voyages of Discovery Project this summer with Giovanna Peebles. Jeanne handed out a copy of the reading notebook used by the student/teachers. Jeanne told the board that she had received a call from Julie Silverman, from the Eco Leahy Center. Julie asked that she and Tim work together on a Native American Advisory Team. The first meeting will be September 11, 2007 from 3:30-5:30 and will be the planning phase of development with new current exhibits and programs that will celebrate the Abenaki and early Native American people's culture in the Lake Champlain Basin.

Jeanne also handed out a flyer for the Saratoga Native American Festival and noted that on August 24th at 10:00 pm, on ETV, the NA movie Arctic Sun would be showing. Shelburne Farms and the All Souls Faith Gathering are also hosting a 4 day spirit and nature retreat that they have requested Native American participation in, at Shelburne Farms, September 7-11. They asked Jeanne to suggest someone as a speaker.

Giovanna was asked to present the Commission with posters and the calendar of events for Vermont's 15th Annual Archeology Month that might be distributed to the community. Giovanna asked if the Commission would be interested in designing a poster for next year's events.

Caro Thompson, filmmaker for the Lake Champlain Voyages of Discovery introduced herself to the Commission and brought an up-date of her project for consideration. She informed the Commission that she is still in the research mode and asked for their input and comments. Right now she is focusing on content and wants to make it very clear that the Vermont landscape was a homeland to Native Americans prior to 1609. Caro asked the Commission members for their view on how they would characterize their culture before Europeans arrived, and what appropriate elements they would want incorporated in the film. Commission members felt that the knowledge of long houses was important, as well as information about travel modes, trading, gathering, hunting traditions, and planting. Caro said that citizen historians are important. Don felt that there should be a connection to the public by showing settlement areas, places with native names followed by images of the landscape. He also suggested the example of medicine being taught to Europeans. Giovanna felt the juxtaposition of early etchings and pictures of archeological materials found in the area could be interesting. Caro felt that interweaving humanity with reality through Native American traditions such as hunting and maple sugaring, as well as medicine that were taught to Europeans by Native Americans would be a good example of the native culture. She wants to captivate as broad an audience as she can

with integrity and would like to focus on all aspects of native traditional life; the good and the bad. Caro is hoping that many people will learn to respect Native Americans and their traditions that have been used and passed on to all cultures.

Caro asked Commission members and guests to e-mail her with any information they feel would add to the interest and content of this film.

The meeting was adjourned at 3:21 pm.

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