

HAUDENOSAUNEE

Mohawk • Oneida • Onondaga • Cayuga • Seneca • Tuscarora

ENVIRONMENTAL TASK FORCE

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Great Lakes Regional Collaboration
c/o U.S. Environmental Protection Agency Great Lakes
National Program Office
77 W. Jackson Boulevard (G-17J)
Chicago, Illinois 60604-3511

To Whom It May Concern:

On behalf of the Haudenosaunee Environmental Task Force, I send greetings and hopes this day finds you in good health and spirits.

HETF is pleased to present a Position Paper on the Great Lakes. Our comments incorporate many facets of the Great Lakes and the Great Lakes Basin. As indigenous people of this land, North America, we challenge all people to use a holistic view of the Great Lakes. Humans are not separate from Creation. As people of this continent, we must realize humans are a part of the environment. The existence of Creation is also the survival of humankind.

Our original teachings from the Creator are essential to our culture. The Creator instructed all parts of creation of their responsibilities. The waters have a responsibility to provide nourishment to Mother Earth, to plant and animals as well as to humans. Humans have the responsibility to honor and give thanks for all parts of Creation. As different entities, we do not interfere with each other's duties. Human-made pollution and diversions are a few of the abuses towards the waters and their duties. Haudenosaunee teachings warn us that if we continue abusing parts of Creation, those elements will vanish. Interlopers must look beyond their economic needs and honor the sacredness of the Great Lakes and its watershed.

HETF has many concerns about the Great Lakes in regard to the Great Lakes Watershed. All decisions must be carefully considered to assess the impact on the environment, society, and on seven future generations. Our actions of today will affect all our children

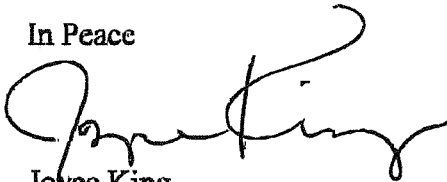
and our children's children physically, emotionally and spiritually.

Native Americans have lived in this area from time immemorial. Lake Ontario is a Mohawk word meaning beautiful Lake. Native American hunting, fishing, gathering and water rights are protected in Treaties made with the fledging governments of the United States and Canada. Those rights have never been relinquished. However, accessibility to damned waters constrains this use. Pollution prohibits using the waterways as a food and hydrating source. We support rectifying the damages of the past. Consultation is essential to rectifying those wrongs. We are open to consultation and partnering as we now extend you our hand in peace, friendship and respect.

As humans, we have an obligation to voice our concern of the damage to Creation. Waters, birds, animals, fish, air and pollution know no man-imposed boundaries. As humans we must look beyond those boundaries and do what is best for the Great Lakes, its watershed and all creatures sustained by this entity. HETF's position paper is being submitted as a voice for Creation.

Now our minds are one.

In Peace



Joyce King
Acting Director
Haudenosaunee Environmental Task Force

HAUDENOSAUNEE ENVIRONMENTAL TASK FORCE POSITION ON THE GREAT LAKES

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THANKSGIVING ADDRESS GREETINGS TO THE NATURAL WORLD

The People

Today we have gathered and we see that the cycles of life continue. We have been given the duty to live in balance and harmony with each other and all living things. So now, we bring our minds together as one as we give greetings and thanks to each other as People.
Now our minds are one.

The Earth Mother

We are all thankful to our Mother, the Earth, for she gives us all that we need for life. She supports our feet as we walk about upon her. It gives us joy that she continues to care for us as she has from the beginning of time. To our Mother, we send greetings and thanks.
Now our minds are one.

The Waters

We give thanks to all the Waters of the world for quenching our thirst and providing us with strength. Water is life. We know its power in many forms – waterfalls and rain, mists and streams, rivers and oceans. With one mind, we send greetings and thanks to the spirit of Water.
Now our minds are one.

The Fish

We turn our minds to all the Fish life in the water. They were instructed to cleanse and purify the water. They also give themselves as food. We are grateful that we can still find pure water. So, we turn now to the Fish and send our greetings and thanks.
Now our minds are one.

The Plants

Now we turn toward the vast fields of Plant life. As far as the eye can see, the Plants grow, working many wonders. They sustain many life forms. With our minds gathered together, we give thanks and look forward to seeing Plant life for many generations to come.
Now our minds are one.

The Food Plants

With one mind, we turn to honor and thank all the Food Plants we harvest from the garden. Since the beginning of time, the grains, vegetables, beans and berries have helped the people survive. Many other living things draw strength from them, too. We gather all the Plant Foods together as one and send them greetings and thanks.
Now are minds are one.

The Medicine Herbs

Now we turn to all the Medicine herbs of the world. From the beginning, they were instructed to take away sickness. They are always waiting and ready to heal us. We are happy there are still among us those special few who remember how to use these plants for healing. With one mind, we send greetings and thanks to the Medicines and to the keepers of the Medicines.

Now our minds are one.

The Animals

We gather our minds together to send greetings and thanks to all the Animal life in the world. They have many things to teach us as people. We see them near our homes and in the deep forests. We are glad they are still here and we hope that it will always be so.

Now our minds are one.

The Trees

We now turn our thoughts to the Trees. The Earth has many families of Trees who have their own instructions and uses. Some provide us with shelter and shade, others with fruit, beauty and other useful things. Many peoples of the world use a Tree as a symbol of peace and strength. With one mind, we greet and thank the Tree life.

Now our minds are one.

The Birds

We put our minds together as one and thank all the Birds who move and fly about over our heads. The Creator gave them beautiful songs. Each day they remind us to enjoy and appreciate life. The Eagle was chosen to be their leader. To all the Birds – from the smallest to the largest – we send our joyful greetings and thanks.

Now our minds are one.

The Four Winds

We are all thankful to the powers we know as the Four Winds. We hear their voices in the moving air as they refresh us and purify the air we breathe. They help to bring the change of season. From the four directions they come, bringing our messages and giving us strength. With one mind, we send our greetings and thanks to the Four Winds.

Now our minds are one.

The Thunderers

Now we turn to the west where our Grandfathers, the Thunder Beings, live. With lightning and thundering voices, they bring with them the water that renews life. We bring our minds together as one to send greetings and thanks to our Grandfathers, the Thunderers.

Now our minds are one.

The Sun

We now send greetings and thanks to our eldest Brother, the Sun. Each day without fail, he travels the sky from east to west, bringing the light of a new day. He is the source of all the fires of life. With one mind, we send greetings and thanks to our Brother, the Sun.
Now our minds are one.

Grandmother Moon

We put our minds together and give thanks to our oldest Grandmother, the Moon, who lights the night time sky. She is the leader of women all over the world, and she governs the movement of the ocean tides. By her changing face we measure time, and it is the Moon who watches over the arrival of children here on Earth. With one mind, we send greetings and thanks to our Grandmother, the Moon.
Now our minds are one.

The Stars

We give thanks to the Stars who are spread across the sky like jewelry. We see them in the night, helping the Moon to light the darkness and bringing dew to the gardens and growing things. When we travel at night, they guide us home. With our minds gathered together as one, we send greetings and thanks to all the Stars.
Now our minds are one.

The Enlightened Teachers

We gather our minds to greet and thank the enlightened Teachers who have come to help throughout the ages. When we forget how to live in harmony, they remind us of the way we were instructed to live as people. With one mind, we send greetings and thanks to these caring Teachers.
Now our minds are one.

The Creator

Now we turn our thoughts to the Creator, or Great Spirit, and send greetings and thanks for all the gifts of Creation. Everything we need to live a good life is here on this Mother Earth. For all the love that is still around us, we gather our minds together as one and send our choicest words of greetings and thanks to the Creator.
Now our minds are one.

Closing Words

We have now arrived at the place where we end our words. Of all the things we have named, it was not our intention to leave anything out. If something was forgotten, we leave it to each individual to send such greetings and thanks in their own way.
Now are minds are one.

HAUDENOSAUNEE ENVIRONMENTAL TASK FORCE

POSTION ON THE GREAT LAKES

EXECUTIVE SUMMARY

“We, Haudenosaunee, remain indebted to the foresight of our Chiefs and Clan Mothers, who had the wisdom to negotiate an agreement that reaches into our lives today...”

The Haudenosaunee have lived in peace and harmony with the natural world as the indigenous inhabitants of Turtle Island/North American. We have fought and struggled to preserve our homelands for the benefit of the seventh generation yet to be born. We want our grandchildren and their grandchildren to be able to enjoy and appreciate the earth-based culture and bounty of the natural world.

As people upon this earth, we have a great responsibility. The Creator has placed all things needed for our survival. As instructed by the Creator, our responsibility is to protect and preserve all he has created and to give thanks to Creation that assists our continued existence. Naturalized knowledge systems of the Haudenosaunee have taught our people about our homelands in the Great Lakes Basin. The Natural Knowledge integrates physical, social and spiritual aspects of our surroundings. As newcomers to North American, European colonists, and the people to follow them into this land,

must come to realize we share one dish: resources that are dwindling as we speak. What remains of renewable resources must be protected.

As keepers of traditional knowledge, the Haudenosaunee have preserved the original instructions given by the Creator. We must continue to give thanks everyday to those sacred waters for the duties and responsibilities they bestow onto the natural world. The waters provide nourishment and sustenance to our Mother Earth, quench the thirst of all life forms. They maintain balance and harmony throughout the natural world. As Haudenosaunee, the natural course of the water is not disturbed. Indeed, our traditional teachings about sacred waters remain strong.

The Haudenosaunee have a responsibility to protect the waters. Haudenosaunee treaty language is core to environmental protection of the waters. The terms of treaties state: "...As long as the grasses grow and the rivers flow". Treaties are the highest form of agreement between nations. Those agreements are considered Treaties under international law. Treaties exist between the Haudenosaunee and the United States of America and Great Britain. The early formal relationships recognized the Haudenosaunee and the United States of American as sovereign nations. As a result, the U.S. Federal, State, County and private U.S. citizens have a responsibility to respect the terms of the treaties. Sovereignty, jurisdiction and cultural lifestyles must also be respected. Haudenosaunee hunting, fishing and gathering rights were never ceded with treaties made with the United States. Treaties between nations also carry a great responsibility.

As well as international treaties, the Winter's Doctrine has been upheld in the U.S. Supreme Court giving Tribes waters rights and resources from water. Under the Winter's Doctrine, which is a series of cases beginning with *Winters v. U.S.* 207 U.S. 564 (1908), Indian nations have a reserved right to an amount of water necessary to fulfill the purpose of the reserved lands. These rights exist regardless if the treaty, statute or executive order is absent of specific language securing water

rights. The rights are reserved, by implication, to sufficiently fulfill the present and future needs of the reservation. The Great Lakes Basin, which includes the St. Lawrence River, is a historic portion of Haudenosaunee hunting, fishing and gathering territory. The Great Lakes and surrounding land became an extensive part of the Haudenosaunee Territory when the Peacemaker joined the Five Nations of the Haudenosaunee. The Haudenosaunee have legal rights and status that are superior and exist beyond the legal status and rights as advocated by the United States and Canada. Canada must respect treaties and agreements made under British rule.

There are no people who can claim solitude and self sufficiency without assistance from Creation or from one another. As people within the ecosystems of North America, we must come to the realization there are different cultural values and different worldviews. However, we need to proceed beyond our restricted thinking and progress to a productive dialogue concerning the natural resources of this land. With this, we extend our hand in peace and friendship to the interested parties for the benefit of the Great Lakes Basin.

The Haudenosaunee People

Our people have an ancient tradition of nationhood that developed long before contact with the Europeans. Our traditional values are the basis for our social and political institutions, as well as our sense of our place within the natural order. Long ago, we developed our own answers to the questions the European philosophers and political theorists have been asking for centuries. Upon the continent of North American, prior to the landfall of the first white man, a great league of peace was formed. The inspiration for the founding of the league came from a messenger. We call him the Peacemaker.

The Peacemaker was a spiritual being, fulfilling the mission of organizing warring Nations into a confederation, governed by Gianashanagowa, the Great Law of Peace. This is a long history. It is too long to recount here. Suffice to say, it is a great epic, the equal of any in the European tradition. It tells of war and destruction that culminated on the lake now called Onondaga. After many years of hard work, the Peacemaker gathered the warring leaders, who had been transformed into rational human beings by the wisdom of his teachings, in a grand council, and began to instruct them as to how the great league of peace would work.

He, again, organized the families into clans, and according to oral history, leaders of the clans were raised. He established that the league of peace would be matrilineal and that each clan would have a clan mother. Thus, he established in law the equal rights of women. He raised the leaders of each clan, two men, on the principal leader and the second, his partner. They were to work together for the good of the people. He called these two men 'Hoyanah' or the 'good minds', the peacemakers. They were to represent their clan in council. Thus, he established the principle of representation of people in government. Henceforth, he said, these men will be chosen by the clan mother, freely using her insight and wisdom. Any decisions would be ratified by full consensus of the clans, chiefs, and, Grand Council of Chiefs of the Five Nations.

Then he also made two houses in each Nation. One he called the Long House and the other he called the Mud House. The houses would work together in ceremony and council, establishing the inner source of vitality and dynamics necessary for community. He made two houses in the Grand Council, once called the Younger Brothers, consisting of the Oneida and the Cayuga Nation and later, enlarged to include the Tuscarora. The other house was the Elder Brothers, consisting of the Mohawks, the Onondaga whom he made the Firekeepers, and the Senecas who were the Keepers of the Western Door. Thus, he established in North American, the principle of a bicameral form of government that continues up to this day.

This council still governs. Its first duty is to carry on the sacred ceremonies. The second duty is to meet in council for the welfare of the people. Now the Peacemaker made the house, and the rafters of the house were the laws that he laid down, and he called us **Haudenosaunee, the People of the Longhouse.**

Part I Principles

1.1 Haudenosaunee Thanksgiving Address

Whenever the Haudenosaunee gather, our meetings are started and ended with the Thanksgiving Address. We have presented an English summary of the Thanksgiving Address at the beginning of this document. “The Words That Come Before All Else” is how we see and understand the world. It has a deliberate structure to it. It starts with the people and moves outward and upward from the earth to the waters to the plants and four legged creatures to the bird life to the sky world and concludes with the Creator who made all life with nothing lacking.

The Thanksgiving Address reminds each person present that human beings are a small part of a much larger natural world. Its structure is meant to address and return thanks to each part of the natural world separately. After each part, the speaker states that “we who are gathered here have put our minds together for this purpose,” and the assembled people indicate their agreement.

The Thanksgiving Address reminds those gathered that they have duties and responsibilities, not only to themselves, but also to the entire natural world and the rest of creation. The message is simple: as each part of the natural world continues to fulfill its responsibilities, so we, as humans, have our own responsibilities to fulfill to maintain the world as it should be.

1.2 Hiawatha Belt/One Dish, One Spoon

The symbols presented in the wampum, more commonly known as the “Hiawatha Belt” represents the first international agreement between the different Haudenosaunee Nations. It signifies the union or confederacy of five Nations, from east to west: Mohawk, Oneida, Onondaga, Cayuga and Seneca.

Through oral tradition, the wampum is recited that peace will prevail in our lands. In the center of the wampum, a Tree of Peace is found. Underneath the tree, the Nations collectively agreed to bury hatred, bad thoughts and words that promote weapons of war. The Tree, a white pine, is the symbol of peace.

When the Peacemaker introduced the Great Tree of Peace, he talked about the tree having four white roots that spread peace in all directions. Any person or Nation

would be able to trace the roots to its source and find protection under the Great Tree.

The wampum or treaty belt, also symbolized a concept of one dish/one spoon among the Haudenosaunee. Before this great Confederacy came together, many arguments arose. The Nations were fighting over hunting grounds. This led to bloodshed and Nation warfare as well as a loose organization based on warrior-based leaders. There was also interfamilial fighting.

The Peacemaker was born at this time of great despair. He cognized and proselytized the Great Law of Peace, establishing the three principles of Peace, Power and Righteousness within the concept of one dish/one spoon. All Haudenosaunee and other Indigenous Nations agreeing to accept the principles of the Great Law of Peace, also agree to the concept of sharing one dish and using one spoon.

“We shall now do this: We shall only have one dish (or bowl) in which will be placed one beaver tail and we shall all have co-equal right to it, and there shall be no knife in it, there would be danger that it might cut some one and blood would thereby be shed.”¹

Therefore, Natural Resources found on Mother Earth, would belong collectively. Symbolically, Natural Resources are in one dish: Nations would be eating out of this one dish: taking only what was necessary and leaving whatever was available for others and enough to propagate for the future generations.

At one time, there was a knife in the middle of the bowl, but this was a weapon and could become harmful to each other. When the Tree of Peace was planted, the weapons of war were buried. The knife was replaced by a spoon and bad feelings and bad intentions between Nations would be eliminated. Upon accepting this Great Peace, the Mohawks could then hunt in Oneida Territory and the Oneidas could hunt in Seneca Territory, provided hunters took only what was needed to feed their families.

The One Dish/One Spoon symbolizes our collective rights and flow from this agreement among the Haudenosaunee Nations. Ever since this treaty was enacted and the Confederacy of the Haudenosaunee was formed, no one person shall own the land since it belongs to everyone. It included the other beings in the natural world and the unborn generations yet to come.

1.3 Great Law: Guiding Principles Sken:nen, Ka'nikonriio, Ka'satstensera

¹ Jemison, Peter G. & Schein, Anna, Ed. Treaty of Canandaigua Clear Light Publishers, Santa Fe, NM 2000

The principles of sken:nen, ka'nikonriio and ka'satstensera serve as the foundation and guiding force for the Haudenosaunee. Since the beginning of time, our Creator has related to all people to strive for peace. As individuals, communities and Nations, we must constantly strive to talk, live and breathe peace. **Sken:nen** (peace) is more than just the absence of conflict or war. It is engrained into our culture, spirituality: social and political foundations. Peace has been defined as "the active striving of humans for the purpose of establishing universal justice... True peace is the product of a unified people on the path of Righteousness and Reason - the ability to enact the principles of Peace through education, public opinion and political and when necessary, military unity. It is the product of a spiritually conscious society using its abilities of reason"²

When we work for peace, we develop **Ka'nikonriio** (a good mind) a good way of thinking.

Kariwiio (the good word) is part of ka'nikonriio and refers to "the shared ideology of the people using their purest and most unselfish minds. It occurs when the people put their minds and emotions in harmony with the flow of the universe and the intentions of the Good Mind or the Great Creator. The principles of Righteousness demand that all thoughts of prejudice, privilege or superiority be swept away and that recognition be given to the reality that the creation is intended for the benefit of all equally – even the birds and animals, the trees and the insects, as well as the humans... Reason is seen as the skill which humans must be encouraged to acquire in order that the objectives of justice may be attained and no one's rights abused."¹

When we work for peace and a good mind, we develop **Ka'satstensera** (strength). Strength flows from the power of the good mind to use rational thinking and persuasion to channel the inherent good will of humans to work towards peace, justice and unity to prevent the abuse of human beings and mother earth.

² Akwesasne Notes, Mohawk Nation. Basic Call to Consciousness. Book Publishing Co. Summertown TN 1978

Part II Treaty Relationships

Treaties are the highest form of agreement between nations, the place that peoples, their laws and governments meet. The historical records show hundreds of formal councils between the Haudenosaunee and the French, British and United States governments in North America. The Agreements that flowed from each of these councils should be considered a 'treaty' under the laws of Canada or the United States. For the Haudenosaunee, these agreements are like stones in a river that mark a place in its flow – what has remained important is the relationships established by formal treaty between the Confederacy and other nations. Enduring symbols of those relationships, which embody peace, respect, trust and friendship, include the Silver Covenant Chain and the Two Row Wampum. Other treaties, which provide for all aspects of international relations, including war and peace, trade and commerce, criminal jurisdiction and extradition – All flow from the foundation established by those relationship.

For nearly two hundred years after the arrival of the Europeans in the Great Lakes region of North America, the process of treaty making was based on Haudenosaunee protocol. This was not surprising. The colonists were few and weak, and the process worked remarkable well. The result of Haudenosaunee council processes was a clear relationship and firm peace.

2.1 TWO ROW WAMPUM

The Two Row Wampum is a treaty created in the 17th century to record an agreement between the Haudenosaunee and the Dutch settlers in Eastern New York. The belt consists of alternating rows of purple and white wampum running the length of the belt. The two purple rows symbolize two vessels traveling the river of life together, side by side. One vessel, a ship, symbolized the Dutch. The other vessel, a canoe, symbolized the Haudenosaunee. The meaning behind this treaty belt brought together a concept of two vessels traveling the river together and as they travel side by side, they are to help each other, from time to time, as people are meant to do. The people are to stay within in each other's respective vessel.

The vessels are connected by three white rows of wampum. They symbolize three principles: *sken:nen* or peace, *ka'nikonriio* or the good mind, and *ka'satstensera* or strength. Between Nations, the words are extrapolated as peace, friendship and respect. These principles guide the Haudenosaunee in our relationships today. *Peace* requires action. We must have good communication to have a positive relationship. A good mind requires that we work towards common interests rather than focus on our differences: *respect*. Strength arises from following these first two principles and the relationship becomes healthy: *friendship*.

2.2 THE CANANDAIGUA TREATY OF 1794

The Canandaigua Treaty is also known as the Timothy Pickering Treaty and the George Washington Covenant Treaty. There is a wampum belt in the possession of the Onondaga Nation that is six feet in length. It has thirteen figures holding hands with two native figures. The two native figures are on both sides of a house that is in the center of the belt. This was made to commemorate the Treaty of Canandaigua in 1794. The Canandaigua Treaty was signed by the Chiefs of the Six Nations of the Haudenosaunee Confederacy and representatives for the United States government on November 11, 1794, and ratified January 21, 1795.

“George Washington sent out Timothy Pickering to meet with us. We gathered at Canandaigua, New York, in July of 1794. There for a six-month period we discussed the terms of an agreement between our peoples. Many issues were discussed during that six-month period, and these discussions were brought back to our separate nations. On November 11, 1794, we finally signed the treaty. This treaty was between the Haudenosaunee (the Six Nations) and the United States. Again, Article I states, ‘Let there be peace and friendship between our two peoples.’” This treaty was ratified by the United States Congress and was signed by George Washington, the president of the United States.’”³

A Living Treaty

Every August, the federal government sends treaty cloth and salt to members of the Haudenosaunee. At one time, \$4,500.00 bought a lot of cloth: calico, cotton prints, etc. Because there were no lawyers present in 1794, there was no cost of living clause. Today, only muslin cloth is purchased, but it is still important because it demonstrated the existence of this living treaty.

A Parallel Process

In the spirit of the Two Row Wampum, Article VII of the Canandaigua Treaty is interpreted as a parallel process: two legal jurisdictions. In the event of a crime, there is reciprocity in the treaty to address the crimes or wrongs of their respective Nation/society. The section states that in the event of a crime, the two parties will pursue prudent measures involving the president or the superintendent until some other “equitable” provision shall be made. Since the birth of the Canandaigua Treaty, the Haudenosaunee, through its Grand Council, have exercised this right through various letters to the United States President.

³ Jemison, Peter G. & Schein, Anna, Ed. Treaty of Canandaigua (Introduction by P. G. Jemison) Clear Light Publishing Santa Fe, NM, 2000 p 30

Citizenship

We are not citizens of the United States. We are citizens of the Onondaga Nation. We do not vote in your elections, nor are we a part of the Democratic or Republican parties. We do not accept federal funds from the United States. The funds and services that we do receive come to us as *treaty obligations*. As a sovereign nation, we do not accept the federal and state laws that violate the concepts and interpretations of our treaties, as we understand these treaties.

Our mandate of today is the same as it was yesterday. What we see today, we should preserve, so that our great-great-grandchildren will be able to enjoy the same things that we see today. If we have fresh water, then let there be fresh water three or four hundred years from now. If we have fresh air, then let there be fresh air. Let us lieve together in peace and harmony with each other, the forces of nature, and the environment, forever.

Dawnaytoh,
Chief Powless Jr., Onondaga Nation

2.3 THE JAY TREATY

In 1794, Washington nominated Supreme Court Chief Justice John Jay as an envoy to conclude a treaty of peace and commerce. Justice Jay negotiated a definitive treaty of friendship, commerce, and navigation with Britain. The Jay Treaty solved some of the most important matters of dispute between the two nations. The Treaty was ratified June 24, 1775. The appropriations were finally made, but only after one the greatest political debates in American history.

Article III of the Jay Treaty provided and assured the Indians free and unrestricted passage and trade across the border. It was later reaffirmed in the Treaty of Ghent (1814).

Many scholars make note that the Jay Treaty was abrogated during the War of 1812. However, looking at the historical records, speeches and interviews were made with various officials involved during the war's closure. Hence, the Treaty of Ghent was reached. By all accounts, the rights of the Haudenosaunee Nations in the Jay Treaty provisions were reaffirmed in the Treaty of Ghent. Henry Clay, one of the U.S. negotiators at the Treaty of Ghent, described what he was absolutely certain Indian rights under the Treaty of Ghent. Furthermore, he noted that the Indian nations had the right 'quietly to possess and enjoy its lands, subject to no other limitation than that, when sold, they can only be sold to the United States'

Part III Into a New Beginning

The United States and the Haudenosaunee have co-existed for over two centuries. During this time, the relationship between us has, at times, been strained and adversarial. In building a relationship with those of other nations, we recall the words of the Two Row Wampum: what should be between us is Peace, Friendship and Respect. What is actually and presently between us are legal issues, grievances, hurt and frustrations.

Today, we send you greetings and extend our hand in peace and friendship in promoting mutual respect between two Nations living within this river of life, side by side and in parallel paths.

3.1 Three Bare Words

As giving thanks was the first step in peoples coming together, the condolence is second. When nations met, they would condole each other, to raise up and clear each other's minds, thoughts and bodies of distractions before they could get down to the business of peace. The strings used by the nations to perform the condolence at the beginning of Treaty Councils are the descendants of the Peacemaker's first strings, as well as of those used within the Confederacy to preserve and promote the peace.

The Ceremony of Condolence is the threshold to peace. A clear, rational; 'good' mind accepts peace as a matter of reason. The Good Mind accepts and welcomes the unity of nations brought together in peace.

Each of the 'words' of the Condolence describes a particular hurt that has come from the grief and loss. Then the speaker explains how that hurt has affected the people who are gathered together. Then through his words, he removes or heals the hurt and grief. The condolence is a healing for troubled minds.

The 'very few words' are also called the "Three Bare Words". They are to clear they eyes, ears and throat of those who have traveled. They are 'bare' because they are preliminary and are usually spoken without wampum (that is the speaker's hands are bare.) The Three Bare Words are also the first three parts of the 'full' condolence ceremony.

Afterwards, the hosts take the visitors by the hand, in affection. They bring them to the place of council. There, the words of condolence are spoken:

Today, we have joined to put our minds together, but before this council can proceed we need to offer you condolence. The Ceremony of Condolence is the threshold to Peace. The Good Mind, a clear and rational mind, accepts peace as a matter of reason. The Good Mind accepts and welcomes the unity of our nations brought together in peace.

Your eyes are constantly shedding tears for the ones who have departed, who have been gathered to the Creator's land. Because of these tears, you can no longer see your brothers

clearly, and your ability to see the world around you have been affected. With this word, we wipe the tears from your eyes, so that you may once again see clearly.

The grief and sorrow you are suffering have stopped up your ears, so that you can no longer hear clearly what is being said to you. With this we once again open your ears, so that you can hear clearly

what is being said.

Your throats have been stopped up with grief, so that you are no longer able to speak. With this we once again open your throats, so that you will be able to say what you wish, without obstruction.

With the purest white deerskin the insides of your bodies are cleaned of any impurities that may have lodged there, so that you can go about your lives in comfort and peace.

The memory of the people who have departed sometimes takes the form of the sight of blood on the space where you sit as Chiefs. With this we remove the bloodstains from your mat and once again prepare a safe and comfortable place for you to sit.

In your sorrow and grief you sit in darkness in your minds. You cannot see your brothers who seek to raise your spirits once again. With this we remove the darkness you are seeing and feeling.

When you have suffered a great loss, you sometimes cannot see the sky above and around you: you are blind to the beauties of Creation. With this word we restore the sight of the sky to your eyes, so that you can gaze about in calm and beauty.

In your sorrow and grief the sun is lost to you and you can no longer feel his warmth and the light he casts about us. With this we restore the sun to the sky so that you can once again see the world around you.

You have traveled far, and your path has been difficult. There are thorns in your feet, and you are in pain from your journey. With this, we remove the thorns from your feet and once again make you comfortable.

The memory of the people who have passed away is refreshed in your minds whenever you pass their graves. With this we remove the sight of the graves and level the earth over them, so that their sight no longer disturbs your peace of mind.

When grief and sorrow strike the people, their fires are sometimes scattered, as their thoughts are in disarray. With this we gather together the embers of your fire and rekindle the fire so that it can once again give you warmth and light.

Not only a person's close family but all the people suffer when a respected person passes away. With this we once again raise up the minds of the women and the young men, that they may resume their responsibility of supporting and advising the Chiefs in their deliberations.

There are times when grief causes a person to behave in a way that is beyond reason, where they can injure or be injured by bad medicine. This can happen on earth, it is known to happen. With this we remove any shadow of insanity and all bad medicine from your minds, so that you can once again resume your place in our councils and our thoughts with a clear mind.

3.2 Silver Covenant Chain of Friendship Treaty

Oral and written tradition explains that when the British first met the Mohawks they took each other by the hand in friendship. Later, the British ship was tied to a tree with a rope. Since rope frays over time and the parties wished their friendship to be stronger, they replaced the rope with an iron chain. When the iron chain showed signs of rust, they replaced it with one of silver. When it was clear the tree could be shaken by high winds, and the Confederacy wished to expand the friendship, the other end of the chain was tied to the mountains on Onondaga, the fireplace of the Confederacy.

And later:

"We embrace this opportunity to rekindle the ancient council fire which formerly burnt as bright as the sun in this place and to heap on it so much fuel that it may never be extinguished and also to renew the ancient covenant chain with you, which you knew has always been kept bright and clean, without any stain or rust and which by this belt we now strengthen that forever hereafter you and we may have but One Heart, One Mind, One Body and One Belief.

By this Belt, we, the Twelve United Colonies renew the old Covenant Chain by which our forefathers in their great wisdom thought proper to bind us and you, our brothers, of the Six Nations together when they first landed at this place and if any of the links of this great chain should have received any rust, we now brighten it and make it shine like silver. As God has put it into our hearts to love the Six Nations and their allies we now make the chain of Friendship so strong, we, hope through the favour and mercy of the good Spirit that it will remain strong and bright while the sun shines and waters run.

*By this Belt we remove every difficulty that may be in the great road that runs through the middle of our Country and we will also clear up and open all the small roads that lead into the great one. We will take out every thorn, briar and stone so that when any of our brothers of the Six Nations have an inclination to see and talk with any of our brethren of the Twelve United Colonies they may pass safely without being scratched or bruised and we are further determined by the assistance of God to keep our roads open and free for the Six Nations as long as this earth remains."*⁴

The Covenant Chain was more than a symbolic reference to the making of peaceful relations. It was also the actual confederation of Native nations and their allies, tied together with the colonies. To the Haudenosaunee, the Covenant Chain was the means by they could attach themselves to other Native American nations who were not in the confederacy, as well as the European colonists. The Covenant Chain was also a way to wipe the slate clean should there be transgressions.

The Covenant Chain of Peace, itself a metaphor for the preferred treaty relationship, is based upon the older metaphor of men linking arms as a show of peace. The links of a chain reminded the old timers of this linking of arms to show solidarity and peacefulness. A renewal of the commitments of a treaty agreement therefore became known as "polishing the chain" to remove any rust or

⁴ Statement made by the Commissioners appointed by the Twelve United Colonies to make a treaty with the Six Nations at the City of Albany on Friday, the 25th day of August, 1775.

dirt (metaphors for bad conduct) as a way of renewing the terms and spirit of the agreement.

There were said to be three links to the original chain, representing the concepts of peace, friendship and respect, forever. The Haudenosaunee believe that the Covenant Chain is an idea of a path that connects the two nations, a path that promotes peace, meaning that they are free to travel to each other to talk for help and support.

3.3 Re-Polishing the Silver Covenant Chain Building Relationships Between the United States and the Haudenosaunee

“The League of the Haudenosaunee, more commonly known as the Six Nations (Mohawk, Oneida, Onondaga, Cayuga, Seneca and Tuscarora Nations, send its greetings to the men, women and children of other nations of this land. The league of the Haudenosaunee continues as a sovereign people on the soil it has occupied on Turtle Island since time immemorial, and we extend friendship to all who recognize our constitutional government and who desire peaceful relations”. (Excerpt from the Haudenosaunee passport)

How We Will Dialogue With Each Other

Since the arrival of the Europeans on North America, the Haudenosaunee have strived to have peaceful relations with peoples from other nations. The protocols and processes underlying these relations have been embodied in instruments such as the Two Row Wampum, Silver Covenant Chain, and the Canandaigua Treaty of 1794.

The Haudenosaunee have had a relationship with the United States since the thirteen colonies were considering forming a union. On September 16, 1987, the 100th Congress passed a joint resolution acknowledging the contributions of the Haudenosaunee to the development of the United States Constitution.

Today, we need to take softest and cleanest cloth to polish the Silver Covenant Chain, to remove the tarnish that has accumulated over the years and to strengthen our relationship of peace, friendship and respect between the two confederacies: the United States and the Haudenosaunee. We need to brighten the Chain of Friendship as our forefathers did.

Our dialogue is a desire to maintain the peace between us. When we have peace, we can reach across the fire and greet each other in friendship. We need to respond to each other’s differences and similarities in a respectful way. We need to recognize each other as sovereigns, respecting each other’s customs, languages, and form of government.

As Haudenosaunee, we still speak our language, conduct traditional ceremonies and govern our people by a system installed centuries ago by the Peacemaker. Our spiritual and political system has not been separated. We have not entered the ship of the United States. We are Nations separate from the United States citizens as we keep our Nation citizenship within the Haudenosaunee. We are different from other people.

The younger generations will benefit from a renewal of the Silver Covenant Chain of Friendship and rekindling of our fires. Our youth will be proud of who they are and not feel hopeless for their future as a people. The youth of the United States can hold their heads up high knowing their leaders were keeping the promise of their forefathers in not breaking their promises to the Onkwehonweh (Native Americans).

It is proposed that this dialogue will provide the basis for the relationship the Haudenosaunee have with the United States. It will serve to educate your people on Haudenosaunee protocol and processes. It will, hopefully, bring consistency to an inconsistent relationship for the natural resources of this land.

Part IV Haudenosaunee Environment

4.1 Environmental Philosophy of the Haudenosaunee

Today, we face new environmental issues our ancestors never had to consider. There were no polluting factories, gasoline stations, or human made chemicals like PCBs to harm the environment. Waterways followed their natural path. *As people of this land, we took great care to keep the earth and its waters as pristine as possible, known in the past as common sense, known now as good environmental practices.* There was no need for formalized environmental regulations. The challenge before us is finding ways to protect the natural world while preserving our unique relationship with it.

Over the past twenty years, the United States federal government has increasingly recognized the inherent sovereignty of Indian nations, their right to self-determination. Part of the inherent sovereignty of Indian nations is the power to create, regulate and assume primacy over environmental issues. The federal government recognizes this right by treating Indian tribes as states under numerous provisions of federal environmental laws.

4.2 Environmental Hazards and Impacts in Haudenosaunee Territories

Over the past five hundred years, the Haudenosaunee have observed and recorded the impacts of the European settlers on America. Our people tried to warn the colonists of their practices that do not sustain the earth and will eventually destroy both ourselves and the newcomers. Like children possessed by a new toy, they the newcomers did not listen. The environmental destruction we see today is the result. Our communities have suffered the destruction of their natural resources. Our Nations have been confined to small tracts of land. Our Confederacy has been mocked by the young countries which do not understand the world. However, as more time passes, western society has begun to feel the limit or of our resources and the message of the Haudenosaunee has begun to be heard.

Knowledge long believed to be lost has exerted itself and the new science of ecology has resurged. Conservation and preservation are once again the principles of the modern day society, but still, arrogance of conventional science does not completely acknowledge the people who practice true conservation and peace.

Naturalized knowledge systems of the Haudenosaunee have taught how our people should to live in our territories. This knowledge system is based not only on experimentation and observation but also on feelings and emotions. The Haudenosaunee Knowledge System endeavors to integrated the physical, social and spiritual states into a cohesive force for the better of all and future

generations. To this end, the Haudenosaunee have vigorously advanced this knowledge which would progress our stance as an equal voice in the global systems

As early as the 1700's, histories indicate that our indigenous knowledge was very valuable to the colonial governments and people. This early knowledge had been meticulously tested over the centuries and proved correct. Our people have never been adverse to evaluating new technologies, rejecting those that are harmful and incorporating those that are useful. Western science is no exception. Our children have been trained in the sciences and tempered in the spirit of our people. Science and spirit are two very powerful tools to save the world.

4.3 Haudenosaunee Environmental Task Force

In 1992, in accordance with the Great Law of Peace, the Grand Council passed and agreed, based on Haudenosaunee protocols and cultural beliefs, to establish the Haudenosaunee Environmental Task Force (HETF). HETF is composed of delegates that include Haudenosaunee leaders, environmental technicians and scientists, chosen by each of the Haudenosaunee Nations who are committed to identifying environmental problems in their communities and working to find solutions to these problems.

The leaders of the Haudenosaunee have always considered three principles when making decisions: will a decision threaten peace, the natural world or future generations? The delegates of HETF have accepted these principles and use the following questions to guide us in our decision making:

- What effect will our decision have on peace?
- What effect will our decision have on the natural world?
- What effect will our decision have on future generations?

The mission of HETF is to assist Haudenosaunee Nations in their efforts to conserve, preserve, protect and restore their environmental, natural and cultural resources; to promote the health and survival of the sacred web of life for future generations; to support other indigenous Nations working on environmental issues; and to fulfill our responsibilities to the natural world as our Creator instructed without jeopardizing peace, sovereignty or treaty obligations.

Part V Great Lakes Issues

“Seven generations, we really mean that. It often comes up against other current priorities, such as economic development. We have many issues to address, esp. development of the Seaway, cultural issues such as making baskets from cane grown in polluted waters and taken through the mouth, may not fall easily into the Great Lakes Governors nine priorities. The governor’s nine points were preordained without our input...” Oren Lyons, Haudenosaunee representative making a statement to Mike Leavitt, U.S. EPA Administrator at a Great Lakes meeting with indigenous Nations/tribal leaders.

The Great Lakes are the largest body of freshwater on earth and holds approximately one-fifth of the world’s freshwater. Lake Superior is the second largest lake in the world, after Lake Baikal. The Great Lakes system flows from Lakes Superior and Michigan, through Lakes Huron, Erie and Ontario and the St. Lawrence River into the Atlantic Ocean. The Lakes are connected by short narrows at Mackinac and by the St. Clair, Detroit and Niagara Rivers. These rivers have a very high flow rates.

There are approximately twenty-nine Native American Tribes in the Great Lakes area and the Great Lakes Basin. Within the 750 miles of land adjoining the Great Lakes, there are eight states and two provinces claiming jurisdiction. The Great Lakes hold 18% of the freshwater of the world.

As Haudenosaunee (Six Nations Confederacy), we live along one of the Great Lakes and/or within the Great Lakes Basin: from the St. Lawrence River to Lake Ontario.

5.1 THE GREAT LAKES CHARTER 1985

The charter states that only the State and Provinces have jurisdiction over the National resources of the Great Lakes. It avoids language about Native Nations who have signed treaties with the United States and Canada (Great Britain). The indigenous Nations, whether referred to as Tribes, First Nations, Native Nations, Native American, Indian or Haudenosaunee, have a shared jurisdiction over the waters.

The Charter’s use of terms in the mission statement is commendable, such as “to conserve, preserve and protect the National resources of the Great Lakes Basin for the future generations”. The terms are consistent with principles within Haudenosaunee philosophy. However, it stops short by only addressing new water diversions and does not address diversions which are currently existing.

5.2 SUPPLEMENTARY AGREEMENT TO THE GREAT LAKES CHARTER (June 18, 2001) a.k.a. Great Lakes Annex

Haudenosaunee Response

The philosophy of the Haudenosaunee is three-fold. We must look into the past to carry out the instructions given to us by the Creator. Secondly, we give thanks for the elements of Creation that include the plant life, the medicines, the fish, the waters and the air. Finally, under the law given to us by the Peacemaker, we use three principles: Peace, Power and Righteousness to implement the

protection of creation's elements.

These are the principles of our forefathers. We exercise this and carry those thoughts into the present. The principles serve to remind us of the agreements we have made with other Nations and the agreements continue to be in force as international treaties. Those treaties are between two Nations: the Haudenosaunee and the United States and their successors, the Haudenosaunee and Great Britain and their successors. When those agreements were made, we used acceptable terms such as 'brothers, coexisting in the river of life on parallel paths.' Contained within the acceptable terms of the agreements are mutual peace, friendship and respect to live side by side.

The Haudenosaunee continue into the future, as instructed by the Creator, to protect those unborn faces yet to come and into the next seven generations.

"Seven generations, we really mean that. It often comes up against other current priorities, such as economic development...Cultural issues such as making baskets from cane grown in polluted waters taken though the mouth, may not fall easily into the Great Lakes Governors 9 priorities": Comments from Onondaga Faithkeeper Oren Lyons to Michael Leavitt concerning the Great Lakes.

As Haudenosaunee, we are citizens of our own Nations. We have never agreed to be citizens of the United States or Canada. Our land is not held in trust by the United States government or any State. We retain jurisdiction over our aboriginal territory, people, waters and the air as given to us by the Creator.

The purpose of the Great Lakes Annex is to amend the Great Lakes Charter of 1985 to regulate and plan a decision-making process (G.L. Basin-wide) to withdraw or divert water from the Great Lakes.

The Annex to the Charter has resulted in a 'Proposal' consisting of two documents:

1. The Great Lakes Sustainable Water Resources Agreement ("the Agreement"), among the 10 Great Lakes States and Provinces, and,
 2. The Great Lakes Basin Water Resources Compact ("the Compact"), an agreement among the 8 Great Lakes States to join together in an interstate compact to enhance joint decision making about the use of the Great Lakes water.
- ***An Agreement between Great Lakes government to regulate water withdrawals is a necessary reality and we thank those people who have begun to propose regulations.***

World water shortages loom and efforts to sell the waters of our Mother Earth will be more common in the near future. We thank the United States Governors and

Canadian Premiers for turning their attention towards this reality and we hope the regulations will be designed to protect those unborn faces yet to come.

The International Joint Commission (IJC) follows sound principles in their decision-making process. H.E.T.F.'s scientific co-chair sits on IJC scientific committee and the committee continues to produce excellent work.

- **The current agreement ignores the existing amounts of diversion and consumptive use of waters where the Haudenosaunee have a direct interest for customary uses, traditional practices and ceremonial purposes.**

Haudenosaunee traditional teachings about the sacredness of water remain strong. We, as the keepers of traditional knowledge, along with original instructions from our Creator, continue to give thanks to the waters, everyday. We greet, thank and support the sacred waters for the duties and responsibilities they bestow onto the natural world.

As we explain about water's sacredness and our efforts to protect their natural flow, we must emphasize that Haudenosaunee Nations have never sanctioned the treaties and protocols in regard to the usage of Lake Ontario, Lake Erie, St. Lawrence River watersheds, and the greater Great Lakes Basin, beginning with the Boundary Waters Treaty of 1909 and ending with the Great Lakes Charter of 1985, of which the Great Lakes Annex of 2001 plans to amend.

Within the treaties and protocols as mentioned in the previous paragraph, the terms of diversion and consumptive uses are too broad. They remain as ambiguous definitions that promote abuse beyond the existing constraints and may result in future lawsuits. As well, the mentioned water usages create alternate paths for springs, lakes, rivers and streams to follow, sometimes being removed completely from the Great Lakes Basin. Our waters are already used to make profit for Private, State, Provincial, Federal and Crown interests, with large amounts of hydroelectric diversions from Lake Ontario, Lake Erie and the St. Lawrence River. It is a responsibility as human beings to protect the waters of this region. We object to any diversion, consumption and abuse without full understand of the natural flow of water and the sacredness of their element in regard to creation.

- **Haudenosaunee Nations should have been involved in drafting the Annex Proposal.**

Some Nations were invited to the signing of the Annex, but no other consultation or participation was forthcoming. The governors and premiers face an uphill battle with the Haudenosaunee by presenting a proposal created behind closed doors with no prior consultation with Indigenous/First Nations governments. If true consultation is an objective, we should have been engaged in devising the proposal before the Annex or other documents were drafted, not in the 24th hour. The plan then could have been presented to the public and would receive much larger acceptance.

In the Treaties between the United States and the Haudenosaunee and between the Haudenosaunee and Great Britain, the Haudenosaunee is a sovereign entity. These treaties preempt the Boundary Waters Treaty. The Federal government has

a fiduciary responsibility to consult with the Haudenosaunee, on a Confederacy level. The Haudenosaunee Confederacy are not to be treated as under State or Provincial jurisdiction that surrounds our Territory, but on a Nation to Nation level, a government-to-government basis.

- **Indigenous Nations/Tribes throughout the Great Lakes Basin were not included in the process.**

There is no mention of Indigenous Nations or their populations, who have a special relationship to the waters and land of the Great Lakes area. Indigenous Nations are established on rivers, streams and lakes flowing into the Great Lakes Basin. We have only to look at the name places to know this is our traditional territory.

- **The Annex only refers to new uses for withdrawal.**

Existing usages are exempt. The Haudenosaunee have always used the Great Lakes Basin area for cultural and social purposes. The Annex fails to mention indigenous practices, loss of shoreline, destruction of fish spawning beds, polluted waters, diet change and the resulting epidemic increase of diabetes among indigenous populations. The Great Lakes Basin area is where Haudenosaunee and other indigenous people still retain the right to hunt, fish and gather in the customary manner accorded to our people and according to international treaty law.

The Winters Doctrine is the first international agreement on sharing water from the Milk River between the US and the Fort Belknap reservation. Haudenosaunee Nations, like most Indian Nations within the U.S., still have a strong case for protecting Indian interests in water quality and quantity impacts from off-territorial upstream interests, American or Canadian.

- **The Haudenosaunee should participate as an equal partner on the three groups appointed to develop the Annex Proposal, including the Water Management Working Group, the Advisory Committee and the Resource Group and Observers.**

To our knowledge, there has been no participation by the Haudenosaunee in any of these three groups prior to the issuance of the Request for Public Comment. These groups have been working on crafting a proposal and guiding the public review process of the proposal for over two years and no consultation with the Haudenosaunee has occurred.

- **The information present in the “Request for Public Comment” is false because it does not apply in New York State, where the purported ‘jurisdiction’ has yet to engage in any consultation during the proposal development.**

The July 19th Request for Public Comment states: “Finally, the individual jurisdictions have been engaging in ongoing consultation with their relevant

Tribes and First Nations while this proposal has been developed.” This is false information.

Although New York State surrounds Haudenosaunee Territory, we do not fall under New York State jurisdiction. Aside the fact that New York State and Wisconsin do not have the jurisdiction to dictate what happens in Haudenosaunee Territory, there has been no ongoing consultation. The same is true with Ontario and Quebec. Prior to a letter being generated from Gregory J. Allen, Senior Assistant Counsel to the Governor (Pataki) on July 20, 2004, there was no indication that New York State had any interest in consultation with the Haudenosaunee. A meeting was slated for September 21 at the Onondaga Nation Longhouse. The Haudenosaunee maintain that the engagement amounted to a briefing meeting and not a consultation session.

- **Jurisdiction is an inappropriate term and inconsistent within the Compact and the Agreement.**

“Jurisdiction’s Waters” is contained in the Definition of Terms of Agreement yet not addressed and clarified in the Compact. The use of the term is also inconsistent with Indian Law and Treaty Law whereby state, provincial, federal or crown governments have no jurisdiction over the Haudenosaunee.

Regarding water diversions and Indian Nations in Michigan and with respect to Haudenosaunee interests there are jurisprudence implications on the Annex. The Judge seems to justify water withdrawal via the Annex 2001 before the current proposal became enforceable.

- **It is in the best interest of the Great Lakes States and Provinces to include the Haudenosaunee in the discussions.**

The Haudenosaunee reside in their sovereign territory within the Great Lakes Basin. In looking ahead, some entrepreneurs may pose a risk for New York State and Ontario/Quebec because neither the Charter, nor the Annex to the Charter applies to Indian territories. Should businessmen decide to sell surface water or groundwater from the Great Lakes but within an Indian reservation, disputes may evolve without full participation of the Haudenosaunee in these agreements.

CONCLUSION: Politically, Haudenosaunee Nations are sovereign entities that may not be party to a Charter amongst States and Provinces, much less an Annex to a Charter.

As indigenous people, the Haudenosaunee, are deeply concerned about the Great Lakes. As in the Great Lakes Governor’s Council, we too are troubled by water/land/air pollution that affects this vast resource of our people. We are

concerned about invasive species, ships emptying ballasts into the St. Lawrence /Great Lakes system, early icebreaking, expansion of the Seaway.

As well, as Haudenosaunee people, our traditions are the core of our society. The Haudenosaunee have never given up our rights to hunt, fish, and gather on our traditional Territories. Those rights need to be respected as guaranteed by Treaties signed between our ancestors and the fledgling United States. It is ridiculous to think that the Haudenosaunee don't sit at the table with full authority over our own lands. The Haudenosaunee have presided over this territory from time immemorial and continue to take care of the resources the Creator has given to the Onkwehonweh (original people). We have competent people working on various environmental issues. Some are involved in the International Joint Commission and participate on various boards and committees for the sustainability of

Mother Earth.

As part of the treaty agreements, the Haudenosaunee reserved the right to access and have free use of traditional waterways (and highways). The traditional waterways and highways need to be accessible and free to all Haudenosaunee people: currently, this is a matter that needs to be addressed.

The Haudenosaunee Environmental Task Force is asking for a review process on the Boundary Waters Treaty. At the very least, the Haudenosaunee should be assigned as a subject to a future annex of the Boundary Waters Treaty. The Haudenosaunee and other indigenous peoples don't fit under State/Provincial recommendations.

We know the issues and we have competent people to work on an Annex. We wish to work cooperatively on the issues that concern all of Creation and our unborn children seven generations into the future.

We await your response. Da nah tho
Prepared by the Haudenosaunee Environmental Task Force

5.3 2003 GREAT LAKES STRATEGY

The Great Lakes Strategy is supported by two concurrent bills: S1398 The Great Lakes Restoration Act and HR270 The Great Lakes Financing Act of 2003 (July 14, 2003)

The 2003 Great Lakes Strategy is designed to protect the resources of the Great Lakes Basin. With the backing of the U.S. Policy Committee, Thomas Skinner, Chair, 126 action items "articulates coordinated efforts of governmental partners

(Federal, States, Tribes) in protecting and restoring Great Lakes.” The core of the document focuses on the human population to “eat the fish, drink the water, swim at beaches, and [have] a healthy environment.”

COMMENTS FROM H.E.T.F. ON THE 2003 GREAT LAKES STRATEGY

- The focus of the 2003 Great Lakes Strategy targets pollution, beaches (human health) and fish advisories. These Initiatives take into account many actions which are progressing relatively quickly. However, in the areas that affect Haudenosaunee Territory, the listed state (New York) is lacking on project completion and/or lacks a monitoring system. Most of the initiatives within the Great Lakes Strategy will be completed by the deadlines, which does not consider all eight states. The initiatives are gauged by the number of on-going projects and not by participating states. In other words, some states may be doing the bulk of the projects whereas other states are stagnant and may be doing close to nothing. There is a discrepancy in the accountability of all states.
- The Strategy makes a statement about jurisdiction to the states and provinces. It did not considered treaty rights and Federal policy which the states/provinces must adhere to.
- The Haudenosaunee, as protectors and caretakers of the environment, would like to
- partner with the states and provinces in regard to a Great Lakes Strategy..
- The Great Lakes Strategy includes Tribes in the 300 page document, but did not consult with any tribes along the Great Lakes Basin. This lack of consultation/communication should be rectified and address indigenous Nations/Tribes/First Nations concerns.
- Strategy No. 37 is to improve understanding of exposure to health risks associated with consumption of fish and wildlife...and to follow fish advisories. We have seen from the past, and more specific within the community of Akwesasne, fish advisories were effective. However, in retrospect, the fish advisories eliminated the community’s protein source which in turn added to epidemic diabetes disease at Akwesasne. If fish advisories are implemented and followed, health practitioners/educators need to aggressively teach about healthy eating alternatives rather than leaving a community to make uninformed decisions to eating foods high in carbohydrates and sugars.
- The Great Lakes Strategy makes an overall statement to initiatives but provides no tracking system and there is no substance for progression to a cleaner, healthier environment.

- Strategy No. 126 promotes Public Involvement in Great Lakes Program. The Haudenosaunee would like to be kept abreast of the any information in regards to the Great Lakes.

5.4 SEAWAY ICEBREAKING ACTIVITIES

AKWESASNE MOHAWKS: The Socio-Cultural Impacts of Icebreaking Activities Associated with Seaway Shipping (Summary of the Briefing Paper for the Mohawk Nation Council of Chiefs, by Barbara Gray)

The integrity of the ice cover is of great importance to the entire natural world and has socio-cultural significance to the Mohawk people at Akwesasne. Icebreaking will disrupt the natural cycle of the river and will negatively impact the people and the natural order at Akwesasne. The people of Akwesasne are concerned that proper studies have not been undertaken to adequately determine the negative impacts of ice breaking activities in the St. Lawrence Seaway to the Natural World. Some studies exist that can be applied to ice breaking concerning fish and fisheries disruption, but more research needs to be conducted. In addition, an indigenous perspective is the holistically approach to include each of the beings within the environment, including the cultural needs of the Akwesasne people. The needs must be studied and protections put in place to protect them all.

The Mohawk people and migrating animals have continually used the frozen St. Lawrence River as an ice bridge. Forced destruction of the ice cover may weaken the ice in other parts of the St. Lawrence River, as well as impacting the ice on connecting rivers. ie: Under the ice, wakes may drown aquatic animals by flooding ice caverns (pockets) that these animals use for breathing and for traveling beneath the ice cover. It may also make the ice unsafe for humans as the frozen river is used as a roadway, ice-fishing activities and recreation use.

Thus, ice breaking will jeopardize the socio-cultural uses of the ice cover at Akwesasne.

The shoreline and shoreline vegetation, habitat and structures built along the shore will be highly impacted. In addition, the scouring of the riverbank and bed will churn up sediment; thus, exposing the environment and people to toxic chemicals. At risk are the breeding areas of animals and fish as well as impacts to sensitive medicinal plants that grow along and adjacent to the river that the Akweasronen [people of Akwesasne] depend on to keep the community healthy.

The Haudenosaunee environmental perspective requires thinking of the future generations. The waters have a natural cycle, with ice serving many functions that humans and the rest of the Natural World are interdependent on for their well

being and balance. Ice cover should be allowed to break up naturally. Nature should dictate the opening and closing of the Seaway shipping season, not humans. Icebreaking should not be used because the harms to the environment and to the community of Akwesasne far outweigh the economic benefits. An environmental injustice occurs when the people of Akwesasne and the natural world carry the burden of environmental and cultural impacts, for the economic benefits of others.

5.5 SEAWAY NAVIGATIONAL STUDY

Great Lakes St. Lawrence Seaway Study (Navigational Study) Public Hearing October 28, 2004, Akwesasne Mohawk Territory (Excerpt of Speaking Notes for Joyce King, Acting Director of HETF)

H.E.T.F. has a mandate from the Haudenosaunee Confederacy through a formal resolution by the Grand Council and is included in the United Nations document entitled: Haudenosaunee Environmental Restoration: An Indigenous Strategy to Human Sustainability" (1992).

From the Haudenosaunee comes a Traditional Knowledge System. TKA is a holistic approach to the ever-encompassing Natural World. Our Traditional Knowledge System is so imbedded that our philosophy and cultural lifeways are perpetuated in our actions despite the lack of understanding and sensitivity by governments that surround our communities.

Our culture is creation-based. The Haudenosaunee have been given instructions from the Creator to give thanks by reciting the Ohenton Kariwatehkwen (Words That Come Before All Else). What does it mean? Give Thanks? The answer: Every part of Creation was made for sustaining humankind. Once we thank, acknowledge and understand this basic principal, mankind, you and I, will have the tendency not to overuse or waste resource. As a human, when you give thanks to every part of Creation, you begin to realize the intricate connection with this web of Creation. So intricate, you become a voice, an advocate for the parts of creation that cannot defend itself from the abuse of mankind.

By using the framework within that Thanksgiving Address, here are a few impacts of the Seaway. *The People*: impacts have been made to hunting, fishing, cultural use of the river and other impacts as addressed in this public hearing today. *Mother Earth*: Destruction of the shoreline and upheaval of riverbed sediment. *The Grasses*: impacts to their survival and human survival as the grasses are an important filtration system in wetland management; food and home to many creatures in the water. Grasses also need protection from shoreline erosion. *The Medicinal Plants*: A vital component of Haudenosaunee well being and health which have been destroyed in places, by shoreline erosion. *The Fish*:

The drastic decline of eel populations – a medicine and a food to Haudenosaunee and other creators of creation. There was also disruption to the sturgeon when dredged materials were emptied into their spawning beds. Today, sturgeon are approximately three feet long. Approximately one foot for every ten years growth and the sturgeon are still recovering from the last grand plan of the Seaway. Where have they gone? They have been displaced from the St. Lawrence River to the St. Regis River. Expansion of the Seaway will harm the sturgeon finding their place in the St. Lawrence River again. *The Waters:* Ship spills are not acceptable. There is no guarantee inspections in Montreal will avoid a disaster in the St. Lawrence. Controlled water levels are unnatural and a detriment to aquatic life. The Great Lakes/St. Lawrence River is the largest drinking water system in North America their security is also mankind's survival. *The Birds:* We protect islands that are nesting sites. Birds tend to naturally habitat in an area that is safe, undisturbed. We see endangered species nesting in our territory. The birds didn't need a Federal Protection Law to realize that Akwesasne is a safe haven for them. We welcome them to refuge in our Territory and we would like to keep them safe. *The Trees:* Also a medicine, a source of food and a resource to us. It is a habitat for so many creatures. Shoreline erosion will harm trees in their path.

Since time immemorial, the Mohawk people have occupied this area as hunting/fishing/gathering stronghold. In 1755, it became a permanent settlement. As you see, we have the knowledge of this area. Certainly we knew this area long before the winds carried Jacques Cartier to Hochelaga (Montreal) in 1634. We have a lot to offer. We know this place. This is our Territory.

In 1957, the Seaway began construction. Mohawk lands were expropriated for a New York Power Authority dam and the Seaway. Haudenosaunee lands and burial sites were inundated. Other lands became unusable, fish habitat and navigational/migratory patterns destroyed.

So what were the benefits of the Seaway?

1. Easy transportation to and from Cornwall
2. Employment of local Akwesasronen

What are the negative effects of the Seaway to the Mohawks?

1. Port of Entry by U.S. and Canadian officials on our Territory. We have to go through two ports of entry to access our land.
2. Environmental destruction of fish and wildlife and their habitat
3. Change of waterways (routes) used by our people
4. Severing of access to traditional waterways by the lock system and interconnecting dams
5. Invasive species
6. Unregulated water withdrawals
7. Water level fluctuations

Weigh the benefits and negative effects of the Seaway and we come up with a negative balance sheet not only for the Mohawks but also for the waters and the creatures sustained by the St. Lawrence River and the Great Lakes Basin.

In addition to current affects of the Seaway, we have only to look at water rights that should have been afforded to indigenous/Native Nations. The Winter's Doctrine has been upheld in the U.S. Supreme Court giving Tribes water rights and resources from water. It is an area that has yet to be explored within the Mohawk communities along the St. Lawrence River and the Great Lakes Basin.

Setting the Winter's Doctrine aside, you are dealing with the Haudenosaunee Confederacy. These are not lands of your ancestors. We have jurisdiction over this area, as a Nation. When the province of Quebec talked about separation, a Grand Council letter was sent to the Prime Minister of Canada. This letter informed Canada that if Quebec wants to separate, they can't take the land with them. It was never theirs to take: never Quebec's to begin with. The land belongs to the Haudenosaunee and the other indigenous people of that area. The land was never given up. If you look at the lands of the Tonawanda Senecas, the Onondagas, and the Mohawks, those lands were never placed in Federal Trust. It's still part of the Haudenosaunee Territory. (The U.S. Administration for Native Americans uses the term 'tribal trust'.)

The Haudenosaunee are also concerned about Homeland Security. Haudenosaunee people are not terrorists. Our concern is the protection of our land, our environment – something the Seaway has not done in the past. Akwesasne also have Homeland Security issues. We have ships going through our territory and no idea what shipments are going through our waters. The ship manifests are not public information. We have a right to know if shipments may be a threat to our people.

The St. Lawrence Seaway is protected by Treaties: The Boundary Waters Treaty of 1908 is one such treaty. However, there is a Treaty currently being disregarded: The Jay treaty – the Treaty of Amityville and Commerce which gives Haudenosaunee Nations free access and free from tolls along waterways and highways in our traditional territory. This has never been abrogated by Congress, although some officials are under the false impression that it has been and would like to tell you otherwise. But it is not so.

So why didn't we come forward during the early years of the Seaway. We did. The problem was a language barrier. To speak through a translator limits and misconstrues the issues you are trying to address. It didn't work in the 1957. But we know the English language, we have scientists, engineers, environmentalists, we have command of your language. It is clear the issues we are addressing and we would like to address them now.

How can we work together?

Consultation after final draft is completed, as with the Great Lakes Annex of 2001 does not promote dialogue. Meeting with indigenous Nations after the ink has dried is not called consultation.

We can live side by side in this river of life. Your forefathers agreed to this, so did our forefathers. The United States and the British Empire entered into this protocol called the Two Row Wampum. And in the spirit of the two row, we can meet together and Polish this Silver Covenant Chain of Friendship so we may continue to live responsibly and to give thanks to the Natural World.

We can co-exist in this River of Life. We offer this solution: have a tri-national Study Partnership.

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5.6 GREAT LAKES ST. LAWRENCE RIVER SEAWAY EXPANSION

Letter dated December 21, 2002 from Tadadaho, Chief Sidney I. Hill to Hanadagayus, George W. Bush, President of the United States. [Letter attached]