

Considering Opening Your Land To Abenaki Access?

What You'll Find in This Document

In this document, you will find information regarding why Abenaki tribal citizens are seeking private land access, benefits to opening your land to Abenaki citizens, what Abenaki access to your land could look like, the questionnaire you will fill out to set the terms and conditions of access if you choose to participate, pertinent legal information, and more. If you have questions beyond what is stated here, please direct them to Vermont Family Forests.

History - Abenaki in Vermont

For thousands of years, the Abenaki have lived on the land that we stand on today in Vermont. Yet, the livelihood of the Abenaki now looks very different from how it looked before European settlers moved onto this land. The Abenaki have a rich history of collecting natural resources for nutritional, medicinal, artisanal, and ceremonial purposes. The way of life of the Abenaki has always been intrinsically linked with the natural world around them. This continues to be the case despite the great changes that their lifestyle has undergone at the hands of European settlement.

Upon European settlement of the land beginning in the 1600s, the Abenaki were slowly but forcefully pushed to the outskirts of Vermont lands. The lands that were the most fertile and that held the majority of natural resources used by the Abenaki were the same as the ones that the European settlers found most appealing for their own developments and use. The outcome was Abenaki having to resort to making use of lands that were far less useful for their own purposes. The amount of trade they were able to engage in with other tribes was greatly reduced and their general way of life and prosperity was harmed.

Beyond the displacement of the Abenaki from their land, there was a long-standing effort by the state of Vermont to further discontinue Abenaki presence in the state. Eugenics policies such as forced sterilization in the early 20th century forced many Abenaki to disguise their identity or flee the country. The result was a greatly diminished Abenaki population and a fractured community that is still working to overcome the intense challenges that they have had to face.

Today, many in Vermont are trying to right the wrongs that have been done unto the Abenaki. In 2011 the Elnu Abenaki Tribe and the Nulhegan Abenaki Tribe received recognition by the State of Vermont, followed by the Abenaki Nation at Missisquoi, and the Koasek Band of the Koas Abenaki Nation in 2012. In June 2019, the University of Vermont issued a formal apology for the "stereotyping, persecution and in some cases state-sponsored sterilization" that was sanctioned by law and supported by the Eugenics Survey of Vermont (1925-1931).

Why Private Landowners?

You, as a Vermont landowner, are uniquely situated to help build better connections between the Abenaki and other Vermont residents in the 21st century. Private land makes up 80 percent of the forestland in Vermont, leaving enormous untapped potential for land access within the state. Vermont Family Forests (VFF) manages roughly 19,000 acres and access on even a fraction of this land could have a real impact on opportunities for gathering.

Through the Abenaki Cultural Use Land Access project—a collaboration between VFF and Middlebury College students—we explored a process for granting Abenaki tribal citizens permission to access private forestland in Vermont for cultural use, such as hunting and harvesting plants. Our project was informed by a similar collaboration between Wabanaki people and Maine conservationists, and by current land-access permissions for the Nulhegan Band of the Abenaki Nation on public and corporate land in Vermont. We hope to create conversation and connection through land-access permissions that allow the Abenaki sense of land as belonging to Ktsi Niwask (the Creator) to coincide with the American belief in private property.

What are the benefits of opening my land to Abenaki cultural use?

- Creating community and sharing as a way to build a better Vermont.
- Recognizing the past and moving forward together.
- Learning the benefits of sustainable traditional management practices.

Other projects that are sharing the land with Native American neighbors:

Currently, the four Abenaki tribes recognized by the state of Vermont (the Elnu Abenaki, the Nulhegan Abenaki, the Abenaki Nation at Missisquoi, and the Koasek Band of the Koas Abenaki Nation) have gathering access rights to all state lands, including state parks and forests. The Nulhegan Band of the Abenaki has gathering access to the Green Mountain National Forest and land owned by the Winooski Hydroelectric Company, TransCanada, and FirstLight Power Resources. Each permission agreement comes with different conditions about the number or weight of given plants that can be harvested, whether Abenaki citizens need to provide advance notice before accessing the land, whether hunting is allowed, and for what purposes plants can be gathered (nutritional, medicinal, or artisanal). All the land managers with whom we spoke had experienced smooth interactions while setting up the permissions and had not received any complaints about the land use.

The First Light Learning Journey in Maine is “an ongoing collaborative effort, begun in 2017, between Maine conservation organizations and Wabanaki Tribes to expand Wabanaki access and stewardship of land” that seeks to “create a stronger conservation movement that includes and reflects indigenous expertise and perspective.” Representatives from over twenty different land trusts, universities, the Army Corps of Engineers, and various conservation groups in Maine have been meeting to listen and learn from one another for the past couple years in

structured programming. Their [website](#) speaks eloquently to the challenges and motivators in a cross-cultural project of this kind.¹

Also in 2017, the Amah Mutsun Tribal Band, who live in Central California, formed a partnership with the [Midpeninsula Regional Open Space District](#) through a permanent easement that grants rights to the Amah Mutsun “to help steward the mountaintop for natural resource conservation, cultural relearning and public education in partnership with Midpen”.² The Amah Mutsun have partnerships with several nonprofits, educational institutions, and government land management bodies. Some of the projects they have undertaken with their partners include implementing traditional land management practices, such as the application of fire, or participating in archaeological surveys.

How do I establish a cultural use agreement?

To form an agreement allowing for Abenaki access to your land, you will need to fill out a questionnaire, which can be found [here](#).³ The questionnaire establishes the prerequisites for use of your land and serves as a contract allowing access to your land until such a point as you contact VFF to opt-out of the program or until you do not own your property (in which case it is requested that you contact VFF to have your information removed from the database).

Information that you will be asked to provide includes: address, availability and location of parking, notice before visits, seasonal restrictions, species restrictions, hunting permissions, and other similar questions. This information will be stored in a spreadsheet available on the VFF website and accessible through the Nulhegan Band of the Abenaki Nation’s website, in the citizens-only section.

What if someone gets hurt on my property? Will I be held liable?

No, you will not be held liable if someone is injured on your property. The [Vermont Landowner Liability Law](#) protects landowners from claims of liability for damages or injury on their property by recreational users.⁴ See Sec. 5791-5795 below:

“The law states that an owner shall not be liable for property damage or personal injury sustained by a person who does not pay a fee to the owner and enters upon the owner’s land for a recreational use, unless the damage or injury is a result of intentional or extremely reckless misconduct by the owner... The landowner does not have to ensure that the land is completely safe for recreational use, but the landowner may not intentionally create a risk to recreational users... ‘Recreational uses’ are broadly defined by the law to include any activities undertaken for

¹ <https://firstlightlearningjourney.net/>

² <https://openspace.org/cultural-conservation-easement>

³ https://middlebury.az1.qualtrics.com/jfe/preview/SV_0SM8oTC8D4VOObz?Q_SurveyVersionID=current&Q_CHL=preview

⁴ <https://legislature.vermont.gov/statutes/fullchapter/12/203>

recreational, educational, or conservation purposes such as hunting, fishing, trapping, guiding, camping, biking, in-line skating, jogging, skiing, swimming, diving, watersports, rock climbing, hang gliding, caving, boating, hiking, riding an animal or vehicle, **picking wild or cultivated plants,** picnicking, gleaning, rock collecting, nature study, outdoor sports, visiting or enjoying archeological, scenic, natural or scientific sites, or other similar activities.”

- 12 V.S.A. Sec. 5791-5795

What if I no longer want to participate?

We imagine these permissions functioning as an “opt-in, opt-out” system, rather than annual renewal. This model has been successfully utilized for other easements, such as those used by the VAST trail network and the Catamount Trail. That means landowners would need to contact VFF if they wish to be removed from the database; otherwise the permissions would stand.

How else can I build a connection with the Abenaki people?

Currently, we are working to build this program with the guidance of Chief Don Stevens of the Nulhegan Abenaki. His residence and work location correspond to the range of the VFF Center-West Ecoregion and he has been an invaluable partner to the Middlebury groups working on a variety of projects in this area. He has been working for several years now to negotiate land access with state, federal, and corporate entities. In view of that partnership, he currently represents the best link to an Abenaki community for landowners interested in this project. If you should wish to participate in other or additional ways, the following are a few ideas:

- Provide notice to Chief Stevens (chiefdonstevens@comcast.net) if you plan to cut down a birch or ash tree. The bark can be used by artisans to create baskets or canoes. Before sending a tree to the mill, consider allowing an Abenaki artisan to come in and cut the bark off the tree.
- Contact Chief Stevens if you have a surplus food harvest. Chief Stevens may be able to collect and preserve surplus harvests to distribute to Abenaki tribal citizens in need.
- Connect with an Abenaki hunter to help curb a deer problem on your land by reaching out to Chief Stevens.
- Put an easement on your land to grant access to Abenaki citizens in perpetuity.
- Share new ideas for connecting with your neighbors and the Abenaki people.
- Watch [this short video](#) made for Vermont Family Forests by Elnu Abenaki citizen Melody Brook on what the land means to her and other Abenaki citizens.⁵

⁵ <https://www.youtube.com/watch?v=qRyIRFIjVMI>

Final Draft of Questionnaire shared with VFF. The digital version of the questionnaire is made in Qualtrics and the link to the survey can be found [here](#).⁶

“The following questions will produce the information about your land that will be publicly available to Abenaki tribal citizens seeking to harvest plants or hunt on private forestland in Vermont. Thank you for your participation in this survey and for considering allowing Abenaki citizens to access your land. If you have any questions or concerns, please contact Vermont Family Forests.

Q1 Please provide us with your name, phone number, and email

Q2 Where is your land is located? Please provide any information that you think could be helpful in identifying the property, as well as property lines if that is a concern.

Q3 Where would you like people to park?

Q4 Would you prefer people to let you know in advance if they are coming, or can they visit unannounced? (If you want to limit the number of people on your land, requiring notification allows you to turn down requests for access. It is unlikely you will experience any high volume of Abenaki citizens accessing your land at one time or even over the course of a year, but we cannot provide estimates.)

- Yes, please contact me before coming to my land and wait for a reply
- Yes, please contact me before coming to my land the first time and wait for a reply. After your first visit, there is no further need for prior notification.
- Yes, please notify me before coming to my land, but you do not need to wait for a reply
- No, you are welcome to visit unannounced

⁶https://middlebury.az1.qualtrics.com/jfe/preview/SV_0SM8oTC8D4VOObz?Q_SurveyVersionID=current&Q_CHL=preview

Q5 Whether people can visit with prior notification or without, would you like them to come and introduce themselves?

- Yes, please stop by the house before harvesting on my land.
- Yes, please stop by the first time. After your first visit, there is no need to come to the house again.
- No, please respect our privacy.
- Either way, feel free to stop in if I or others are home, but this is not a prerequisite for access; we respect the wishes of the Abenaki who prefer no interaction.

Q6 Is there a restriction in which times of the year (seasons) you would allow access to the land?

- No
 - Yes (please specify if so)
-

Q7 Is there a restriction on which species and amount of plants you would allow to be gathered?

- No restriction
- Yes, I would like to use the approved list generated by the state ([available here](#)⁷) and restrict harvests to a sustainable harvest, defined as a harvest that yields a population the next year of the harvest species that is greater than or equal to the population of the species in the year it is harvested.
- Yes, I would like to use the approved list generated by the state and restrict harvests to a sustainable harvest, but I would like to allow for further harvesting of the following plants

⁷<https://img1.wsimg.com/blobby/go/1ebc3e2b-6eca-4a7e-a94a-1a8b35f2525b/downloads/State%20of%20Vermont%20License.pdf?ver=1575138657133>

(this can be useful in the case of invasive species. Please specify here the additional plants you'd allow). _____

Yes, I would like to generate my own list for an acceptable harvest of species (please specify). _____

Yes (please specify if so) _____

Q8 Would you allow hunting on your land following the applicable state laws and regulations as stated by Vermont Fish and Wildlife?

No hunting

Yes, all hunting is allowed

Yes, but only bow hunting

Yes, but only rifle hunting

Yes, but I'd like to generate my own list (chosen from Vermont Fish and Wildlife's approved list) of animals to be hunted on my land (please specify).

Q9 Would you like to add restrictions on times of day that Abenaki citizens can access you land?

No, they can access my land at any time of the day

Yes, only during daylight hours

Yes, I would like to restrict access to my land to specific hours (please specify).

Q10 Are there any additional notes that you would like Abenaki citizens to see before coming to your land?

Final Thoughts and Additional Information for VFF (not to be shared with landowners)

Our takeaways from the 12/3/19 meeting:

1. Chief Stevens seemed to be suggesting that landowners reach out to him individually rather than compiling their information into a spreadsheet and he could publicize each piece of land separately. This seems more complicated from our perspective, but maybe this would be a preferred system for some parties.
2. Other meeting notes: Peter Lourie seemed to be completely ready to opt-in to the program. A further point of consideration would be finding ways to publicize the agreements among other landowners. Maybe an email with the questionnaire in order to get an initial list of landowners starting now would be helpful.
3. Having a few people get on board now and be able to provide testimonials of sorts to other interested landowners would be very productive.

Steps Moving Forward

The goal of this project is to open some of the land owned by people in Vermont Family Forests (VFF) to cultural land use by Abenaki tribal citizens. Following our meeting on December 3, 2019, with Chief Don Stevens and several private landowners who are part of Vermont Family Forests, these are the following steps to be taken:

- 1) Send the questionnaire to VFF for distribution
- 2) Have VFF create a document with the responses from the questionnaire
- 3) VFF will send this document to Chief Don Stevens, who will post this information on the Nulhegan website for Abenaki citizens to access
- 4) Ongoing efforts to involve more VFF landowners, and possibly non-VFF landowners
- 5) Middlebury College will continue working to open Middlebury College land to Abenaki cultural use