Council Member Hoey, Conti, Doesschate, Fahey, Kimbrough, O'Brien introduced the following:

RESOLUTION NUMBER 12.12.21R (MC)

Resolution Calling for New York State Department of Transportation to Honor the Stockbridge-Munsee Mohican Nation Mural Agreement

WHEREAS, the original Albany International Airport was designed and built by the City of Albany; and,

WHEREAS, the Northway Exit 3 project that provided an access ramp to the Albany International Airport was built on land sacred to three Native American tribes whose ancestors inhabited the area centuries before; and

WHEREAS, Exit 3 is on the interstate highway system and was funded with federal money, which makes it subject to Federal Highway Administration (FHWA) oversight and federal regulations. This made the project subject to Section 106 of the National Historic Preservation Act, which requires federal agencies to take into account the effect any major undertaking would have on historic properties; and

WHEREAS, the New York State Department of Transportation (DOT) and FHWA determined the land was culturally significant to three federally recognized tribes – Stockbridge-Munsee, St. Regis Mohawk and Delaware, all of whom had ancestral connections to the area – and began negotiating a deal to allow the project to move ahead; and

WHEREAS, in 2014, Stockbridge-Munsee and St. Regis Mohawk representatives entered into an agreement with the state and federal transportation agencies. It called for the state to excavate the property for artifacts and consider displaying Native American imagery in the form of murals on the overpass. The murals would be displayed on the overpass's "wing walls," which are the retaining walls on either side of the structure; and

WHEREAS, the State developed plans for the Exit 3 site and in the years 2015 and 16 the New York State Museum performed archaeological digs and discovered artifacts, including projectile points that perhaps date back as far back as 8,000 B.C. – more than 10,000 years ago; and

WHEREAS, DOT Regional Director Sam Zhou wrote, in an Oct. 7, 2016 letter, "Based on the results of this consultation, the NYSDOT is hereby committing to the Stockbridge Munsee Community Band of Mohican Indians to include the aesthetic treatment that will reference the Native-American heritage and culture on the flyover wing walls as part of the project"; and

WHEREAS, more than a year after Exit 3 opened in 2019, the murals are paid for and printed but have never been installed; and

WHEREAS, New York State is now trying to renegotiate the original agreement and does not want to place the murals on the overpass despite the objections of the Stockbridge-Munsee Nation; and

WHEREAS, there is a long history of agreements with Native Americans being ignored and not honored;

NOW, THEREFORE BE IT RESOLVED, that this Common Council of the City of Albany demands that New York State DOT honor the agreement to install the murals; and

BE IT FURTHER RESOLVED that we send this resolution asking that our state representatives, the Hon. Patricia Fahy, Hon. John McDonald, Hon. Philip Steck, Hon. Neil Breslin and our federal representatives Congressman Paul Tonko and Senator Charles Schumer and Senator Kristin Gillibrand pursue having the original agreement honored.

To: **Danielle Gillespie, City Clerk**

From: **John-Raphael Pichardo, Esq., Research Counsel**

Re: **Request for Common Council Legislation**
Supporting Memorandum

Date:

SPONSOR **Council Members Hoey, Conti, Doesschate, Fahey, Kimbrough, O'Brien**

RESOLUTION NUMBER 12.12.21R (MC)

TITLE
Resolution Calling for New York State Department of Transportation to Honor the Stockbridge-Munsee Mohican Nation Mural Agreement

GENERAL PURPOSE OF LEGISLATION
Calling on the New York State Department of Transportation to honor the agreement.

MESSAGE OF NECESSITY
The NYS Department of Transportation and the Tribal Nation are currently in discussions regarding the matter. The matter could be resolved before the resolution is placed on the agenda, however time is of the essence in matters like this.

FISCAL IMPACT(S)
NONE.