



**The Nolumbeka Project, Inc.  
P.O. Box 285  
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January 12, 2017

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20216

Re: Docket No. CP14-529, TGP Connecticut Expansion Project  
Support for Narragansett Indian Tribal Consultation on Traditional Cultural Properties

Dear Secretary Bose:

The Nolumbeka Project is a non-profit corporation with an all-volunteer board whose mission is to preserve, protect, and educate the public about Native American cultural resources in what is now called New England and the Northeastern United States. We are writing to voice deep concerns over plans of Kinder Morgan/Tennessee Gas (“TGP”) that will result in the destruction of ceremonial stone landscape (“CSL”) features sacred to Tribes with cultural, religious and historical connections to land in Sandisfield, Massachusetts along the proposed route of the TGP Connecticut Expansion Project (FERC docket #CP14-529, the “Project”).

As TGP is well aware, 73 CSL features were identified in an on-the-ground survey conducted by several Tribes in the second half of 2016. According to Deputy Tribal Historical Preservation Officer Doug Harris of the Narragansett Indian Tribe,<sup>1</sup> a full one-third of these CSL features will be destroyed during the construction of this pipeline. Although some have suggested that it would be acceptable to disassemble the features and reassemble them when construction of the Project is completed, Mr. Harris explains that their disassembly would be an interruption of the prayers placed there. According to Mr. Harris, “Then what you have is an artistic replica of something that was spiritual. Once you remove the stones, the spiritual content is broken.”<sup>2</sup>

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<sup>1</sup> See <https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14457258>.

<sup>2</sup> See <http://theberkshireedge.com/tennessee-gas-pipeline-may-bulldoze-sacred-native-american-sites>.

On December 29, 2016, the Federal Energy Regulatory Commission (“FERC”) sent a “Notification of Adverse Effect”<sup>3</sup> to the Advisory Council on Historic Preservation’s Office of Federal Agency Programs, seeking resolution of this matter. FERC’s Environmental Assessment (“EA”), issued in 2015, included alternative routes that may have avoided many of the CSLs, but FERC approved the primary route before the CSL survey was undertaken. Thus, the FERC certificate was issued in violation of the implementing regulations of the National Historic Preservation Act (the “NHPA Regulations”), which require that the agency “complete the section 106 process ‘prior to the issuance of any license.’” 36 CFR 800.1(c). This regulation also makes clear that the purpose of initiating the section 106 process *early* in project planning is to ensure “that a broad range of alternatives may be considered during the planning process”. 36 CFR 800.1(c).

Disturbance or destruction of these sites would further erase traces of a part of our history, and a still living segment of our culture that is already too often ignored - that of this region’s first peoples.

To disturb these ceremonial features is damaging to the religious sensibilities of our Native citizens who still embrace the beliefs of their forebearers. Proceeding without full Tribal participation “in the resolution of adverse effects” is an unconscionable act that also violates the NHPA Regulations, specifically 36 CFR 800.2(c)(2)(ii)(A).

Regardless of our heritage, all citizens of our region would be poorer for the loss of these original historic sites, and their destruction should not be allowed.

FERC should not allow the Project to proceed before this matter is fully and properly resolved. Furthermore, Sandisfield Taxpayers Opposing the Pipeline (STOP) filed a request for a rehearing of FERC’s order issuing the Certificate of Public Convenience and Necessity in April of 2016 that has yet to be acted upon. FERC should grant the rehearing request without further delay, taking into consideration issues raised by the Narragansett Indian Tribe, STOP, and others over the course of the FERC proceeding.

David Brule  
Nolumbeka Project Co-President

cc: Advisory Council on Historic Preservation, Office of Federal Agency Programs;  
U.S. Army Corps of Engineers

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<sup>3</sup> See <https://elibrary.ferc.gov/IDMWS/common/opennat.asp?fileID=14454485>.