

Appendix F-6
Shinnecock Nation Letter

February 7, 2017

Sp Town Board Meeting 2/7/17
P.H. #1

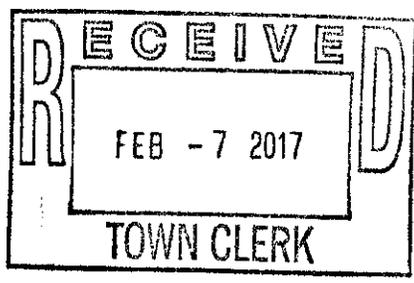
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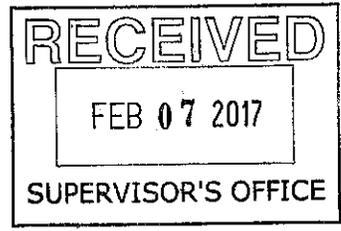
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February 7, 2017

Mr. Jay Schniederma, Supervisor
Town of Southampton
Town Board
Southampton Town Planning Dept
Hills Development Corp.
116 Hampton Road
Southampton, NY 11968



This letter is a follow up to my presentation at the previous hearing before last regarding The Hills project in East Quogue and the concerns of the Shinnecock Nation. I, David Martine am designated Tribal Historic Preservation Officer. Our mandate is to implement consultation processes on behalf of the Nation as they relate to the Section 106 process of the National Historic Preservation Act as well as other Federal statutes which affect the preservation of Shinnecock historical/cultural resources, based on consultation and remediation as far as possible to mitigate adverse effects to Shinnecock cultural resources wherever necessary.

The Shinnecock Nation is vitally concerned with the protection and preservation of our cultural resources encompassing the lands and waters surrounding the areas of Long Island and New York City as designated by the New York State Dept. of Historic Preservation. Our area of interest primarily is under the Tribal Consultation Process as set forward in the Section 106 of the National Historic Preservation Act and other acts as they relate to the East Quogue project and that has not been fulfilled under the mandates of several Federal Statutes.

We were not included as a consulting party in this project as is mandated by Federal law and should have been a party to all pertinent consultations regarding this project with the same consideration as the EPA and HUD. As I mentioned in my presentation to the board, the Area of Potential Effects (APES) in regard to this particular development effects bear on the Nation. Our interest is related to Environmental aspects and Archaeological/cultural resource protection. We were not formally consulted in the development of a scope of work, nor apprised on the original research design for data recovery. The importance of this site relevant to Shinnecock history and identity is not dependant on the survival of above-ground structures or facilities. The places themselves are part of a traditional landscape affirmed by the presence of archaeological contexts and content that document Shinnecock occupation.

F-6.1
Sec. 3.5

While it is possible that significant parties were not aware of the Federal consultation mandate required under Federal law, following is a list of Federal statutes that have bearing on the interest of the Shinnecock Nation on our traditional lands encompassing our areas of interest. Because of the seriousness of this matter, we are considering informing the State Historical Preservation Office as well as the Advisory Council on Historic Preservation in Washington to mediate on our behalf because of the serious nature and number of non-compliance issues involved with the Quogue project.

F-6.2
Sec. 3.5

In addition to Section 106 issues of the National Historic Preservation Act following is a list of other statutes that bear on this parcel:

1. The Tracker arch. Survey only surveyed 160 of the 596 acre area. In addition there are not enough test pits performed for the area that was surveyed. Consideration was not given to the fact that resources (Shinnecock flint cache) had been found, proximity to footpath (Shinnecock historic trade routes) infusion of waste-water into Shinnecock Bay,(which effects the quality of the Shinnecock Bay waters surrounding the reservation; infusion of waste-water in Weesuck Creek, (same problem as previously mentioned; and possible location of Shinnecock prehistoric and historic habitation and or human burials within area of potential effects (APES) around Weesuck Creek. We know that Shinnecock habitation and burials may be located near water sources as was demonstrated by the Hotel St. James site in Bridgehampton years ago. Survey report indicates "higher than average potential for recovery of prehistoric sites" then immediately contradicts that finding by saying that the likelihood of materials being found is not there or not sufficient of impact the project. We strenuously disagree.
2. **NHPA** - National Historic Preservation Act 16 U.S.C. 470f]
3. **NAGPRA** - Native American Graves Protection and Repatriation Act 25 U.S.C. 3002 (a)] If human remains are unearthed during construction because these things were not found before construction began, all construction would cease, a Federal zone would be established and Shinnecock Nation will fully exert is rights under NAGPRA to its fullest extent.
4. **ARPA** – Archeological Resource Protection Act 16 U.S.C.470aa (b)]
5. **NEPA** - National Environmental Policy Act (EPA and HUD agencies have not consulted with the Shinnecock Nation relative to the reports involved with environmental impacts to the environment. Which bring **Title 33 – Clean Water Management** issues and **Coastal Resource Management Council**, and **National Ocean and Atmospheric** issues into play as they impinge on the interests of the Shinnecock Nation relevant to the possible effects on Shinnecock water resource and resource management issues.



If lack of consultation with the Shinnecock Nation was based on the N.Y. State Dept. of State, Office of Planning and Development, Office of Planning and Development (Land Use Solutions – Geographic Information Gateway Maps online which supposedly shows Shinnecock Coastal Tribal Lands Shinnecock Nation Offshore use areas relative to Shinnecock Bay and the Atlantic Ocean not impinging on the area around East Quogue, that would be inaccurate. That Offshore use areas map is not based on Shinnecock Federal use jurisdiction based on Section 106 issues not even close to applicable jurisdictions.

6. **1790 – Indian Non-Intercourse Act** (Collective name for 6 Congressional statutes from 1790 to 1834) Pertains to the fact that none of that land was approved by Congress to be transferred away from the native people to start with;
7. **UN Declaration For Indigenous Rights** pertain to all indigenous people rights to fight for restitution of their resources
8. **Coastal Zone Management Act or Coastal Resource Management – CRM, – 1972 1452 or (Title 16- USC-1451)** refers to another applicable Federal statute to the Nations interest ant this projects impact on the wetlands and sea-coast eco-systems.
9. The Southampton Town’s Archaeological sensitivity map is also not adequate as it relates to the Federal cultural resources interests of the Shinnecock Nation that exist today. That whole area of East Quogue is covered as an area of archaeological/cultural sensitivity as far as that is concerned, one reason because of the proximity to “Good Ground” which was a very active location for Shinnecock settlement up through the late 19th century going back to Rev. Paul Cuffee, Azariah Horton as well as hunting, whaling, trading, occupation, as well as other forms of traditional activity.

The agenda consultation should address is all of the foregoing concerns and should not be limited to discussion of the treatment of human remains, should they be recovered, but the full extent of Shinnecock cultural resource interests at the Federal level.

Please contact me directly to discuss these issues further. I look forward to the development of a more equitable and respectful consultation process.

Respectfully,



David Martine
Tribal Historical Preservation Officer



Eugene Cuffee II
Sachem, Council of Trustees