

Rich Holschuh  
Tribal Historic Preservation Officer  
Elnu Abenaki Tribe  
117 Fuller Drive  
Brattleboro, VT 05301

September 20, 2021

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

Re: FirstLight Hydro Generating Company, Turners Falls Hydroelectric Project (FERC No. 1889) and Northfield Mountain Pumped Storage Project (FERC No. 2485)  
Comments on Traditional Cultural Properties Study No. 3.7.3. Historic Properties Management Plan, and Relicensure Progress in General

Dear Secretary Bose:

Elnu Abenaki have been actively participating in the relicensing process for FirstLight's Project Nos. P-1889 and P-2485 since 2015. We are a Vermont-State-recognized Tribe (1 V.S.A. § 853a) and have been an active party in the ongoing relicensure process, particularly with regard to Cultural Resources including the FERC-required Archaeological Survey Study 3.7.1 and the Traditional Cultural Properties Study 3.7.3. We have intentionally engaged this process for the last 6 years, after it came to our attention that – although the Western Abenaki are incontrovertibly the acknowledged Native American (Indigenous) People of the Project area, the cited studies were initiated and conducted, in great part, without our consultation and participation. This was acknowledged through early correspondence with then FERC Archaeologist Frank Winchell, who encouraged the Tribe to join the relicensure process with their concerns, an action and position which we have consistently maintained since then.

While Elnu Abenaki tribe has subsequently been included, to an incomplete degree, with the ongoing series of Phased Archaeological Surveys comprising Study 3.7.1, we were not included in the more crucial Study 3.7.3 for Traditional Cultural Properties (TCPs). The documentation of TCPs by NHPA, Section 106 definition requires consultation and active engagement with the cultural groups who are directly associated with the Project area. They alone hold that knowledge, but in fact were not included in the resultant abstract and simplistic literature/desktop survey. Since it documents no TCPs and did not include the necessary inclusive participation in consultation, in a region which is well-known for its deep cultural presence and significance, the TCP Study as currently comprised is without value. It is obvious that, lacking a meaningful TCP process, there can be no effective, responsive Historic Properties Management Plan (HPMP) and the requisite ongoing dialogue regarding the recognition of and responsibility for Cultural Resources, in a culturally appropriate manner.

This complete lack of consultation, and thus the necessary documentation that would follow, was brought to the attention of FirstLight and FERC, with a request to keep the TCP process goals open, and to develop a Programmatic Agreement (PA) or Memorandum of Understanding (MOU) that would inform a comprehensive and responsive HPMP. We (Elnu Chief Roger Longtoe Sheehan and I) met in person with then-FirstLight Licensing Manager Gus Bakas (now deceased) and he agreed to continue dialogue. Since then, we have maintained this exact position, with both FirstLight and FERC, and there has been no follow-through to this effect: no discussions, no negotiations, and no agreements in principle or substance. We have remained in this position – for six years now - and request that FERC require the licensees (FL) to codify and support a PA or MOU between themselves and Elnu Abenaki Tribe that will meaningfully inform an ongoing TCP process, as a living document, which can then inform a comprehensive and responsive HPMP. This can be accomplished through constructive dialogue so that vested community concerns are included and NHPA objectives are successfully met. This is all the more crucial since Native American Cultural Resources (which are highly significant in the ethnographic record) have never been adequately addressed in the Project Area - in the entire history of hydroelectric operations on the Connecticut River - and the current relicensing process the only opportunity to responsibly do so. The statutory authority to require this remedy rests with FERC and we respectfully request your concurrence toward these ends.

As an accessory note, Elnu Abenaki has maintained the above positions, with the same objectives, with regard to P-1892, P-1855, and P-1904 at the Wilder, Bellows Falls, and Vernon, VT facilities - operated by Great River Hydro LLC immediately upstream of the FirstLight facilities - since they are involved in concurrent relicensure and are also located squarely within Abenaki Traditional Cultural Homelands. We are filing an identical notice with FERC to that effect, under separate cover.

The operation and relicensure of the Projects under discussion has impacted and will continue to affect our interests in an ongoing, significant, and deleterious manner. We are alarmed and concerned at the lack of response, dialogue, and accountability by the licensees and the delegated agencies to our concerns, which are clearly stated and protected in the several Federal statutes and policies, administered through this process by FERC. We are not being heard. Our traditional homelands, centered on the Connecticut River including the Project areas, are being degraded and mismanaged; we refer to multiple previous docket filings, to this effect. In this time of increased awareness and response, we refer to FERC's new Office of Public Participation; will they deliver on the promise of public inclusion? There has been little to no reciprocity or reply, from either FERC or the licensees.

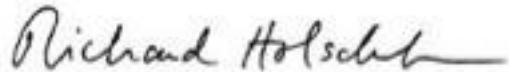
A perfect example, but not the only one, is the area known as the Rock Dam, on the mainstem bypass reach between the Turners Falls Dam and Cabot Station outfall. This is an ancient traditional fishing place, relatively unspoiled by the historic hydroelectric impoundments, and surrounded by very sensitive, well-documented archaeological sites and Traditional Cultural properties. On a related note, the Rock Dam site is also implicated in its significance to the anadromous fish runs subject to their own relicensure Studies, not to mention the sole CT River spawning site for the Federally listed shortnose sturgeon. That all of these and Other factors converge on this particular site and its environs is exemplary of its Indigenous

significance, which is driven by cultural relationships with both human and other-than-human entities, including the River itself. This is precisely why the Traditional Cultural Properties recognition process was created. Further, all these Project impacts inform each other, and we are rendered nearly unable to participate in other aspects, such as recreation, erosion, fisheries, etc. when our own intersectionalities are ignored and sidelined.

We request your attention to this situation and an affirmative response to our request for active, constructive dialogue. Thank you for your witness.

Sincerely,

Richard Holschuh, THPO for Elnu Tribe of the Abenaki

A handwritten signature in black ink that reads "Richard Holschuh". The signature is written in a cursive style with a long horizontal flourish at the end.

Roger Longtoe Sheehan, Chief, Elnu Tribe of the Abenaki

A handwritten signature in blue ink that reads "Roger Longtoe Sheehan". The signature is written in a cursive style with a long horizontal flourish at the end.

Jim Taylor, Councilman, Elnu Tribe of the Abenaki

A handwritten signature in black ink that reads "Jim Taylor". The signature is written in a cursive style with a large loop at the beginning and a long horizontal flourish at the end.