

## FUTURE CULTURAL GENOCIDE AT GOLAH AND SURROUNDING AREAS-- PREVENTING FUTURE ENVIRONMENTAL INJUSTICE **BEFORE** IT OCCURS.

Cultural genocide involves acts and measures that destroy an ethnic groups' spiritual, national, homeland, and cultural essences. "Many Natives consider burial areas sacred and feel the ancestors' spirits are still present at these places. Such topics deserve special consideration, sensitivity and respect." (Native American Sacred Sites)

The NYS Office of Parks, Recreation and Historic Preservation (SHPO) is charged with preservation of historic sites within the state of New York. SHPO has been aware of the destruction of sacred sites proposed at Golah and surrounding areas in the Town of Rush, NY but has not fulfilled its charge to preserve this historic area.

On September 27, 2021 the Tubiolo Report "*Cultural Landscape of the Genesee Valley*" detailing the imminent dangers to graves and other cultural resources was filed on the Art 10 DMM. In early November, Attorney Abraham sent an electronic and hard copy of the Tubiolo Report directly to the SHPO Office. SHPO has taken no action to evaluate and respond to this valuable research and protect this historic resource.

NYS leadership has made it clear that renewable energy is its priority and commissioners need to follow leadership, but not at the expense of the charge they are given to serve the State. SHPO's silence after receiving the Tubiolo Report has thus abetted this crime of cultural genocide.

Cultural genocide and environmental justice are linked in the sense of time. When cultural genocide has occurred, some form of mitigation of this environmental injustice must occur.

Statements published on various NYS DEC websites address the effects of past cultural genocide using the term environmental justice.

THE NYS DEC Office of Environmental Justice states: Environmental Justice is the fair and meaningful treatment of all people, regardless of race, income, national origin or color, with respect to the development, implementation, and enforcement of environmental laws, regulations and policies. (Environmental Justice)

With respect to Indigenous consultation, the NYSDEC states: Human beings have been present in New York since the end of the last ice age, approximately 12,000 years ago when people followed retreating glaciers to take advantage of the opportunities provided by the newly opened landscapes. These people were the original occupants in New York. Like us, they had goals, desires, traditions and beliefs, which helped them work together to form communities. They interacted with one another ... Evidence of their cultural practices and ways of living is present in the archaeology of the state, the historical record, and in the oral tradition of the nations. Indigenous people (Native Americans) are still here"

Here are some statements concerning HSS if built as planned in Caledonia and Rush:

Seneca Tribal Historical Preservation Officer Dr. Joe Stahlman wrote the NYS Department of Public Service in April of 2020, commenting that: There are 46 known sites within 500ft of the checkerboard project. There are numerous known and little known and/or forgotten burial locations . . . The Seneca Nation suggests moving forward with a . . . Phase II investigation with a focus on Ground Penetrating Radar and other non-intrusive methods and limited ground disturbance. Seneca Nation does not support any Phase II. . .for areas for panel arrays, perimeter Fencing and utility poles IF their associated posts are driven into the ground. . .” The Tubiolo Report calculates that depending on the panel supports chosen, between 40,000 and 80,000 steel beams will be driven 10-20 feet deep while 52 miles of 5-foot-deep trenches will be dug to accommodate buried electrical collection cables.

President Pagels of the Seneca Nation of Indians (SNI) said: The Seneca Nation, like all indigenous people, is inexorably connected to the land. We take seriously our responsibility to safeguard our environment – as well as our history and culture – to preserve our legacy for the seven generations

The State Historical Preservation Office (SHPO) recommended that no panels be erected at Canawaugus and portions of Golah but only an “archaeological construction monitoring plan” for the entire project on Feb 7, 2022. This weak recommendation is not enough protection for our town’s first residents.

NYS is supposed to protect Indigenous graves and life materials but is not!

New York's State Historic Preservation Office (SHPO) is supposed to help communities identify, evaluate, preserve, and revitalize their historic, archeological, and cultural resources. The investigation of cultural resources is divided into phases, each building on the previous investigation.

*A Phase IA* investigation is a basically a literature search. How sensitive is the proposed area of study for the presence of cultural resources? What is the cultural history and how might it be affected by a construction project? Is further study warranted?

*A Phase IB* study is a field inspection- walking the ground, observing objects on top of the soil and doing sub-surface exploration as directed by SHPO. Rush was already known to be quite sensitive so sub-soil exploration was deliberately limited.

*A Phase II* study is sufficiently detailed to provide assurances of identified cultural resources *that cannot be avoided by reasonable modification* of the proposed project.

The Nations continue to inform and remind NYS offices charged with preserving Indigenous culture that Invenergy/HSS has chosen an unacceptable location for this large-scale solar project:

---On 4/29/2020 the TSNI wrote to the NYS Department of Public Service “The TSNI has reviewed the HSS Revised Phase1A/Phase 1B Report. The Nation continues to have concerns about the treatment of Haudenosaunee history and the potential for the Project to adversely impact ancestral Seneca territory.” The letter continues with specific requests

During the Phase IB study a bone was found and later reinterred at the Reservation with the appropriate tobacco burning ceremony and reverence for the elders. The Nations’ expert declared the bone to be human; the HSS experts declared the bone to be non-human.

---SNI President Armstrong wrote to Charles Vandrei, the Historical Preservation Officer of the NYSDEC office on 2/10/2020, several months after the bone discovery. “We know there are numerous burials and cemeteries in the area and we do not want their resting places compromised and desecrated. . .The Seneca Nation is committed to clean energy and working with our neighbors. We find it important that our partners do their part to respect all Seneca and Haudenosaunee people living or deceased.”

---Ms. Abrams to Art 10 DMM on 1/4/2021 “The Nation writes to express its grave concerns about the Horseshoe Solar Project and Horseshoe Solar LLC's failure to acknowledge the high sensitivity of the Genesee Valley for cultural resources . . . Deficiencies in the Applicant's Phase IA Study, pointed out previously by the Nations, must be remedied prior to completion of the Phase IB Study.. . In addition, although the Applicant has indicated a willingness to consult with the Nation, as the Notice of Deficiencies points out, the Applicant has failed to provide critical information about. . . including ground disturbing activities, which are particularly important to the Nation; . . . alternatives to avoid damage to cultural resources. .. **The Nation also notes that the Applicant's Environmental Justice analysis fails to take into account impacts of the project on Indian Nations who[sic] cultural resources would be affected. . .**

---President Pagels 2/15 2021 to Art10 DMM “This letter reflects the Nation's formal position with respect to Invenergy's proposed approach to cultural resources for the remainder of the Project. As described below, we request that Invenergy engage in targeted Phase II surveying at the sites . . . in order to ensure the protection of the substantial cultural and historic resources located within the Project's area of potential effects ("APE").

The Study [Phase IB] repeatedly and mistakenly implies that only one Seneca village existed near the APE. . . . Statements like these imply that only those village locations which existed during the period of white settlement of the area are relevant to the Seneca's cultural and historic resources. This pattern of ignoring pre-contact Seneca history raises concern that the Study is only paying lip service to Seneca history. Invenergy's oversimplification of Seneca history and village location practices risks misleading the Siting Board. **But both the Seneca Nation and your office know better** - Haudenosaunee groups would traditionally move their village location every 15-25 years . . . Consequently, Seneca village sites are littered throughout the greater Project area (including within the APE). The archaeologists who informed Invenergy of the static location of one village omitted this essential information about Seneca

practices for village location. The Nation also takes issue with the limited nature of Phase 1 B surveying methods for parcels which have indicators (including archeological and historical records) suggesting a village/burial site. Specifically, the Nation takes issue with piles being driven or drilled into the ground at a depth more than 12" at potential village sites, even where the Study's surface finds revealed minimal artifacts. The Nation again expresses its concern that without a Phase II study, these types of pilings are at risk of directly disrupting Seneca burial sites." **Bolding added by Residents United.**