TN COMMISSION OF INDIAN AFFAIRS
Quarterly meeting
Saturday, 21 June 2008, 10am, Knoxville
Mountain View UMC Family Life Center, 3200 Maryville Pike

MINUTES

present: Jeanie Walkingstick King, Bill Wells, James Meeks, Val Ohle, chair, tom kunesh, secretary (5/6)
Jimmie Thigpen, West TN - absent (family emergency); Memphis - vacant; 5/7 quorum met
Mark James, TDEC legal counsel; no parliamentarian

I. CALL TO ORDER 10.41

prayer - Bull Moose Speed

II. INTRODUCTIONS & REPORTS
A. new Nashville commissioner Bill Wells - welcome
   resignation of Allen, Memphis; motion to accept - unanimous.
   Ohle - thanks to Shelley, appreciate her contribution
B. note: no parliamentarian.

C. Archaeology -
   1. Fewkes-site reburial, <Gerald Kline letter/report>
      Bill Wells would like the administrative forensics on the process of what happened.
   2. new NAGPRA claims for "culturally unidentified", <Mike Moore report on Davis site>
   3. Meeks - Reelfoot site -- no remains found
   4. Ohle - TVA "Finding of No Significant impact" (FONSI) for the Power Supply Upgrade -
      Algood 161-kV Transmission Line, Putnam County TN. www.tva.com/environment/reports/algood/
   5. review of TDOT protocol for notification, repatriation & reburial
      kunesh - community should review cemetery laws, NAGPRA, repatriation
      invite Archaeological Advisory Council members
      Ohle- teleconference, "webinar" possibilities

      kunesh - What is the state's agreements with federally-recognized tribes regarding oversight, return, repatriation of remains?
      the problem is that there is no state _NA_ oversight of dig site, removal, inventory
      Motion for Commission to review the texts of all correspondence, laws and concerns, then
      request a mtg with NA members of AAC to determine best course of action. propose mtg on sat, 26
      july in Lebanon. Approved, unanimous.

D. GIIC conference in October in Rapid City
   Ohle- would like commissioners to attend, need to raise money to make trip ($700/person expenses) - Ohlewill provide more info.

E. Longest Walk 2 - came & went - route: Chattanooga, Athens, Knoxville, Newport
   gratitude/special thanks to Tammy Boddy-Riley of KY for Tennessee & Athens coordination.

F. Sunset Review
   no questions, no date, no communication. Mark James will check informally.
III. Old Business

agenda amendment: insertion (agreed, unanimous)
A. Marion 'Letha' Orrick - 1st portion of quantitative study of getting to know the state's NA population - statistical information
   66,000 NA & Alaska Native, 2000 date, adjusted +5%, migration adjustments
   2 groups - enrolled & unenrolled
      enrolled - eligible for benefits through tribe
      unenrolled - slightly less than half

cconcerns about economy, jobs,
   majority lack any access to health care at all
   minority have access through tribal agreements with local (in-state) providers
   census policy - one-race rule for funding/benefit purposes
   Census self-proclaimed error in count of NA 4-9%

   recommends that Commission affirm its representation of enrolled and unenrolled equally,
   without regard to enrollment or blood quantum status.
   66% of all enrolled indians live off-reservation.

   reach out to tribal gov'ts, negotiate agreements on behalf of citizens, offer documentation
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   kunesh - need an ANA grant to provide funding for proposal
   Ohle - overall, finding a way to carry out this project
   all commissioners supportive
   kunesh - motion to pursue an ANA grant to provide funding for this proposal. unanimous.
   kunesh & Letha to work on this
   Ohle- administratively, send a contact letter of TNCIA's existence to all tribes.
   donations for materials. hardcopy if possible.

B. Resolution supporting the TNNAC democratic election process for nominees and repudiation of private lobbying efforts advocating specific nominee change. (kunesh)
   Motion that the Commission support the TNNAC caucus and convention election process for selecting nominees and repudiates private lobbying efforts advocating specific nominee change.
   Wells: If we have an electoral process, we should support the electoral process.
kunesh: process isn’t broken, interpretations vary, underlying assumption may be mistaken -

to, that one convention, one party, is sufficient; it may be that two conventions are needed.
Approved 4-1.

C. That all emails between 2 or more sitting Commissioners wherein there was review, deliberation

decisions or assessment of information in lieu of a called committee meeting or regular meeting of
the Commission be placed into the Minutes/Records of the Tennessee Commission of Indian. With
this inclusion all said emails should/would be posted to the website of the Tennessee Commission of
Indian Affairs for review by the public. (Meeks)(tabled from previous mtg)

kunesh - concern that it’s not enforceable; requests James discuss issue with Mark James. Tabled.

D. 2007 Annual Report review (tabled from previous mtg) kunesh will provide this coming week.

E. Agenda Protocol (Ohle) - James & Ohle to compile their two proposals together.

F. Standing Committees vs. Regional Coalitions (Ohle): tabled til september.

G. Recognition for departing Commissioners (Allen, Ohle)

kunesh & Ohle: to draft a certificate for commissioners, past & future.

H. Citizens’ Committee of Historic and Other Federally Recognized Nation (Ohle)

kunesh & Ohle to make proposal for State & Unrecognized indians (table til september)

13.39

I. Action Plan for TCIA (Ohle) 5-year strategic planning

motion: Commission to meet 8-10am before Chattanooga meeting,
propose organizations meet and suggest ideas for Commission;
chair will communicate idea to public.


13.50 - lunch
14.38 - back

IV. NEW BUSINESS

A. 2010 Census planning - request that the State of Tennessee designate the entire state as a ”State
Determined Tribal Statistical Area” and that the TN Commission of Indian Affairs take responsibility
for collecting, analyzing and reporting quantitative and qualitative research data relevant to the TN
SDTSA. (Ohle)

Federal Register notice: American Indian Areas (AIAs) for the 2010 Census - Proposed Criteria
and Guidelines - Notice of proposed program revisions and request for comments.
need population count to qualify for Community Block Grants
change from ”State-Determined American Indian Statistical Area”
Motion: Ohle & Mark James to draft a letter of concern about the 2010 proposed rule changes,
to distribute by 26 June, and if approved, send to US Census. Approved, unanimous.

B. 1. TCIA Meeting-Notification email list (Meeks, Ohle)

2. Group email list of the Commissioners (Meeks)

concerns: ownership, control and practical application. Tabled.
C. Initiate public rulemaking hearings on Rule 0785-1: State Tribal Recognition Criteria proposal (kunesh)
http://www.state.tn.us/environment/boards/tcia/pdf/0785_1.pdf
http://www.state.tn.us/environment/boards/tcia/pdf/0785_1_history.pdf
kunesh moved to initiate rulemaking hearings ...
Rule is not a statute, ie, not state law. Concern that there is no review committee composed of professional evaluators, eg, historians, anthropologists, genealogists.
Mark James: Rule 0785-1 terminated 17 may 2008.
kunesh: motion that the chair contact members of the legislative Government Operations Committees by letter to solicit their response to and suggestions concerning the Commission's interest in initiating state rulemaking on tribal recognition criteria; and if a majority of responses are positive, to empower the chair to initiate rulemaking procedures. Approved, unanimous.

D. Commission recommendation on HB3299/SB3123 - AN ACT to amend Tennessee Code Annotated, Title 4, relative to recognition of Native American Indian Tribes, Bands, Groups and Associations. (kunesh) Tabled.

E. Commission recommendation on AMENDMENT to HB3299/SB32123 to create the Tennessee State Recognition Committee and Criteria for Recognition as Native American Indian Tribe, Band or Group. (kunesh)
Motion: that the Commission go on record opposing the proposed legislation due to lack of larger community and Commission input and involvement. Approved, 4-1.

F. Recognition of TN Historic Tribes - proposed 2009 legislation
1. review of past approved resolution (www.actia.org/docs/ACTIArev-historicaltribes.htm)
2. review of proposed amended resolution (Meeks)
   Need to seek legislative sponsor and get passed into law.
Motion to accept proposed amendments submitted by James Meeks. Approved, unanimous.
Chair to solicit the review and input of the state Historical Commission, Archaeological Advisory Council, tribal historic preservation officers of referenced tribes, and other identified historical scholars on Tennessee Native American history. Approved, unanimous.

G. Organizational Accreditation (kunesh)
Change "Accreditation" to "Directory"
Motion to pass this proposal on to ACTIA with the request that they consider implementing/publishing a state directory of Native American-related organizations. Approved, unanimous.

H. Standing Rules proposed amendments:
1. add "Disclosure of lobbying and legislative activities" (Ohle)
2. add "Agenda Item Submission Protocol" (Meeks)
3. add "Duty of the Chair" (Meeks)
4. amend "Special Called Meetings" (Meeks)
   Tabled til september.

I. TN NA Resources Clearing House (Meeks)
   Tabled til september.

J. 1. Nomination of Pat Cummins for Reappointment to TN Archaeological Advisory Council (TAAC)
   Approved, unanimous.

2. Recommendation to TNNAC regarding possible solutions for the between-election appointment process for other Boards and Commissions, including TAAC.
Approved, unanimous.

V. A. ORGANIZATIONAL REPORTS
B. Announcements
C. Public comments (3 mins. per person)

17.30 Ramona Reece - requests table space for microphones in the future.
If not, would like written response.

Ohle - rise in gas prices makes cross-state visiting prohibitive.
Open to initiating conference calls to stay in touch with constituents.

VI. CLOSE
17.32

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tom kunesh <tpkunesh@chattanooga.net>
secretary, Tennessee Commission of Indian Affairs
4 July 2008

other attendees: Ramona & Lee Reece, Billy Joe Nuckles & wife, Herstle & Marcia Cross,
Bull Moose Speed & wife, Jack Brogdon,