

# Fiscal Year 2023 Tribal Consultation Progress Report

**October 1, 2022 - September 30, 2023**

**Progress Report on Tennessee Valley Authority's (TVA) Detailed Plan of Actions  
to Implement the Policies and Directives of Executive Order 13175**

## Introduction to TVA

TVA is a corporate agency of the United States of America that provides electricity for business customers and local power distributors serving ten million people in parts of seven southeastern states. TVA receives no taxpayer funding, deriving virtually all of its revenues from sales of electricity. In addition to operating and investing its revenues in its electric system, TVA provides flood control, navigation and land management for the Tennessee River system, and assists local power companies, and state and local governments with economic development and job creation.

TVA is an organization focused on generating prosperity in the Valley and improving the quality of life of the Valley residents; the agency's current goals and values continue to reflect the original mission of serving the people of the Tennessee Valley: "To improve the navigability and to provide for the flood control of the Tennessee River; to provide reforestation and the proper use of marginal lands in the Tennessee Valley; to provide for the agricultural and industrial development of said Valley; to provide for the national defense by the creation of a corporation for the operation of Government properties at and near Muscle Shoals in the State of Alabama, and for other purposes."

It is within this broad framework that TVA works to manage the agency's historic properties and comply with various cultural resource laws.

## Agency Point of Contact

TVA's Tribal Consultation Official (TCO) has the principal responsibility for the implementation of Executive Order (EO) 13175. Following the "Guidance for Implementing Executive Order 13175," the TCO designated a Tribal Liaison to assist in the performance of the duties under this EO and tribal consultations.

Rebecca Tolene, Vice President, Environment, served as TCO from September 2022-July 2023. Marianne M. Shuler, Senior Specialist, Archaeologist was designated Tribal Liaison during this time.

In July, the Cultural Compliance unit of Environment moved to External Relations. Melanie Farrell, Vice President of External Strategy and Regulatory Oversight serves as TCO. Meg K. Cook, Senior Specialist, Archaeologist is designated Interim Tribal Liaison.

## Plan of Action to Implement EO 13175

In compliance with the Presidential Memorandum of November 5, 2009 (Tribal Consultation), TVA prepared an action plan to implement the policies and directive of EO 13175 in 2010 and has submitted annual progress reports since that time.

On April 21, 2021, TVA prepared an updated action plan to implement the policies and directives of EO 13175 as required by the Presidential Memorandum of January 26, 2021 (Tribal Consultation and Strengthening Nation-to-Nation Relationships). This detailed plan of action was developed in consultation with federally recognized Indian tribes (Tribes). TVA's detailed plan of action can be accessed by visiting TVA's Tribal Relations website at [tva.com/tribal](http://tva.com/tribal).

TVA began drafting its Tribal Consultation Standard Policy & Procedure (SPP) in order to meet the EO 13175 requirement for federal agencies to have an "accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." The SPP will expand on TVA's consultation process outlined within this detailed plan of action. TVA will review and update this policy on a four-year cycle, or more frequently if required.



## Strengthening Nation-to-Nation Relationships

The federal Indian trust responsibility is a legal obligation under which the United States "has charged itself with moral obligations of the highest responsibility and trust" toward Indian tribes (Seminole Nation v. United States, 1942). As such, TVA's relationships with Tribes are treated as partnerships. Since 2015, TVA has made efforts to provide partnership and engagement opportunities to strengthen TVA's relationship with Tribes, and to encourage meaningful interactions between tribal representatives, TVA staff, and the public.

TVA regularly consults with 23 federally recognized Tribes that have a religious or cultural interest in the Tennessee Valley. These tribes are as follows:

- Absentee Shawnee Tribe of Indians of Oklahoma
- Alabama-Coushatta Tribe of Texas
- Alabama-Quassarte Tribal Town
- Cherokee Nation
- The Chickasaw Nation
- The Choctaw Nation of Oklahoma
- Coushatta Tribe of Louisiana
- Delaware Nation
- Eastern Band of Cherokee Indians
- Eastern Shawnee Tribe of Oklahoma
- Jena Band of Choctaw Indians
- Kialegee Tribal Town
- Mississippi Band of Choctaw Indians
- Monacan Indian Nation
- The Muscogee Creek Nation
- Osage Nation
- Peoria Tribe of Indians of Oklahoma
- Poarch Band of Creek Indians
- Quapaw Nation
- The Seminole Nation of Oklahoma
- Shawnee Tribe
- Thlopthlocco Tribal Town
- United Keetoowah Band of Cherokee Indians in Oklahoma

## Government-to-Government Consultation

Federal agencies are required to consult with Tribes on a government-to-government basis. The establishment of strong relationships built on open communication and respect is vital to ensuring tribal consultation is conducted in an appropriate manner.

TVA staff is committed to building and maintaining strong relationships with these Tribes, and continually looks for opportunities to partner with them. TVA also incorporates tribal visits and participation opportunities into its National Historic Preservation Act (NHPA) Section 106 undertakings and Section 110 management activities when possible. TVA consults with Tribes in a variety of ways.

### Teleconferences and Face-to-Face Meetings

TVA consults with many Tribes who are removed from the Tennessee Valley. To facilitate ongoing relationships, TVA instituted a regular monthly teleconference. These teleconferences are mutually beneficial and encourage communication between the agency and the Tribes. Each month, TVA provides the opportunity to discuss current projects, issues, and pertinent activities. Agenda items can include NHPA Section 106 projects, any Archaeological Resources Protection Act (ARPA) violations and permit requests, Native American Graves Protection and Repatriation Act (NAGPRA) work, inadvertent discoveries of sensitive items, upcoming events, and other business that needs to be discussed. TVA held 11 monthly calls in FY 23.

In November 2022, TVA established a second monthly teleconference for NAGPRA consultation. Acknowledging that NAGPRA often involves sensitive subject matters, TVA utilizes this meeting to discuss Tribes' specific needs and requests and TVA's progress to fulfill its responsibilities under NAGPRA.

### TVA Annual Tribal Consultation Meeting

Between 2002 and 2017, TVA held a week-long consultation workshop every five years with intermittent shorter face-to-face consultation meetings with tribes as needed. TVA held face-to-face consultation meetings on NAGPRA in 2014, 2016, 2018, and 2019. Additional face-to-face meetings were hosted to allow TVA and tribal representatives to discuss issues and provide updates regarding TVA's compliance with NHPA and ARPA. Throughout 2018, TVA requested Tribal participation in multiple face-to-face meetings, requiring Tribal Representatives to travel frequently. In consideration of Tribes' time and travel, TVA established an annual week-long consultation meeting in May of each year. In May 2021, TVA held the inaugural annual meeting, during which time discussions were centered around NAGPRA, ARPA, NHPA, reinterment and other topics. Due to Covid-19, this meeting was held virtually in 2021 and 2022.



In May of 2023, TVA resumed in-person attendance at the annual meeting, hosting 18 representatives from nine of twenty-three Tribes TVA consults with attended the annual meeting. The following Tribes were in attendance:

- Absentee Shawnee Tribe of Indians of Oklahoma
- Cherokee Nation
- The Chickasaw Nation
- The Choctaw Nation of Oklahoma
- Eastern Band of Cherokee Indians
- The Muscogee Creek Nation
- Osage Nation
- Shawnee Tribe
- Thlopthlocco Tribal Town

On the first day of the meeting, Tribal Representatives joined TVA staff for a tour of the University of Tennessee Repository facilities, where archaeological artifacts and individuals removed from the Tennessee Valley are housed.

Day two included a tour of the University of Tennessee McClung Museum's Native Peoples exhibit, developed in collaboration with Tribal Representatives and TVA. The

consultation meeting opened with a traditional prayer by Mr. David Frank, Tribal Historic Preservation Officer with the Thlopthlocco Tribal Town. This meeting was a closed session for Tribes and limited TVA staff only. Culturally sensitive subject matters including reinterment, NAGPRA, ARPA permitting, and inadvertent discoveries were discussed in detail. TVA provided an update on its reinterment project and then discussed the TVA NAGPRA Plan of Action. At the end of the day, TVA provided an update on site monitoring and protection efforts.

Day three opened with an introduction to the TVA Council of Native Americans by its founder, Andrew Gordon. The Council of Native Americans is an Employee Resource Group (ERG) which provides support and visibility for Native American staff members at TVA. Additional consultation included an update on TVA's Cultural Resources Management Program and Section 106 Program. TVA also provided informal sessions regarding generation of solar electricity in the Tennessee Valley and River Operations, to broaden perspectives on the agency's actions. During the second half of the day, consultation focused on Tribal relations and the National Historic Preservation Act. An off-site tour of TVA's Norris Dam was provided late in the afternoon.

The annual meeting closed out on day four with a Sacred Site visit. Tribal Representatives joined TVA staff by boat to view Marble Bluff Cave and Painted Rock Sites in Roane County, Tennessee. Tribal members and TVA staff shared a long lunch outdoors at the Huffine Island site.

TVA plans to hold the 2024 annual meeting face-to-face in Knoxville or Chattanooga, Tennessee.



## Reinterment

TVA has committed to provide up to three regional locations (west, east and middle regions of the Tennessee Valley) for the purpose of reburial of NAGPRA cultural items excavated from TVA land prior to 1990 for Tribes with an interest in the Tennessee Valley. In consultation with the Tribes, TVA executed a memorandum of agreement (MOA) that outlines the roles and responsibilities for moving forward with this commitment. The Reinterment MOA has been signed by twelve Tribes. TVA has initiated consultation on the reburial location for the middle region and is currently working on the implementation plan for use of this location. TVA has initiated consultation on two locations that could potentially be used for the second reinterment site. TVA has also identified potential tracts of land available for the west region reburial site.

TVA also works with Tribes to provide individual reburial locations for inadvertent discoveries and other remains that can be returned to their original location or nearby. On September 8th, TVA facilitated the reburial of Native American Ancestors and funerary objects on TVA land for the Eastern Band of Cherokee Indians (EBCI). The reburial was unique in that these Ancestors and objects were not from TVA's NAGPRA collection. TVA makes efforts to provide Tribes reburial opportunities if Ancestors were removed from what is now TVA land even if not under TVA's NAGPRA responsibilities. These efforts strengthen relationships and show TVA's long-term commitment to our Tribal partners.



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## Partnerships

Since 2015, TVA has increased its efforts to establish partnerships with Tribes. Establishing mutually beneficial partnerships helps TVA build new relationships with Tribes that go beyond legal consultation requirements. These partnerships have bolstered existing relations, providing opportunities to document cultural histories from a tribal perspective, tell a more accurate story of the archaeology of Native American resources, and created opportunities for Tribes to visit their ancestral homelands. These partnerships exemplify TVA and Tribal collaboration to promote, protect, and steward important natural and biological resources.

### American Rivers Cherokee Film

TVA is partnering with American Rivers to complete a 10-minute documentary film celebrating the deep traditional connections of the Cherokee Indians with rivers, particularly the Little Tennessee River Basin, a tributary to the Tennessee River. American Rivers will partner with the Eastern Band of Cherokee Indians (EBCI) in producing the film. It will be a collaborative venture of EBCI Natural Resources and American Rivers. Healthy rivers are critical to the lives of the Cherokee people both past and present. The three key points of the film include (1) the deep connection and importance of the river to the EBCI, (2) the water quality and biodiversity of the Little Tennessee and Tuckasegee Rivers and (3) the ways in which current EBCI community is improving the river. The completed film will be used to promote and enhance the continuing cultural and environmental stewardship of the Little Tennessee River watershed.

## Cultural History Project

TVA began its Tribal Cultural History Project in 2021. This project is intended to create geographic historical narratives of tribal presence in the Tennessee Valley through collaboration with Tribes. The narratives focus on the physical locations and specific time periods during which the participating tribal nations were present in the TVA service area. It is intended that these histories will reflect the Tribes' perspectives on the historical and archaeological data that is collected. In 2021, TVA consulted with Tribes on this project and developed individual bibliographies and research proposals for each Tribe that requested participation. The focus in 2022 was to conduct oral history interviews, collect data and draft research reports for seven Tribes who were interested in participating in this project. The following Tribes are participating in this project: Absentee Shawnee Tribe of Oklahoma, Alabama Coushatta Tribe of Texas, Chickasaw Nation, Choctaw Nation, Delaware Nation, Eastern Band of Cherokee Indians and The Muscogee Creek Nation. In 2023, the project has continued with additional research, consultation on draft reports, and finalizing historical reports. The narratives included in these reports will be designed so that information from them and the derived mapping datasets (to the extent permissible by the tribe whose history is being discussed) can be readily adapted for use in the cultural history sections of CRM archaeology reports. The narratives will also serve as resources to inform future planning, project development, and tribal consultation activities by TVA.

## Native American Archaeological Partnership

As part of its NHPA Section 110 activities, TVA has held eight archaeological field schools since 2015. Tribal

representatives have participated in both geophysical surveys as well as excavations at significant Native American sites on TVA land. This partnership provides opportunities for archaeologists to work side by side with Tribes and engage in fieldwork which promotes understanding of Native American culture and ways of life through tribal community-based archaeology. Tribal representatives gain archaeological field experience while visiting important sites in their ancestral homelands. This partnership provides a collaborative environment for Tribes to engage with archaeologists and improves archaeological surveys so that TVA may better interpret the site for the people of the Valley.

### Native Plant Partnership

TVA continues to work with tribes to develop a native plant partnership and hopes to facilitate resource gathering opportunities on TVA land in the future. During TVA's Annual Tribal Consultation meeting in May 2021, TVA discussed the potential for rivercane gathering and other traditional plant species that Tribes may be interested in collecting from TVA land. This partnership is utilizing Indigenous Traditional Ecological Knowledge (ITEK) and tribal expertise with the goal of providing locations for Tribes to collect and harvest native plants in the future.

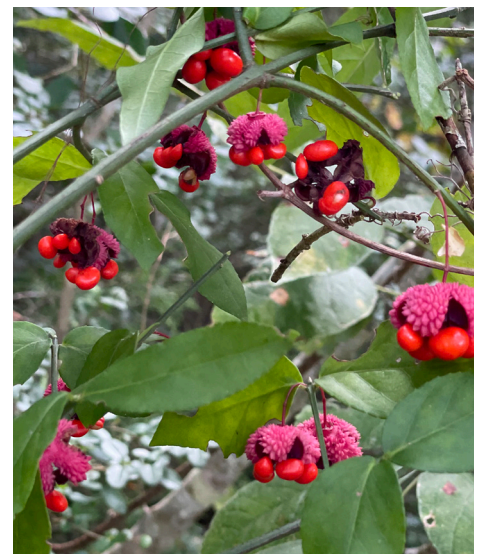
In 2021, TVA and Tribes began to propagate native plants, and to develop educational signage for use at native plant habitats. TVA is proposing to plant and/or restore rivercane on TVA land adjacent to Tellico Reservoir and near the Overhill Cherokee village site of Halfway Town. TVA conducted a noninvasive archaeological survey in preparation for this plant partnership (see NHPA). This

survey not only identified possible areas that can be used for the planting partnership but also provided new and important information that can help TVA better manage and protect the Cherokee village Halfway Town.

Tribal member and ethnobotanist Roger Cain (United Keetowah Band of Cherokee Indians or UKB) presented a webinar about the importance preserving culturally significant plants and gave insight into potential conservation projects. TVA published a news article promoting Cain's role in this partnership in 2023.

Also in 2023, TVA worked with Tribal rivercane experts (Cain-UKB and David Anderson-EBCI), TVA Natural Resources staff and the Tennessee Wildlife Resources Agency to develop a rivercane project on TVA land. Caleb Hickman from the Eastern Band of Cherokee Indians provided cane and worked alongside TVA and TWRA to plant 100 rivercane saplings near a historic Cherokee Village in East Tennessee. TVA staff will continue to monitor plant environment and growth in hopes of creating a collection site for future Tribal use.

In 2022, TVA proposed to plant native plants at the Cherokee Removal Park, located at Blythe Ferry in Meigs County, Tennessee. Blythe Ferry is where thousands of Cherokee, Creek, and Seminole people were forced to cross the Tennessee River and leave their ancestral homelands. This park memorializes this forced removal known by many as the Trail of Tears. TVA met with members of the Eastern Band of Cherokee Indians to gain tribal knowledge and preference on native plant species.



In 2023, TVA archaeologists and Council of Native Americans Employee Resource Group members removed invasive species and non-native plants and collected trash along portions of the Trail of Tears and the surrounding visitor center at the Cherokee Removal Park. Utilizing Tribal expertise and recommendations on plant species, TVA Natural Resources staff contracted with a nursery to seed and grow native species, which were planted in September. TVA plans to install educational signage with plant names in native languages as well as other relevant information in the future.

### Sicklefin Redhorse Cooperative

In 2016, the Sicklefin Redhorse Candidate Conservation Cooperative Agreement ([www.sicklefin.org](http://www.sicklefin.org)) was signed. This is a multi-agency agreement to help save the sicklefin redhorse which is only found in the Hiwassee and Little Tennessee River basins in North Carolina and Georgia. These fish, among other species, have been historically important to Native Americans. TVA and the Eastern Band of Cherokee Indians are signatories to this cooperative agreement and since its signing have worked side by side to manage, monitor and enhance the sicklefin redhorse populations. To date over 18,453 fingerling Sicklefin redhorse have been reintroduced into the Oconaluftee River drainage above Ela dam.



## Outreach & Engagement

A major goal of TVA's Tribal Relations Program is to increase Native American cultural awareness and improve understanding of TVA's government-to-government relationship with Tribes. TVA provides outreach and engagement opportunities so that employees and the public can learn about Tribes and their ancestors that once lived in the Tennessee Valley. These opportunities encourage meaningful cultural interaction between TVA staff, the public, and tribal representatives.

### Native American Heritage Month & Indigenous Peoples Day

Beginning in 2018, in conjunction with Native American Heritage Month, TVA interviews and highlights a Tribal member in an article that is posted both internally and externally for TVA employees and the public to learn about Native Americans today and to honor those Tribes who once lived in the Tennessee Valley. In 2021, Mr. Jake Tiger of The Seminole Nation of Oklahoma was highlighted. His interview and past interviews can be accessed via TVA's Tribal Relations Website. In 2022, Roger Cain (United Keetowah Band of Cherokee Indians) was featured in a news article by TVA. Cain shared his expertise in rivercane and praised the importance of native plant partnerships. TVA employee Andrew Gordon (Red Cliff Ojibwe) was also highlighted in 2022, sharing his newly formed Employee Resource Group (ERG) the TVA Council of Native Americans. The group meets monthly to provide resources for Native staff and visibility to Native perspectives across the agency.

### Native American Engagement Events

TVA began establishing Native American Engagement Events following its 2021 Detailed Plan of Action to execute Executive Order 13175 on Tribal Consultation. These events are intended to strengthen TVA's relationship with Tribes, raise awareness of Native American culture, and encourage meaningful interaction between Tribes and TVA employees. In Fall of 2023, a virtual panel discussion with Tribal members and TVA's Transmission and Operations working groups is proposed. This two-hour panel discussion has the goal of discussing the U.S. Government's responsibility to Tribes, NAGPRA, ARPA, and the importance of outreach and education. These opportunities provide engagement with TVA staff beyond the Cultural Compliance group, increasing the visibility of projects which affect Tribes from the Tennessee Valley.



### Day of Caring: Cherokee Removal Memorial Park & Sequoyah Birthplace

TVA strives to improve the lives of the people of the Valley by providing employee volunteers to support projects throughout the power service area. These projects occur over the course of a standard work day, or Day of Caring. In July of 2023, a Day of Caring was held at the Sequoyah Birthplace Museum in Vonore, Tennessee. Staff from TVA's Cultural Compliance and the Council of Native Americans Employee Resource Group (ERG) worked to paint and weather-seal outdoor seating and amphitheater areas at the site. Museum staff presented an overview of the historical significance of Sequoyah, the Eastern Band of Cherokee Indians, and the importance of language to their culture. This demonstrated the importance of Tribal partnerships with employees who may not otherwise be reached by engagement.

### Honoring the Long Man Event

TVA participated in the Eastern Band of Cherokee Indian's Honoring the Long Man Event on September 8th in Cherokee, North Carolina. The Long Man (The River) is of great importance to the Cherokee people. This event coordinated a river clean up with countless volunteers, a native plant giveaway to Tribal citizens, and an outdoor educational event for Cherokee youth from the Kituwah Academy. The Kituwah Academy is the EBCI language immersion school focused on teaching the Cherokee language to Tribal children. The kids, grades K-6, visited various booths to learn about ecosystems, animals and plants all related to the river. TVA partnered with the EBCI Tribal Historic Preservation Office to talk about the

importance of rivercane historically and its importance to Cherokee culture today.

### Oka Kapassa Festival

The Oka Kapassa Festival ([www.okakapassa.org](http://www.okakapassa.org)) celebrates Native American culture and remembers the forced Indian removal in Tusculumbia, Alabama. TVA has been a sponsor of this event for many years and continued its support in 2023. Federally recognized Indian tribes from all over the United States attended this event. TVA staff from Cultural Compliance and the Council of Native Americans ERG participated by sharing the importance of Tribal relations and archaeological preservation with over 800 fourth and fifth grade students and countless members of the public on September 8th and 9th.





## Monroe County Hot Air Balloon Festival & Cherokee Arts and Crafts Festival

TVA supported two separate events at the Sequoyah Birthplace Museum in Vonore, Tennessee, operated by the Eastern Band of Cherokee Indians. East Tennessee’s largest hot air balloon event was held on September 2-3 and the Cherokee Arts and Crafts Festival was held on September 9-10. TVA Cultural Compliance staff spoke to members of the public about the importance of Tribal relations as well as our shared history in the Tennessee Valley. The Council of Native Americans ERG attended both events, sharing TVA’s message of inclusion with diversity, including Native American perspectives.

## Volunteer Site Stewardship Workshops

TVA established A Thousand Eyes Volunteer Site Stewardship Program in 2015 (see description in ARPA section). This program trains members of the public to assist in the protection of archaeological resources on TVA land. During training events, Tribal partners serve as instructors alongside TVA staff. In October 2022, Miranda Panther (Eastern Band of Cherokee Indians) led part of the training, providing tribal perspective which is vital when educating volunteers about the importance of protecting Native American resources. To date, 60 volunteers have completed the program.

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## Sacred Sites, Traditional Cultural Places, Traditional Cultural Landscapes

TVA is responsible for the management of many culturally significant sites and landscapes that are considered sacred by Tribes and has implemented the following projects to better manage and protect Indigenous sacred sites. To strengthen relationships with federally recognized Indian tribes (Tribes) and show that TVA is committed to the



protection of and tribal access to sacred sites, TVA signed the November 16, 2021 MOU Regarding Interagency Coordination and Collaboration For the Protection of Indigenous Sacred Sites. The executed MOU can be accessed by visiting TVA’s Tribal Relations website at [tva.com/tribal](http://tva.com/tribal).

During the past year the Interagency Sacred Sites Team has been drafting a Best Practices Guide for Federal Agencies Regarding Tribal and Native Hawaiian Sacred Sites. In August of 2023, the Team held a 3-hour Tribal Consultation Meeting to take comments from Tribes on its Draft Sacred Sites Best Practices Document. All 574 federally recognized Indian Tribes and Native Hawaiian Organizations were invited to attend. Five Tribal Nations that have an interest in TVA’s PSA were in attendance: Delaware Nation, Chickasaw Nation, Osage Nation, Choctaw Nation of Oklahoma and the Cherokee Nation. Tribes provided numerous suggestions and revisions to the draft document that focused on increased and earlier consultation, confidentiality, and training.

## Stone Features Project

Since 2016, TVA has been consulting with Tribes regarding above ground stone resources and their surrounding landscapes. Tribes have indicated that some of these locations should be considered sacred sites that could also be considered traditional cultural places and potentially be a part of a larger traditional cultural landscape. In 2018, TVA began a project to better understand significant stone cairns and other stone features on TVA land. A team of TVA staff, contracted archaeologists, and tribal experts was formed to participate in this project. TVA consulted with the Tribes on research opportunities and survey methods that could be utilized to better understand these resources.

Between 2018 and 2019, experts from seven different Tribes visited the Tennessee Valley to provide insight and assist in this work. Based on input received from the Tribes, TVA employed the use of Native Plant Survey, K9 survey, LiDAR, and Aerial Imagery during examination of stone features. In consultation with Tribes and State Historic Preservation Officers, TVA created a stone features management plan and recordation forms to enable consistent documentation and ongoing management of these resources.

In 2023, TVA finalized the stone features recordation form and management plan. Staff and contracting archaeologists will attend a training to ensure consistent use of the plan and forms to maximize the efficacy of this work.

### Removal Route Project

TVA has been consulting with Tribes regarding Native American Removal Routes (RR) and surrounding landscapes that hold cultural and religious significance. Some of these RRs are considered sacred sites and traditional cultural places that could potentially be a part of a larger cultural landscape. In 2019, TVA began a multi year mapping project to document and record intact portions of RRs and associated archaeological sites located within TVA's PSA into a geographic information system (GIS). This area encompasses the entire state of Tennessee and portions of Alabama, Georgia, Kentucky, Mississippi, North Carolina, and Virginia. TVA has initiated discussions with Tribes regarding this project and gathered information from those with an interest in this work. In depth archival research was conducted in FY20 and FY21, including seeking information from the seven state Trail of Tears offices.

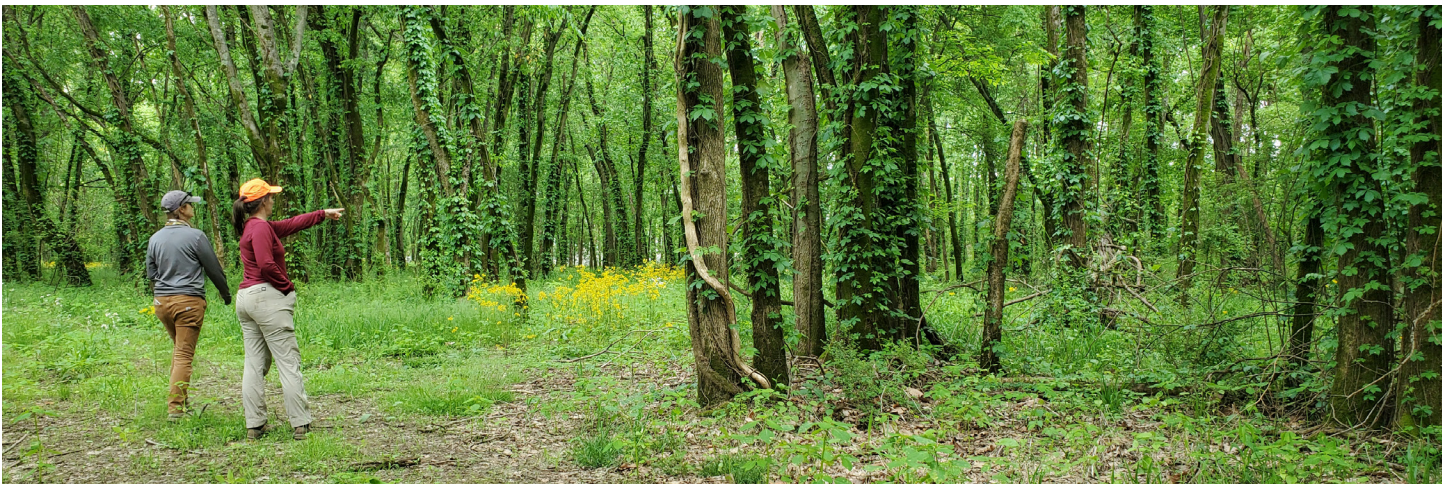
At present, TVA has established a map of known RRs and sites across TVA's PSA to better manage these sensitive resources and improve project planning to avoid them when possible. In 2023, TVA provided the Tribes map data with RRs relevant to their Tribe and conducted field conditions assessment of all RRs that intersected TVA fee owned land. Brittini Smith of the Chickasaw Nation assisted in conducting this field conditions assessment.

### Chokkilissa Old Town National Register Nomination

The Chickasaw Nation has requested TVA nominate the Chokkilissa Old Town for listing in the National Register of Historic Places (NRHP) as a Traditional Cultural Property (TCP). The Chokkilissa Old Town is a culturally and historically significant place for The Chickasaw people. TVA's Tupelo Power Service Center facility resides on one of the remaining intact remnants of Chokkilissa Old Town. The Chickasaw Nation has completed the NRHP nomination form and has asked TVA to formally nominate the site. The nomination was sent to the Keeper of the NRHP in 2023, and comments were received. TVA will work with the Chickasaw Nation to resubmit the nomination in the future.

### Archaeological Site Protection Projects

In 2023, TVA staff initiated a project to protect an archaeological site in Lauderdale Count that had been desecrated by illegal looting. TVA facilitated the reburial of ancestral remains with the Eastern Band of Cherokee Indians at this site. Site protection and remediation efforts were executed by TVA including the installation of more than an acre of riprap at the site, as well as other extensive protection measures. TVA also protected known burial sites which are impacted by severe erosion and vandalism utilizing shoreline stabilization methods.



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## American Indian Religious Freedom Act

TVA consults with Tribes regarding sacred Native American objects of religious and cultural significance under AIRFA. In addition, TVA transfers certain funerary objects that do not meet the definition of “cultural items” under NAGPRA (i.e., non-NAGPRA funerary objects) to Tribes. In June 2023, TVA transferred objects meeting these criteria to the Chickasaw Nation as a part of a larger physical transfer of Ancestral remains and cultural items.



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## Archaeological Resources Protection Act

TVA provides quarterly updates to Tribes on its ARPA program and efforts. Permits issued under ARPA may involve research proposals or archaeological work on TVA land that may result in the harm or destruction of a religious or cultural site. Prior to issuance of any such ARPA permit, TVA consults with Tribes on the proposed research proposal or archaeological work as required under Section 4 of ARPA. TVA consulted on four ARPA permits during this fiscal year.

Pursuant to Section 10 of ARPA, TVA established its Thousand Eyes Outreach program in 2003 to increase public awareness of the significance of the archaeological resources located on its public lands. Under the Thousand Eyes Outreach program, TVA established the Volunteer Site Stewardship Program that trains members of the public to monitor archaeological resources on TVA land. To date TVA has trained 60 members of the public to assist in this work. On November 5-6, 2022, a training course was held at Sequoyah Birthplace Museum.

TVA cultural compliance staff collaborates with TVA law enforcement to host ARPA Saturation Events. Some saturation events, which may include cultural compliance staff, will focus on enforcement with a sudden and dramatic increase in police presence specifically focused on a particular area or activity. The events increase offender perceptions that they will be caught and punished. Other events will also incorporate a public education aspect, coordinated with cultural compliance staff, to engage the public to ensure that they understand and comply with state and federal laws and to share information about how to notify TVA if they see wrongdoing. TVA held six saturation events in fiscal year 2023 on the following reservoirs: Pickwick (January), Kentucky (February), Hiwassee (March), Pickwick (April), Wheeler (June), and Kentucky (September).

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## NAGPRA Compliance

TVA consults with Tribes regarding the repatriation and disposition of human remains and other cultural items as defined in NAGPRA. Over the past ten years, TVA has repatriated over 9,000 ancestral remains and over 170,000 funerary objects and completed disposition of over 55 ancestral remains and over 100 funerary objects. TVA continues to inventory and assess its collections in order to move forward with returning Native American human remains and cultural items to Tribes.

TVA executed a Comprehensive Agreement in 2020 that outlines the process for how TVA will respond to post-1990 inadvertent discoveries of human remains on TVA lands. To date, this agreement has been signed by TVA and six Tribes. TVA is currently drafting guidance documents for dispositions and repatriations and anticipates their completion in 2024.

In November 2022, TVA initiated consultation on an updated inventory of human remains and cultural items as well as a Notice of Inventory Completion (NIC). In the NIC, TVA finds that Federally recognized Indian Tribes with interest in the Tennessee Valley have geographic affiliation with the Ancestral remains in our care. The NIC was published in the Federal Register in March 2023, effectively completing the legal process for NAGPRA and making individuals available for repatriation.

TVA has consulted on a NAGPRA Plan of Action and Consultation Schedule, which guide and outline the process for TVA NAGPRA work moving forward. TVA intends to consult on a Draft Care and Trust Agreement in 2024. All ancestral remains and objects will remain in the physical possession of TVA until Tribes are prepared to transfer. Ongoing site-by-site NAGPRA consultation will occur in the coming months.



In late June of 2023, TVA met with the University of Tennessee and the Chickasaw Nation to facilitate the physical transfer of hundreds of individuals and their funerary objects. Reinterment of the individuals occurred outside of TVA lands.

## NHPA Compliance

As required by Section 106 of NHPA, TVA provides notification to the tribes of proposed undertakings. TVA consulted with Tribes on over two hundred eighty-six Section 106 undertakings since October of 2022. In 2023, TVA consulted with Tribal partners to make notification letters more concise for projects executed by TVA staff. The consolidated letters allow for less redundancy in the information provided. Other measures are being considered to increase timeliness of project consultation.

Under Section 110 of NHPA, TVA completed an archaeological survey of 80 acres across the Tennessee Valley. Additionally, TVA executed a Programmatic Agreement (PA) for Section 106 undertakings within TVA's Power Service Area (PSA) pursuant to 36 C.F.R. § 800.14(b) (2). Thirteen of the twenty-three Tribes that TVA consults with have signed the PA. The PA was also signed by the Advisory Council on Historic Preservation (ACHP) and seven State Historic Preservation Offices (SHPOs). TVA will consult on Section 106 undertakings following the PA with all Tribes. TVA continues to work with those Tribes who have chosen not to sign the PA. TVA is currently engaging with Tribal partners regarding potential amendments to the PA and its Appendices.

## Cultural Resources Management System (CRMS)

In 2017, TVA began developing an information technology (IT) system named the Cultural Resource Management System (CRMS). CRMS replaces the Integrated Cultural Database (ICD) with a new user interface, comprehensive cultural resource categories, improved reporting, and more efficient consultation exchanges by a file transfer protocol (FTP) site.

TVA chose to develop an ESRI-based solution for CRMS. This solution uses off-the-shelf, configured applications such as ArcGIS Pro, ArcGIS Collector, and Survey 123 to manage day-to-day cultural resource management work. ESRI's applications have now been configured to meet Cultural Compliance's business needs without the development and maintenance costs of a custom TVA application.

In 2024, TVA will work to establish an improved method of file sharing with Federally recognized Indian tribes. TVA will be testing competing file sharing applications to simplify access to documents shared with consulting parties.

## Conferences & Meetings

In order to grow our relationship with Tribes, further our understanding, and stay up-to-date on rising tribal concerns, TVA staff attend tribally centered or sponsored conferences, meetings and training. Attendance at these events show that TVA is committed to engaging with Tribes. Since October of 2022, TVA staff attended the following training/conferences:

- National Association of Tribal Historic Preservation Officers (NATHPO) Annual Conference
- Southeastern NAGPRA Community of Practice
- NAGPRA Community of Practice
- Southeastern Archaeological Conference
- Florida Public Archaeology Conference
- Current Research in Tennessee Archaeology
- Cherokee Archaeology Symposium
- ACHP NHPA Section 106 Training
- National Preservation Institute NAGPRA Training