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VIA ELETRONIC FILING

Kimberly D Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: FirstLight Executive Summary, Background Research, and Conclusion to Study No. 3.7.3: Traditional Cultural Properties Study for the Turners Falls Hydroelectric and Northfield Pump Storage Project, (FERC Nos. 1889-081 and 2485-063)

Dear Secretary Bose:

The Nolumbeka Project Inc. would like to weigh in on the results of the Executive Summary Report, Background Research, and Conclusion to study No. 3.7.3 Traditional Cultural Properties Studies recently submitted to FERC.

After reviewing the reports we have a number of concerns as to the process that took place and the conclusions that were offered to FERC in absence of any **tribal oversight and consultation**.

Some of our concerns include but are not limited to:

- Devaluing tribal expertise time and resources
- The appearance of a breach of a Federal/Tribal trusts relationship.
- The appearance of an attempt to build a case for 106 compliance in absence of tribal consultation and oversight
- The appearance of an attempt to negatively prejudice the cultural significance of Ceremonial Stone Landscapes to Native Americans, both in and outside of the Project APE.

- Significant omissions of cultural resources and TCPs located in the Project's APE.
- The challenges to tribal access to TCPs and ceremonial sites located in and around the Great Falls APE not addressed in the report.

We sense after reading the report that the Licensee has chosen to expend the total of their cultural resource study budget to fund only non-tribal researchers for their professional expertise and work in assisting FirstLight to meet the requirements of Section 106 of the National Historic Preservation Act without any meaningful compensated **tribal** consultation as part of the process.

The Narragansett Indian Tribal Historic Preservation Office (NITHPO) offered to the Licensee a clearly articulated way to access tribal expertise and resources to assist in achieving meaningful compliance with 106, but we understand the Licensee rejected their offer.

In our April 15, 2014, letter to John Howard, the Nolumbeka Project aired our concerns that FirstLight appears to have chosen to assign non-tribal entities as the gate keepers to determine what providing "Adequate" coverage of Tribal cultural resources would look like. Rather than solving that challenge, it appears the Licensee is trying to cut the NITHPO out of the 106 Process by documenting failed attempted contact with NITHPO in absence of a clear and meaningful counter offer as part of the process.

Though we cannot speak on behalf of any tribe, this leaves the appearance of a breach of a Federal /Tribal trust relationship, as it appears FERC has not chosen to support a just compensation for tribal knowledge, skill, and resource expenditures.

We strongly urge FERC to re-establish a Government-to-Government Tribal trust relationship with the NITHPO that would allow for a meaningful tribal consultation to take place in a way that is respectful of tribal expertise and resources. We understand they were willing to contribute to the re-licensing process. It is not the tribes that will receive a 50-year re-license to operate a for-profit hydro project on a 10,000- year old tribal landscape.

Some of the Section 2 Background Research listing quotes appear to have been used as a vehicle to challenge, marginalize and diminish the validity of Ceremonial Stone Landscapes as a part of tribal culture, by offering quotes such as: "These websites are numerous and discussion in them is largely based on presumption rather than scientific analysis." and "On the one-hand, many people argue that these stone features are the product of 18th and 19th century land clearing and farming activities." These are purely biased assessments that only serve to diminish those cultural assets as they relate to the TCP Studies. The issue of the Ceremonial Stone Landscapes challenge was settled in 2009 by a ruling of the Secretary of the Interior in favor of the tribal ceremonial practices

on such landscapes. The documented research quotes offered by of Dr. Will's team could only serve to challenge that ruling.

An important **note**: shortly after the Federal Ruling on the Turners Falls Ceremonial Hill in 2009, a Ceremonial Stone Landscape District was established encompassing a 20 mile radius around the Ceremonial Hill at the Turners Falls Airport. That District covers all of the APE to the north and south including the Great Falls, Falls River, the full length of the By-Pass Reach, all of the Wissatinnewag property, the Islands, Rock Dam, and the Kells Farm, all of which hold special ceremonial, religious, and cultural importance to many tribes. This area also includes a number of Ceremonial Stone landscapes. Although doing extensive Internet research, Dr. Will's team, seems to have missed presenting that significant cultural information.

The Executive Summary Report Background Research, and TCP Study Methodology is incomplete and lacking so much information that has been publicly available to the research team. So many well-publicized cultural and ceremonial events and practices have continued to take place over the years in the Project's APE, as well as untold continuing ceremony in the water of the river and on the shoreline that have not been made public. Missing in the team's research are such events in history as the May 19, 1676 early morning raid on the refugee encampment at the Great Falls that resulted in the massacre of over 300 Native Americans, and the ensuing battle that followed, most of which occurred in the Project's APE. This single event created a very sacred piece of river and ground for the Tribes that well fit the requirement of a TCP. Missing also from the research team's writings is an accounting for the Narragansett Tribe and Town of Montague's publicly held 2004 Reconciliation Ceremony that took place within the Projects APE that well documented a TCP practice. Also the Massachusetts Archaeological Society has documented tens of thousands of Ceremonial Stone Landscapes up and down the East Coast. There are many hundreds of these sites here in Western Massachusetts including on the Wissatinnewag property at the base of the Great Falls and other places on the Connecticut River and in the Projects APE.

The continued operation of the Licensee's activities have created much difficulty for tribal access to special places on the river that are considered sacred and in need of ceremony such as the Massacre Site both above and below the Falls. Nearly the entire massacre site on the Gill side of the river is choked off from tribal access by chain link fences and restrictions. The full By-Pass Reach section of the project APE, as we discussed in earlier letters, through lack of access and environmental alterations has prevented Traditional Tribal Practices including fishing and all the ceremony that traditionally took place as part of that activity both before and after the fishing. The Licensee has continued to reroute the river out of its natural ancient riverbed to create hydropower above and around the old riverbed. This has altered the waters' ancient relationship with the land where the many traditional fishing stations still exist, but are no longer serviceable to the tribes for their annual fish harvesting practices to take place. It has also negatively impacted the ability for many of the fish to migrate and spawn in that section of the river where for over 10,000 years the people celebrated that annual spring

fish migration event which added to a great cultural exchange for tribes from as far away as the Mississippi Valley and beyond. All of this, one would argue constitutes a TCP that has been rendered non functional by the licensees' activities. The fore-mentioned challenges need to be discussed, and none of them were addressed by Dr. Will's research team in any of their offerings to FERC.

One important additional omission of the archaeological and cultural research parameters has been the Licensee's choice to eliminate steep slopes and wetlands as part of the areas of concerns for cultural sensitivity. As many of the Ceremonial Stone Landscapes have been documented to often be associated with springs, streams and wetlands as well as hillsides and steep slopes, that omission has effectively made **invisible** such places of ceremony to the research team's process and needs to be **reversed** as it is formed out of a cultural bias and ignorance. An important note: A literal reading of the description of the APE would include all of the West Bank of the Wissatinnewag property and much of the By-Pass Reach on the west side of the river. "APE would also include an additional 10 meters (33 feet) of lands **inland** from the **top of the banks** of the Connecticut River and associated tributaries".

To be clear, without written consent from the NITHPO we can not hold proxy or be a substitute for Federal Tribal Participation to assist the Licensee in achieving 106 compliance. That being stated we are happy to walk the Wissatinnewag property located in the Project's APE and point out to Dr. Will's team the TCPs, including some Ceremonial Stone Landscapes that represent just a small sample of such places located in the project's APE, that relate to the Ceremonial Hill at the Turners Falls Airport and beyond.

Respectfully Submitted

Joe Graveline
The Nolumbeka Project Inc.