

**Appendix D – National Historic Preservation Act Programmatic Agreement on TVA Operation and Management Activities**

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**PROGRAMMATIC AGREEMENT  
AMONG  
THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA,  
GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA,  
AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS  
SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966**

WHEREAS, the Tennessee Valley Authority (TVA) is a federal agency and instrumentality of the United States, created by and existing pursuant to the TVA Act (1933) to foster the social and economic welfare of the people in the Tennessee River Valley, promote stewardship of the region's natural resources, provide low cost energy, and improve flood control and navigation of the Tennessee River and its tributaries; and,

WHEREAS, TVA operates and maintains the nation's largest public power system, including hydropower, coal, gas, nuclear, solar and wind generation facilities, auxiliary structures, and electrical distribution lines and facilities; and,

WHEREAS, TVA is charged with managing approximately 293,000 acres of public lands, 38,000 acres of power and commercial lands, 30 million square feet of buildings and structures, 470,000 acres of inundated land, 11,000 miles of shoreline, 11,700 archeological sites; and with maintaining approximately 237,000 acres of transmission line rights-of-way (ROW) easements, collectively more than 16,200 circuit miles-; and,

WHEREAS, TVA's approval is required in the form of a permit under Section (§)26a of the TVA Act, 16 *United States Code* [U.S.C.] §831y-1, before the construction, operation, and maintenance of any dam, appurtenant works, or other obstruction affecting navigation, flood control, public lands, or reservations across, along, or in the Tennessee River or its tributaries; and,

WHEREAS, TVA provides economic development and renewable energy programs to qualifying eligible companies or communities; and,

WHEREAS, TVA has obligations under the TVA Act, the National Environmental Policy Act (NEPA), the National Historic Preservation Act of 1966 (NHPA) as amended, the Archaeological Resources Protection Act (ARPA), the Native American Graves Protection and Repatriation Act (NAGPRA), the Historic Sites Act of 1935, the Antiquities Act, the American Indian Religious Freedom Act, the Religious Freedom Restoration Act, Executive Order (EO) 13007 ("Indian Sacred Sites"), EO 13287 ("Preserve America"), EO 13175 ("Consultation and Coordination with Indian Tribal Governments"), and related authorities; and,

WHEREAS, TVA has determined that the operation and maintenance of its power systems, certain land management activities, projects requiring the issuance of 26a permits, and projects funded through grants and funds to third parties, are subject to review under Section 106 of the

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45 NHPA and the regulations implementing Section 106 (*36 Code of Federal Regulations*  
46 [C.F.R.] Part 800). Each of these functional groups has numerous associated activities that may  
47 affect historic properties; and,

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49 WHEREAS, TVA's undertakings include a large number of activities that have little or no potential  
50 to affect historic properties (Appendix A) or have the potential to affect historic properties (as  
51 defined under 36 C.F.R. §800.16(l)(1)), but that are similar or repetitive in nature or constitute  
52 routine management activities (Appendix B); and,

53

54 WHEREAS, 36 C.F.R. §800.14(b)(2) allows federal agencies to develop a Programmatic  
55 Agreement (PA) as a program alternative to govern the implementation of an agency's particular  
56 program or undertakings; and,

57

58 WHEREAS, TVA will use this PA to fulfill its Section 106 responsibilities, as may other federal  
59 agencies that designate TVA as the lead federal agency pursuant to 36 C.F.R. §800.2(a)(2) for  
60 the activities described in this PA; and,

61

62 WHEREAS, the Advisory Council on Historic Preservation (ACHP) has agreed to participate in  
63 the development and execution of this PA in accordance with 36 C.F.R. §800.14(b); and,

64

65 WHEREAS, TVA has consulted with the state historic preservation officers (SHPOs) of Alabama,  
66 Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia in developing the terms  
67 of this PA; and,

68

69 WHEREAS, TVA recognizes the unique legal relationship of the federal government with  
70 sovereign federally-recognized Indian tribes as set forth in the Constitution of the United States,  
71 treaties, statutes, and court decisions; and that consultation with tribes must, therefore, recognize  
72 the government-to-government relationship between the federal government and tribes; and,

73

74 WHEREAS, TVA acknowledges that federally recognized Indian tribes possess special expertise  
75 in assessing the eligibility of historic properties that may possess religious and cultural  
76 significance to them, as provided in 36 C.F.R. §800.4(c)(1); and,

77

78 WHEREAS, TVA has consulted with those federally recognized Indian tribes that have expressed  
79 an interest in TVA's power service area (PSA), viz. Absentee Shawnee Tribe of Indians of  
80 Oklahoma, Alabama-Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town, Cherokee  
81 Nation, The Chickasaw Nation, The Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana,  
82 Delaware Nation, Eastern Band of Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, Jena  
83 Band of Choctaw Indians, Kialegee Tribal Town, Mississippi Band of Choctaw Indians, The  
84 Muscogee (Creek) Nation, Osage Nation, Poarch Band of Creek Indians, The Quapaw Tribe of  
85 Indians, The Seminole Nation of Oklahoma, Shawnee Tribe, Thlopthlocco Tribal Town, and United  
86 Keetoowah Band of Cherokee Indians in Oklahoma; and,

87



88 WHEREAS, the tribes agreed to participate in the development of this PA and have been invited  
89 to be signatories (hereinafter referred to as “Tribal Signatories”); and,  
90  
91 WHEREAS, this PA will not apply to proposed TVA undertakings located on or affecting historic  
92 properties on tribal lands as defined by 36 C.F.R. §800.16(x); and,  
93  
94 WHEREAS, TVA, ACHP, the SHPOs, and Tribal Signatories (collectively “the Signatories”)  
95 36 C.F.R. §800.6(c)(2) determined that, pursuant to 36 C.F.R. §§ 800.14(b)(1) and 800.14(b)(2),  
96 the requirements of Section 106 can be more effectively and efficiently fulfilled under a PA for  
97 activities that are similar and repetitive in nature by stipulating roles and responsibilities and  
98 establishing protocols for consultation facilitating the identification and evaluation of historic  
99 properties and determination of effects; and,  
100  
101 WHEREAS, TVA solicited comments from various stakeholders, affected local governments, and  
102 the public by posting the draft PA on its public website for a period of at least 30 days, with  
103 affirmative advance notice to individuals and organizations with known or anticipated interest in  
104 undertakings within TVA’s PSA; and,  
105  
106 WHEREAS, TVA is developing, in consultation, a *Cultural Resources Management Plan* and an  
107 inventory of TVA’s architectural resources that will further facilitate and support the processes laid  
108 out in this PA; and,  
109  
110 NOW, THEREFORE, the Signatories mutually agree that TVA will meet its responsibilities under  
111 Section 106 of the NHPA through implementation of this PA, rather than by following the procedure  
112 set forth in 36 C.F.R. §§800.3 through 800.7.  
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**STIPULATIONS**

TVA will ensure that the following measures are carried out:

**I. Purpose and Need**

- A. As TVA's undertakings encompass a diverse set of projects across seven states, this PA identifies procedures that TVA will use to meet its responsibilities under Section 106 for undertakings in TVA's PSA (Appendix C), and to establish an internal review process for such undertakings.
- B. This PA addresses Section 106 NHPA compliance only, and does not address TVA's compliance with Section 110 of NHPA, or with ARPA or NAGPRA.
- C. To increase efficiency, the PA:
  - 1. Identifies categories of activities that are unlikely to affect historic properties if present, and excludes these activities from further review under Section 106. A list of these activities is in Appendix A.
  - 2. Identifies repetitive activities with foreseeable effects to historic properties that require further review by TVA cultural resources staff (CRS). A list of repetitive undertakings requiring further review is in Appendix B.

**II. Roles and Responsibilities**

- A. TVA: Pursuant to federal responsibilities set out in the NHPA and ACHP regulations at 36 C.F.R. Part 800, TVA shall:
  - 1. Ensure that CRS assessing TVA undertakings under Section 106, including the applicability of the exemptions noted in Appendix B, meet the Secretary of Interior's *Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualifications for Archeologists and/or Historians* (48 FR 44738-44739; SOI Standards). TVA shall meet or exceed these standards in a manner commensurate with: 1) the nature and complexity of the activity, property, or resource being investigated or treated, and 2) the knowledge and expertise needed to complete the work. CRS will ensure that external contractors conducting cultural resource surveys meet SOI standards.
  - 2. Determine the Area of Potential Effects (APE).
  - 3. Make a reasonable and good faith effort to identify historic properties pursuant to 36 C.F.R. §800.4(b). The identification effort will take into account the nature and scale of the undertaking, the degree of federal involvement, the nature and extent of potential effects on historic properties within the APE, and applicable state and tribal

- 159 guidance. TVA shall ensure that all documentation resulting from undertakings  
 160 reviewed pursuant to this PA is consistent with the standards in 36 C.F.R. §800.11.
- 161 4. Assess the eligibility of historic properties within an undertaking’s APE for listing on  
 162 the National Register of Historic Places (NRHP), and seek concurrence on eligibility  
 163 determinations with the appropriate SHPO(s) and tribes.
- 164  
 165 5. Seek to avoid adverse effects to historic properties, realizing that given TVA’s  
 166 operational requirements, some adverse effect may be unavoidable. If adverse effects  
 167 cannot be avoided, TVA would develop appropriate minimization or mitigation  
 168 measures in consultation with the appropriate SHPO(s) and tribes.
- 169  
 170 6. Provide the Signatories with an annual report, as outlined in Stipulation IV.
- 171  
 172 7. Not grant a loan, loan guarantee, permit, license, or other assistance to an applicant  
 173 who has intentionally, significantly, and adversely affected a historic property, pursuant  
 174 to 36 C.F.R. §800.9(c)(1), to which the grant would relate; or having legal power to  
 175 prevent it, has allowed a significant adverse effect to occur. However, if after  
 176 consultation with the SHPO(s), tribes, and ACHP, TVA determines that extraordinary  
 177 circumstances justify granting such assistance despite the adverse effect created by  
 178 the applicant, TVA shall complete consultation for the undertaking pursuant to the  
 179 terms of this PA and Section 106 of the NHPA.
- 180  
 181 8. Identify additional consulting parties, including any communities, organizations, or  
 182 individuals that may have an interest in a specific undertaking and its effects on historic  
 183 properties as outlined under Stipulation XI.
- 184  
 185 9. Plan and lead annual effectiveness reviews of this PA (Stipulation IV).
- 186  
 187 10. Provide updated site file information to the states following state guidelines.
- 188  
 189 11. Design and administer training and subsequent guidance to appropriate TVA staff and  
 190 contractors. The training will address, at a minimum, the procedures to be used for  
 191 meeting TVA’s obligations under Section 106 and other preservation laws for activities  
 192 covered in this PA. TVA will consult with the Signatories on this training. Updates on  
 193 the training will be provided in the annual report under Stipulation IV.
- 194  
 195 12. Consult with all tribes with an interest in the TVA PSA on a government-to-government  
 196 basis.
- 197  
 198 13. Comply with Section 304 of NHPA (54 U.S.C. §307103) and Section 9 of ARPA  
 199 (16 U.S.C. §470hh).
- 200

- 201 14. Integrate the PA in a manner that meets its historic preservation responsibilities as fully  
202 as possible along with its other responsibilities under the TVA Act, TVA's *Natural*  
203 *Resource Plan* (NRP), other executed PAs, NEPA, and other statutory authorities,  
204 executive orders, and federal policies.  
205
- 206 B. SHPOs: Pursuant to responsibilities set out in NHPA and ACHP regulations at  
207 36 C.F.R. Part 800, the appropriate SHPO(s) shall:  
208
- 209 1. Review TVA's determination of APE, identification level efforts, National Register  
210 eligibility determinations, and effect findings for undertakings subject to the "Standard  
211 Review Process" outlined under Stipulation III.D, and provide comments within the  
212 periods prescribed in the 36 C.F.R. Part 800 regulations.  
213
- 214 2. Participate in reviews of the effectiveness of this PA.  
215
- 216 3. Coordinate with and assist TVA in identifying consulting parties, including any  
217 communities, organizations, or individuals that may have an interest in a specific  
218 undertaking and its effects on historic properties for undertakings subject to the  
219 "Standard Review Process" outlined under Stipulation III.D.  
220
- 221 4. Each state may designate a lead to act on their behalf for TVA undertakings involving  
222 multiple states (36 C.F.R. §800.3(c) (2)).  
223
- 224 C. ACHP: Pursuant to responsibilities set out in the NHPA and 36 C.F.R. Part 800, ACHP  
225 shall:  
226
- 227 1. Provide technical guidance, and participate in dispute resolution and reviews of the  
228 effectiveness of this PA.  
229
- 230 2. Participate as a consulting party in reviewing select undertakings that meet one or  
231 more of the *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*  
232 (36 C.F.R. Part 800 Appendix A) for undertaking outlined in Stipulation III.D.  
233
- 234 3. Inform TVA of emerging issues, policies, training, working groups, or guidelines  
235 applicable to Section 106 of the NHPA and the stipulations of this PA.  
236
- 237 D. Tribal Signatories:  
238
- 239 1. Review TVA's determination of APE, National Register eligibility determinations, and  
240 effect findings for undertakings subject to the "Standard Review Process," provide  
241 comments within the periods required prescribed in the 36 C.F.R Part 800 regulations  
242 and identify concerns about historic properties of traditional religious and cultural  
243 significance.  
244

245 2. Provide comments on TVA's findings in accordance with the PA.

246

247 3. Participate in reviews of the effectiveness of this PA.

248

249 **III. Section 106 Review Process**

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251 **A. Categories of Undertakings for Purposes of This PA:**

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253 1. Appendix A: Activities determined, in consultation between TVA and the Signatories,  
254 to be unlikely to affect historic properties, and therefore excluded from further  
255 Section 106 review.

256

257 a) No further review or consultation is required so long as activities fall within the  
258 parameters described in Appendix A and are not a component of a larger project.

259

260 b) Activities carried out by TVA that fall in Appendix A will be listed in the annual report  
261 under Stipulation IV.

262

263 2. Appendix B: Activities that will be reviewed by TVA CRS, but will not require  
264 consultation with the Signatories as long as they fall within the parameters described  
265 in Appendix B.

266

267 a) For activities determined by TVA CRS to fall under Appendix B, TVA will follow the  
268 review process described in Stipulations III.B and III.C.

269

270 b) If an activity under Appendix B cannot be implemented in accordance with the  
271 requirements described in Stipulation III.C, or constitutes only a component or  
272 multiple activities as part of a larger project, TVA will follow the "Standard Review  
273 Process" outlined under Stipulation III.D.

274

275 c) Undertakings carried out by TVA that fall under the activities listed in Appendix B  
276 will be listed in the annual report under Stipulation IV.

277

278 3. All activities that are not listed under Appendix A or B will proceed under  
279 Stipulation III.D.

280

281 **B. Determine APE**

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283 1. For undertakings under Appendix B, TVA CRS will make APE determinations without  
284 consultation with the SHPO(s) or Tribal Signatories. The documentation for APE  
285 determination will be included in the annual report under Stipulation IV. For  
286 undertakings subject to Stipulation III.D. TVA will consult with SHPO(s) and Tribal  
287 Signatories regarding the APE determination.

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2. If an activity falls under an Appendix B category, TVA will determine the APE, consistent with 36 CFR § 800.16(d), to include all geographic areas within which the undertaking may directly, indirectly, or cumulatively alter the character or use of historic properties.
  3. The APE can include lands held in fee by the U.S. government, lands in which the U.S. government holds a real property interest other than fee title, as well as private or public lands over which the U.S. government currently holds no property interest or access rights.
  4. The APE shall include the area of potential physical ground disturbance and any property, structure, or portion thereof that will be physically altered, destroyed, or changed in use by the undertaking.
  5. The APE shall be delineated to include visual, audible, and atmospheric effects where the undertaking has potential to introduce visual, audible, or atmospheric elements that diminish or alter characteristics an eligible or listed historic property including the setting and landscape that represent a contributing quality to an eligible or listed that property.
  6. When assessing the effects of an undertaking, TVA shall take consider effects that will occur immediately and directly, as well as those that are reasonably foreseeable and may occur later in time or be farther removed in distance, or be cumulative.
  7. Unless otherwise established through consultation with the SHPO(s) and Tribal Signatories, the presumed APE for visual effects for construction of new facilities 200 feet or less in overall height would be a half-mile-radius within the visual line of sight from the proposed activity.
- C. Identification, Evaluation, and Consultation Process for Appendix B Activities
1. Background Review Process:

CRS will conduct background research consistent with 36 C.F.R. §§800.4(a)(2–4) to determine the likelihood that historic properties are within the APE.

    - a) Background research can include, but is not limited to, survey records of past identification efforts and other information on previously identified resources in the area, topographic maps, satellite/aerial images, historic maps, tax records, state site- and architectural-files, soil maps, TVA land-acquisition maps, local informants, oral histories, the potential for an area to be historically significant as a “Traditional Cultural Property” (TCP) based on information provided by federally recognized Indian tribes or other descendant communities, photographs and documentation depicting past and current land conditions, and other relevant resources.

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- b) CRS will find that no historic properties would be affected, if background research indicates that:
    - i. For undertakings that could potentially affect archaeological or sites that could be of religious and cultural significance to Indian tribes, one of the following conditions are met:
      - a. Adequate archaeological surveys meeting current archaeological standards were previously performed within the APE, and no archaeological sites have been identified in the APE with the exception of previously determined (in consultation) NRHP-ineligible sites. If previously identified archaeological sites are located within the APE and not previously determined in consultation to be ineligible, the undertaking would be reviewed under the “Standard Review Process” in accordance with Stipulation III.D.
      - b. The land within the APE has been subject to significant ground disturbance, such as strip mining, extensive grading, trenching, major construction, or severe erosion within the vertical APE.
      - c. The review of the environmental context of the APE suggests little potential for intact archaeological deposits or TCPs. For example, the APE lacks stable land surfaces, buried Holocene deposits, caves, rock shelters, and other conditions that could allow a prehistoric or historic occupation, Indian removal routes, stone features, or other resources that could be of religious and cultural significance to federally recognized Indian tribes to be present.
    - ii. For undertakings that have the potential to directly or indirectly affect historic structures or districts:
      - a. Adequate architectural surveys were performed previously in the APE within the past five years by individuals meeting the Secretary of the Interior “Qualification Standards” for historic preservation, and no eligible or listed historic structures were identified, in concurrence with the SHPO(s).
      - b. Comparison of maps, tax records, and aerial imagery (aerial photographs or satellite images) with clear unobstructed views to the resource location and current project location photos, indicate a lack of extant structures older than 50 years in the APE, and not within, or within the viewshed, of a historic district.
    - iii. The basis of TVA’s “no historic properties affected” finding will be included in the annual report in accordance with Stipulation IV.A–B.

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2. Field Reconnaissance Process:

If, after conducting background research, TVA determines none of the above conditions are met, then CRS will conduct a field reconnaissance survey for Appendix B activities in accordance with the *Secretary of Interior's Standards for Archaeology and Historic Preservation* and relevant state-recommended minimum guidelines and standards. If TVA conducts a reconnaissance, it will be completed by CRS or TVA-approved contractors. The results of the reconnaissance will be evaluated as follows:

    - a) If the field reconnaissance does not identify any cultural resources that would indicate the presence of archaeological sites, historic structures, or potential Indian removal routes, stone features, caves, or other properties that may be of religious and cultural significance, TVA will make a finding of "no effect to historic properties."
    - b) If the field reconnaissance identifies one or more archaeological sites or historic structures, and/or identifies a potential for the presence of buried archaeological sites in the APE, TVA shall complete one of the following steps:
      - i. Modify the project such that the undertaking meets requirements for an Appendix A activity.
      - ii. Consult on the eligibility of the identified resource and the undertaking's effects to historic properties using the "Standard Review Process" (Stipulation III.D).
    - c) CRS will provide updated site file information to the SHPO(s) following CRS review.
    - d) TVA will consult with Indian tribes regarding properties that are potentially of religious and cultural significance to the tribes, and update TVA's database to ensure that the locations of identified resources are maintained.
  3. The basis of TVA's finding of "no historic properties affected" for Appendix B activities will be documented in TVA's 800.11(d) "Documentation Form" (Appendix D), and will be provided to the Signatories in the annual report under Stipulation IV.
- D. Standard Review Process for Undertakings Not Covered by Appendix A or B.
1. If an activity does not fall within Appendix A or B, or falls within Appendix B, and newly identified archaeological sites, artifacts, or above-ground resources (including properties potentially of religious and cultural significance to the tribes) are identified, and the undertaking cannot be modified such that the undertaking meets requirements



421 for an Appendix A activity, TVA will follow the review process set out in  
 422 36 C.F.R. §§800.3-800.7. These steps will include delineation of the APE, identification  
 423 of historic properties, determination of effects, and avoidance/minimization of adverse  
 424 effects where possible, or resolution of adverse effects through consultation with the  
 425 appropriate SHPO(s) and tribes.

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 427 2. TVA, at its discretion, may use a consolidated consultation process pursuant to  
 428 36 C.F.R. §800.3(g) for non-controversial projects, and provide the SHPO(s) and  
 429 tribes with documentation and a request for concurrence with findings and  
 430 recommendations that address multiple steps in 36 C.F.R. §§800.3–800.6. When  
 431 using consolidated consultation, TVA will provide documentation in accordance  
 432 with C.F.R. §800.11 and applicable SHPO standards.

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 434 3. Where the undertaking under consideration involves corridors (such as for  
 435 transmission lines) or large land areas, TVA may, at its discretion, use a phased  
 436 process to identify and evaluate effects to historic properties, as provided for in  
 437 36 C.F.R. §§800.4(b)(2) and 800.5(a)(3). Under a phased approach, TVA may proceed  
 438 with the implementation of certain phases of the project for which the Section 106  
 439 process has been completed, provided that proceeding with one phase of a project  
 440 does not preclude the possibility of avoidance of known and as-yet-unidentified  
 441 or -evaluated historic properties within the APE during additional phases of the project.  
 442 TVA will provide the SHPO(s) and tribes written notification that TVA is proceeding  
 443 under this approach.

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 445 **IV. Reports**

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 447 TVA shall provide the Signatories an annual report by January 30 for each fiscal year  
 448 (October 1–September 30) that this PA remains in effect.

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 450 A. The annual report will include a table with an entry for each activity listed in Appendix A  
 451 and reviewed pursuant to Stipulation III.A.1. The table will include:

- 452  
 453 1. name/title of the undertaking  
 454  
 455 2. applicable activity listed in Appendix A  
 456  
 457 3. state and county location  
 458  
 459 4. geographic coordinates

460  
 461 B. The report will summarize each activity undertaken during the fiscal year for which TVA  
 462 relied on the Appendix B categories for fulfilling its Section 106 obligations. The report will  
 463 contain digital optical-character-recognition PDF and spatial data for each activity. The  
 464 report will incorporate other TVA cultural resource stewardship activities. The report will

465 also include updates on training, staff changes, and procedures that are developed  
466 because of the PA. The annual report will include an entry for each activity listed in  
467 Appendix B and reviewed pursuant to Stipulation III.C during the fiscal year, including:  
468  
469 1. project name, site and description and size  
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471 2. APE depicted on a United States Geological Survey (USGS) map with coordinates  
472 and ArcGIS shapefiles  
473  
474 3. reference to any previous surveys  
475  
476 4. environmental and topographical description  
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478 5. photo documentation  
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480 6. current land use and previous disturbance  
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482 7. environmental and historical context information sources  
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484 8. known archaeological sites, historic structures, or significant landscapes near the  
485 location  
486  
487 9. methodology of field reconnaissance  
488  
489 10. location of any shovel tests  
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491 11. survey results  
492  
493 12. basis of "no historic properties affected" finding  
494  
495 13. whether, after an initial background research and reconnaissance survey, the  
496 undertaking was elevated to the "Standard Review Process"  
497  
498 C. Signatories will have forty-five (45) calendar days to submit comments on the annual  
499 report. TVA will respond to comments within forty-five (45) calendar days.  
500  
501 D. TVA and the signatories to this PA shall consult within six months upon execution of the  
502 PA and annually thereafter to review implementation of the terms of this PA. TVA will also  
503 develop and provide to the Signatories a questionnaire to help evaluate the effectiveness  
504 of the PA.  
505

506 **V. Lead Federal Agency**

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508 A. TVA may use this PA to fulfill its Section 106 responsibilities and those of other federal  
 509 agencies that have designated TVA as the lead federal agency pursuant to  
 510 36 C.F.R. §800.2(a)(2) for the undertakings described in this PA. Identification of the lead  
 511 federal agency shall be provided to the appropriate SHPO(s) and tribes via e-mail.

512

513 B. If another federal agency has concluded its Section 106 review during the previous three  
 514 years, TVA has no further obligation under Section 106 to review a TVA undertaking of its  
 515 own that would be subject to this PA, if TVA confirms that the scope and effect (defined by  
 516 TVA per 36 C.F.R. §800.16[i]) are the same as that of the undertaking reviewed by the  
 517 previous agency; that the passage of time does not require any new or additional  
 518 identification of historic properties; and if the previous agency's consultation and  
 519 concurrence is documented consistent with 800.11(d) or 800.11(e). TVA shall provide  
 520 documentation of these occurrences in the annual report accordance with TVA's 800.11(d)  
 521 or 800.11(e) "Documentation Form" (Appendix D) of these occurrences in the annual  
 522 report. Should TVA determine that the previous Section 106 review was insufficient, or  
 523 involved interagency disagreements about eligibility, effect, and/or treatment measures,  
 524 or does not follow TVA's procedure for delineating APE, then TVA shall conduct additional  
 525 Section 106 consultation for its undertaking in accordance with the terms of this PA.  
 526

527 **VI. Curation**

528

529 A. TVA shall ensure that any archaeological material and associated records recovered from  
 530 TVA land will be permanently curated in one of its primary repositories, and in accordance  
 531 with the requirements in 36 C.F.R. Part 79.

532

533 B. If archaeological materials are recovered from private lands as a result of a TVA  
 534 undertaking, TVA shall encourage the curation of those archaeological materials collected  
 535 from private lands (with the exception of NAGPRA human remains and NAGPRA cultural  
 536 items, which are addressed in Stipulation IX) at a repository that meets the requirements  
 537 in 36 C.F.R. Part 79.

538

539 C. For data recovery projects under Stipulation III.D, specific curation facilities will be  
 540 determined during development of a memorandum of agreement for that specific  
 541 undertaking in consultation with the appropriate SHPO(s) and tribes.  
 542

543 **VII. Coordination with TVA's *Cultural Resource Management Plan***

544

545 To the extent practicable, TVA will incorporate the provisions of this PA and those of other TVA  
 546 agreements relative to the NHPA, ARPA, and NAGPRA into TVA's internal guidance  
 547 documents to be developed as part of TVA's *Cultural Resource Management Plan* and will  
 548 include these activities in the annual report (Stipulation IV).  
 549

550 **VIII. Emergency Procedures**

551

552 During emergencies at TVA, TVA actions necessary to protect human health or property are  
553 not subject to Section 106 requirements. However, TVA will notify the appropriate SHPO(s)  
554 and tribes of emergency management activities, and staff will work with emergency  
555 responders to, whenever reasonable, minimize the overall effect of such activities to historic  
556 properties. TVA will evaluate the effects of emergency-related activities. TVA CRS will assess  
557 any effects to historic properties and allow consulting parties seven business days to  
558 comment, if circumstances permit. TVA will provide to the consulting parties a report of actions  
559 taken after they have been completed, and will include these activities in the annual report  
560 (Stipulation IV).

561

562 **IX. Treatment of Human Remains and NAGPRA Cultural Items**

563

564 **A. Federal Lands**

565

566 TVA shall ensure that any human remains and NAGPRA cultural items discovered on  
567 federal lands during implementation of the terms of this PA are treated respectfully and in  
568 accordance with NAGPRA.

569

570 **B. Non-Federal Lands**

571

572 If verified human remains are identified within the APE on non-federal or non-tribal lands  
573 as a consequence of a TVA undertaking, TVA shall:

574

575 1. Ensure that the treatment of any human remains discovered within the APE complies  
576 with applicable state laws and is respectful of tribal or other descendent communities.

577

578 2. Ensure the cessation of ground-disturbing activities within a 328-ft-radius of human  
579 remains or NAGPRA cultural items, and protection of the site with temporary fencing  
580 or other natural barricades, until the appropriate state and local officials can be  
581 consulted.

582

583 **C. TVA will develop a guidance document on the treatment of human remains, in consultation**  
584 **with the SHPOs and Tribal Signatories as part of the implementation of this PA**

585

586 **X. Post-Review Discoveries**

587

588 TVA shall ensure that unidentified historic properties or unanticipated effects to historic properties  
589 discovered during the implementation of an undertaking are subject to the following measures:

590

591 **A. TVA will consult with the ACHP and relevant SHPOs and tribes in accordance with**  
592 **36 C.F.R. §800.13(b).**

593

- 594 B. All ground-disturbing work within a 328-foot-radius of the discovery, or work within a  
595 historic structure, will be immediately stopped and the discovery location secured against  
596 further disturbance, pending completion of the consultation.  
597  
598 C. If the post-review discovery includes human remains, then TVA will follow Stipulation IX.  
599  
600 D. TVA will develop a guidance document for post review discoveries, in consultation with the  
601 SHPOs and Tribal Signatories as part of the implementation of this PA.  
602

603 **XI. Public Outreach and Consulting Parties Involvement**  
604

- 605 A. In fulfilling its obligations for undertakings subject to the "Standard Review Process,"  
606 (Stipulation III.D), TVA shall seek the views of the public in a manner that reflects the  
607 nature, complexity, and effect(s) of the undertaking, likely public interest, and any  
608 confidentiality concerns of tribes, private individuals, or businesses. Public participation  
609 must be undertaken by TVA in a manner consistent with the confidentiality provisions of  
610 36 C.F.R. §800.11(c). TVA may use the agency's procedures developed pursuant to NEPA  
611 to solicit and respond to public comments obtained either via public involvement or through  
612 announcement of the availability of TVA's environmental reviews on TVA's public website,  
613 and thereby satisfy NHPA public involvement requirements. TVA shall consider comments  
614 provided by the public regarding the effect of the undertaking on historic properties.  
615  
616 B. Certain individuals, organizations, or descendent groups with a demonstrated interest in  
617 an undertaking may also be invited to participate as consulting parties, due to their legal  
618 or economic relation to the undertaking or the affected historic properties. TVA shall,  
619 except where appropriate to protect confidentiality under 36 C.F.R. §800.11(c), provide  
620 consulting parties with information regarding the undertaking and its effects on historic  
621 properties.  
622

623 **XII. Administrative Conditions**  
624

- 625 A. Duration  
626  
627 This PA will be in effect for ten (10) years from the date the PA becomes effective, unless  
628 terminated in accordance with Stipulation XII.E. One year before the expiration of the PA,  
629 TVA will consult with all parties to seek to renew or revise the PA as needed. The duration  
630 of the PA may be extended for an additional ten (10) years upon obtaining signatures of  
631 the parties. Extensions shall be established through the amendment process outlined in  
632 Stipulation XII.C.  
633  
634 B. Dispute Resolution  
635  
636 1. Should a dispute arise, the signatories to this PA shall attempt in good faith to resolve  
637 the dispute relating to this PA by negotiating amongst themselves. If the dispute cannot

638 be resolved, TVA shall forward all relevant documentation and the views of all parties  
639 relating to the dispute to the ACHP, along with TVA's proposed resolution.

640

641 2. Within thirty (30) calendar days after receipt of all pertinent documentation of the  
642 dispute from TVA, the ACHP shall exercise one of the following options:

643

644 a) Advise TVA that the ACHP concurs with TVA's proposed resolution; in this case,  
645 TVA may proceed with implementing its proposed resolution; or,

646

647 b) Provide TVA with recommendations, which TVA shall take into account in reaching  
648 a final resolution to the dispute.

649

650 3. Should the ACHP not exercise one of the above options within thirty (30) calendar  
651 days after receipt of all pertinent documentation, TVA may move forward with its  
652 proposed resolution of the dispute.

653

654 4. TVA shall take into account any ACHP recommendation provided (in accordance with  
655 Stipulation XII.B) when making its final determination to resolve the dispute, and TVA  
656 shall communicate this determination in writing to all signatories. TVA's responsibility  
657 to carry out all actions under this PA that are not subject to the dispute shall remain  
658 unchanged.

659

#### 660 C. Amendments

661

662 The signatories may request that this PA, including appendices, be amended or modified  
663 as needed. The signatories will consult to consider such amendments or modifications.

664

665 1. An amendment to this PA, exclusive of Appendices A and B, shall be effective upon  
666 the date a copy of the amended PA signed by the signatories is filed with the ACHP.

667

668 2. If a modification to Appendices A and B is requested:

669

670 a) TVA shall consult with the signatories regarding the proposed modifications.

671

672 b) If no signatory objects within thirty (30) calendar days to the proposed  
673 modifications, TVA shall provide a revised copy of the PA to the signatories.

674

675 c) If a signatory objects to the proposed modification, TVA shall follow the dispute  
676 resolution process in Stipulation XII.B.

677

#### 678 D. Withdrawal from Participation

679

680 Any SHPO or Tribal Signatory may withdraw from this PA after providing TVA written notice  
681 ninety (90) calendar days prior to its withdrawal. TVA shall consult with the withdrawing

682 party to identify any mutually acceptable measures that would avoid the party's  
683 withdrawal. If mutually acceptable measures are identified that would require amendment  
684 to the PA, TVA will go through the amendment procedures outlined in Stipulation XII.C. In  
685 the case of SHPO withdrawal, the PA would no longer apply within that SHPO's state and  
686 TVA would comply with 36 CFR Part 800 for all undertakings previously subject to this PA  
687 in that state. In the case of a Tribal Signatory withdrawing from the PA, TVA would consult  
688 with that Tribe pursuant to 36 CFR Part 800 for all undertakings previously subject to this  
689 PA that would have the potential to affect historic properties of religious and cultural  
690 significance to the Tribe. This PA would remain in effect in all other jurisdictions and for all  
691 other parties.

692

693 E. Termination

694

695 If any signatory to this PA determines that its terms cannot be carried out, that party shall  
696 immediately consult with the other signatories to attempt to develop an amendment per  
697 Stipulation XII.C. If an amendment cannot be reached within ninety (90) days (or another  
698 period agreed upon by the signatories), TVA or the ACHP may terminate this entire PA.  
699 Once the PA has been terminated, and before continuing work on any undertaking subject  
700 to its terms, TVA must either (a) execute a new PA pursuant to 36 C.F.R. 800.14, or  
701 (b) follow 36 C.F.R. Part 800 for each individual undertaking. TVA shall notify the  
702 signatories as to the course of action it will pursue.

703

704 Execution of the PA by the TVA, the SHPOs of Alabama, Georgia, Kentucky, Mississippi, North  
705 Carolina, Tennessee, and Virginia, and the ACHP, and implementation of its terms is evidence  
706 that TVA has taken into account the effects of these undertakings on historic properties and  
707 afforded the ACHP an opportunity to comment.

FY25 and FY26 Transmission System Vegetation Management

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TENNESSEE VALLEY AUTHORITY

By: Rebecca C. Tolene Date: 10-18-19

Rebecca Tolene  
Vice President, Environmental

18

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966



717  
718 ADVISORY COUNCIL ON HISTORIC PRESERVATION

719 By: Aimee Jorjani Date: 11/27/19

721  
722 Chairman Aimee Jorjani  
723 Advisory Council on Historic Preservation  
724

19

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

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ALABAMA STATE HISTORIC PRESERVATION OFFICER

By: *Lisa D. Jones* Date: 11.5.2019  
Lisa D. Jones  
Executive Director, State Historic Preservation Officer

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

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Title: State Historic Preservation Officer

GEORGIA STATE HISTORIC PRESERVATION OFFICER

By: *Dr. David Crass* Date: 15 NOV 2019

David Crass

Division Director and Deputy State Historic Preservation Officer

21

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

742  
743 KENTUCKY STATE HISTORIC PRESERVATION OFFICER  
744  
745 By:  Date: 12-19-19  
746  
747 Craig Potts, Executive Director and State Historic Preservation Officer,  
748 Kentucky Heritage Council  
749  
750 Approved as to form and legality:  
751  
752 By:  Date: Dec. 2, 2019  
753  
754 William H. Adams II, Legal Counsel to the State Historic Preservation Officer  
755 Tourism, Arts, and Heritage Cabinet  
756

757  
758 MISSISSIPPI STATE HISTORIC PRESERVATION OFFICER  
759  
760 By: Jan R. Woodruff Date: 11-18-19  
761 For: \_\_\_\_\_  
762 Katherine Blount  
763 State Historic Preservation Officer

23

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

764 NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER

765

766 By: Kevin Cherry Date: 11-14-2019

767

768 Kevin Cherry

769 Deputy Secretary of Department of Cultural Resources and State Historic Preservation Officer

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

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TENNESSEE STATE HISTORIC PRESERVATION OFFICER

By: E. Patrick McIntyre, Jr. Date: 10/31/17

E. Patrick McIntyre, Jr  
Executive Director and State Historic Preservation Officer

25

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

FY25 and FY26 Transmission System Vegetation Management

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VIRGINIA STATE HISTORIC PRESERVATION OFFICER

By: *Julie Langan* Date: 11-7-19

Julie Langan  
DHR Director and State Historic Preservation Officer

26

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966



790  
791 ABSENTEE SHAWNEE TRIBE OF OKLAHOMA

792  
793 By: \_\_\_\_\_ Date: \_\_\_\_\_

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796 Name:

797 Title:

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

FY25 and FY26 Transmission System Vegetation Management

798 ALABAMA-COUSHATTA TRIBE OF TEXAS

799

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By: *Caiti Flew* Date: *01/07/2020*

Title: *Alabama-Coushatta Tribe of Texas*  
*Tribal Council Chairperson*

28

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

806 ALABAMA-QUASSARTE TRIBAL TOWN

807

808 By: \_\_\_\_\_ Date: \_\_\_\_\_

809

810 Name:

811

812 Title:

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

## FY25 and FY26 Transmission System Vegetation Management

813 CHEROKEE NATION

814

815 By: \_\_\_\_\_ Date: \_\_\_\_\_

816

817 Chuck Hoskin Jr.

818 Principal Chief

30

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

814 THE CHICKASAW NATION

815

816 By: Bill Anoatubby Date DEC 16 2019

817

818 Bill Anoatubby

819 Governor

820

821 Nothing construed in this Agreement shall be construed to waive the sovereign rights of the Chickasaw

822 Nation, its officers, employees or agents.

31

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

FY25 and FY26 Transmission System Vegetation Management

830 THE CHOCTAW NATION OF OKLAHOMA

831

832 By: \_\_\_\_\_ Date: \_\_\_\_\_

833

834 Gary Baton

835 Chief

32

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

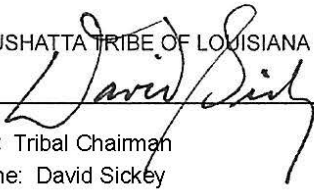
823 COUSHATTA TRIBE OF LOUISIANA

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By:  Date: 11-20-19

Title: Tribal Chairman

Name: David Sickey

836 DELAWARE NATION

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839

840 Deborah Dotson

841 President

842

By: Deborah Dotson Date: 12/06/2019

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966



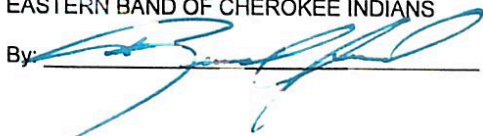
833 EASTERN BAND OF CHEROKEE INDIANS

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By:  Date: 1/30/2020

Richard Sneed  
Principal Chief

35

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

850 EASTERN SHAWNEE TRIBE OF OKLAHOMA

851

852 By: Glenna J. Wallace Date: 12-10-2019

853

854 Glenna Wallace

855 Chief

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

864 JENA BAND OF CHOCTAW INDIANS

865

866 By: \_\_\_\_\_ Date: \_\_\_\_\_

867

868 Cheryl Smith

869 Chief

37

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

## FY25 and FY26 Transmission System Vegetation Management

870 KIALEGEE TRIBAL TOWN

871

872 By: \_\_\_\_\_ Date: \_\_\_\_\_

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874 Tiger Hobia

875 Mekko

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

877 MISSISSIPPI BAND OF CHOCTAW INDIANS

878

879 By: \_\_\_\_\_ Date: \_\_\_\_\_

880

881 Cyrus Ben

882 Chief

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

THE MUSCOGEE (CREEK) NATION

By: David W. Hill Date: 2/14/2020

David W. Hill

Principal Chief

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

889 THE OSAGE NATION

890

891 By: \_\_\_\_\_ Date: \_\_\_\_\_

892

893 Geoffrey M. Standing Bear

894 Principal Chief

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

886 POARCH BAND OF CREEK INDIANS

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By: Larry D. Haikey Date: 1-30-2020  
Larry Haikey  
Tribal Historic Preservation Officer

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966



902 THE QUAPAW NATION

903 By: \_\_\_\_\_ Date: \_\_\_\_\_

904

905 John Berrey

906 Chairman

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

FY25 and FY26 Transmission System Vegetation Management

898 THE SEMINOLE NATION OF OKLAHOMA

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903

By: Greg Chilcoat Date: 11/20/19

Greg Chilcoat  
Chief

44

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

SHAWNEE TRIBE

By: \_\_\_\_\_

Date: \_\_\_\_\_

1-16-2020

Ben Barnes

Chief

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

FY25 and FY26 Transmission System Vegetation Management

909 THLOPTHLOCCO TRIBAL TOWN

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913 Ryan Morrow

914 Mekko

By: 

Date: 11/25/17

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PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

926 UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA  
927  
928 By: \_\_\_\_\_ Date: \_\_\_\_\_  
929  
930 Joe Bunch  
931 Chief

47

PROGRAMMATIC AGREEMENT AMONG THE TENNESSEE VALLEY AUTHORITY, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE STATE HISTORIC PRESERVATION OFFICERS OF ALABAMA, GEORGIA, KENTUCKY, MISSISSIPPI, NORTH CAROLINA, TENNESSEE, AND VIRGINIA, AND FEDERALLY RECOGNIZED INDIAN TRIBES, REGARDING UNDERTAKINGS SUBJECT TO SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

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**Appendix A - Activities Unlikely to Affect Historic Properties**

Activities within Appendix A, in consultation between TVA and the signatories, have been determined as unlikely to affect historic properties, if present, and are therefore excluded from further review. Work associated with Appendix A activities would be done by hand or involve lightweight vehicles (e.g., all-terrain vehicles [ATVs], light-duty and standard trucks) or low ground-pressure equipment (e.g., using rubberized tracks or weight-dispersing tires). Matting could be used to prevent ground disturbance when using heavy-duty equipment, as warranted. Visual inspections of soil and hydraulic conditions will be used to determine work times, adhering to working in dry conditions when practicable. All work on historic structures would be performed in accordance with Secretary of the Interior’s Standards. If these conditions cannot be met, these activities would be included under Appendix B. Should any of these activities have unanticipated effects on historic properties, work shall stop and the procedures in Stipulation X shall be followed. CRS will be contacted if work is proposed in areas previously delineated as highly sensitive archaeological sites (e.g., previously identified sites with known human remains and Trail of Tears/removal routes).

**A. Land Management and Improvements**

1. in-kind repair of existing concrete or asphalt curbs, or gutters where no new ground disturbance is proposed
2. installing curb cuts in accordance with the American Disabilities Act
3. activities establishing and maintaining vegetation, limited to broadcast or no-till seeding, with minimal seedbed preparation; grass plugs, aeration, spreading mulch, fertilization, mowing, bush hogging, chain sawing, applying herbicides, removing vegetation by hand using a weed wrench, and hand pruning, with the exception of activities occurring within cemeteries or other previously delineated highly sensitive archaeological sites maintenance and in-kind, in-place repair of existing fencing and installation of a post or fencing
4. installing gates within existing fences, or repairing and replacing gates on access roads or along corridors within the zone of initial disturbance
5. mitigating hazard trees or removing individual trees, cutting at the base of the trunk, or trimming branches
6. installing new single-post signs (channel, T-post, or Carsonite posts) four inches in diameter or less
7. installing, replacing, or maintaining floating buoys
8. maintaining an existing trail that does not result in additional ground disturbance beyond the established trail
9. maintenance or replacement of park or playground equipment involving no new ground disturbance
10. road maintenance (surface water control, soil erosion control, regrading, resurfacing, and maintenance of ditches, guardrails, culverts, bank/cut slopes) that does not result in additional ground disturbance beyond that incurred when the road and associated appurtenant works were established

- 976 11. using existing gravel pits, including further materials-extraction and stockpiling within the
- 977 pit, where no horizontal expansion of the pit area will occur
- 978 12. in-kind repair and replacement of exterior lighting less than 50 years old and not eligible
- 979 under Criteria Consideration G
- 980 13. in-kind repairs and replacement of walks, steps, and retaining walls, that are less than 50
- 981 years old and not eligible under Criteria Consideration G
- 982 14. removing and restoring littered, trash, and dump sites with no new ground disturbance,
- 983 provided dump sites can be reasonably demonstrated to be recent occurrences
- 984 15. temporary actions not involving modification of an existing structure nor ground
- 985 disturbance (e.g., placement of traffic cones, racing events, obstacle courses)
- 986 16. plugging and abandoning boreholes and groundwater monitoring wells
- 987 17. establishing and using a temporary material-laydown yard on paved, graveled,
- 988 compacted, or fill-covered surfaces
- 989 18. removing silt and debris from catch basins, drainage systems, and sumps
- 990 19. acquiring commercial fill (less than 25 cubic yards) from approved sites holding valid
- 991 permits that does not lead to horizontal expansion of the site
- 992 20. applying low-intensity controlled fire in previously burned locations and which CRS has
- 993 previously determined contain no above-ground resources
- 994

995 **B. Building Maintenance and Rehabilitation (all work would be confined within existing**

996 **facilities)**

997

- 998 1. except for construction of new additions, all renovation, maintenance, or internal changes
- 999 to an existing facility less than 50 years old and not meeting Criteria Consideration G, or
- 1000 properties greater than 50 years old and which have been previously determined (in
- 1001 consultation within the last 10 years) to be ineligible for the National Register or non-
- 1002 contributing buildings within a district or property listed in or eligible for the National
- 1003 Register
- 1004 2. demolition, removal, and/or disposal of temporary buildings (e.g., trailers, mobile units, or
- 1005 similar structures) involving no ground disturbance, and where removal would be
- 1006 completed with minimal ground disturbance
- 1007 3. maintaining, installing, relocating, removing, and repairing equipment (including motors,
- 1008 valves, shredders, compressors, pumps, castors, power supplies, lathes, saws, shears,
- 1009 presses, welding equipment, dust collectors, dry boxes and vent systems) not requiring
- 1010 the removal of historic walls and floor coverings, and (except for within public spaces) the
- 1011 modification or addition of permanent or temporary ladders
- 1012 4. repair or in-kind replacement of non-historic, existing, safety-required signs that meet
- 1013 OSHA and other safety requirements
- 1014 5. replacing or installing caulking and weather stripping around windows, doors, walls, and
- 1015 roofs (*NOTE: Replacing caulking applied to masonry joints instead of properly repointing*
- 1016 *deteriorated joints would not be considered routine maintenance.*)
- 1017 6. removing exterior or interior paint by non-destructive means, limited to hand scraping, low-
- 1018 pressure water-wash (<200 pounds per square inch [psi]), use of a needle gun (on metal
- 1019 surfaces only), or paint-removal chemicals (provided that careful testing was previously

- 1020 done under CRS supervision), to assure that the method selected will not affect the  
 1021 building materials, and that the removal follows *National Preservation Brief No. 6*  
 1022 7. installing, replacing, or repairing existing plumbing, electrical wiring, and fire-protection  
 1023 systems, provided no alterations are made to character-defining features, spaces, or  
 1024 historic fabrics  
 1025 8. maintaining, repairing, removing, modifying, upgrading, or replacing plant and building  
 1026 electrical systems (e.g. arc-flash testing, building conduit, wiring, lighting fixtures, etc.),  
 1027 provided no alterations are made to character-defining features or historic fabric  
 1028 9. siting, installing, maintaining, repairing, removing, or replacing communications and  
 1029 computer systems (including facsimile systems, internal microwave and radio systems,  
 1030 fiber-optic cables, and phone systems), where no ground disturbance would occur and the  
 1031 activity would not affect the historic fabric of the structure or character-defining features  
 1032 and spaces  
 1033 10. repairing underground utilities in the documented area of disturbance  
 1034 11. except within public spaces, routine installation, upgrades, replacements, and/or  
 1035 modifications to the interior of safety structures, including fire dampers, exit lights, fire-  
 1036 protection systems, sprinkler systems, anti-freezing devices in existing sprinkler systems,  
 1037 corridors, stairways, fire-alarm systems, smoke detectors, motion detectors, security  
 1038 devices, fire hydrants and associated piping, and emergency generators  
 1039 12. in-kind repair or replacement of non-character-defining hydroelectric equipment  
 1040 (character-defining equipment including but not limited to turbines, generators, intake  
 1041 valves, surge tanks, pumps, spillway gates, sluice and radial gates, trash removal  
 1042 equipment [rakes, racks, and hoists], jib and gantry cranes, and control panels) found both  
 1043 in the interior and on the exterior of hydroelectric facilities  
 1044 13. installation or modification of personnel safety systems and devices, including safety  
 1045 showers, eye washes, fume hoods, radiation monitoring devices, sprinkler systems,  
 1046 emergency exit-lighting systems; surveillance systems; protective additions to electrical  
 1047 equipment; personnel accountability/assembly systems and stations; improvement to non-  
 1048 historic walking and working surfaces or areas; anchoring floor mats, fabrication and  
 1049 temporary ladders or platforms installed for a particular project, shields and guards, and  
 1050 non-historic stairway modifications  
 1051 14. adding new dam-safety instruments within private spaces not visible externally  
 1052 15. adding communication hardware to existing dam-safety instruments not requiring conduit  
 1053 within private spaces that are not visible externally  
 1054 16. testing existing instrumentation using water, where no ground disturbance is required  
 1055 17. cutting a slot (see "slot cut" in Appendix G, "Glossary") in a concrete dam that is exhibiting  
 1056 concrete growth, in cases where a slot had previously been installed  
 1057 18. construction or installation of underground features within a documented area of  
 1058 disturbance, or entirely within fill, including trenching, test pits, or borings  
 1059 19. in-kind underwater repairs to concrete structures at an elevation below normal operating  
 1060 lake elevations  
 1061 20. in-kind replacement of dam-safety instrumentation, or a component of an instrument  
 1062 21. except in public spaces, welding steel features where repairs are needed to restore  
 1063 equipment to its original loading capacity.



- 1064 22. grouting in a concrete dam to repair small leaks  
 1065 23. installation of temporary floating-caissons or trash booms for the duration of a particular  
 1066 project  
 1067 24. installation of rock bolts in a rock slope at a dam  
 1068  
 1069 **C. Permitting**  
 1070  
 1071 1. above-ground fiber-optic cable and broadband on existing transmission or communication  
 1072 structures  
 1073 2. renewal or transfer of permit ownership, where TVA's Section 106 compliance  
 1074 requirements have been previously met, and where the vertical and aerial footprint of the  
 1075 project and associated actions has not changed  
 1076 3. issuance of new or renewed easements and leases that do not authorize any new  
 1077 activities outside of Appendix A, and where TVA's Section 106 compliance requirements  
 1078 have previously been met  
 1079  
 1080 **D. Operation and Maintenance of Substations and Switchyards**  
 1081  
 1082 1. maintenance, testing, removal, relocation, conveyance, exchange (within an existing  
 1083 substation), and replacement of substation equipment including (but not limited to)  
 1084 propane tanks, transformers, arresters, fuses, relays, transducers, regulators, converters,  
 1085 isolators, piping, wave traps, batteries, breakers, bushings, valves, switches, wiring, or  
 1086 capacitor banks at a substation or switching station, provided this work is within the  
 1087 confines of the documented area of previous disturbance, is less than 50 years old, and  
 1088 any new structure does not exceed the current maximum height  
 1089 2. placement of temporary transformers or mobile substations within an existing substation  
 1090 3. excavation in documented, previously disturbed areas of substations and switchyards  
 1091  
 1092 **E. Operation and Maintenance of Transmission Lines**  
 1093  
 1094 1. inspections and maintenance of hardware on transmission line (TL) structures  
 1095 2. replacement of in-kind (or functionally similar for wood pole structures only) transmission  
 1096 line assets such as cross arms, insulators, lightning arrestors, lighting systems, spacers,  
 1097 vibration dampers, markings, structural knee-braces, or miscellaneous bent, damaged, or  
 1098 worn steel-tower members  
 1099 3. installation of wildlife avoidance/shielding systems, reflectors, aerial marker-balls,  
 1100 navigation, or aircraft warning systems on existing structures (excluding strobes)  
 1101 4. use of herbicides (except for aerial applications), bush hog, mulcher, mower, and other  
 1102 light-duty equipment to control vegetation and establish or maintain ROW width that  
 1103 involve no new ground disturbance, with the exception of activities occurring within  
 1104 cemeteries or other previously flagged sensitive archaeological sites  
 1105 5. repair or replacement of above-ground conductors, ground wire, or fiber-optic cable using  
 1106 bucket trucks and truck-mounted spools; placement of fill or rocks around existing towers,  
 1107 structures, or culverts when the fill/rock comes from a commercial source or a previously

- 1108 reviewed and approved location, provided the work does not expand the original project  
 1109 footprint  
 1110 6. application of paint, coatings, or preservatives to transmission structures less than 50  
 1111 years old  
 1112 7. removal or replacement of wood poles that do not require additional horizontal ground  
 1113 disturbance and/or additional height greater than seven to 10 feet  
 1114 8. removal or replacement of TL structures that are less than 50 years old that do not require  
 1115 additional horizontal ground-disturbance or increased height  
 1116 9. line modifications, including conductor slides, cuts, and floating dead-ends, to modify  
 1117 ground clearance  
 1118 10. pull points for line re-conductoring on existing, previously paved, graveled, compacted, or  
 1119 fill-covered surfaces  
 1120 11. reinforcement of wood transmission structures with steel bracing-assemblies  
 1121 (e.g., PoleEnforcer brand)  
 1122 12. co-locate small wire telecommunication, electric distribution, or related hardware on  
 1123 existing transmission line structures where no ground disturbance is necessary  
 1124 13. maintenance, repair, or in-kind or functionally similar replacement of equipment or devices  
 1125 such as footings, grillage, and anchors inside the footprint on an existing TL structure  
 1126  
 1127 **F. New Construction**  
 1128  
 1129 1. construction of methane gas or electric generating-systems using commercially available  
 1130 technology installed within an existing landfill that has no potential to cause a visual effect  
 1131 an historic property  
 1132 2. construction or installation of water intakes within a documented area of disturbance that  
 1133 does not cause additional ground disturbance  
 1134 3. installation of temporary construction-related structures that would be in place for the  
 1135 duration of a project, including scaffolding, sediment-capture devices, barriers, screening,  
 1136 fences, protective walkways, signs, office trailers, or restroom facilities, which would cause  
 1137 no ground disturbance, and would not damage historic buildings/structures  
 1138  
 1139 **G. Administrative Actions and Grants**  
 1140  
 1141 1. property-protection activities that do not physically alter facilities or grounds  
 1142 2. administrative actions that do not involve, or result in, physical work on the part of TVA or  
 1143 any other party  
 1144 3. nondestructive and/or non-altering site characterization, data collection, study, inventory,  
 1145 and monitoring  
 1146 4. financial and technical assistance to promote energy efficiency or water conservation,  
 1147 including assistance in installing or replacing energy efficient appliances, insulation, HVAC  
 1148 systems, plumbing fixtures, and water heating systems, that does not alter the building  
 1149 exterior or historic fabric of the structure or interior character-defining spaces, and does  
 1150 not disturb the ground

- 1151 5. financial assistance, including approving and administering grants, loans, and rebates that  
1152 are strictly financial in nature to state, local, and private organizations and entities that are  
1153 strictly financial in nature
- 1154 6. financial assistance to purchase or replace equipment, so long as installation or use of the  
1155 equipment would not affect historic properties and is not a part of a larger undertaking
- 1156 7. agreements for the sale, purchase, or interchange of electricity not resulting in the  
1157 construction and operation of new generating facilities, or modifications to existing  
1158 generating facilities and associated electrical transmission infrastructure
- 1159 8. the purchasing or leasing, and subsequent operation, of existing combustion turbine or  
1160 combined-cycle plants located in or near a TVA transmission system for which existing  
1161 adequate transmission and interconnection to the power service area are available,  
1162 provided that planned TVA operation of such facilities is within existing TVA environmental  
1163 permit limits
- 1164 9. conducting or funding minor research and development projects or programs that do not  
1165 result in ground disturbance.

1166

**Appendix B - Activities that Require Additional TVA Internal Review**

1167 Activities described in Appendix B will be reviewed by TVA CRS, but will not initially require  
 1168 consultation with the Signatories. If CRS identifies a cultural resource and finds that conditions of  
 1169 Appendix B cannot be met as outlined in Stipulation III.C, TVA will proceed under Stipulation III.D.  
 1170 (“Standard Review Process”). All work on historic properties would be performed in accordance  
 1171 with SOI Standards. Any activities in Appendix B would not be within a known or identified National  
 1172 Register eligible, potentially eligible or undetermined archaeological resource or constitutes  
 1173 multiple activities as part of a larger project.

1174

1175 **A. Land Management and Improvements**

1176

- 1177 1. placing less than 500 linear feet of bank stabilization materials (e.g., gravel, riprap, etc.),  
 1178 where either no bank-shaping or bank-shaping less than or equal to a slope of 2:1 is  
 1179 required
- 1180 2. demolition of permanent building, equipment, structures, and recreational facilities, less  
 1181 than 50 years old that have not achieved exceptional historic significance during this  
 1182 period, or that have been previously determined (in consultation within the past 10 years)  
 1183 not to contribute to the significance of historic properties, and do not fall within a listed or  
 1184 eligible historic district, and where removal would be completed with minimal ground  
 1185 disturbance
- 1186 3. installation of new fencing and gate supports when the size of the pole is four inches or  
 1187 less in diameter
- 1188 4. prescribed burns in areas where the activity is contained entirely in open fields that do not  
 1189 have exposed cultural features
- 1190 5. planting bare rootstock in stands smaller than two acres
- 1191 6. trenching less than 12-inches-wide and 200-feet-long using a Ditch Witch® or similar  
 1192 equipment, where the trench depth does not exceed two feet
- 1193 7. preliminary on-site engineering and environmental studies, including (but not limited to)  
 1194 geotechnical borings and monitoring stations and groundwater test wells entailing a  
 1195 footprint of fewer than seven such locations clustered within two acres
- 1196 8. new culvert installation and berm construction of less than 20 feet in diameter industrially-  
 1197 modified areas, using on-site or commercially available soil, but excluding large, poured,  
 1198 box culverts
- 1199 9. installation of guardrails and exterior lighting using supports four inches or less in diameter  
 1200 within the existing right of way
- 1201 10. installation of habitat enhancement features, such as wildlife nesting or roosting boxes,  
 1202 that require ground disturbance
- 1203 11. activities to restore and enhance wetlands and riparian (i.e., aquatic) habitats, including  
 1204 minor revegetation and removal of debris and sediment following a natural or human-  
 1205 caused disturbance affecting less than two acres
- 1206 12. fill placement, excavation, or dredging (less than 25 cubic yards) in areas with no known,  
 1207 previously identified inundated sites
- 1208 13. ash-pond drain installations

- 1209 14. trail maintenance (including re-benching and trenching to restrict access) involving  
 1210 previously unreviewed areas that would require disturbance of less than two acres, and  
 1211 which are not part of a larger expansion or improvement to the recreational area  
 1212 15. removal and disposal of temporary buildings (such as trailers, command centers, and  
 1213 mobile units) where removal will be completed with minimal ground disturbance  
 1214  
 1215 **B. Building Maintenance and Rehabilitation on Buildings ≥50 Years Old, or Those That**  
 1216 **Have Been Identified As Achieving Exceptional Significance within The Past 50 Years**  
 1217  
 1218 1. lead-paint abatement conducted in accordance with Chapter 18 of HUD guidelines for  
 1219 evaluating and controlling lead-based-paint hazards (“Lead Hazard Control and Historic  
 1220 Preservation,” and carried out in accordance with *National Park Service (NPS)*  
 1221 *Preservation Brief No. 37, “Appropriate Methods for Reducing Lead Paint Hazards in*  
 1222 *Historic Housing”*)  
 1223 2. in-kind repair or replacement of roof cladding and sheeting, flashing, gutters, soffits, and  
 1224 downspouts on historic buildings or structures involving no change in roof pitch or  
 1225 configuration  
 1226 3. in-kind repair or replacement of siding or trim  
 1227 4. repair or repointing of chimneys or other masonry features on historic buildings or  
 1228 structures with the design, size, shape, mortar materials, and joint profiles matching the  
 1229 original in color, texture, hardness, composition and tooling; and, for historic properties,  
 1230 the approaches recommended in *NPS Preservation Brief No. 2, “Repointing Mortar Joints*  
 1231 *in Historic Brick Buildings”*  
 1232 5. securing or mothballing a historic property following *NPS Preservation Brief No. 31,*  
 1233 *“Mothballing Historic Buildings”*  
 1234 6. modifications necessary to comply with earthquake and hurricane codes following *NPS*  
 1235 *Preservation Brief No. 41, “The Seismic Retrofit of Historic Buildings: Keeping*  
 1236 *Preservation in the Forefront”*  
 1237 7. general clean-up, encapsulation, and removal or disposal of asbestos-containing  
 1238 materials from buildings and structures, provided no historic fabric is involved  
 1239 9. installation of new hydroelectric equipment including but not limited to turbines,  
 1240 generators, intake valves, surge tanks, pumps, spillway gates, sluice and radial gates,  
 1241 trash removal equipment (rakes, racks, and hoists), jib and gantry cranes, and control  
 1242 panels found both in the interior and on the exterior of hydroelectric facilities  
 1243 10. application of exterior paint to previously painted surfaces, when no historic decorative  
 1244 paint schemes or colors (e.g., graining, stenciling, marbling) will be covered by paint  
 1245 11. in-kind patching and resurfacing of exterior surfaces, such as stucco and concrete, to  
 1246 match existing materials with regard to material composition, consistency, texture, and  
 1247 color  
 1248 12. automating existing instrumentation anywhere on a dam where new conduit is needed  
 1249 13. cutting a new slot in a dam exhibiting concrete growth  
 1250 14. adding new interior or exterior safety and directional signs  
 1251 15. installing new post-tensioned anchors in a dam  
 1252 16. adding survey monuments and control points in a dam

- 1253 17. drilling a hole to install a seal in a concrete dam
- 1254 18. adding new dam-safety monitoring-instruments within public spaces of a dam,
- 1255 powerhouse, or facility
- 1256 19. installing platforms or ladders within public spaces within a facility
- 1257 20. routine installation, upgrades, replacements and/or modifications to structures in public
- 1258 spaces, including fire dampers, exit lights, and fire-protection, -alarm, and sprinkler
- 1259 systems; anti-freezing devices in existing sprinkler systems; corridors, stairways, smoke
- 1260 and motion detectors, security cameras, fire hydrants and associated piping, and
- 1261 emergency generators
- 1262 21. in-kind replacement of non-historic windows with new replacement windows
- 1263 22. renovations to restrooms and interior, non-public spaces (i.e., offices, break rooms, etc.)
- 1264 that have been previously renovated and which lack historic fabric
- 1265 23. in-kind repairs and replacement of walks, steps, and retaining walls at historic properties.
- 1266 24. installation, replacement, or repair of HVAC systems, provided no alterations are made to
- 1267 character-defining features, spaces, or historic fabrics
- 1268
- 1269 **C. Permitting**
- 1270
- 1271 1. easements, ROW, licenses, land use permits, and leases authorizing new individual
- 1272 activities listed in Appendix B
- 1273 2. approvals for minor structures located along the shoreline, such as single- or double-slip
- 1274 boat docks, boathouses, single ramps, and facilities such as steps, benches, and closed-
- 1275 loop heat exchangers, to be used by a single residence (excluding requests for water-use
- 1276 facilities associated with a new subdivision or other residential-complex development)
- 1277
- 1278 **D. Transmission Line and Associated Infrastructure Operation and Maintenance**
- 1279
- 1280 1. replacement of footings, grillage, and anchors outside the existing footprint of an existing
- 1281 TL structure
- 1282 2. tower extensions and replacement of existing structures, when the size of the increase is
- 1283 no more than 20 percent of the height of the existing structure
- 1284 3. installation of pull points for line re-conductoring, where the 100-foot-radius surrounding
- 1285 the pole needs improvement beyond adding gravel or ground covering for stabilization
- 1286 4. demolition of abandoned transmission-line assets on structures less than 50 years old
- 1287 5. replacement of wood transmission-line structures of any age that would require additional
- 1288 ground disturbance
- 1289 6. modifications and improvements to informal corridors (such as farm and logging roads) to
- 1290 establish access corridors, excluding paving
- 1291
- 1292 **E. Administrative Actions**
- 1293
- 1294 1. modifications to land use plans to rectify administrative errors, or to incorporate new
- 1295 information consistent with previously approved decisions included in the plan, or minor
- 1296 changes to land use allocations to a more restrictive or protective allocation, provided it is

- 1297 consistent with other TVA plans and policies; or amendments to land use allocations to  
1298 implement TVA shoreline-management or land-use policies, and provided no restrictions  
1299 were previously placed during Section 106 consultation  
1300 2. transfer of ownership or control of equipment or land rights involving less than two acres  
1301

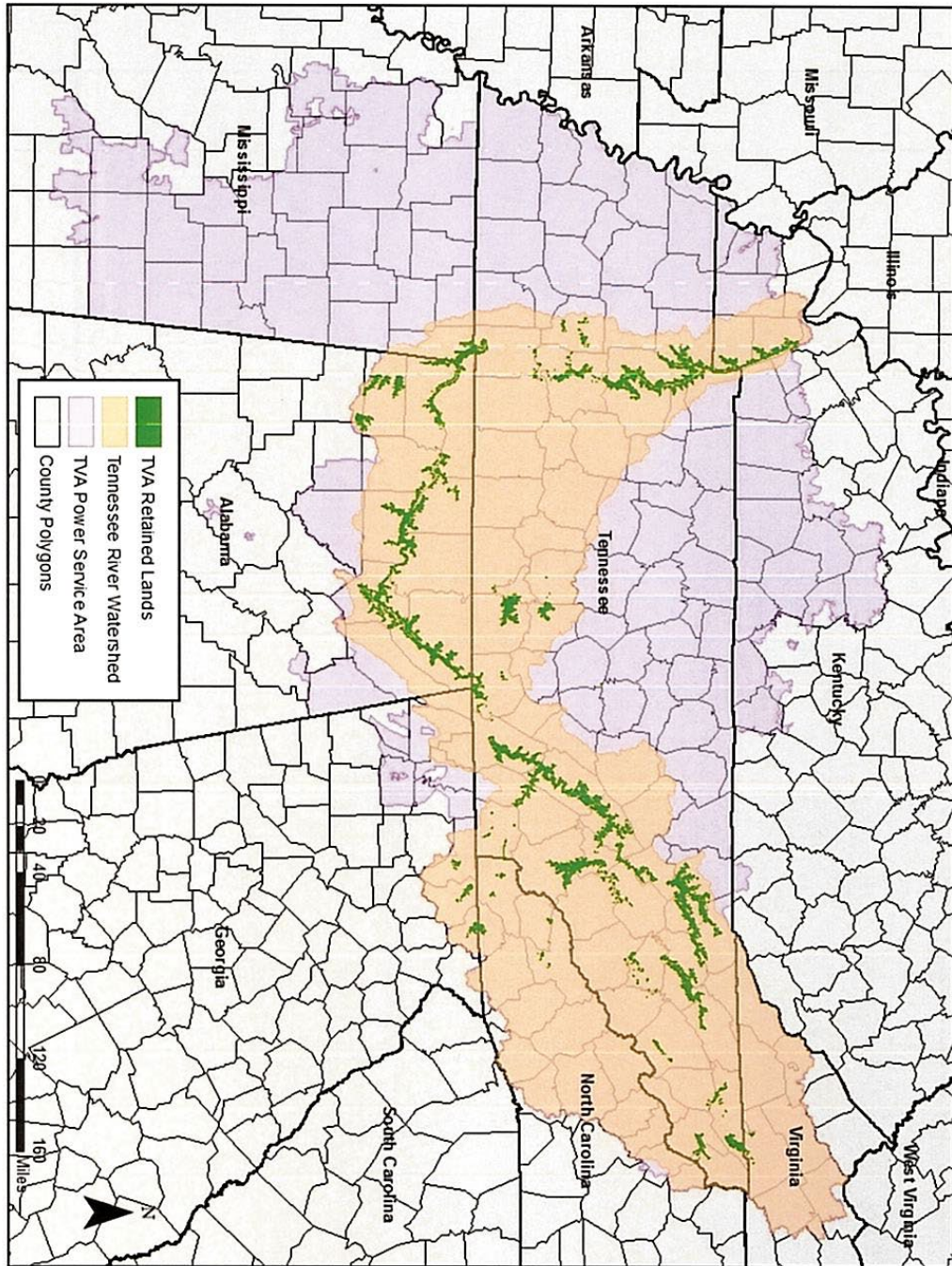
1302 **F. New Construction**

- 1303  
1304 1. installation of minor structures along the shoreline, such as single- or double-slip boat  
1305 docks, single ramps, and facilities such as steps and benches  
1306 2. installation of fish attractors in areas where no previously identified, inundated,  
1307 archaeological resources have been identified

1308  
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**Appendix C**  
**TVA Power Service Area Map, with Lands and Generation Facilities**





FY25 and FY26 Transmission System Vegetation Management

1310

Appendix D

1311

TVA 800.11(d) or 800.11(e), "Documentation Form"

Appendix D Documentation Form

D-1



**Tennessee Valley Authority**

**Finding of No Historic Properties Affected Documentation Pursuant to  
36 CFR 800.11(d)**

---

**REPORT TITLE**

**REPORT DATE**

**Tennessee Valley Authority  
400 West Summit Hill Drive  
West Tower 11D  
Knoxville, Tennessee 37902**



## Finding of No Historic Properties Affected Documentation Pursuant to 36 CFR 800.11(d)

### Description of The Undertaking

#### Project Information

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TVA CID	<input type="text"/>	State	<input type="text"/>
Project Lead	<input type="text"/>	County	<input type="text"/>
Project Reviewer	<input type="text"/>	TVA Property	<input type="text"/>
Related Project Record(s)	<input type="text"/>	Latitude	<input type="text"/>
		Longitude	<input type="text"/>
Project Type	Project Number		
Project Number	<input type="text"/>		

#### Description of the Undertaking

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Short Description	<input type="text"/>
Long Description	<input type="text"/>
Federal Involvement	Area of Potential Effects (APE)
<input type="text"/>	See Map of Geographic Scope Below

### Steps Taken to Identify Historic Properties

#### Consultation

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Consultation	<input type="text"/>
Consulting Parties	<input type="text"/>

#### Oral History Interviews

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Oral History Interviews	<input type="text"/>
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#### Background Research

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##### Environmental Context

Topographic Situation	<input type="text"/>
Soil Series and Minimum Slope	<input type="text"/>
Previous Disturbance(s)	<input type="text"/>
Current Land Use(s)	<input type="text"/>
Modern Vegetation	<input type="text"/>

##### Archaeological Potential

Previous Archaeological Surveys within APE	<input type="text"/>
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Previous Archaeological Survey References

Survey Coverage within APE

Presence of Archaeological Sites

Nature and Location of Known Archaeological Site(s)

Archaeological Potential if Survey Coverage is Partial, Unknown, or None

Likely Nature and Location of Archaeological Sites if High Potential

Survey Recommendation

**Historic Structures/Landscapes Potential**

Known or potential historic structures/landscapes with an unobstructed view of the project:

Existence of substantial modern visual intrusions exist within the viewshed:

If "Yes", list modern visual intrusions:

Field Survey Recommendation (Appendix B, if survey required)

**Basis for Finding No Historic Properties Present or Affected**

**Effect Finding for the Undertaking**



Map of Geographic Scope

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**TVA Archaeological Reconnaissance Form**

Administrative Information

Field Reviewer	
Fieldwork Dates	
Document Date	

Field Conditions

Percent Disturbed	
Surface Visibility	

Archaeological Field Methodology

Level of Effort	
Archaeological Field Methodology	
Survey Coverage	
Photographs	
Geographic Focus	

Results

Findings	
Calculated Total Acres Surveyed	
Reported Total Acres Surveyed	
Reported Total Shoreline Miles Surveyed	

Summary

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Recommendation

No further archaeological work	
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**External Archaeological Reconnaissance Form**

**Administrative Information**

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Surveyor	<input type="text"/>
Field Work Dates	<input type="text"/>
Document Date	<input type="text"/>

**Archaeological Field Methodology**

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Level of Effort	<input type="text"/>
Archaeological Field Methodology	<input type="text"/>
Survey Coverage	<input type="text"/>
Geographic Focus	<input type="text"/>

**Results**

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Calculated Total Acres Surveyed	<input type="text"/>
Reported Total Acres Surveyed	<input type="text"/>
Reported Total Shoreline Miles Surveyed	<input type="text"/>

**Summary**

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<input type="text"/>	<input type="text"/>
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## Appendix E Glossary

**aeration:** Using devices (typically pulled behind a riding mower) to break up thatch and compacted soil in lawns in commercial settings.

**aircraft warning devices:** Devices such as lights, signs, and marker balls. Signs and lights are placed on top of transmission-line structures. Marker balls are brightly colored balls placed around overhead ground wires to make them more visible to aircraft and birds.

**ash pond drainage:** Ditches excavated within the footprint of an ash pond to allow water to accumulate and drain from the surrounding ash. Excavated material is placed in windrows within the pond footprint so that it can drain and dry to reduce moisture.

**character-defining:** Elements including the overall shape of a building, its materials, artisanship, decorative details, interior spaces and features, as well as various aspects of its site and environment that contribute to its significance.

**construction matting:** Mats deployed to negate ground pressure exerted by heavy equipment. Mats will be in good condition to ensure proper installation, use, and removal. Mats will be placed one at a time such that vehicle treads do not disturb the ground surface within environmentally sensitive areas. In most cases, mats will be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic. No gaps will exist between mats. Mats will be placed far enough on either side of the resource area to rest on firm ground. Matting will be removed by "backing" out of the site, removing mats one at a time from behind the equipment as it moves along the exit path, placing each mat in the truck bed as it is removed. This ensures that the ground surface within the site is not disturbed by the vehicle tracks. The mats to be used will be selected in accordance with the weight of the construction equipment to be used in each area, such that no rutting will occur.

**Criteria Consideration G:** Properties that have achieved exceptional significance in the last 50 years (e.g., Tellico Dam).

**cultural resources:** A general phrase describing a wide variety of resources, including, but not limited to, archaeological sites, features, landscapes, historical sites, historic structures, natural feature of religious and cultural significance, traditional cultural properties, etc.

**cultural resources staff:** Archaeologists and architectural historians employed by TVA or staff-augmented archaeological or architectural historian contractors under the direct supervision of TVA staff responsible for making determinations regarding the applicability of this PA, and for certifying that all undertakings comply with applicable PA stipulations.

**curb cut:** A solid ramp graded down from the top surface of a sidewalk to the surface of an adjoining street, designed for pedestrian use.

**dam-safety monitoring instruments:** Instruments to manage dam safety, including, but not limited to, water-level gages, piezometers, seepage and leakage gauges, level and alignment surveys, and crack and joint measuring devices.

1361 **Equipment:**

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**Heavy-duty equipment:** Motorized construction and demolition machines. Examples include cranes, trucks with more than two axles, and tracked equipment. The term “heavy-duty equipment” is synonymous with “heavy machine,” “heavy truck,” and “heavy vehicle,” as these terms are commonly used interchangeably. Examples of heavy-duty equipment commonly used in TVA actions include triple-axle trucks, crawler-dozers, crawler-loaders, four-wheel-drive loaders, cranes, power excavators (whether wheeled or tracked, except mini-excavators), and dump trucks.

**Light-duty equipment:** Motorized vehicles such as pickup trucks, two-axle bucket trucks, mulchers, feller-bunchers, mowers, bush hogs, skid steers, compact track-loaders, and tracked mini-excavators.

**Low-pressure equipment:** Motorized machines, tracked or wheeled, designed to minimize ground pressure.

**Transmission-line components:** Hardware that is part of a transmission line, including structures (poles or towers), insulators, conductor, lightning arrestors, and ground and guy wires.

**emergency situations:** A disaster or emergency declared by the president or governor of a state or other immediate threats of damage to property or loss of human life, as designated by a TVA official.

**functionally similar:** Components of a transmission structure that are similar in design and function but, because of modern safety requirements, may be made of different materials.

**grillage:** A type of foundation used to support transmission structures with below-grade steel, connecting, tower legs designed to resist uplift and thrust forces by transferring loads to the ground. Related to **grillage surcharge**, which is gravel applied over grillage to provide additional weight and stabilization.

**ground disturbance:** Any activity that moves, alters, compacts, or penetrates the ground surface of previously undisturbed soils and sediments. Undisturbed soils possess intact and distinct natural soil horizons. Previously undisturbed soils and archaeological resources may occur below the depth of disturbed soils.

**hazard tree:** Dead or dying trees, dead parts of live trees, or unstable live trees that pose an imminent risk of falling into infrastructure (i.e., transmission lines, substations, roads, buildings) or of causing personal injury or fatality to humans.

**historic fabric:** Building material (masonry, wood, stone, metals, asbestos siding, etc.) from the period of the structure’s potential historical significance.

**historic property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. Historic property includes artifacts, records, and remains that are related to and located on such properties. The term includes properties of traditional religious and cultural significance to an Indian tribe or Native Hawaiian organization that meet National Register criteria (36 C.F.R. §800.16[l]).

- 1412 **historic structure:** Any historic architectural resource that is at least 50 years old.  
 1413  
 1414 **in-kind replacement:** Replacement for a historic element (i.e., >50 years old) that is either  
 1415 missing or beyond repair and which matches all physical and visual aspects of existing materials,  
 1416 including design, form, color, finish, texture, and workmanship, to the greatest extent possible,  
 1417 and does not exceed the existing vertical as well as horizontal disturbance.  
 1418  
 1419 **loading deck:** A staging area for loading timber and other materials onto transport vehicles.  
 1420  
 1421 **maintained surface:** An unpaved road surface (whether surfaced with dirt, gravel, or mulch) that  
 1422 is periodically improved by surface grading, patching, filling in holes, adding gravel, or other  
 1423 means (excluding paving).  
 1424  
 1425 **maintenance:** Activities to maintain existing facilities or structures within structural or functional  
 1426 standards, or to comply with federal regulations or guidelines.  
 1427  
 1428 **NAGPRA cultural items:** Human remains, associated funerary objects, unassociated funerary  
 1429 objects, sacred objects, and cultural patrimony (25 U.S.C. 3001[3]).  
 1430  
 1431 **post-tensioned anchors:** Anchors that hold a cable under tension within the interior concrete  
 1432 structure of the dam to tie it to substrate to deter further movement. The anchors are housed  
 1433 below steel plates, and the cables are not visible as they run within the structure and footing of  
 1434 the dam (and not within open spaces or galleries).  
 1435  
 1436 **public spaces:** Spaces within the interior of historic facilities that are accessible or visible to the  
 1437 visiting public or are designed to be accessible or visible to the visiting public (e.g., reception  
 1438 rooms, lobbies, generator rooms, restrooms, overlooks, control rooms).  
 1439  
 1440 **pull points:** The location on the transmission-line corridor where equipment pulls or provides  
 1441 tension to wire during installation or removal.  
 1442  
 1443 **re-benching:** Re-leveling the trail path by shaving a small portion of the uphill slope that has  
 1444 eroded, to allow for the trail to be widened back to its original configuration.  
 1445  
 1446 **rock bolts:** A long anchor bolt for stabilizing rock on an embankment. Transfers load from the  
 1447 unstable exterior to confined and much stronger interior of the rock mass.  
 1448  
 1449 **slot cut:** a thin cut into the concrete of a dam to control concrete expansion, similar to an  
 1450 expansion joint on a road or concrete bridge.  
 1451  
 1452 **Secretary's standards:** Refers to *The Secretary of the Interiors Standards for the Treatment of*  
 1453 *Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing*  
 1454 *Historic Buildings* (<http://www.nps.gov/hps/tps/standguide/>). Work carried out on historic properties  
 1455 must meet *The Secretary of the Interior's Standards for the Treatment of Historic Properties* to  
 1456 avoid an adverse effect to historic properties (see 36 C.F.R. §800.5[a][2][ii]).  
 1457  
 1458 **transmission tower/pole extension:** Modification to an existing structure that increases the  
 1459 wire-to-ground clearance.  
 1460  
 1461 **weed wrench:** a long-handled device attached to small shrubs and other woody vegetation, used  
 1462 to pull vegetation from the ground and remove invasive plant species.

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