

VERMONT
COMMISSION
ON
NATIVE
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| AFFAIRS



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Walker Brook
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VCNAA March 9, 2016
Meeting Minutes

Members Present: Lucy Cannon-Neel, Chair; Jeffrey Benay, Vice-Chair; Carol Irons, Cheryl O'Neill, Joelen Mulvaney, Paul Fassler, and Trudy Ann Parker.

Members Absent: Walker Brook

Guests: Rich Holschuh, Brattleboro; John Moody, Sharon; Donald Parker, Lunenburg; Denise Dunbar, Georgia; Andrew Beaupré, Hyde Park; Deb Reger, Community Radio; Dale Azaria, VDHP; Scott Dillon, VDHP; Jenni Lavoie; VDHP.

The meeting was brought to order by Chair Lucy Cannon-Neel at 1:05 pm at 133 State Street, Room 410.

1. Changes to the Agenda

Lucy Cannon-Neel noted one change to the agenda. Bixby Library update will be added under Old Business.

2. Public Comment

Rich Holschuh provided commission members with a few moments of levity with his "show and tell" item, a rooted edible that some described as a cross between a potato, nut, or bean.

Denise Dunbar spoke to commission members about her concern about incidents of racism in Franklin County, specifically in the community and schools. Recent events in the area have people concerned about their safety and safety of children in the area. She inquired as to what, if any, conversations are happening to help change the culture and protect native and indigenous people. She referenced the Bullying and Harassment in Vermont Schools Study. Commission members agreed that this is a very important discussion and subject matter. There was tentative discussion about adding this topic to the commission action plan.

John Moody echoed many of the sentiments of Ms. Dunbar, specifically incidents in the White River Junction area of the state.

3. Approve February 10, 2016 Minutes

Consensus was reached to approve the February 10, 2016 minutes, with no corrections noted.

OLD BUSINESS

1. St. Albans Bio-Digester (Dale Azaria)

Joelen Mulvaney briefly updated commission members about the letter that she had agreed to draft at the February meeting. After learning of the opposing viewpoint of the tribe she represents, she respectfully withdrew her offer to pen the letter. Carol Irons had then agreed to pen the letter and brought her draft copy to the meeting. After review, discussion and a small edit, consensus was reached to approve Carol's draft letter.

Dale Azaria provided commission members with a thorough description of the process the Division for Historic Preservation undertakes, and the process of the Public Service Board when reviewing projects such as the bio-digester. Additionally, she explained that Mr. Tim Camisa, who had attended the past two VCNAA meetings about this topic, had filed a Motion to Intervene in this case. Finally, she reviewed with the commission, a letter from the Division responding to Mr. Camisa's motion. Commission members engaged in conversation with Dale and Scott Dillion, Survey Archaeologist with the Division, regarding the project.

2. Bixby Library Update

Lucy Cannon-Neel advised commission members that there had been follow-up communication from the folks at the Bixby Library about the status of letters of support for the NAGPRA process. Jenni Lavoie stated she received communication from Kat Raynor indicating receipt of letters from three of the four recognized tribes. Jenni indicated that she forwarded the information to the commissioners that represent the fourth tribe. Cheryl O'Neill reported she made a request to the tribe to furnish the letter and provided them with the contact information for Kat Raynor. Jeff Benay advised that he had spoken with Shirly Hook, reiterated the request from Ms. Raynor and believed the letter would be forthcoming.

Lucy Cannon-Neel moved to break from 2:10pm – 2:21pm

NEW BUSINESS

1. CT River Hydro Re-Licensing (Rich Holschuh)

Rich Holschuh was asked at the February meeting to provide commission members with information regarding the re-licensing process currently underway for five dams along the Connecticut River. Rich drafted a document that commission members could distribute to each tribe explaining the process, how to become more involved, and the contact information for the tribal entities liaison at the Federal Energy Regulatory Commission (FERC). Additionally, Rich reiterated that the door is still open for the tribes to become involved, and indicated his belief that Vermont tribes attain party status in this matter. Commission members agreed that the information needs to be distributed to the tribes. Consensus was reached to include Rich's draft letter in the March meeting minutes and that Jenni Lavoie would email each tribe a copy of the letter along with the approved February meeting minutes. Draft letter as follows:

March 1, 2016

VCNAA Commissioners,

At the last VCNA meeting on Feb. 10, 2016, it was requested that I draft a letter to the Commissioners with regard to Tribal participation in the current TransCanada and FirstLight hydropower relicensing process. Accordingly, I have written a brief explanation to accompany an invitation to participate, for each commissioner to share with his or her Tribal leadership. Thank you for your commitment to furthering the interests and influence of the people who are of this land, and who know it best. This is a time for their voices to be heard.

Thank you for this opportunity to assist,
Rich Holschuh
Wantastegok, Sokwakik (Brattleboro)

Note: This is a direct nation-to-nation exchange, between Tribes and FERC (Federal Energy Regulatory Agency); all communications will be kept confidential as requested. It is important that this sovereign relationship be expected and maintained. All Tribal correspondence should be sent directly to:

Dr. Frank Winchell
FERC Headquarters
888 First Street, NE
Washington, DC

Email: frank.winchell@ferc.gov
Phone: 202-502-6104

Brief: TransCanada operates three large hydroelectric facilities (Vernon, Bellows Falls, and Wilder) on the Connecticut River, which are currently undergoing a multi-year, synchronized, and very complex relicensing process. The goal is a renewed license to operate these installations for another term of up to 50 years; in other words, this is a once-in-a lifetime opportunity for public, and tribal, input and influence. FirstLight is concurrently pursuing the same process for its Connecticut River facilities at Northfield Mountain and Tuners Falls, MA. These two MA projects impound and manipulate water which backs over the Vermont/New Hampshire state lines at Vernon and Hinsdale, and thus affect both states. In these licensing applications, there is special consideration given to Native Peoples for both past cultural presence (historic and pre-contact sites, such as settlements, encampments, burials, cultural structures) as well as what is termed Traditional Cultural Properties – a relatively new and significant development. A description from the National Register Bulletin (US Dept, of the Interior) follows:

<http://www.nps.gov/nr/publications/bulletins/nrb38/nrb38%20introduction.htm>

Quote: One kind of cultural significance a property may possess, and that may make it eligible for inclusion in the Register, is traditional cultural significance. "Traditional" in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays

in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such significance include:

- a location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- a rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- a location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- a location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

A traditional cultural property, then, can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. End quote.

Examples might be places where medicine and traditional materials are gathered, ceremony is performed, sacred sites such as rock carvings (Bellows Falls and West River petroglyphs), stone formations or structures, natural features and landmarks, etc.

With the implicit understanding that the Abenaki are a river- and earth-centered culture, any activity on the Connecticut and its tributaries will have an affect, perhaps greatly, on the traditional and ongoing living relationship between the River and the People. Various areas may be flooded, eroded, modified, restricted, disrespected, damaged, destroyed, or otherwise compromised by an industrial use such as damming and hydro-generation. Mention must also be made of the many affected members of the natural communities which thrive in these places, and with whom there may be extensive relationships and understandings, such as fish, birds, mammals, trees, grasses, and herbs, as well as other less obvious and intangible aspects such as landscapes/views and temporal connections.

This is a great responsibility and a challenging task. If nothing is done, it will be business as usual. That is one option; sometimes the choice is made to say nothing and hope for the best. Another choice is to speak up for those things that matter to one's heritage, honoring the Earth, the Ancestors, and the generations to come. This is an opportunity to be heard, to affirm a continuous Native presence and voice, fulfill responsibility, and claim the respect and rights that have been both ignored and actively taken.

It has been stated by FERC and the hired consultants that there have already been attempts to contact the tribes and solicit their participation, with no response. The powers-that-be are just fine with that result – it makes it much easier when there is no accountability. The hydro corporations are moving as fast as they can, going through the motions, and seeking their own best interests. But the door is still open... If a decision is made to pursue this opportunity, the leadership of each tribe should contact FERC through Frank Winchell (listed above) and state

their interests and availability, nation to nation. This is a big assignment but long overdue and precedent setting. Others will be available to help as needed, with information, council, and practical assistance.

John Moody reiterated many of Rich's statements and also provided commission members with a handout he drafted regarding, Sacred and Traditional Site Studies.

2. Commission Policy & Procedures

Commission members agreed to move the action plan to old business and timeframes will be assigned to topics on upcoming agendas. Additionally, when there are requests to address the commission, people will be asked to do so under public comment. This will provide commissioners an opportunity to listen to ideas and topics and can decide if the subject matter needs to be added to an upcoming agenda.

3. Action Plan

a) Developing Teaching Materials

Carol Irons reported great progress on this action item. Trudy Ann Parker has submitted a few vignettes and several other topics have already been written. Additionally, Carol reported that she and Paul Fassler have a meeting scheduled with the Chief of the Elnu Tribe who has an impressive breadth of knowledge. A grant application is currently underway to fund several aspects of this goal.

b) Dept. of Health – Native Style Treatment & Recovery Program in Swanton for Alcohol & Opiate Addiction

Joelen Mulvaney advised that a piece of this goal that the committee is currently working on, is a potential peer to peer counseling project that could gain traction soon. She also reported that there was discussion about the proposal from Dr. Roberts from the February meeting and there is no current interest in his proposal.

c) Statewide Title VII

Lucy Cannon-Neel advised that she and Andy Beaupré met with John Castle with the North Country Supervisory Union and consultation continues on the program and application process. The application for the Orleans Central Supervisory Union has been submitted.

d) Improve Communication with Tribes

Lines of communication continue to improve between the commission and tribes. Commissioners noted the new Facebook page and email communication with agendas and approved meeting minutes to the tribes, as factors in this improvement.

e) Native Traditions Conference

Lucy Cannon-Neel advised that September 24, 2016 has been confirmed as the date for this gathering and a venue has been selected. Additionally, Lucy has secured a few presenters and plans are in the works for some others.

4. Announcements

Commissioners discussed adding Bullying and Harassment in Vermont Schools Study as part of the action plan. Joelen Mulvaney agreed to chair this committee. Consensus was reached to add this item to the action plan going forward.

Deb Reger passed around a handout for an event on March 20, 2016. An Abenaki Living Culture will be held at Brennan's Davis Center starting at noon with several events planned throughout the afternoon.

Adjourn

Respectfully submitted,
Jennifer Lavoie