

1 H.336

2 Introduced by Representatives O'Brien of Tunbridge, Birong of Vergennes,

3 Brumsted of Shelburne, and Donahue of Northfield

4 Referred to Committee on

5 Date:

6 Subject: General provisions; Abenaki; access to State lands

7 Statement of purpose of bill as introduced: This bill proposes to provide the  
8 Abenaki people of Vermont with access to State lands to engage in  
9 agricultural, hunting, fishing, trapping, and cultural activities and for cultural,  
10 religious, and spiritual purposes.

11 An act relating to providing the Abenaki with access to State lands

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 1 V.S.A. § 857 is added to read:

14 § 857. ACCESS TO STATE LANDS

15 (a) It is the policy of the State of Vermont to enable the Abenaki peoples of  
16 Vermont to utilize in appropriate situations State lands for the purpose of  
17 engaging in agricultural, hunting, fishing, and trapping activities and for  
18 cultural, religious, and spiritual purposes.

19 (b) To the extent practicable, the State shall:

1           (1) permit the Abenaki peoples of Vermont to access and use property  
2           that is owned or leased by the State for agricultural, hunting, fishing, and  
3           trapping activities and for cultural, religious, and spiritual purposes; and

4           (2) avoid adversely affecting the physical and spiritual integrity of  
5           Native American cultural and sacred sites that are located on property that is  
6           owned or leased by the State.

7           (c)(1) The State shall consult with the Commission on Native American  
8           Affairs and with the leadership of the State's Abenaki tribes and bands to  
9           identify property that is owned or leased by the State that may be appropriate  
10          for the Abenaki peoples of Vermont to access and use for agricultural, hunting,  
11          fishing, and trapping activities or for cultural, religious, and spiritual purposes,  
12          or both.

13          (2) The State agency or department with jurisdiction over a property that  
14          is identified pursuant to subdivision (1) of this subsection shall determine, in  
15          consultation with the Commission on Native American Affairs or the  
16          leadership of the relevant Abenaki tribe or band, reasonable and appropriate  
17          forms of access to the property, specific appropriate uses of it, and any  
18          restrictions and limitations that will be placed on the access to and use of the  
19          property.

20          (3) The consultation with the Commission or the leadership of the  
21          relevant Abenaki tribe or band shall be conducted in a way that is mutually

1 respectful and shall recognize the potential need for confidentiality with  
2 respect to any cultural or sacred site that is identified on property that is owned  
3 or leased by the State.

4 (d) Nothing in this section shall be construed to:

5 (1) require a taking of vested property interests; or

6 (2) impair an enforceable right to use State property that the State has  
7 granted to a person.

8 (e) The Secretary of Administration shall adopt rules necessary to carry out  
9 the provisions of this section.

10 (f) As used in this section, “consult” means to engage in a meaningful and  
11 timely process of seeking, discussing, and considering carefully the views of  
12 others in a manner that is cognizant of all parties’ cultural values and, where  
13 feasible, seeking agreement.

14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2023.