

Rich Holschuh
For Elnu Abenaki Tribe
117 Fuller Drive
Brattleboro, VT 05301

June 30, 2018

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)

Dear Secretary Bose:

FirstLight Hydro Generating Company (FirstLight) owns and operates the Turners Falls Hydroelectric Project and Northfield Mountain Pumped Storage Project on the Kwenitekw (Connecticut River). FirstLight is in the process of relicensing the facilities with the Federal Energy Regulatory Commission (FERC).

The Elnu Abenaki Tribe (Elnu), in collaboration with and as proxy for the Nulhegan Band of the Coosuk-Abenaki Nation (Nulhegan) and the Koasek Traditional Band of the Koas Abenaki Nation (Koasek), are filing the attached brief comments in response to recent filings by FirstLight for the above-referenced two hydroelectric Projects. By virtue of their position on the Connecticut River, these facilities are within the traditional homelands of the Western Abenaki Sokoki people, and their operation both directly and indirectly affects the interests of the same. We add that the concurrent relicensure processes being undertaken by Great River Hydro upstream for Project Nos. 1892 (Wilder), 1855 (Bellows Falls), and 1904 (Vernon) fall within these same parameters and we have similar concerns there.

Elnu, with its Abenaki Tribal partners, has been in review, correspondence, and dialogue with FirstLight as relicensure applicants, with regard specifically to the findings of Study 3.7.1 - Cultural and Historic Resources Study – which, among others, is intended to address subjects under the purview of the NHPA, Section 106 - Historic

Properties of religious and cultural significance to an Indian tribe; and, Study 3.7.3 – Traditional Cultural Properties (TCPs) Study - under NRB38, for TCPs.

We wish to briefly address several ongoing and recent aspects of the cited studies:

1. We support the continued requirement for appropriate phased archaeological documentation of all project-affected shorelines and properties in all three states (MA, VT, and NH) per approved and modified Study Plans, especially those subject to erosion or damage, whether from direct project operation or related activities, such as recreation. It is our own understanding that all shorelines in the APE are culturally sensitive, notwithstanding immediately proximate activity areas as well, which may fall under the designation of TCP. The current confusion about jurisdiction and appropriate classification of the overlapping project areas below the Vernon impoundment (the tailrace) must resolve toward responsible treatment no matter who is liable. The Great Bend area of Vernon, under discussion, is without question one of the most highly sensitive areas in the mid-River valley. That it falls into an interpretational gray area is rather ironic.
2. We continue to request our inclusion on the service list for all filings relative to Studies 3.7.1 and 3.7.3 - those of both Public and Privileged status – including past and subsequent archaeological Phases 1A, 1B, 2, and 3, as planned and as performed. As representatives with indigenous, tribal interests, we are the ones most directly impacted and must have free access to all information being promulgated, in order to participate responsibly. This has not been the case going forward, and we request that this situation be addressed now and retroactively. As a specific case in point, FirstLight's recent FERC-filed letter of June 20, 2018 states, "FirstLight...has notified Tribes of the impending Phase IB survey work." We have received no such notice.
3. Beyond basic data reports, we continue to request our inclusion through active, collaborative consultation and open participation in the actual fieldwork conducted by consultants in fulfillment of these actions. This, again, is in the spirit of meaningful and responsible consideration of those with the closest connections to the cultural resources under investigation. The methodology of this inclusion mechanism can be worked out in a brief PA and implemented going forward.

4. We reaffirm our position, as shared in person with FirstLight and their consultant, that Study 3.7.3, Traditional Cultural Properties, is substantially incomplete, in that direct consultation with tribal representatives has not yet taken place, in direct contrast to the directives embodied in NRB38. We understand these initiatives take time and resources; we are prepared to engage toward substantial fulfillment of the requirements through the implementation of integral or follow-up MOUs, PAs, and the HPMP itself, toward the development of which we also expect to contribute.
5. We look forward to a developing, continuing, and positive collaboration with FirstLight, its consultants, the SHPOs, other THPOs should they be involved, and with FERC itself. This is a better way to be – inclusive, comprehensive, and mindful.

Wliwni - thank you for your consideration of our comments. We look forward to a continuing and helpful dialogue and relationship.

Sincerely,

Rich Holschuh
For Elnu Tribe of the Abenaki
Member Vermont Commission on Native American Affairs

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