

# NITHPO

## Narragansett Indian Tribal Historic Preservation Office

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3 January 2017

J. Rich McGuire, Director  
Division of Gas-Environment & Engineering  
Federal Energy Regulatory Commission  
888 First St. NE  
Washington, DC 20426

Reid Nelson, Director  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

**RE: RESPONSE TO - Notification of Adverse Effects for the Connecticut Expansion Project**  
Tennessee Gas Pipeline Company – Kinder Morgan  
Docket # CP14-529-000

Greetings, Directors McGuire and Nelson:

This letter is in response to FERC's communication of 29 December 2016 to the Advisory Council for Historic Preservation (ACHP). That communication mildly portrays the dire Tribal historic preservation issue of the likely bulldozing of ancient ceremonial stone landscape features along the 3.8 mile proposed Kinder Morgan / Tennessee Gas Pipe Line in Sandisfield MA (Docket # CP14-529-000). In its letter, FERC does correctly identify that pursuant to the National Historic Preservation Act (36 CFR 800) the project proposes to have an "adverse effect on historic properties" ("multiple ceremonial landscape features in Berkshire County, MA"). The rest of FERC's communication avoids the destructive truth of desecration and the lack of Tribal participation in the resolution of adverse effects.

**73 FEATURES IDENTIFIED:** In a Tribal Historic Preservation survey, based on methodology evolved from the United South & Eastern Tribes' Resolution #2003-022: "for thousands of years before the immigration of the Europeans, the *pau waus* or medicine people of today's New England region used [] sacred landscape[s] to sustain the people's reliance on Mother Earth and the spirit energies of balance and harmony;". And the advice of Medicine Elder "Running Wolf": "Let the landscape speak for itself." With identification and avoidance as goals, our expectation was that identification of ceremonial stone landscape features would trigger avoidance - 800.4(a)(4) requires nothing more. Based on Tribally agreed upon traditional recognition modalities, during three weeks in the woods, hills and swamps, we identified a final count of 73 ceremonial stone landscape features within an extended ceremonial region where, pursuant to the National Historic Preservation Act (36 CFR 800.4(c)(1) "Indian Tribes ... possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them."

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**1/3 THREATENED:** On December 5, 2016, Kinder Morgan informed the Tribes that they would not avoid 1/3 of the 73 features that we and our associates had mapped and reported to Kinder Morgan and FERC. The following oversights remain open:

**NO NATIONAL REGISTER DETERMINATION:** Pursuant to 36 CFR 800.4(c)(2), there has been no National Register determination of eligibility for these historic properties that have been Tribally determined to possess religious and cultural significance and presented to FERC.

**NO TRIBAL PARTICIPATION IN THE RESOLUTION OF ADVERSE EFFECTS:** Pursuant to 36 CSL 800.2 (c)(2)(ii)(A), there has been no Tribal opportunity or offer to the Tribes of an opportunity to "participate in the resolution of adverse effects" to the 1/3 of the 73 identified ceremonial features. The words are in the law, but where is the implementation of the process for Tribes?

All that the ceremonial stone landscape preservation 800.2(c)(2)(ii) Tribes want is avoidance of the 1/3 of the 73. Anything else appears to be a path to destruction and desecration. **ACHP, are you prepared to intervene and offer meaningful guidance in correcting these oversights?**



Doug Harris, Deputy Tribal Historic Preservation Officer &  
Preservationist for Ceremonial Landscapes