



HAUDENOSAUNEE

MOHAWK • ONEIDA • ONONDAGA • CAYUGA • SENECA • TUSCARORA

TONAWANDA SENECA NATION

PO BOX 795 • 7027 MEADVILLE ROAD • BASOM, NEW YORK 14013

PHONE (716) 542-4244 • FAX (716) 542-4008

E-MAIL: tonseneca@aol.com

April 29, 2020

Mr. Andrew Davis
NYS Department of Public Service
3 Empire State Plaza
Albany, NY 12223

Re: Horseshoe Solar Project, 18PR07941, PSC Case 18-F-6033

Nya:wëh Sgë:nö', Mr. Davis,

The Tonawanda Seneca Nation has reviewed the Horseshoe Solar Project Revised Phase IA/IB 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. While the Nation reserves the right to provide additional comments in the future, we offer preliminary feedback below. In addition, the Nation attaches comments from historian Jare Cardinal, former Director of the Seneca-Iroquois National Museum.

Among other things, the Nation suggests:

1. Reviewing historical narrative for accuracy and correcting accordingly. For example, page 11 states that, prior to 1786:

Although the land was physically open for European-American settlement with the relocation of the Haudenosaunee, border disputes between New York and Massachusetts, both of which claimed the new territory, frustrated the actual, legal sale of these lands. Under an agreement signed in Hartford, Connecticut, in 1786, the land once occupied by the Haudenosaunee came under the jurisdiction of New York State.

The Genesee Valley was not "physically open for European-American settlement" in the 1770s and 1780s; it was the heart of Seneca territory. Haudenosaunee citizens used and occupied it and the historic Seneca Nation retained full legal rights to it under federal law, subject only to the right of first purchase (also known as the right of preemption) should the Nation choose to sell. Relatedly, the 1786 Hartford Compact did not establish any jurisdiction over the land or the Haudenosaunee; it merely settled a debate between New York and Massachusetts over their " respective rights of preemption.

2. Addressing inconsistencies among maps. For example, Figure 8 shows a portion of the APE extending into the northern portion of the Cannawaugus Reservation; while Figures 4, 6, 7 and 10 show the same portion of the APE lying fully outside the Reservation boundaries. (See also Gillette's 1858 map of Livingston County, which shows Cannawaugus Reservation boundaries more closely resembling those shown in the Figure 8 map:
<https://www.loc.gov/resource/g3803l.la000515/?r=0.302,0.158,0.109,0.064,0>).
3. Providing a map showing the location of the Genesee Oaks as they relate to the APE. On page 22, the Report states that "the Genesee Oaks are remnants of a pre-settlement, Seneca-maintained oak savannah subsequently protected on Wadsworth property."

We appreciate your time and attention to this matter. If you have questions, please contact Christine Abrams at the Tonawanda Seneca Nation office, (716) 542-4244, or by email at tonseneca@aol.com.

Da:h ne'hoh,



Christine G. Abrams

On behalf of the Council of Chiefs

TSN Office Administrator

Tonawanda Seneca Nation



cc: Josalyn Ferguson and Nancy Herter, New York State Parks, Recreation and Historic Preservation
Joseph Stahlman, Seneca Nation of Indians
Bryan Printup, Tuscarora Nation

**A few comments on Expanded Phase 1A Archaeological Investigation for the Proposed Horseshoe Solar Project, Town of Caledonia, Livingston County, and Town of Rush, Monroe County, New York
NYSHPO #18PR07941**

Jaré R. Cardinal, consultant, Tonawanda Seneca Nation
April 27, 2020

Although this report is a typical assessment of resources available for the region, it still misses the mark in defining aspects of Onöndowa'ga: and Ögwe'öweh history, land use and lifeways that will offer a more complete picture of the region for this type of report. As a whole, it adds little, if anything, of our understanding of the region prior to the invasion of American settlers, the influence of trade and cultural exchange of different people/groups prior to that aggression, a sense of specific groups that may have been there, and an overall knowledge of that history from other a non-Ögwe'öweh point of view. What new resources were used to expand this knowledge? Were people knowledgeable of these things included in this phase of the assessment (both Ögwe'öweh or even an ethnohistorian with a strong relationship with the Hodinöhsö:ni' or their allies). From reading the text and looking at the resources included in the bibliography, this doesn't seem to be the case. Instead, we have to always play "catch up" and allowed only a short amount of time to "comment". Issues such as these should not be subject to "comment", but should be an essential part of this research in order to understand the conclusions that are presented in this report. Otherwise, this is just an sterile exercise that clients and assessors can easily read (or more likely, not read) and continue to miss aspects of history that provide a clearer assessment of what happened in this region going back hundreds or even thousands of years.

More specifically, here are some comments that I find archaic and misleading:

- (1) Terminology: Why do these reports continue to use unclear, and often insulting, terminology? Words such as "prehistory", "PaleoIndian", etc, are made-up terms that archaeologists use to categorize the history of the Ögwe'öweh. Not only does historiography show that this terminology and categorization change, but they are not consistent from state to state. Why not use dates (or approximate dates, as even those are arbitrary)?

What is most insulting is the use of the term "history" only after there has been contact with Europeans/Americans. What happened before this? This division/categorization is one of the most offensive of the terms used. Such a division has not been used by historians since the 1970s. When are archaeologists going to catch up? Such terminology sets the reader/client up for all sorts of conclusions associated with that term. In addition, the word "precontact" implies that Ögwe'öweh must have lived in isolation. Did they not come into contact with other people prior to 1550?

- (2) A litany of events recorded in county histories of Onöndowa'ga: living in the region, limits the understanding of land use, other people who lived there (even simultaneously), or even the extent of occupation. Ögwe'öweh living was more than the aspects of village sites or burial grounds. They were not confined by their homes or "camps" (and what are camps anyway?). What aspects of this life away from the village were considered in this phase 1 report? Are they important, too? How do you know what to look for and/or analyze in a phase 2 report, if these elements are not defined in phase 1?

- (3) Resources: What new resources, published or not, have been cited here that expand our understanding of the region? I understand this is basically an archaeological report (after all, the word is used in the title), but there are many other resources out there than can expand our understanding of history and land use prior to the same old published reports. When are some of these resources going to be included and assessed? This includes Onöndowa'ga: and Ögwe'öweh languages, interpretation of archaeological artifacts, stories that relate to these time periods, etc, findings in 18th and 19th century land surveys. The inclusion of these resources would go far in interpreting the past and importance of this region. By investigating and including such resources, the reader/client/assessor would be able to understand better that life, events, and energies were expended on both sides of the river, not just in a village or a burial site. Not everyone was confined to a village. For example, there were people who came to the region to be under the protection of the Onöndowa'ga:, but who did not live in their villages. Old resources cited here do not consider those situations.
- (4) Historical perspectives: As most of these types of reports do, the analysis is totally from a biased, academic viewpoint that leaves "the other" out of the equation. With the exception of throwing a few "famous" names in that are readily identified, little else is presented. Why was Canawaugus important and continues to be important today? Who were the people that lived here and what impact did they have on Onöndowa'ga: and Ögwe'öweh history?
- (5) Understanding the Genesee River itself: It has long been known that the Genesee is a constantly changing river. Although a lot has been documented and said about the geological aspects of the region, why is no mention made of the importance of the river itself to human occupation and how its historic alterations impacted the region, or even how those changes may impact the ability to find archaeological resources. And most importantly, how do the resources provided by that river have an impact on people living there over time?

The above just gives just a few specifics as to why this report, though thorough in some aspects, is so wanting in others. If the reader/client is to have a comprehensive understanding of the area that it wants to develop and what destruction it will do to the cultural resources (including elements of history and spiritual connections that Ögwe'öweh still have for this region today), these things need to be included.