

APPENDIX H –ST. REGIS MOHAWK POSITION LETTER



St. Regis Mohawk Tribe

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NYSDEC
Region 6-Potsdam

Chief Ron LaFrance Jr.
Chief Paul O. Thompson
Chief Beverly Cook
Sub-Chief Michael L. Conners
Sub-Chief Eric Thompson
Sub-Chief Shelley Jacobs

November 12, 2013

Mr. Patrick Whalen
Forester
NYS Department of Environmental Conservation
6739 U.S. Highway 11
Potsdam, NY 13676

Shé:kon/Dear Mr. Whalen,

Over the course of several years the Tribe has participated in activities and partnered with a number of organizations and agencies to promote the development of a forest management plan that includes the Brasher State Forest.

In Ennisko:wa/March 2001 some of our staff and community members participated in a community meeting hosted by the NYSDEC to explain the forest management plan process and to elicit preliminary feedback from interested parties. Following this meeting the Tribe issued a letter (Ohiari:ha/June 29, 2001) to Mr. John Gibbs, Associate Forester, NYSDEC conveying our position regarding the management plan development and content. The Tribe's input was focused on the black ash tree which is utilized by traditional basket makers.

Since that time the Tribe has invested time and resources into management of black ash resources in the Brasher State Forest. It has also partnered with academia and several state, federal and non-governmental organizations to manage black ash that is of benefit to other flora and fauna of managed areas and to the benefit of all citizens of New York State as well.

Open dialogue between your office and our environmental managers has fostered a mutual understanding of the complex issues regarding forest management, Mohawk Culture and the New York State environmental and forestry management policies and practices. Despite what sometimes may have seemed to have been barriers to each other's concerns the dialogue has proved to be important for developing solutions to resource management through a partnership based on this mutual understanding.

It is our understanding that a management plan is forthcoming and the Tribe wanted to take this opportunity to restate its position regarding the management plan, noting that new initiatives have since broadened the plan. Also, previous successes are acknowledged and serve as a model for others to follow for partnering in resource management.

Helping Build A Better Tomorrow

412 State Route 37
Akwesasne, New York 13655
Phone: 518-358-2272

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The Tribe can now speak as a true partner with the NYSDEC, and can bring to the discussion the insight and wisdom gained through the years that we have worked together on black ash management.

- There are certain assets of the Brasher State Forest that have intrinsic value to the Mohawks for traditional and ceremonial purposes. These assets may also have some commercial value and so we request that the plan include provisions which acknowledge these assets, acknowledge their value to the Mohawks, and limit their harvesting to ensure that they are not negatively impacted
- The Mohawks and all Iroquois people have the inherent right to hunt, fish and gather. In order for Tribal members to maintain their connection with the natural world the Brasher State Forest is a resource that offers opportunities for hunting, fishing and gathering. Sometimes, these activities are directly connected with ceremonial practices that are sometimes difficult for external cultures to comprehend but if interfered with results in conflicts and great misunderstandings. We understand that it is not the purpose of the management plan to decide whether or not to recognize and honor these rights; however we request that the DEC acknowledge the existence and complexities of our fundamental rights as they related to the development and implementation of DEC policies and regulations and commit to working with us as they are developed.
- Firewood continues to be an important resource for Tribal members as a primary and secondary source of heat. As fossil fuel costs continue to climb or at least remain uncertain, opportunities to access firewood remains an important consideration. The Tribe recognizes the challenges that the NYSDEC faces with budget and personnel cutbacks and how they can affect the ability of staff to devote effort toward smaller, non-commercial firewood harvests. The Tribe requests that the management plan contain provisions for small firewood harvesting permits for Tribal members.
- The management of Black Ash resources is an ongoing effort between the Tribe and the NYSDEC that has been built upon a partnership with several agencies and organizations including: The Ranger School, US Fish and Wildlife, USDA-APHIS, South Nation Conservation, Mohawk Council of Akwesasne, USDA Forest Service, and the Akwesasne Task Force on the Environment. This partnership has directly resulted in:
 - The inventorying of black ash resources in Brasher State Forest
 - The implementation of silviculture prescriptions in black ash stands in the Brasher State Forest to improve the availability of black ash for basket makers
 - A wider understanding of the silvicultural requirements of black ash
 - The collection and storage of black ash, green ash and white ash seeds at the National Center for Genetic Resources Preservation, Ft. Collins, CO from the Brasher State Forest for public benefit
 - The development of a stronger relationship between the Tribal, State, Federal, Provincial and Academic partners involved with the project
 - Provided a working example of the partnership and success that can be achieved under the Adopt a Natural Resource Program

The Tribe requests that the management plan contain language that provides for the continuation of initiatives that have promoted partnerships and enhancement of forest and black ash resources in the Brasher State Forest.

- Continue to identify, inventory, assess and manage black ash stands
 - Include harvest provisions or plans for black ash in management plan for basket makers
 - Continue black ash management efforts under the Adopt a Natural Resource Program or any legacy program no matter what it is termed
 - Continue seed collection efforts
- Medicine plants used in traditional Mohawk healing practices thrive in special habitat and niches of forest and wetland environments that occur in the Brasher State Forest. The Mohawks remain concerned for the protection of medicine plants and their habitat. Recognition of Mohawk inherent rights to gather these plants remains an important consideration for the Forest Management Plan to ensure Tribal members may gather these plants without interference from conservation officers or forest rangers. The management plan must also include provisions to prevent logging and recreational activities (e.g. - ATV travel) from damaging habitat where these plants are. The Tribe offers to advise NYSDEC about these plants and their habitat but safeguards must be in place to prevent commercial market harvesting. The Tribe recommends provisions be added to the management plan that establish a system of medicine plant identification and protection.
 - Point of Contact - Through the decades our Tribal members have enjoyed the friendship of several foresters appointed to the Brasher Forest. These foresters demonstrated their commitment to the NYSDEC in their professionalism and developed unique bonds with many of our community members, particularly black ash harvesters. They were respectful and open minded, bringing a great deal of cultural sensitivity to their work. Two of these foresters that come to mind include David Corse and his successor Timothy Baxter. The Tribe considers having this type of point of contact to be important for continuation of a relationship between NYSDEC and the Tribe and its members. The Tribe recommends the NYSDEC appoint such a contact within their offices to work with our community members so that this type of relationship can be perpetuated.

Recently, the Saint Regis Mohawk Tribe has undertaken initiatives that are the result of long-standing negotiations for a natural resource damage claim which broadens the scope of resource access within the Brasher State Forest. Due to its distance and isolation from industrial contamination the Brasher State Forest provides a unique opportunity for the Tribe to conduct cultural restoration efforts. Attached is a memorandum from Mrs. Barbara Tarbell, Natural Resource Damage Coordinator, outlining her programs interest in utilization of the Brasher State Forest as a location for implementing cultural activities. The program Mrs. Tarbell is involved with revolves around the availability of pollution free natural resources that are nearby the reservation. The program is unique in that it uses experienced traditional practitioners in medicine plants, hunting, fishing, and gathering to mentor students seeking to learn and employ Mohawk customs and values that promote responsible and sustainable practices. Incorporating

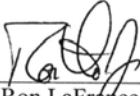
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this program into the Forest Management Plan will provide the NYSDEC with an opportunity to support and participate in a model cultural restoration.

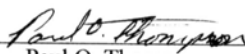
The Tribe would greatly appreciate the opportunity to comment directly on the actual language of the management plan and if this is acceptable we request a meeting with you as soon as possible to provide our input. Thank you for your time and consideration of our comments. If you have any questions, please do not hesitate to contact us..

Niawen/Thank You.

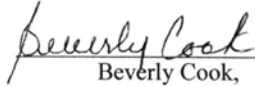
THE SAINT REGIS MOHAWK TRIBAL COUNCIL



Ron LaFrance, Jr.,
Tribal Chief



Paul O. Thompson,
Tribal Chief



Beverly Cook,
Tribal Chief