

**PUBLIC COMMENTS ON
Ceremonial Stone Landscapes and Traditional Cultural Landscapes
In Regards to Clean Energy Facility Siting**

Comments submitted by
Michael DeChiara
Shutesbury, MA
October 2025

I am submitting this standalone public comment because it is cross-cutting for all three agencies' regulations and guidance and could easily be overlooked if not highlighted. It is in regards to respecting Indigenous rights and culture in the permitting process. The various regulations and guidelines being developed by the Commonwealth are, by definition, based on a western civilization mindset and understanding. This is to be expected. However, in the course of our solar permitting in Shutesbury, we learned things that are essential in regards to Indigenous communities in relation to permitting and siting. I would suggest these need to be incorporated into the drafts your agencies are developing.

BACKGROUND

What: Indigenous Sites Need Recognition and Protection in Permitting

Indigenous communities have sites that are of cultural or religious importance to them. These include Ceremonial Stone Landscapes and Traditional Cultural Landscapes. Definitions are at bottom of this email and in the attached document.

Who: Tribal Historical Preservation Officers

The person who is trained and recognized by the tribes and who the federal government to recognizes are called Tribal Historic Preservation Officers (THPOs). A THPO is responsible for the administration of any or all of the functions of a State Historic Preservation Officer (SHPO) with respect to tribal land. Western experts like archeologists are likely not THPOs.

ISSUES

One-Mile Limit

Tribes that were historically located in the state are not always present or represented in the region where cultural sites are located. For example, the western Mass. Nipmuc people are represented by Mashpee Wampanoag Tribe in SE Mass. Additionally, tribes that were forced to leave Massachusetts by threat of force or treaty, now are located in other states. In both instances, defining Key Stakeholders as being within 1 mile of a clean energy facility, does massive injustice to the Indigenous communities that lived in Mass. and have cultural or spiritual relevant landscapes on potential project sites here. This may be an inconvenient truth but a truth nonetheless.

Access to Land

In Shutesbury, we encountered a landowner leasing forestland for a clean energy facility refusing access to the site by a THPO as a representative of tribal people. The landowner would only allow a western certified archaeologist who did not have training or perspective necessary to assess Indigenous cultural landscapes on the site. Given the power of private landowners, this could not be overcome unless the Planning Board decided to deny the permit for lack of relevant data, which it did not do. I would suggest EEA, DOER and EFSB require full access to a proposed site in order to establish accurate assessments in regards to Ceremonial Stone Landscapes and Traditional Cultural Landscapes for all clean energy facilities.

Mass. Historical Commission Not the "Decider"

From what I understand, the Massachusetts Historical Commission has had a long-standing position that there are no Indigenous stone structures in the Commonwealth. Based on the attached document which deeply researched this issue, MHC's position has been that all stone structures are post-Contact. For example, as recently as 2021 (might still be there) the MHC's official website includes this statement:

"Piles or continuous walls of fieldstones are common in rural Massachusetts wherever there are rocky soils. When historians and archaeologists have conducted thorough, professional research into such stone piles, they have invariably shown that these features are not associated with the Native American settlement of Massachusetts."

So while state agencies like EEA, DOER and EFSB will be tempted to make the MHC the "go-to" for determining Indigenous sites, I believe this would be a mistake. If one acknowledges that a non-western understanding is required to recognize these Indigenous sites, then it is inappropriate to have a state government agency with no expertise in this perspective be the entity making decisions on whether they exist or how they should be assessed. Rather, it should be up to the tribes to determine, as the federal government has long recognized. .

RESOURCES

- [Introduction to Indigenous Cultural Sites in Shutesbury, Mass.](#)
- Shutesbury 2023 Solar Bylaw that incorporates processes and documentation to ensure Indigenous protections. (attached)
- [Shutesbury Historical Commission resources re: Indigenous issues](#)

DEFINITIONS

Ceremonial Stone Landscapes (CSLs)

A Traditional Cultural Property (TCP) is any physical property or place of significance to a culture, e.g., a district, site, building, structure, or object. A Traditional Cultural Property can be a place, a human-made structure, or a natural landscape or region. A TCP may be eligible for inclusion in the National Register of Historic Places (NRHP) based on its level of significance, as determined by its culture and community. Significance is often determined by (but not limited to): associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community. TCPs are rooted in a traditional community's history and are

important in maintaining the community's continuing cultural identity. The National Historic Preservation Act and the accompanying 36 CFR 800 regulations refer to "properties of traditional religious and cultural significance"

Traditional Cultural Landscape

A Traditional Cultural Landscape is a spatial area or resource area associated with a traditional community's cultural practices, beliefs, or identity. An example of a Traditional Cultural Landscape, which links human-made features to the natural environment, could be a complex of Ceremonial Stone Landscapes built around and close to water sources and wetlands. Understanding Traditional Cultural Landscapes often requires a holistic examination of the larger landscape within which a site is situated.