



COMMONWEALTH of VIRGINIA

Office of the Governor

Kelly Thomasson
Secretary of the Commonwealth

October 3, 2018

TO THE GENERAL ASSEMBLY OF VIRGINIA:

Pursuant to § 2.2-401.01 of the *Code of Virginia*, I submit the attached report on the status of Indian tribes in Virginia for 2017-2018.

Please do not hesitate to contact me if I can be of any assistance as you review this report.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Thomasson" with a long horizontal flourish at the end.

Kelly Thomasson
Secretary of the Commonwealth

2018 Report on the Status of Virginia Indian Tribes

The last year has been a landmark year for Virginia Indian recognition. The United States government extended recognition to six Virginia Indian tribes: the Chickahominy Indians Eastern Division, Chickahominy Indian Tribe, Monacan Indian Nation, Nansemond Indian Nation, Rappahannock Tribe, and Upper Mattaponi Indian Tribe. These tribes' recognition bring the federally recognized Virginia Indian tribes to seven.

The Commonwealth did not recognize any group as an Indian tribe between September 30, 2017 and October 1, 2018. Therefore, the Commonwealth continues to recognize 11 Virginia Indian tribes: the Cheroenhaka (Nottoway) Indian Tribe, Chickahominy Indian Tribe, Chickahominy Indians Eastern Division, Mattaponi Indian Tribe, Monacan Indian Nation, Nansemond Indian Tribe, Nottoway Indian Tribe of Virginia, Pamunkey Indian Tribe, Patawomeck Indian Tribe of Virginia, Rappahannock Tribe, and the Upper Mattaponi Indian Tribe.

Federal Affairs

On January 29, 2018, the President signed House Resolution 984 - *Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017*, recognizing six Virginia Indian Tribes. H.R.984 was introduced by Representative Rob Wittman and cosponsored by Representatives Donald Beyer, Jr, Bobby Scott, Gerald Connolly, Scott Taylor, and Donald McEachin. Senator Tim Kaine introduced an identical bill in the Senate, which Senator Mark Warner cosponsored. H.R.984 passed in the House of Representatives on May 17, 2017 and in the Senate on January 11, 2018. The President signed the bill into law on January 29, 2018.

The six tribes contained in H.R. 984 joined the Pamunkey Indian Tribe as the only federally recognized tribes in the Commonwealth. The federal government, through the Department of the Interior's Bureau of Indian Affairs, recognized the Pamunkey Indian Tribe in 2016.

The seven federally recognized tribes have been working with federal government agencies to develop direct government-to-government affairs. The tribes and the federal government are working to prepare the tribes for self-governance and self-determination, after which the tribes will be eligible for federal programs and grants to improve the tribal members' lives and preserve the tribes' culture

Three other tribes began the process to request federal recognition. The Cheroenhaka (Nottoway) Indian Tribe submitted a packet to Representatives Wittman, McEachin and Scott, and Senator Kaine in which the tribe requested that the congressional representatives sponsor a bill that would extend recognition to that tribe. Chief Walt "Red Hawk" Brown also asked Representative Wittman's chief of staff to have the representative sponsor a bill that would extend federal recognition to three of the four remaining unrecognized tribes.

In August, the Patawomeck Indian Tribe also began petitioning for federal recognition. The tribe's leadership began discussions with Representative Wittman's office to see if he would sponsor legislation that would extend recognition to that tribe.

As of October 1, 2018, no legislation has been introduced in Congress to extend recognition to any additional Virginia tribes.

State Affairs

Secretary Kelly Thomasson continues to speak with tribal leadership on a regular basis to ensure the Commonwealth of Virginia addresses tribal concerns.

After the six tribes contained in H.R. 984 were recognized, Secretary Thomasson believed it would be prudent for those tribal leaders to meet with state government agency heads to discuss government-to-government relations between the tribes and the Commonwealth of Virginia. She also wanted to discuss how Virginia agencies could be good faith actors when issues inevitably arise between the Virginia and the tribal governments.

Secretary Thomasson hosted the first government-to-government meeting series at the Patrick Henry Building on June 13, 2018. Tribal leadership met with David Paylor, the Department of Environmental Quality's director, Julie Langan, the Department of Historic Resources' director, and Dr. James Lane, the State Superintendent of Public Instruction. Secretary Thomasson hosted a second government-to-government meeting with Erik Johnston, the Department of Housing and Community Development's director, Courtney Dozier, the Department of Housing and Community Development's deputy director and Governor Northam's deputy broadband advisor, and Paul Brennan, Virginia Housing Development Authority's chief counsel.

The Virginia Indian advisory board on state recognition completed and published its "Criteria for State Recognition" and "Procedure for Petitioning." Secretary Thomasson established the board in 2016, pursuant to *VA Code* § 2.2-401.01, to serve as counsel to the Governor, Secretary, and General Assembly on groups that seek to be state recognized as Indian tribes. The board has not received notice of an intent to petition as of October 1, 2018.

Tribal leaders, Secretary Thomasson, and Secretary of Natural Resources Matt Strickler met with Dominion Energy officials and various other interested parties on March 6, 2018 and July 16, 2018 to discuss the creation of Gateway to Werowocomoco at Timberneck Farms. Gateway to Werowocomoco will become the Virginia State Park equivalent to Werowocomoco National Park, which the National Park Service is still planning. The Gateway to Werowocomoco's funding came from a settlement between Dominion Energy and the Pamunkey and Chickahominy Indian Tribes. The park will be the first Virginia State Park dedicated to telling the story of the Virginia Indians.

The Commonwealth of Virginia completed construction on Mantle, a tribute to the Virginia Indians on Capitol Square. The state broke ground on the monument last year and finished construction late in 2017. On April 17, 2018, Governor Ralph Northam, Ken Adams, and others spoke at Mantle's dedication and cut the ribbon to the monument.

Legislative Affairs

Three bills introduced during the 2018 General Assembly session would have explicitly affected the Virginia Indians: HB861, HB853, and SJ42.

Delegate Chris Peace introduced HB861 into the House of Delegates. The bill would have provided a retail sales and use tax exemption for tangible personal property used by the tribal governments. It also would provide a tax exemption for watercraft sales and use for any watercraft registered to any member of a recognized Virginia Indian tribe who is living on the tribal reservation. The bill was referred to the Committee on Finance and assigned to Subcommittee #1. The Committee left the bill in Finance.

Delegate Peace also introduced HB853. The bill exempted any member of a state recognized Virginia Indian tribe from the requirement to obtain a saltwater recreational fishing license and a commercial gear license for recreational purposes. The bill codifies and expands on a ruling by the Office of the Attorney General on July 19, 2013.¹ The bill was referred to the Committee on Agriculture, Chesapeake and Natural Resources, assigned to Subcommittee #2, recommended for reporting 7-0, reported from the full committee 22-0, and passed in the House of Delegates 99-0. It was then referred to the Senate Committee on Agriculture, Conservation and Natural Resources, where it was reported from 15-0. The Senate passed the bill 40-0, and the Governor signed the bill into law on March 2, 2018.

Senator Jennifer McClellan introduced SJ42 on behalf of the Wolf Creek Cherokee. The bill would have extended state recognition to the Wolf Creek Cherokee. The bill was referred to the Senate Committee on Rules, reported from the committee, and passed the Senate 40-0. It was referred to the House Committee on Rules, assigned to Subcommittee #2, recommended to be laid on the table 3-2, and left in the Committee on Rules.

Cultural Affairs

Virginia Indian tribes hosted seven powwows this year. As always, the powwows were open to the public and offered non-tribal members a chance to learn about Virginia Indian culture. Secretary Thomasson or her proxy attended every powwow this year, making this year the third year in a row a Governor's representative has attended every powwow. First Lady of Virginia Pam Northam also attended the Chickahominy's annual powwow in September. The powwows in the last year were:

1. 22nd Annual Cheroenhaka "Corn Harvest Dance" Powwow and School Day – November 3-5, 2017
2. 26th Annual Monacan Indian Nation Powwow – May 19-20, 2018
3. 31st Annual Upper Mattaponi Indian Tribe Pow – May 26-27, 2018
4. The 23rd Annual Mattaponi Indian Reservation Pow-Wow – June 16, 2018
5. 24th Annual Cheroenhaka (Nottoway) Indian "Green Corn Dance" Powwow and Gathering – July 7, 2018
6. 30th Annual Nansemond Indian Pow Wow – August 18-19, 2018
7. 67th Annual Chickahominy Fall Festival & Pow Wow – September 22-23, 2018

In addition to the powwows above, the tribes held numerous other cultural events.

1. The Rappahannock Indian Tribe held an American Indian Festival on September 8, 2018.

¹ 12 Va. Att'y Gen. Op. No. 044 (July 19, 2013), https://www.oag.state.va.us/files/Opinions/2013/12-044_DuncanTravelstead.pdf.

2. The Patawomeck held their 7th Annual Patawomeck Craft Show in November 2017.
3. Several tribes held annual homecomings, including the Mattaponi Indian Tribe, Nansemond Indian Nation, and Monacan Indian Nation.
4. The Cheroenhaka (Nottoway) Indian Tribe planted an additional 5,600 long leaf pines on 13 acres of tribal land at Cattashowrock Town and hosted a three-day permanent skills demonstrations at Cattashowrock Town.

The tribes continued to teach non-Native Virginians about their culture. In particular, the Cheroenhaka (Nottoway) Indian Tribe leadership presented at Black History Month in Barnegat, New Jersey and to the city of Hampton teachers, and the Patawomeck presented at Eath Day at Fort A.P. Hill, history camp in Fredericksburg, and to 6,000-8,000 Fredericksburg, Spotsylvania, Stafford, Caroline, King George, and Prince William students.

The first annual Pocahontas Reframed: Native American Storytellers Film Festival was held from November 17-19, 2017 at the Byrd Theater in Richmond. Assistant Chief Brad Brown of the Pamunkey Indian Tribe served as the director of the festival. The second annual festival will be held November 15-18, 2018 at the Byrd Theater.

Tribal Leadership

Chief Gene Pathfollower Adkins of the Chickahominy Indians Eastern Division passed away on June 3, 2018. Chief Adkins was first elected in 2006 and was known throughout Indian Country for his love of tribe.