



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT
COMMISSION ON INDIAN AFFAIRS**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor
Jennifer Maddox, Undersecretary ♦ John Peters, Jr., Executive Director

**MINUTES OF THE VIRTUAL MEETING OF THE
COMMISSION ON INDIAN AFFAIRS**

Monday, February 7, 2022 3:00 PM

Zoom was facilitated by Commissioner Gonzales

Commissioners Present: Rhonda Anderson, Tashanna Carter, Aaron Gonzales, Gail Hill, Troy Phillips, Chairman; and Mike Wagner.

Staff: John “Jim” Peters, Executive Director; and Burne Stanley, part-time Administrative Assistant.

Community Members (names from list of zoom participants): Reggi Alkiewicz, NAICOB; Cheryl Andrews-Maltais, Chairwoman; Rachel Bayliss, Lois Boyd, Mary Starbrightly Calabrese, Brian Chenevert, Deborah Copp, Troy Currence, Kevin Devine, Melissa Ferretti, Chair, Herring Pond Wamp; Nicole Friederichs, Miguel Garate, Alma Gordon, Thomas Green, Nancy Harris, Glenda Hines, Cheryll Holley, Skywatcher Hutchins, George BearClaw McClure, Annie McKnight, Larry Mann, Alexis Moreis, Chuck Morse, Tom Morse, Jonathan Perry, Ramona Peters, Tracy Ramos, Susan Rich, Patricia Rocker, Chappaquiddick-Wamp; Veronica Rocker, Morgan Russell, Chief Duane “Yellow Feather” Shepard, Rana Smith, Soaring Eagle, Elizabeth Solomon, Andre Strongbearheart, Maria Turner, Jennifer Vickers, Johnny Walker, Akuahah Wheaton, Ken White, Love Williams, Penny Williams, Ray Williams.

(Names as well as phone numbers from list of zoom participants. Some last names were not included): Andrea, Candia, Cora, Dan, jcgross, Liz-Clark-Toni. Alison’s iPhone, Al’s iPhone, Megan Page iPhone, Mt. Sinai #12 Nipmuc Nation, 508-560-9014, 617-755-4197, 908-875-9820.

Commissioner Phillips called the meeting to order at 3:03 PM. He opened the meeting with a roll call of the Commissioners. Five were present at the time then Commissioner Anderson joined in several minutes later.

1. Native Land Conservancy – Conservation Restriction signatory

Commissioner Phillips introduced special guest Ramona Peters, Mashpee Wampanoag, from the Native Land Conservancy (NLC). She is the Chair as well as the acting treasurer of the organization. She has a lengthy resume of skills and involvement with the community and other tribes and Native organizations across the country. NLC has been protecting land for 10 years and has land in 5 counties. Ms. Peters explained that when you own conservation land, it's not protected into perpetuity unless it has a conservation restriction. Last June 2021, the state of Massachusetts updated its conservation restrictions criteria. In the new language for Indigenous Cultural Landscape, it asks that a group designate the land as significant - *as an Indigenous cultural landscape with attributes relevant to the intrinsic values of contemporary Indigenous communities within the Commonwealth of Massachusetts*. She said she would like to see the Commission on Indian Affairs empowered to be the designee.

A conversation ensued. Several felt that the Commission is not the right agency to be the designee. Some felt that there needs to be a process and a seat at the table for tribes. Some questioned whether or not this falls under the Commission's purview/area of responsibility. Others asked the Commissioners not to take a vote on this matter today. Jim Peters explained that the Commission would not be the holder of the conservation restriction... just the Native designee. He added that other agencies hold preservation restrictions. He will speak with the Commission's legal counsel (at DHCD) to see if this is something that can be done.

2. Truth and Reconciliation Hearings in Maine.

Jim said that the Commission is looking at what the state of Maine has done in creating a Truth & Reconciliation Commission (TRC). The TRC looks at what is happening in the state regarding race and discrimination throughout state government. The TRC brings issue before the legislature to get them passed. He asked if this is what we want to do in Massachusetts to address our resources, children, and homelands?

Nicole Friederichs, Practitioner in Residence at Suffolk University Law School added that in addition to the TRC, Maine has a new reconciliation process around race. She mentioned that a couple of years ago, she, Jim and Cedric Woods (at the Institute for New England Native American Studies) had been thinking about ideas of getting information from others about this idea to share. Jim added that they should try to narrow it down to a couple conversations to have with the people. And then, how to bring out the issues to confront the legislature.

3. Consultation – State, Federal and Native Tribes.

Jim said that federal tribes have the right to consult on federal projects. Other tribes have been invited in when the project is on lands of non-federally recognized tribes. He received feedback from a couple tribes. There are other tribes that want to consult that are not federal recognized. Patricia Rocker, Chappaquiddick Wampanoag-Whale Clan stated that Massachusetts Environmental Policy Act office (MEPA) has put new protocol in place and has invited all tribal people. She wants to make sure that tribes and tribal people are receiving the notifications. She feels the Commission on Indian Affairs should be involved in getting the information to specific tribes when it's on their land. There was some question as to whether or not the tribe near an Oxford, MA project had been notified. Commissioner Anderson thanked Ms. Rocker for the e-mail and said for the Oxford area, that would be Commissioner Carter. Ken White from the Chaubunagungamaug Nipmuck said they are also being notified.

4. State Recognition Discussion

Commissioner Phillips stated that over the past couple months, they have looked at what other tribes, in other states, are doing as it relates to state tribal recognition. He said the Commission is looking at the seven criteria used for federal recognition. He mentioned that some questions the Commissioners are interested in knowing about are:

- Why do you want to be a tribe?
- What are the benefits?
- What does it mean to be a tribe?

Where do we go from here he asked? Akuahah Wheaton asked what is the origin of the state proposal for state recognition? In response, Jim stated that it started when the "Henries" were challenged. The National Park Service made a definition of what a state recognized tribe is for selling arts and crafts. Ms. Wheaton said that her concern is that the Aquinnah Wampanoag, Mashpee Wampanoag, and Nipmuc already have a relationship with the state of Massachusetts – they are extremely established. No tribe should have to seek recognition unless it is some other tribes that came out of the blue that hasn't had recognition before. Jim said state recognition is to clarify the status of those who had praying towns, to rectify their status so they can have a relationship with the state.

Commissioner Wagner said he wants to frame the conversation a little more narrowly and just focus on Native Arts & Crafts to start. The purpose would be to protect Native artisans and culture. Other comments included:

- Native Arts & Crafts can be done legislatively;
- there are pop up groups that claim to be tribes and no one has stopped them;

- while the legislation/proposal is appreciated it's important to emphasize that no one is going to stop doing their art;
- the Massachusetts Tribe at Ponkapoag was not included in Executive Order 126 by then Governor Dukakis and feels that everyone who should be included, be included;
- the most hurtful part is what we do to each other and that the executive order can be taken away/repealed at any time and is demeaning to other tribes but powerful to others.

Some feel that a legislative resolution may not be enough. However, Commissioner Anderson stated that State Senator Jo Comerford said that she [Comerford] would take the proposal before the state. She thinks it can be done. Commissioner Wagner will draft the proposal and will seek input from Mashpee and Aquinnah. He will then send it around to the Commissioners for their review.

5. Proposed Introductory Meeting with Mayor Wu

The Commissioners would like to schedule an introductory meeting with the new mayor of Boston – Mayor Michelle Wu. While there are a few issues they could discuss with her, basically this would be a “Meet & Greet” to introduce themselves. They would let the Mayor know that the Commission is available to consult with her on matters that may affect Native Americans in the Commonwealth and in the City of Boston. One such topic, for a future discussion with the Mayor, is the Long Island Bridge where there are Native American skeletal remains. Jim would like to make sure that the ancestors at Long Island are being treated with respect. He would also like to see that a proper review of the skeletal remains is done out there. Ken White spoke. He said that the tribe has a court hearing coming up relative to the City so he's not able to say too much. But as it relates to Long Island Bridge, he said that they are just trying to protect the ancient burial sites and added that the southern part of the bridge is very sensitive for burials.

6. Update on the State Seal Commission

Jim reported that the full board of the State Seal Commission has been moving forward. The Native Co-Chair and the Native Co-Vice Chair are Brian Weeden and Brittney Walley respectively. There is also a non-Native Chair and Vice Chair. So far, the State Seal Commission has met 3 times this past year and committed to meet each month until the objectives of the legislation is completed. A presentation was given by Michael Comeau representing the Secretary of State on the history and process of past state seals.

7. Other Business

(a) Patricia Rocker of the Chappaquiddick Wampanoag-Whale Clan spoke. She said she is still waiting for a response to a letter sent to Jim after the July 26, 2021 Commission meeting. It has been over 6 months. The issue stems from Ms. Rocker stating at the July 2021 meeting that there is now a Whale Clan of the Chappaquiddick Wampanoag Tribe that is separate from the historic Chappaquiddick Wampanoag Tribe and how it relates to Whale Clan members being involved in the consultations with Bureau of Ocean Energy Management (BOEM). She feel that because of Jim's response to a question from BOEM about the Chappaquiddick Wampanoag Tribe that he effectively stole the rights of the Whale Clan members and pulled them out of the BOEM meetings.

She would like a response to her letter, from the Commission, so that she can bring it to court. Jim reiterated what he said at the last meeting that this is an internal tribal issue. However, Commissioner Wagner said that he and Jim will schedule a separate meeting with Ms. Rocker.

(b) Love Richardson Williams of the Nipmuc Nation spoke. She didn't go into detail but would like to schedule a consultation regarding the Nipmuc Nation with Commission members specifically with Commissioners Wagner and Hill, and Jim. Commissioner Wagner agreed to schedule a meeting between the parties.

(c) Jim asked if there was an update on the mascot issue. Commissioner Anderson reported briefly that they are still in talks about how to approach the issue. There is the potential that legislation could be combined with other issues.

8. Adjournment

The meeting adjourned at 4:50 PM.

Submitted by Burne Stanley and Jim Peters