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November 28, 2019

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 Archaeological Surveys Study No. 3.7.1, Traditional Cultural Properties Study No. 3.7.3, and Relicensure Progress in General

Dear Secretary Bose:

Elnu Abenaki have been participating in FirstLight's relicensing process for Project Nos. 1889 and 2485 since 2015. Our interests are wide-ranging, from fisheries to access to archaeology, but entirely based in the nature of an indigenous culture's identification with their respective homelands. The Abenaki people are notably river-centric set of cultures. They converge in and derive meaning from traditional cultural relationships with specific rivers, their watersheds, and the surrounding landscapes within which they are embedded. The River under consideration in this case is the mid-Connecticut, exactly the setting for these Projects. The operation and relicensure of the Projects under discussion has impacted and will continue to affect those interests in an ongoing, significant, and deleterious manner.

A number of Studies have been proposed, commissioned, and conducted to address these concerns, including No. 3.7.1 Phased Archaeological Surveys, No. 3.7.3 Traditional Cultural Properties (TCP), and several others that touch on areas of cultural significance such as anadromous fisheries, riverbank stability, and access. At the onset of the relicensure process, Elnu Abenaki (or other Vermont-based tribal entities) were not included in the notifications, despite the fact that the Project areas lie directly within historically-documented traditional homelands. These homelands, in fact, run down the river all the way to the Turners Falls/Cabot Station (No. 1889), inclusive of Northfield Mountain Pumped Storage (No. 2485).

At the Sept. 29-30, 2015 Study Report meeting held by FirstLight at Northfield Mountain Visitor Center (see P-1889 e-Library document 20151014-5075(30949409).pdf), progress with these Studies and others were presented to the public and stakeholders for comment. Notably, Study 3.7.3 TCP was presented as complete, while the status of others were ongoing. Upon my in-person comment noting the lack of notification and thus lack of inclusion up to this point, not to mention the required consultation, it was suggested that a

request for notification and inclusion be filed (pp. 30-32 of the USR). As a result, Elnu Abenaki was subsequently invited to join as a stakeholder by Dr. Frank Winchell of FERC and Harold Peterson of BIA; in reference, we filed our follow-up comments on January 17, 2017. See P-1889 e-Library documents 20170117-5125(31902395)%20(1).pdf and 20170117-5125(31902396).pdf.

Firstlight replied to Elnu Abenaki's comment filing with a letter detailing their position (see P-1889 e-Library document 20170301-5326(32000813)%20.pdf) with an invitation to meet with personnel from TCP contracted consultant TRC personnel (Dr. Rick Will) and then-licensing manager Gus Bakas. This invitation was accepted and we discussed our desire to keep the TCP study open and ongoing, in order for the shortcomings to be addressed. We filed similar comments with the TCP Study cognates being conducted by TransCanada (now Great River) with project Dockets P-1855 Bellows Falls, P-1892 Wilder, and P-1904 Vernon. These licensure renewals are being handled concurrently, in theory.

Since then - with eventual success after several requests to be granted access as a vested party to pertinent documents with "Privileged" status – we have participated in tribal monitoring as part of Study 3.7.1, Phased Archaeological Surveys. We are appreciative that there is now a degree of meaningful inclusion. We have also maintained our original position that TCP Study 3.7.3 is incomplete, since there was no consultation with Abenaki people before its filing on March 31, 2015, and our eventual inclusion due to lack of notification at the onset. We understand the continuing nature of the relicensure process, and have expressed our willingness to be accommodated through subsequent MOAs, MOUs, and the drafting of the HPMP for these Projects. We would like this status and disposition acknowledged and on the record.

The Project Area(s) contain, by nature, many significant cultural landscape features. These areas have been ignored, neglected, and exploited; recognition is a necessary first step. The process of creating a comprehensive TCP (as a living document), when integrated with an inclusive HPMP, can begin to address these shortcomings. Notably, the current TCP has made note of NO eligible or potentially qualifying sites or areas. A collaboratively-documented TCP can help inform and guide better practices.

An excellent specific example 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. 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 indigenous significance, which is driven by cultural relationship with both human and other-than-human entities, including the River itself. This is precisely why the Traditional Cultural Properties recognition process was created.

We look forward to continuing this dialogue with FirstLight and FERC in an inclusive, considerate manner. Thank you for accepting these comments and recognizing our position.

Cordially,

Richard Holschuh, Liaison (THPO) for Elnu Tribe of the Abenaki

Roger Longtoe Sheehan, Chief, Elnu Tribe of the Abenaki

Jim Taylor, Councilman, Elnu Tribe of the Abenaki