

Telephone Conversation Memo

To: Public Files
From: Frank Winchell
Date: February 27 and March 11, 2014
Dockets: P-1892-026, P-1855-045, P-1904-073, P-1889-081 & P-2485-063
Project: Wilder, Bellows Falls, Vernon, and Turners Falls hydroelectric projects and Northfield Mountain Pumped Storage Projects

Subject: Tribal consultation telephone conference with the Narragansett Indian Tribe of Rhode Island.

On February 27, 2014, Kenneth Hogan and Dr. Frank Winchell of the Commission's staff met with (via telephone) the Tribal Historic Preservation Officer, Mr. John Brown and the Assistant Tribal Historic Preservation Officer, Mr. Doug Harris, of the Narragansett Indian Tribe of Rhode Island (Tribe), to discuss the Tribe's concern on Commission staff's tribal consultation effort with them involving the relicensing of the Wilder, Bellows Falls, Vernon, and Turners Falls hydroelectric projects and the Northfield Mountain Pumped Storage Projects (collectively the Connecticut River Projects), and their needs to conduct their own study involving cultural resources. The Tribe expressed their concern that the approved cultural resources studies would not adequately address our responsibilities, pursuant to section 106 of National Historic Preservation Act (section 106), and that in order for us to comply with section 106, we would need to direct the applicants to hire the Tribe so they could perform an independent study alongside the other approved cultural resource studies. The Tribe further emphasized that conducting their own study was the only way they could adequately provide information on cultural resources that were of importance to them, and for us to comply with section 106.

We explained to the Tribe, that we had no jurisdiction over the applicants to compel them to hire the Tribe and do an independent study. We also explained to the Tribe that although the applicants did not adopt their independent study, there would, nonetheless, be opportunities for the Tribe to effectively participate in the studies that would result in adequate coverage of cultural resources that were of religious and traditional importance to the Tribe. The Tribe emphatically disagreed with our position, and we agreed that we would get back with them once we had an opportunity to discuss this some more with other staff within the Commission.

We reconvened our discussion with the Tribe by telephone on March 11, 2014. Mr. Harris represented the Tribe on this discussion, along with Commission staff, including, Mr. Hogan, Dr. Winchell, Mr. Timothy Welch, and Elisabeth Blaug. In this conversation, we heard the same arguments from Mr. Harris, as previously expressed by both Mr. Harris and Mr. Brown in our February discussion. Commission staff also continued to get a better understanding on the Tribe's position, and further clarified the Commission's role and responsibilities, and ways we could move forward in ensuring, as set forth in the approved studies, that the applicants effectively coordinate and consult with the Tribe so that the Tribe's concerns with respect to adequately documenting cultural resources of religious and traditional importance are addressed, including ensuring that tribal representatives are able to accompany archaeologists during field work, if the tribe so desires, to collect existing conditions data on TCPs, including sacred landscapes, during visual inspections. Commission staff concluded the discussions by stating we would contact the applicants and explore ways in which they might facilitate the Tribe's needs in participating in the cultural resource investigations involving the approved studies. We stated that we would get back with the Tribe after we had initial conversations with the applicants.

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