

**Regional Resource Stewardship Council (RRSC) Minutes
Tennessee Valley Authority
August 21 and 22, 2023**

**Meeting location:
Guntersville, Alabama**

The Tennessee Valley Authority (TVA) Regional Resource Stewardship Council (RRSC or Council) convened for the 3rd meeting of the 12th term, beginning at 12 p.m. Central on Monday, August 21, 2023. Meeting presentations are available at www.tva.gov/rrsc.

Council members attending in-person:

Ryan Brown, RaeLynn Butler, Alan Gates, Richard Holland, Cline Jones, Ron Lambert, Tom Littlepage (Chair), Will Nelson, Ron Robertson, Sen. Clay Scofield (Day 1), Danette Scudder, Bob Sneed, Catherine Via, Stacey White (Day 1).

Council members attending virtually:

Whitney Lipscomb, Randy Wiggins

Designated Federal Officer: Melanie Farrell

Facilitator: Jo Anne Lavender

- Appendix A — Advice Statement
- Appendix B — TVA staff and stakeholders who attended the meeting
- Appendix C — Agenda

Purpose

The purpose of the meeting was to:

- Provide information on TVA's Sustainability Program and seek RRSC advice on TVA's sustainability priorities
- Update and inform members about TVA's work in the areas of:
 - River Management
 - Natural Resources
 - Cultural Resource Protection and Compliance
- The Council also toured TVA-protected cultural resources in Lake Guntersville State Park.

1. Welcome and Introductions

- A.** Melanie Farrell, TVA Vice President of External Strategy and Regulatory Oversight, welcomed everyone to the meeting.
- B.** Tom Littlepage, Chair, offered words of welcome and thanked everyone for their participation.
- C.** Jeanette Mills, TVA Executive Vice President & Chief External Relations, said she was excited to attend the meeting and hear the Council's discussion. She told members the TVA Board of Directors takes the RRSC's advice to heart and that TVA appreciates the Council's efforts.

D. Jo Anne Lavender, meeting facilitator, welcomed everyone joining in person and virtually. She reviewed the meeting agenda and noted that the presentations and minutes would be posted on TVA's website (www.tva.gov/rrsc).

2. Federal Advisory Committee Act Briefing – Kendra Mansur, Attorney
(Presentation can be found at www.tva.gov/rrsc)

Kendra Mansur provided material on the guidelines for Federal Advisory Committee Act meetings, and she noted that each meeting's agenda is created by TVA staff and the RRSC chair. Minutes will be available on the TVA website (www.tva.gov/rrsc). During the Council Advice session, she said the Council needs a quorum for a vote to be valid and the Council had a quorum. She also noted that when Council members vote on an Advice Statement, minority opinions can be reflected in the statement. The Council reflects a broad range of diverse views and interests.

3. Designated Federal Officer Briefing — Melanie Farrell
(Presentation can be found at www.tva.gov/rrsc)

Melanie Farrell said TVA celebrated its 90th anniversary in May, and as part of that celebration, it held a Day of Service in which more than 2,000 employees and 125 retirees volunteered at locations in every county in TVA's seven-state service area. She thanked Althea Jones and her team for helping facilitate the event, which celebrated TVA's rich history of service. She noted that groups like the RRSC have helped TVA stay on the right course to make life better in the region.

Farrell said that at the May Board of Directors meeting, Rebecca Tolene provided an update on TVA's sustainability work – coinciding with the release of the most recent TVA Sustainability Report. The report includes information on TVA's sustainability work across every facet of TVA. TVA is committed to building the energy system of the future and reducing carbon emissions. TVA plans to retire its coal units by 2035 and is looking at alternatives to meet generating capacity. TVA is engaged with numerous partners on research and development of advanced technologies, including small modular reactors, renewables, carbon capture and hydrogen.

Farrell also talked about the development of TVA's next Integrated Resource Plan (IRP). The yearlong effort was initiated this summer to study how TVA can meet customer demand for electricity between now and 2050 across a variety of future environments. TVA is working with the IRP Working Group, a diverse group of stakeholders that are meeting regularly to offer input on key IRP considerations. The IRP is focused on stakeholder engagement, and TVA will keep the RRSC up-to-date on IRP progress.

4. Sustainability Update (Presentation can be found at www.tva.gov/rrsc) — Rebecca Tolene, Vice President, Environment, and Chief Sustainability Officer

Rebecca Tolene said TVA was looking to the RRSC for counsel and advice in all areas of sustainability. She said, for TVA, "sustainability means ensuring our ability to provide the people of the Tennessee Valley with affordable and reliable electricity, a healthy environment, and a prosperous economy – without compromising the ability of future generations to do the same." She explained that the Electric Power Research Institute (EPRI) is working with TVA to help it shape its sustainability priorities, and that TVA was eager to receive RRSC members' input. Identifying these priorities is important, because it will drive business decisions and TVA's areas of focus.

Sustainability informs programs and decisions across TVA – from financial excellence and environmental performance to engaging its people to ethics and governance. The Sustainability Report highlights TVA’s sustainability work across the organization, and it provides a single avenue for telling the full sustainability story. The report was published in May 2023, and some areas of focus in the report were based on RRSC recommendations to tell TVA’s story – such as the emphasis on biodiversity as well as TVA’s environmental education programs for children. Other areas of focus across TVA – and included in the report – are TVA’s work to build a reliable, resilient and even cleaner energy system and its investments in renewable energies and next-generation technologies.

Tolene described the “Valley Pathways Study on Building a Clean, Competitive Economy,” which TVA is doing in partnership with the University of Tennessee’s Baker School for Public Policy and Public Affairs. The study is using scenario-based analysis to compare several possible visions of the future to help determine the timing, scale and effects of achieving greenhouse gas targets. Key components of the study include determining the region’s baseline for carbon emissions, bringing diverse sectors to the table to talk about the impacts of changes within each sector and working together to determine pathways to net-zero.

TVA’s sustainability work is categorized into four focus areas: economic impact, environment, social and governance. It has identified sustainability priorities aligned with each focus area, and it is evaluating those priorities to determine what will best help TVA meet its mission of improving life for people of the region. Tolene said the evaluation process will include looking at its priorities again, refining and ranking the priorities, working with stakeholders such as the RRSC and others to clarify those priorities, then asking the TVA Board of Directors to set Sustainability Goals. The goals will inform TVA strategies.

Before turning the floor over to EPRI representatives, Tolene reviewed the two Advice Questions that TVA asked the RRSC members to consider.

Advice Questions

1. Are there any stewardship priorities where you believe the risks are increasing substantially over the next five years?
2. Are there any other inputs or information that you’d like to share with TVA regarding deciding on and ranking our work on these sustainability priorities?

5. Sustainability Priorities Assessment with Electric Power Research Institute (EPRI) (Presentation can be found at www.tva.gov/rrsc) — **Brenda Brickhouse, Senior Technical Executive, EPRI, and Norman Shafto, Principal Sustainability Analyst, EPRI**

After brief introductions, Brenda Brickhouse and Norman Shafto explained that TVA’s Sustainability Priorities Assessment entails:

- A literature review and development of the initial draft list in July
- Stakeholder interviews and refinement workshops in August
- Prioritization surveys and matrix development in September
- Results validation meeting and project report delivery in October.

RRSC members completed information, ranking each priority in one of four categories: a priority and does not need edits, a priority despite needing minor edits, a priority but needs critical

adjustment, or is not a priority. During the Council meeting, EPRI reviewed each priority and the results of the information request, and asked Council members to provide their thoughts on whether changes were needed. The objective of this part of the Council meeting was to validate and refine the TVA priorities. The priorities presented and discussed were:

Clean Energy

Reduce carbon emissions of company operations and across the economy

Climate Change Adaptation

Operational and planning decisions to mitigate and prepare for potential risks related to a changing climate

Energy Reliability and Resilience

Consistent delivery of energy to customers and rapid recovery from extreme weather and other disruptive events

Community and Stakeholder Engagement

Support of and a just transition of communities served or impacted by company operations and intentional, meaningful and transparent interactions and involvement.

Customer Engagement and Partnerships

Interaction with customers through evolving services, technologies, communication, education and community partnerships

Energy Access and Affordability

Maintain affordable energy costs and availability of energy services for all customers

Valley Economy

Strategies and actions to foster investment, job growth and thriving communities in the region

Supply Chain

Economic, environmental and social performance of suppliers, and resilience to disruptive events

Diversity, Equity and Inclusion

A company culture that ensures fair treatment and opportunity for all

Workforce Development

Attracting, hiring, training, engaging and planning for appropriately skilled and experienced workers

Innovation

Supporting (facilitating) and promoting new technologies, processes and business and market models

Environmental Management and Stewardship

Monitor and implement actions to improve air quality, waste management, land management and stewardship benefits

Habitat and Biodiversity

Protect and enhance biodiversity and related habitats within the region

Water Management

Operational actions and planning decisions to address water quality, water supply, aquatic systems, floods and droughts

Cultural Resource Management

Protect and preserve archaeological and historical resources through management practices, collaboration, consultation and education

Health and Safety

Health, safety and well-being of employees, contractors and the public with respect to interaction with owned or managed assets.

Governance

Leadership and systems to foster ethics, accountability and effectiveness of activities, risk mitigation and compliance

Financial Health

Strategies and practices that support financial performance and promote sustainable value creation.

Cyber and Physical Security

Protection of customer and company information, facilities, systems and infrastructure from digital and physical threats.

Brenda Brickhouse said the next steps are:

- EPRI will conduct stakeholder interviews and hold an internal TVA workshop to gather additional feedback.
- TVA's list of sustainability priorities will be refined based on feedback.
- A prioritization request will be sent to TVA stakeholders to gauge the importance of each priority relative to each other.

6. Advice Questions Discussion

The advice questions are: "Are there any stewardship priorities where you believe the risks are increasing substantially over the next 5 years?" and "Are there any other inputs or information you'd like to share with TVA regarding deciding on and ranking our work on these sustainability priorities?" Council members were asked to weigh in on the topics before a draft Advice Statement was prepared. Comments and suggestions included:

- The Request for Proposal for the 5000 megawatts of renewables is creating a stir in some communities. Some counties are considering putting in 2,000-foot setbacks on solar. We need to be good stewards of the land, and solar farms are one of the biggest threats within my community in the next five years.
- Extreme weather events are a big threat. My concern is about old transmission lines and how often they are looked at. It seems that random weather is coming and the transmission lines might need to be updated.

- Regarding solar panels, in the event of a tornado or weather disaster, those panels will be destroyed and blown onto another property. There is an insurance question as well. These concerns need to be built into long-term planning.
- TVA needs to figure out how to deal with supply chain issues.
- Over the next five years, there is a lot of subsidized solar that is going to take over a lot of our farmland and be competing with farmers. Once the land goes into these solar farms, it is almost impossible to recover it. People want solar but not next to them. Solar is not going to be as viable if government subsidies are taken away.
- In the midst of the national movement toward solar that is driving utilities to move forward, it will be important to develop a sustainability plan within TVA's control to balance risk and sustainable goals with future development.
- If solar is part of the answer, can we put it on the roofs of buildings instead of taking away natural resources? Also, solar doesn't work unless there are batteries and storage.
- We have generation and transmission capacity challenges in the Valley. In finding innovative solutions, it goes back to innovation. If we rely on technology that is unproven, what is the risk for failure? So many stewardship priorities are based on the decision-making timeline. For community and stakeholder engagement, we need to ensure equity and environmental justice.
- A big thing is, can TVA afford to do all these things?
- Keep in mind the cybersecurity platform. If we don't keep up with security, with the way things going, we won't have any of this.
- It is important to invest in properties and reinvest in coal communities where work is drying up. I see a lot of things that are stressing the grid. Bitcoin mining is popping up and stressing grids. If left unchecked, that will become a problem for rural towns.
- What can TVA do to stop the pervasive use of good farmland? If TVA has appropriate things in place, it can be slowed down. I think it will pass once subsidies go away, and it won't be as big a controversy.
- A TVA employee mentioned that there are solar panels that can be put on mountains that would not encroach on production land. We want to keep personal property rights. That is something we need to retain.
- The biggest risk is not keeping the main thing. TVA was set up by Congress to focus on cheap and reliable energy, navigation and flood control, and economic development. It is not producing enough power. It has shut down fossil plants and not replaced them with other resources. I would recommend focusing on the three great things in the original mission. The biggest risk is worrying about other stuff while people are relying on you in big ways for power. If I were you, I would get back on your mission. If you do good by people and stay on mission, TVA will be great again.
- Can you look at property you have rather than buying farmland?

7. Public Listening Session

Four members of the public registered to speak to the Council at its Public Listening Session. The Council does not typically provide group responses. Jo Anne Lavender said TVA appreciates speakers who take the time to talk to the Council, both those in person and virtually.

Steve Northcutt, The Nature Conservancy

When I started with The Nature Conservancy in 2001 in Land Acquisition, one of the project areas we picked as an action site – an area we were going to put resources into – was Paint Rock River. It is extremely biodiverse. To participate in land protection is exciting. That was the biggest land deal in that area, and we did it in part with our sister agency in Tennessee. The

Walls of Jericho is an acquisition we made in 2003. It had been owned by a paper company. It is beautiful and is 30,000 acres of protected land in Alabama.

TVA funds work. With TVA, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service and private donations, we have been involved with 44 projects – from very minor cattle exclusion fencing to taking a channel and turning it into its meandering origins and putting the flood plain back to where should be. Projects span from thousands of dollars to millions of dollars. TVA funding has been helpful and complemented the work. This work requires a match, and it's hard to get money for some of these projects. Thank you for your support, and I am proud to be able to work in this watershed.

Rob Hut, U.S. Fish and Wildlife Service

We have been working with Shannon O'Quinn (TVA) and Steve for a long time. We were able to be involved in the Paint Rock projects from the start. It really is a truly great story about partnerships. I work with the Fish and Wildlife Service, and I serve as the coordinator for its Partners for Fish and Wildlife Program in the state of Alabama.

The main point I want to mention is how important TVA has been to our partnerships. Our program works closely with land owners. We receive funding from a variety of sources, and TVA is one of them. That helps match federal dollars. It is a great deal for land owners who would not be able to work on expensive projects. In the watershed, we started in Bear Creek on western edge of Alabama and into Mississippi. This was our first official Partners project. I wanted to let you know how important TVA is to that work. I appreciate the opportunity to speak to you.

Matt Arnold, President & CEO, Marshall County Economic Development Council, and Rick Roden, President & CEO, The Greater Jackson County Chamber of Commerce

Matt Arnold

The stakeholders group involved with Lake Guntersville has worked with TVA for many years. We started with aquatic plant management and moved into other areas like Asian carp and general public awareness. The program started as a stakeholders program in the late 1990s and, today, it is run by a committee and called "My Lake Guntersville."

Aquatic vegetation is a blessing and a curse. It is a blessing in that plants provide oxygen and nutrients to water and create a habitat as a fishery. However, invasive species impede navigation and create issues. TVA is working hard to figure out what they need to do.

Several years ago, TVA told us it was going to start just managing the public areas of Lake Guntersville and not the private side. We were concerned that people were going to take on caring for the weeds and aquatic grasses near their properties themselves, and we had concerns that they might use things like used battery acid and antifreeze to kill the grasses, but that is our drinking water supply.

The state raised boat tag fees from \$25 a year to \$30 a year, and that will raise about \$2 million a year statewide to assist with management of aquatic vegetation. That money wasn't available immediately, and TVA has helped as a stop gap until it is available.

Rick Roden

TVA handles public access, and My Lake Guntersville handles the private side. We got bids and now have two groups spraying the private side for homeowners and businesses. Two groups are going out and spraying, because eel grass has exploded. We need all the help we can get.

We appreciate TVA's partnership and tackling a big issue. We get calls every day that people need help. We'd like to thank TVA.

8. Wrap-Up of Day One

Jo Anne Lavender said Day 2 of the meeting would begin on August 22 at 12:30, and the meeting would focus on finalizing the Advice Statement and providing updates on TVA Natural Resources, River Management and Cultural Resources.

Tom Littlepage thanked the TVA staff for organizing the meeting and thanked the RRSC members for their participation. Melanie Farrell thanked the RRSC members for their feedback and said that feedback is important and valuable.

9. Welcome to Day Two

Melanie Farrell welcomed everyone back and thanked the Natural Resources and Cultural Resource Management teams for planning the field trip to the Lake Guntersville State Park, an area that is so important to Native American tribes.

Tom Littlepage thanked the TVA staff for its work and said the field trip offered perspective on how TVA's Cultural Resource Management staff works to protect and preserve cultural resources.

10. Review of Draft Advice Statement

Based upon comments received, TVA drafted a preliminary Advice Statement, along with the Council Chair and other members of the Council. The Council discussed the draft, made tweaks, then voted unanimously to approve the Advice Statement below. Whitney Lipscomb abstained due to technical difficulties related to virtual participation.

11. Natural Resources Update (Presentation can be found at www.tva.gov/rrsc) Anthony Summitt, Senior Manager, Natural Resources & Recreation Management

Anthony Summitt described TVA's work with partners to improve the Paint Rock Watershed, a biodiversity hotspot. The partners replaced a low-water bridge on the Estill Fork to improve the bridge, provide easy access to the community and restore stream connectivity for aquatic life.

He described important partnerships with The Nature Conservancy and the U.S. Fish and Wildlife Service, having done more than 42 conservation projects together – including eight miles of riparian buffer repair, the planting of more than 35,000 hardwood trees and The Nature Conservancy's acquisition of 30,000 acres of conservation land. Summitt offered details on the Natural Resources Fire Team's partnerships with the Tennessee Division of Forest and the Tennessee National Guard to conduct preparation, safety planning and prescribed burns that safely help control invasive species. He also discussed collaborative efforts with organizations to host educational events that help people of all ages learn about pollinators and the roles they play in advancing biodiversity.

QUESTIONS/ANSWERS

- Is TVA aware of an invasive wasp in the region that is impacting bees?

- Summitt said TVA has its finger on the pulse of species that are a nuisance or invasive. He said he would check on this particular case and provide information to the RRSC.
- A Council member said that sometimes it is difficult to get in touch with the right person at TVA.
 - Summitt said Natural Resources tries to be as responsive as possible. He said anyone can call 800-TVA-LAND with questions, comments or requests.

12. River Management Update (Presentation can be found at www.tva.gov/rrsc) James Everett, General Manager, River Management

James Everett reviewed how TVA manages the Tennessee River in an integrated fashion, striking a balance in six key areas: navigation, flood damage reduction, power generation, water supply, recreation and water quality.

Everett covered River Management highlights since the last meeting, including:

- The region saw 113% of normal rainfall and 88% of normal runoff through August 10, 2023.
- TVA continued to support local and regional navigation by using its Kentucky Dam and Barkley Dam to release water that increased water levels on the Ohio and Mississippi Rivers.
- TVA has preliminary approval for a temporary fix to the Wilson Lock guard wall. Special barges are being built that will be used as a guard rail to help ships entering the chamber. Currently, TVA is using a helper boat to usher barges through the lock.
- TVA has implemented tools to deal with floating aquatic vegetation to ensure it does not impact TVA operations. It is working to continue to mature its processes.
- TVA's hydropower is a huge source of fuel. TVA coordinates significant hydro generation support during extreme weather events. The hydro system provided increased flows in June to support the power system.
- The RRSC has in the past suggested that TVA should increase its outreach. TVA listened. Since the start of 2023, it has offered 38 unique tours of its River Forecast Center and reached 600 stakeholders.
- TVA attracts hydro operators from across the U.S. and other countries that want to learn about its River Forecast Center, tools and the processes used to manage its hydro system and effectively manage the Tennessee River.

COUNCIL QUESTIONS/TVA ANSWERS

- Is TVA looking to increase turbine upgrades relative to efficiency and maximizing the system?
 - That is part of the strategy – to take units that have been operating reliably and upgrade the equipment to improve efficiency. It can freshen up components and increase capacity. TVA also is doing preliminary siting and investigative work on the possibility of a new pumped storage facility.

13. Cultural Resources and TVA – Melanie Farrell, Vice President, External Strategy and Regulatory Oversight

Melanie Farrell said TVA is grounded in its mission of service and doing the right thing for the people of the Tennessee Valley. That includes protecting and preserving Native American

artifacts and natural resources to the greatest extent possible. TVA works with key stakeholders such as tribes, federal agencies, local leaders and law enforcement in that protection.

14. Respecting Tribal Sovereignty and the Importance of Government-to-Government Relationships (Presentation can be found at www.tva.gov/rrsc) — **RaeLynn Butler, Manager, Historic and Cultural Preservation Department, The Muscogee (Creek) Nation**

RaeLynn Butler, who is also a member of the RRSC, gave a presentation to help members understand why and how TVA works with the tribes. She noted that cultural resources are natural resources, and there are 12,000 years of tribal artifacts in the TVA region. The Muscogee tribe was forced from lands in the region, pushed farther and farther west, until settling in Oklahoma.

Tribes are sovereign nations and have unique government-to-government relationships with the U.S. federal government. These relationships were derived from the US Constitution, treaties, Supreme Court doctrine and federal statutes. The relationship has been further defined and clarified in U.S. legislation, executive orders, presidential directives and by the Supreme Court. Butler provided information on the number of tribes today, described their sovereignty and the treaties that have been signed – and broken – over the years. For example, the Muscogee (Creek) Nation has signed 27 or 28 treaties in 130 years.

Today, the Muscogee (Creek) Nation has almost 100,000 citizens, and its economic impact on 11 counties on its reservation in Oklahoma is about \$1 billion annually. It is the largest employer in the state and provides services to citizens such as healthcare, housing, education and social services. Butler reviewed important U.S. federal laws that dictate work between the tribes and the U.S. government. For example, the Archaeological Resources Protection Act (1979) specifically mentions TVA, saying that TVA must develop plans for surveying its lands and protecting archaeological resources on its lands. Butler explained that all of this work is non-partisan, and she highlighted quotes from presidents on both sides of the aisle who have called for strengthening nation-to-nation relationships.

COUNCIL QUESTIONS/ TVA ANSWERS

- Is there a coordinated policy in which tribes speak as one on common issues?
 - Butler said it is individual. Each of the 574 tribes has a government-to-government relationship with the federal government. There are 23 tribes that TVA works with, and it has direct contact with each of them. The National Congress of Native Americans, based in Washington, D.C., helps with unity and advocates for tribes across the nation. But each tribe is unique and has one-on-one communication with the federal government.
- Does TVA staff look at issues and what tribe owned what land?
 - Melanie Farrell said it does. Butler added that the tribes let federal agencies know they are interested, and they offer a contact. Each tribal nation has a state historic preservation officer who serves as a point of contact.

15. Tribal Relations (Presentation can be found at www.tva.gov/rrsc) — **Erin Dunsmore, Senior Specialist, Cultural Resource Management & Policy, TVA**

Erin Dunsmore reviewed TVA's federal obligation to work government-to-government with the tribes, and described the federal Indian trust responsibility that legally requires TVA to consult and partner with the tribes. She explained that beyond the legal responsibility, TVA has a moral responsibility to work with the tribes and care for tribal assets – and TVA takes that moral

responsibility seriously. She reviewed the 23 Federally recognized Indian tribes with ancestral and cultural ties to the Tennessee Valley, including the Muscogee (Creek) Nation.

Dunsmore said TVA partners with the tribes in everything it does in the Cultural Resources space, and said TVA strives to be a leader in forming tribal partnerships. TVA has regular consultation meetings with the tribes, during which Tribes share feedback on how to work collaboratively to improve cultural compliance program areas. She reviewed some of the legislation that helps TVA and federal agencies focus on tribal needs and concerns, including:

- Native American Graves Protection and Repatriation Act (NAGPRA) – In TVA’s early years, tribal remains and artifacts that were found were preserved but often put in universities or museums. TVA is working hard to repatriate them and put them where they belong – in the ground.
- Archaeological Resources Protection Act (ARPA) – This requires TVA to survey land, protect sites and conduct outreach. TVA has an obligation to enforce criminal penalties related to disturbing cultural resources.
- National Historic Preservation Act (NHPA) – This requires consultation on TVA projects to ensure it is not impacting Native America resources as it works on new generation projects.
- TVA also is involved with Reinterment of Native American Ancestors, documenting Sacred Sites, protecting cultural resources, tribal engagement, and tribal partnerships and outreach.

Dunsmore described numerous projects TVA is involved with as partners with the tribes, from working with tribes to provide safe and secure locations on its lands to bury their ancestors back in ground to working to documenting routes used to remove Tribes from their land in the TVA region. TVA also is engaged with outreach, from taking tribal members to visit their homeland in the TVA service territory to working with tribes to identify places where native vegetation such as river cane could be planted, then harvested for the tribes to take back to their homes for traditional cultural use.

16. National Historic Preservation Act (NHPA) Preservation Project and Section 106
(Presentation can be found at www.tva.gov/rrsc) — Erin Dunsmore, Senior Specialist,
Cultural Resource Management & Policy, TVA

The NHPA was passed in 1966, stating “The spirit and direction of the Nation are founded upon and reflected in its historic heritage and these cultural foundations should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; the preservation of this irreplaceable heritage is in the public interest.” NHPA requirements for every agency include that it has a preservation program and coordinate preservation programs with federally recognized tribes.

Dunsmore explained that as part of the NHPA, TVA must maintain an inventory of historic properties and resources, and it keeps a data management system of all sites and objects on or adjacent to its lands to help with planning and siting. She noted TVA sites on the National Register of Historic Places, and she described TVA’s obligation to promote heritage tourism under the Preserve America Executive Order 13287. Section 106 of the NHPA requires federal agencies to consult with state historic preservation officers, tribes and other interested parties if it has a project that could impact a historic property. TVA identifies consulting parties, evaluates the historic properties and potential impact, consults with the parties related to potential impacts, then works together and creates a memorandum of agreement on how to proceed without adverse effects to the property. TVA executed a programmatic agreement with seven states and

13 Tribes to streamline the process for repetitive and routine management activities. TVA has a number of new generation projects in the works, and this consultation process will be used for each of them.

COUNCIL QUESTIONS/ TVA ANSWERS

- How many Section 106 projects has TVA had this year?
 - Dunsmore said it is usually about 1,500 to 2,000 a year. But having the programmatic agreement for projects such as boat dock permits helps save steps.

17. Archaeological Site Monitoring and Protection (Presentation can be found at www.tva.gov/rrsc) — **Erin Dunsmore, Senior Specialist, Cultural Resource Management & Policy, TVA**

TVA manages over 12,500 archaeological sites. Staff members regularly monitor sites that are vulnerable due to erosion, looting or animal activity. Sites, particularly burial sites, that are heavily looted are prioritized for protection. Information from the monitoring visits are compiled in a quarterly report that is sent to the tribes. TVA uses technology such as LIDAR, which provides images of the sites and can indicate if looting or changes occurred. The technological images do not replace in-person monitoring, but it helps TVA prioritize its monitoring efforts.

TVA protects the sites in different ways, such as shoreline stabilization, site capping, cave closure, signage, fencing and increased patrols. Dunsmore highlighted the “A Thousand Eyes” Archaeological Outreach program, which brings community awareness to the importance of site protection, offers classroom educational programs and trains volunteers to monitor archaeological sites.

18. Archaeological Resources Protection Act (ARPA) Enforcement (Presentation can be found at www.tva.gov/rrsc) — **Mike Angst, Archaeologist, TVA**

The Archaeological Resources Protection Act was enacted to secure archaeological resources and sites on federal lands and Indian lands. ARPA makes it illegal to excavate, remove, damage, alter or deface archaeological resources on public or Indian lands without a permit. Angst said that six TVA police officers are devoted to the protection of natural and cultural resources, with additional support from TVA police and other law enforcement officers when needed. TVA works with U.S. attorneys to prosecute archaeological crimes on TVA land.

COUNCIL QUESTIONS/ TVA ANSWERS

- Who is the typical violator?
 - Angst said it depends. There are people who like to have the artifacts, and there are others who sell the artifacts. It is considered a criminal case when people steal them for themselves or to sell. It is a civil case when developers or land owners disturb a site without knowing they are doing it.
- In a criminal case, what is the typical penalty?
 - Angst said charges are based on the damage to the site and the cost of restoration and repair. Charges can range from misdemeanors to felonies.
- How do people know where the sites are?
 - Angst said people who have been in the Tennessee Valley a long time know about the sites and how to find them.
- How many judicial cases have you had this year?

- Angst said there have been seven cases this fiscal year and there are 11 in progress. Most are misdemeanors. The penalty could be one year in prison. For a second offense, it is automatically a felony.
- Have you seen an increase in activity?
 - Angst said he hasn't seen an increase in activity.

19. Native American Graves Protection and Repatriation Act (NAGPRA) (Presentation can be found at www.tva.gov/rrsc) — **Meg Cook, Senior Specialist and Interim Tribal Liaison, TVA**

NAGPRA was enacted in 1990 to reach agreement on repatriation or other disposition of tribal remains and objects and to provide protection of Native American graves and repatriation of Native American graves and cultural patrimony.

Meg Cook said it is TVA's duty to care for these graves and objects, because they are Native Americans' ancestors. She said NAGPRA is applicable to federal agencies and institutions that have accepted federal funds. TVA removed individuals and objects from many sites in its early years, and it is now responsible for repatriation or transfer of human remains and cultural items to the tribes. The regulatory process includes consultation, identifying the remains and artifacts in possession, and giving notice prior to repatriating or transferring human remains and other cultural items.

TVA has one of the largest reported NAGPRA collections in the Nation, and it is working closely with tribes. A large physical transfer of ancestors occurred at the end of June. Tribes such as Muscogee (Creek) Nation do not want to take the remains to the lands where they live now. They want their ancestors to be buried where they lived, in the homelands. Cook said TVA is working to do the right thing. She said consultation is important, because ancestral remains are a priority for tribal partners. This work provides an opportunity for TVA and its tribal partners to develop and maintain strong relationships, and TVA is working to fulfill our objective of integrity by doing the right thing in returning these individuals.

20. Wrap-Up — RaeLynn Butler

RaeLynn Butler provided a passionate, heartfelt wrap-up of why this work – particularly the NAGPRA work – is so important. She said it is no one's fault today that these graves were dug up years ago, but we have an opportunity to do better and make it right. The goal is to rebury these ancestors back into the Earth. She said, "All we can do is apologize to them that it happened, put them back in the ground and let them be at peace."

She said NAGPRA inventories that have been published show full villages with more than 100 people who were buried in a location. As remains are returned, tribes have been doing funerals as they return their ancestors to the ground. Ancestors were buried with things important to them – pottery, copper necklaces, shell beads. "They belonged to them. Imagine if your grandfather was in World War II and things important to him were buried with him. You wouldn't want to find out that they were in a museum and no one had told your family they were put there. You put them in nice clothes and bury them with deep care and respect. Because that is what humans do. It is hard to do this work because it is overwhelming, but they were mothers, babies, other family members, and we have to get them back."

Butler said it good that there is a plan to make things right. She said the field trip to the cultural site in Guntersville with the Council was meaningful, and she is grateful for each of the

members and staff who experienced it with her today. She said the reality of this work is hard, but she keeps working hard because it is important.

21. Closing Remarks

Melanie Farrell thanked Butler for her willingness to share. She said she hoped Council members would take what they learned and share it with their family, friends and communities. She said everyone in the room leaves with a greater sense of understanding and also leaves with a personal connection, which helps everyone understand the pain and suffering Native Americans have experienced. She said TVA is fully committed to making it right.

Tom Littlepage thanked Butler for sharing and said TVA and the Council look forward to working together with the tribes. He also thanked the TVA Cultural Resource Management staff for its work, and the Council for its discussions during the meeting. The next meeting will likely be in spring 2024. He encouraged Council members to submit suggestions for topics, and he thanked the Council members for their time commitment.

Appendix A

RRSC Advice Statement – August 22, 2023

The RRSC provided advice to these questions during their August 21-22, 2023, meeting in Guntersville, AL.

1. Are there any sustainability priorities where you believe the risks are increasing substantially over the next 5 years?
2. Are there any other inputs or information that you'd like to share with TVA regarding deciding on and ranking our work on the sustainability priorities?

The RRSC participated in a workshop hosted by the Electric Power Research Institute (EPRI) focused on sustainability areas (see Appendix). While there were a wide range of views, the RRSC affirmed that TVA's focus should be on the sustainability areas that support its core mission and priority should be given to dedicating resources to affordable, reliable, resilient energy production, stewardship of the river system, and economic development for the region.

The Council recognized the interconnected nature of many of the sustainability areas and saw opportunities to consolidate and streamline categories for clarity and efficiency. After considering the sustainability areas individually, the Council identified sustainability areas most susceptible to increasing risks. The Council recommends that TVA focus on the following growing risks to a sustainable business model:

- Energy reliability and resiliency and the need to have capacity to meet demand including supporting economic development projects for all customer groups.
- We are concerned with land use impacts particularly regarding renewable developments and protection of prime farmland in the TN Valley region.
- The growing number of extreme weather events and the need to improve the resiliency of the grid including mitigating the impacts of ageing infrastructure.
- Increasing workforce challenges and the skilled workforce needed to meet the energy requirements of the TN Valley region.
- Supply chain disruptions are increasing and their impact to reliability is growing.
- The need to continue to focus on physical and cyber security and protecting critical infrastructure in an integrated fashion.
- Aquatic weeds and other invasive species risks (such as Invasive Carp) are growing in the TN Valley region and the impact to recreation and other reservoir benefits is increasing.
- The need for a diverse energy supply and the impact that too much solar generation and/or battery storage could have on reliability and land use.
- TVA should not succumb to the politicization of sustainability but rather should do what is right for the people it serves and should integrate sustainability into the

culture of the organization as a function of delivering its mission, rather than creating non-integrated initiatives.

Appendix B Non-Council Meeting Attendees

TVA Staff Members (v = attended virtually)	
Mike Angst	Latricia Lloyd
Paul Avery	Andrew Lyles
Tom Barnett	Kendra Mansur
Jennifer Bogus (v)	Jolyn Mezera
David Brewster	Jeannette Mills
Rebecca Brinkley	Jessica Monroe
Gary Buchanan	Michael Moore (v)
Heather Cook (v)	Scott Norris
Meg Cook	Mark Odom
Erin Dunsmore	Lauren Pelte
James Everett	Barbie Perdue
Melanie Farrell	Marylee Sauder (v)
Tiffany Foster	Heather Sellers
Bekim Haliti	Chance Silvers
Kelie Hammond	Russell Smith
Holly Hoyle	Logan Stephens
Lorie Hunt (v)	Anthony Summitt
Althea Jones	Jason Thomason
Jo Anne Lavender	Rebecca Tolene
Jimmy Lemmond	Levi Yancey

Stakeholders (v = attended virtually)	
Matt Arnold	Steve Northcutt
Brenda Brickhouse	Alyssa Prater (v)
Rob Hurt	Rick Roden
Arin Kaye	Norman Shafto
Nancy Muse (v)	

Appendix C

Regional Resource Stewardship Council Meeting Agenda August 21/22, 2023 Lake Guntersville State Park, Guntersville, Alabama

Hotel – Lake Guntersville State Park
Meeting – Lake Guntersville State Park, Guntersville, AL
1155 Lodge Dr.
Guntersville, AL 35976

Objectives:

1. Seek RRSC Advice on TVA's Sustainability Priorities
2. Update and inform members of TVA's River Management and Natural Resources Work
3. Update and inform members of TVA's Cultural Compliance Program

Advice Questions:

1. Are there any stewardship priorities where you believe the risks are increasing substantially over the next 5 years?
2. Are there any other inputs or information that you'd like to share with TVA regarding deciding on and ranking our work on these sustainability priorities?

Day 1 – August 21

12:00-12:10	Welcome/Call Meeting to Order
12:10-12:30	Introductions and Agenda Review
12:30-12:45	DFO Briefing
12:45-1:00	Break
1:00-1:20	TVA's Sustainability Program and Review Pre-Read
1:20-4:15	Sustainability Priorities Assessment Workshop with EPRI (Break will occur in the middle)
4:15-4:30	Break
4:30-5:30	Public Listening Session
5:30-5:45	Adjourn Meeting

Day 2 – August 22

12:30-12:35	Welcome	
12:35-12:40	Day 1 Recap, Day 2 Agenda Review	
12:40-2:00	Finalize Advice Statement	
2:00-2:15	Break	
2:15-2:45	Natural Resources and River Management Update	
2:45-4:40	Cultural Compliance Presentation	
	2:45-2:55	Cultural Resources & TVA
	2:55-3:10	Respecting Tribal Sovereignty and the Importance of Government-to-Government Relationships
	3:10-3:25	TVA's Tribal Relations Program
	3:25-3:40	Break
	3:40-3:55	NHPA Preservation Program
	3:55-4:05	Archaeological Site Monitoring and Protection
	4:05-4:15	ARPA Enforcement
	4:15-4:25	NAGPRA
	4:25-4:40	Raelynn Wrap Up
	4:40-4:55	Wrap Up and Questions
4:55-5:00	Wrap Up and Adjourn Meeting	