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February 22, 2002

VIA FACSIMILE and REGULAR MAIL

Monica Abreau Conley, Esq.
NYSDEC Office of Environmental Justice
625 Broadway
Albany, NY 12233-1500

**RE: DEC's RECOMMENDATIONS FOR ENVIRONMENTAL JUSTICE PROGRAM:
ONONDAGA NATION'S RESPONSE**

Dear Ms. Conley:

You may remember from my August 24, 2000 testimony before your Advisory Group and from my August 28, 2000 Memorandum to you, that I am the general counsel for the Onondaga Nation. This letter is to express the Nation's support for the Advisory Group's six specific recommendations to the Department and other state agencies for interacting with the Indian Nations.

The Nation appreciates that the Advisory Group has clearly recognized the sovereign, self-governing status of the Indian Nations and that this recognition has resulted in recommendations that all state agencies should establish clear, written policies to reflect the state government's government-to-government relations with the Nations. We also support the recommendation for annual meetings by the Commissioner, and other state agency heads, with the Nations.

Further, cultural awareness training programs for state employees and consultation guidelines for interaction with the Nations are both positive recommendations. We also support the recommendation for the Department to review the weakness of state law to determine the extent of the lack of meaningful protection for Native burial sites and other sacred sites. We hope that this review will result in a decision to support the passage of the Burial Sites Protection bill that has been introduced into both the Assembly and the Senate.

Finally, we also support the recommendation that the Department, the State Historic

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Preservation Office and the State Museum should establish protocols for state agencies to share, with the Nations, archeological information of importance to the Nations, including site maps and site files. As you heard during your 2000 public hearings, access to this information and these maps and site files is of extreme importance to the Nations in their efforts to protect their ancestors' graves and other sacred sites.

The Onondaga Nation urges the Advisory Group to stand by these recommendations and to continue to push for their approval and implementation. We have heard that there has been some initial, negative response to these recommendations, from within state government and we hope that the Advisory Group will remain fully committed to the recommendations.

I had hoped to personally appear before the Advisory Group at your public hearing that was held last Friday, February 15th, at 4:00 pm. However, scheduling public hearings at such inconvenient times, as Fridays at 4:00 pm., should be examined, because such scheduling is not conducive to full public participation. Hearings scheduled either during working hours, in the mornings or early afternoons of week days, or during the evening hours of week days would be much more likely to result in more complete public participation.

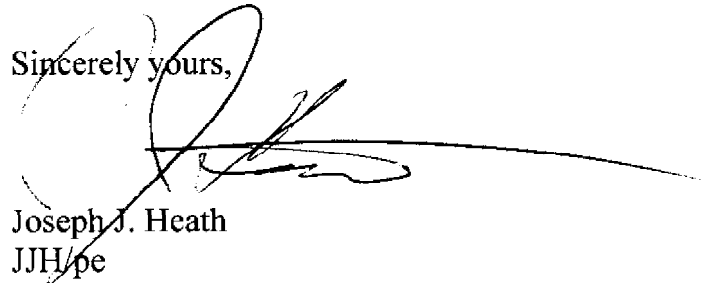
As you know, Onondaga and the other Haudenosaunee Nations have made the point, during your past hearings, that the Nations should not be lumped into the general public when notice and consultation are concerned. It was for this reasons that the Haudenosaunee Environmental Task Force had requested a separate meeting with the Advisory Group, in addition to Friday afternoon's public hearing in the City of Syracuse. Onondaga was disappointed to learn that this request could not be met, due to negative decisions within the executive branch.

The Nation feels that this negative decision is yet another clear example of the current failure of state government to understand the true nature of the government-to-government relationships that must be built. Further, we find that this negative decision is yet another example of environmental injustice.

The Onondaga Nation is currently involved in extensive negotiations and consultations with both the DEC over the proposed Midland Avenue regional sewage treatment plant, on the shores of Onondaga Creek, in the City of Syracuse; and with the regional office of the Department of Transportation over the proposed replacement of the Route 31 Belgium Bridge over the Seneca River. Given the generally positive and responsible nature of these specific negotiations and consultations, we have difficulty in understanding why this request for separate consultation with the Advisory Group was denied.

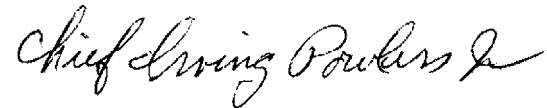
In conclusion, I repeat that the Onondaga Nation supports the Advisory Group's recommendations to the Department and other state agencies for interacting with the Indian Nations, and the Nation urges the Advisory Group to stand by these recommendations and to continue to push for their approval and implementation.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Joseph J. Heath", with a long horizontal flourish extending to the right.

Joseph J. Heath
JJH/pe

Approved by the Onondaga Nation Council of Chiefs

A handwritten signature in black ink, appearing to read "Chief Irving Powless, Jr.", written in a cursive style.

Chief Irving Powless, Jr.
Secretary Onondaga Nation

cc: Onondaga Nation Council of Chiefs
Haudenosaunee Environmental Task Force