

NITHPO
Narragansett Indian Tribal Historic Preservation Office
4425 A South County Trail
Charlestown, RI 02813



January 15, 2017

Ms. Kimberly Bose
Federal Energy Regulatory Commission
Office of Energy Projects
Division of Hydropower Licensing
Washington, DC 20426

RE: Wilder Dam Project No. 1855-026
Bellows Falls Project No. 1855-045
Vernon Project No. 1904-073
Turners Falls Project No. 1889-081
Northfield Pump Storage Project No. 2485-063

Dear Ms. Bose,

The Narragansett Indian Tribe in collaboration with the Abenaki Elnu and the Nolumbeka Project would like to request mitigation in the form of compensation for inadequate NHPA section 106 compliance from TransCanada and First Light in the above referenced projects. The traditional cultural properties (TCP) study that was performed by TransCanada for this project was preliminary, as it was performed without tribal consultation. There was no TCP study for the First Light relicensing. Thus, all projects mentioned above require a TCP study pursuant to 36 CFR 800.2(c)(2)(ii)(A) in order to meet NHPA section 106 requirements. This is bolstered by the official Bureau of Indian Affairs response letter on this matter from Harold Peterson, which calls for further Tribal consultation and is included in this document in Appendix B.

Previous Attempts to Encourage Section 106 Compliance:

- At a June 12, 2013 study plan meeting discussing proposed study plan (PSP) studies 3.7.1 Phase 1A Archaeological Survey and 3.7.2 Reconnaissance-Level Historic Structures, the Nolumbeka Project raised the issue of the Traditional Cultural Properties study necessarily involving federally recognized Indian tribes.
- In a letter from the Narragansett Tribal Historic Preservation Office, July 14, 2013, the Narragansett Indian Tribal Historic Preservation Office asserted that it agrees to consult in the relicensing of both First Light and TransCanada projects, and included an outline of a proposal for beginning Tribal consultation.

- Also on July 14, 2013, the Nolumbeka Project submitted a TCP study request to FERC.
- On August 5, 2015 (meeting #7036), Doug Harris, Deputy THPO of the Narragansett Indian Tribal Historic Preservation Office, Joe Graveline and Howard Clark of the Nolumbeka Project, Frank Winchel of FERC, and Elizabeth Brandon had a phone meeting with First Light to discuss 106 compliance in the federal dam relicensing of First Light and TransCanada dams. At that time, the project proponents were informed their efforts were inadequate, and an alternative plan was proposed. This plan was never followed up on by either project proponent.

Therefore, the TCP studies of both licensees remain inadequate. The existing TCP report for TransCanada projects admits to being incomplete, while the report for First Light projects is nonexistent.

Mitigation Proposal:

Given the conclusions of TransCanada's own report that its research has been inadequate (see Appendix A), the Tribes request mitigation in the form of arrangements of a procedure and budget for further study, providing the opportunity to protect their traditional cultural properties now and in the future.

If begun now, a full TCP study, as was originally proposed, would delay licensing for one to one-and-a-half years. Rather than insist upon a full study pre-license, we are proposing mitigation starting now and spanning the 50 years of the license process, funded jointly by the two licensees.

Mitigation would consist of a collaborative Tribal assessment of the living oral histories that emerge from the APE and radiate outward, expanding the APE along tributaries to the Connecticut River in NH, VT, and MA, including surrounding areas. It would focus upon both: the stories of refugees who escaped the horrors of King Phillip's war and sought refuge in what is now known as Canada, but may have spent extensive periods of time along the CT and its tributaries, and on the Native tribes and nontribal people who sheltered the refugees in these areas.

This proposed effort is a collaboration initiated by the NITHPO in partnership with the Abenaki Elnu and the Nolumbeka project, as well as any other Tribes existing or having previously existed within the expanded APE. Its mechanism, which follows the guidelines suggested in TransCanada's own TCP report, is as follows:

1. An annual calling for true, Native American-related stories in partnership with the historical societies of Vermont, the historical commissions and societies of Massachusetts, and the New Hampshire division of historical resources. In conjunction with this call will be a contest e.g. for traditional recipes to encourage participation.
 - Stories and recipes will be collected at county fairs, and a prize offered for the best in each category, sponsored by the historical organizations.
 - Every decade, the best stories and recipes (e.g. for ginger beer or other traditional food) will be collected and published.

- The oral histories gleaned from these collections will guide the outlines of the APE, so that over the five decades of the licenses, we will have a more complete picture of Native life in the Connecticut River valley.
- All stories collected will be stored in an informational database housed in Franklin County, Massachusetts, stewarded by the Tribal participants and their allies who sign onto this mitigation plan. Stories will be publically accessible.

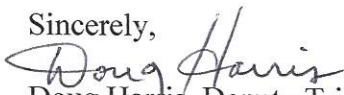
2. Based on the ethnographic research, archaeological and ceremonial stone landscape surveys will be conducted annually within the expanded APE to help support the oral history by identifying settlements (regional Tribal and refugee) and ceremonial sites.

- With the exception of the published stories, the results of these surveys will be held confidentially in the above-mentioned database.
- The surveys will be conducted by Tribal personnel or their delegates.
- The surveys will be funded by the project proponents.
- Funds will be provided to create an annual report to the project proponents as to which sites require special consideration and avoidance.

Proposed Budget:

Item	Cost	Description	Total Project Cost (over 50 years)
Technology	\$3000/decade	computer & software	\$15,000
Field research	\$5000/yr	All tribes involved	\$250,000
Annual report	\$1500/yr	Collaborative; includes preparation of NHR documents as required	\$75,000
Ethnographic Competition Funds	\$3000/yr	\$1000 to each of 3 states to run contest	\$150,000
Ethnographic Competition Prizes	\$600/yr	\$200 to each of 3 states for prizes	\$30,000
Totals:	\$9,900/year		\$520,000

Sincerely,



Doug Harris, Deputy Tribal Historic Preservation Officer
Narragansett Indian Tribal Historic Preservation Office

cc: John Ragonese, FERC License Manager, TransCanada

Appendix A: Excerpts from TransCanada TCP Report

(Full citation: TRANSCANADA HYDRO NORTHEAST INC. ILP Study 33, Traditional Cultural Properties Study, Study Report In support of Federal Energy Regulatory Commission Relicensing of: Wilder Hydroelectric Project (FERC Project No. 1892-026) Bellows Falls Hydroelectric Project (FERC Project No. 1855-045) Vernon Hydroelectric Project (FERC Project No. 1904-073) Prepared for TransCanada Hydro Northeast Inc. 4 Park Street, Suite 402 Concord, NH 03301 by Willamette Cultural Resources Associates, LTD. 2827 NE MLK Blvd, Portland, OR 97212 and Normandeau Associates, Inc. 25 Nashua Road Bedford, NH 03110 May 16, 2016)

Appendix A: Excerpts from TransCanada TCP Report

What follows are excerpts from the TransCanada TCP study (full citation previous page), which confirm and document that the existing TCP study is inadequate without further tribal participation.

The study makes clear that the research and review are not complete without Tribal consultation:

The research and review were thorough, but not exhaustive, and made an effort to maximize the potential of primary sources and provide samples of data available. **The identification of potentially significant TCPs within and adjacent to the APE requires consultation with the appropriate cultural resource representatives from the affected Tribes,** and should the Tribes choose, could then coordinate interviews and field visits by individual Tribal members and traditional practitioners.

The background research and literature review should not be construed as a substitute for consultation with affected Tribes and solicitation of their input. Tribal members may perceive the entire landscape as one interconnected entity and seamlessly incorporate oral history with natural features with resource use and spirituality. The table in this report focuses on examples of the place names and traditional use areas of the Tribes in and downstream of the project area that are available in the literature. These represent those available in published literature, while the Tribal communities are best positioned to identify these places in greater detail, should they so choose. (page 4)

In addition, the report includes an understanding that the APE is not the limit of the area that needs to be studied:

TCP studies often extend well outside the APE in order to provide context for activities that took place within the APE. For many traditional communities, activities within a limited area can only be understood within a broader cultural context. Archaeological surveys also typically provide a regional context. (page 4)

In the conclusions and recommendations (section 12) of the report, it is again emphasized that Section 106 obligations have not yet been met, and that there are many potential TCPs within the APE:

This report provides baseline information and was prepared to identify categories of historic properties within and/or near the APE of religious and cultural significance to Indian Tribes, per the Section 106 implementing regulations of the NHPA and using the “Guidelines for Evaluating and Documenting Traditional Cultural Properties” (Parker and King 1998), which

may qualify as TCPs. This report is complete but not exhaustive, and there are limitations with the resource literature in that it is largely historic in nature, written by and for a non-tribal perspective, and much of it was generated to justify European conquest and settlement.

There are numerous areas identified during the course of this study that could qualify as TCPs in the Connecticut River Valley, within the APE and/or the surrounding area. Many are not directly in the narrowly defined APE but they are acknowledged because they are interrelated to the people, land, and its resources. **Based on the results of background and archival research, it is clear that the APE was culturally important in both pre-contact and more recent history to the Tribal communities** and contains places with the potential to represent multiple meanings. These include but are not limited to: residence sites, animal habitat important for hunting, resource procurement areas (particularly berry picking and fishing), burial sites, rock image sites, named places in the Native languages, and the settings of traditional stories.

The report concludes with recommendations for further study in concert with the Tribes:

The following recommendations are provided for consideration:

Consultation with Federally recognized Tribes on a government-to-government basis is necessary and critical to determine if areas we have identified are of cultural importance to the affected Tribes and if there are places not identified in this report that are of importance to the Tribes.

Tribal consultation and participation is also important to determine if additional information through oral histories or other research should be gathered to supplement the research in this study. Research through oral histories from Tribal members may provide more information on ancestral, traditional, and current use of the study area. The memory of these places may live on through oral histories, which we can only know as a result of ethnographic interviews or site visits conducted with Tribal members and traditional practitioners.

Appendix B: BIA letter calling for further Tribal consultation



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Eastern Regional Office

545 Marriott Drive, Suite 700

Nashville, TN 37214

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

Subject: Comments for Wilder Hydroelectric Project (FERC No 1892-026), Bellows Falls Hydroelectric Project (1855-045) and Vernon Hydroelectric Project (1904-073)

Dear Ms. Bose:

This letter constitutes the Bureau of Indian Affairs (BIA) comments regarding the May 16, 2016 Traditional Cultural Properties Study for the projects listed above in the subject line. We recommend FERC should additionally consult with the following tribes, both with an interest in the Connecticut River:

Mashantucket Pequot Indian Tribe: 2 Matt's Path, P.O. Box 3060; Mashantucket, CT 06338

Mohegan Indian Tribe of Connecticut: 13 Crow Hill Road; Uncasville, CT 06382

Should you have any questions, please feel free to contact Mr. Harold Peterson, Natural Resources Officer, at 615-564-6838.

Sincerely,

Regional Director
Eastern Region