

Tribal Consultation Under the National Historic Preservation Act

ANYTIME TENNESSEE SHPO IS CONSULTED, APPROPRIATE TRIBES MUST BE CONSULTED, unless project fully meets the criteria listed on HUD's When To Consult With Tribes Under Section 106 checklist.

****SHPO response should be received before tribal consultations are initiated. Attach SHPO response to all tribal consultation requests. ****

Tribal Consultation Process:

- a. Once tribes with a potential interest in the project area have been identified (on the B-6), the grantee (local government) emails or mails a letter to each tribal entity listed to invite consultation. The letter (and any publication notices) **must be on City/County letterhead and signed by the Certifying Officer. Email consultations must be sent from Grantee (City/County) staff.**
- b. The Subject Line for all correspondence (whether email or hardcopy letter) should include:
 - *Funding Agency (include HUD) (ex. "HUD CDBG TN")*
 - *Proposed Action/Name of Undertaking (ex. "Sewer Line Rehabilitation")*
 - *Location (city), County, State" (ex. "Nashville/Davidson County")*
- c. The email or letter that invites consultation should contain a request for assistance in identifying historic properties of religious and cultural significance in the project area - archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association - and any initial concerns with impacts of the project on those resources.
- d. Tribes often have both a tribal leader (Chief) and a Tribal Historic Preservation Officer (THPO). Send letters to all persons listed in the chart that follows unless specified otherwise for that particular tribe. Create a separate letter addressed to each contact. **If doing initial consult by email, one email can be sent that includes all contacts for a particular tribe, but the individual letters for each contact should be attached to the email.**
- e. You must include a detailed description of the project in the letter. The description should include, as applicable: the location and size of the property; type of project; type and scale of new building(s) or structures; construction materials; number of housing units; depth and area of ground disturbance; introduction of visual, audible, or atmospheric changes; or transfer, lease or sale of property. Be as specific as possible.
- f. Include a map showing the location of the project and the Area of Potential Effect (APE), which may be larger than the project property. **For urban sites**, a map generated from a site like Google Earth is preferred. **For rural sites**, a USGS topographic map is preferred.

- g.** HUD’s policy is to request a response to the invitation to consult within **30 days from the date the tribe receives the letter.** For gauging the beginning and end of the 30-day period, a CO may assume that an emailed letter is received on the date it is sent. For a hardcopy letter, a CO may send the letter by certified mail, or, if mail delivery is predictable and reliable, the CO may assume a 5-day delivery period and assume that the period ends 35 days after the letter is mailed.
- h.** If a tribe wishes to be a consulting party, the tribe must provide within 30 days an indication of their desire to consult. The tribe does not need to actually provide information about historic properties of religious and cultural significance within 30 days; that may take longer. If a tribe responds that they do not want to consult, document the response in the ERR. If a tribe does not respond to the invitation to consult within 30 days (for email requests) or 35 days (for mailed letter requests), the CO should include documentation of the invitation in the ERR; further consultation is not required.

Tribal Contacts

(See Exhibit B-6: Required Tribal Consultation by Tennessee County)

If there are no specific directives given in the “Consultation Details” column, the grantee still **MUST** request a consultation using the guidance above on pages 1-2 of this document.

Tribe	Consultation Details
<p><u>Alabama-Coushatta Tribe of Texas</u></p> <p>Ricky Sylestine Chairperson 571 State Park Road 56 Livingston, TX 77351 p. 936-563-1100 f. 936-563-4170 tersylestine@actribe.org</p> <p>Bryant Celestine THPO 571 State Park Road 56 Livingston, TX 77351 p. 936-563-1181 f. 936-563-4170 Celestine.Bryant@actribe.org</p> <p>alabama-coushatta.com</p>	<p>Preferred consultation method: <u>Email</u></p> <p>Consultation request should be sent for all projects.</p> <p>Please include in the consult request:</p> <ul style="list-style-type: none"> -Topographic map(s) -Past and present usage of site -Current photos of the area -Any archaeological research completed by SHPO -Any completed surveys
<p><u>Alabama-Quassarte Tribal Town</u></p> <p>Wilson Yargee Chief P.O. Box 187 Wetumka, OK 74883 p. 405-452-3987 f. 405-452-3968 wilson.yargee@alabama-quassarte.org</p> <p>Ben Yahola THPO P.O. Box 187 Wetumka, OK 74883 p. 405-452-3881 f. 405-452-3889 ben.yahola@alabama-quassarte.org</p> <p>www.alabama-quassarte.com</p>	<p>Preferred consultation method: <u>Email and hardcopy letters</u></p> <p>Consult as a party of interest on new construction with soil disturbance.</p> <p>Include:</p> <ul style="list-style-type: none"> -Maps (topographic) -Past and present usage of site -Current photos of area -Any archeological research completed by SHPO -Any completed surveys

Tribe	Consultation Details
<p><u>Catawba Indian Nation</u></p> <p>Dr. Wenonah G. Haire THPO 1536 Tom Steven Road Rock Hill, SC 29730 p. 803-328-2427, ext. 224 f. 803-328-5791 wenonah.haire@catawba.com</p> <p>Caitlin Rogers THPO Assistant 1536 Tom Steven Road Rock Hill, SC 29730 p. 803-328-2427 ext. 226 Caitlin.Rogers@catawba.com</p> <p>www.catawba.com www.catawabaculture.org</p>	<p><i>Monroe County only.</i></p> <p>Preferred consultation method: <u>Hardcopy letters only</u> (they will not accept email)</p> <p><u>Initiate consultation anytime</u> you consult with SHPO, but only if disturbing any soil.</p> <p>When requesting consult, send photos of project area facing all directions, topographic map, copy of any archaeological surveys (within ½ mile of project sites as well as sites within a ½ mile of the project area), a copy of the SHPO letter, and previous land use history.</p> <p>Note: Dr. Haire is only in the office on Thursdays and Fridays.</p>
<p><u>Cherokee Nation</u></p> <p>Elizabeth Toombs THPO P.O. Box 948 Tahlequah, OK 74465 p. 918-453-5389 elizabeth-toombs@cherokee.org</p> <p>www.cherokee.org</p>	<p>Preferred consultation method: <u>Email</u></p> <p>(FTP transfer is preferred if files are larger than 10MB.)</p>

Tribe	Consultation Details
<p><u>The Chickasaw Nation</u></p> <p>Karen Brunso Tribal Historic Preservation Officer P.O. Box 1548 Ada, OK 74821 p. (580) 272-1106 karen.brunso@chickasaw.net</p> <p>Copy all email correspondence to: Kirk Perry hpo@chickasaw.net</p> <p>www.chickasaw.net</p>	<p>Preferred consultation method: <u>Email</u> *Copy all email correspondence to: hpo@chickasaw.net</p> <p>Language to include when contacting this tribe: “Pursuant to statute, the State, as the recipient of HUD funds, assumes the role of the federal agency and the responsibility for compliance with environmental laws, including Section 106 of the national Historic Preservation Act and its implementing regulations, 36 CFR Part 800 “Protection of Historic Properties.” First and foremost, the goal of compliance is to avoid harm to historic properties. If any inadvertent discoveries occur, the regulations prescribe how to address them in 35 CFR 800 (b). [City/County] of Tennessee must certify to HUD that the project complies with Section 106. Failure to comply could lead to HUD issuing a finding of non-compliance and possible corrective actions or sanctions. The [City/County] of Tennessee will pursue protection of any historic properties of religious and cultural significance in the project area, and we would greatly value your assistance in identifying such resources and helping to assess any potential project impacts on them. We hope that you will choose to begin consultation with us on this project within the requested 30-day timeframe.”</p> <p>Also include: SHPO clearance, any archaeological studies, copies of any other Tribal responses, any completed surveys, and topographic maps.</p>
<p><u>Choctaw Nation of Oklahoma</u></p> <p>Ian Thompson THPO P.O Box 1210 Durant, OK 74702 ithompson@choctawnation.com</p> <p>Madison Currie Compliance Review Officer P.O. Box 1210 Durant, OK 74702-1210 mcurrie@choctawnation.com</p> <p>www.choctawnation.com</p>	<p><i>Shelby County only.</i></p> <p>Preferred consultation method: <u>Email</u></p> <p>Initiate Section 106 consultation anytime you consult with SHPO, <u>but only if disturbing any soil.</u></p> <p>Include:</p> <ul style="list-style-type: none"> -Detailed project description that gives a good idea of the level of ground disturbance -Latitude and longitude coordinates -Project boundary map -Any archeological survey reports that cover the tract -Names and trinomials of any known archaeological sites within the tract

<p><u>Coushatta Tribe of Louisiana</u></p> <p>Kristian Poncho THPO P.O. Box 10 Elton, LA 70532 p. 337-275-1350 kponcho@coushatta.org</p> <p>Dakota John Deputy THPO P.O. Box 10 Elton, LA 70532 dakotajohn@coushatta.org</p> <p>Brittany Cernek Section 106 Coordinator P.O. Box 10 Elton, LA 70532 p. 337-246-1606 bcernek@coushatta.org</p>	<p>Preferred consultation method: <u>Email</u></p> <p><i>If attached file(s) are too large, they will notify you of a link to a dropbox.</i></p> <p>Consult on new construction and projects with soil disturbance. Does not need to receive consult requests on projects with no ground disturbance, rehabs of existing structures, resurfacing (paving).</p> <p>Include: topographic map, past and present usage of site, current photos of the area, any archaeological research completed by TNSHPO, and any past surveys.</p>

Tribe	Consultation Details
<p><u>Eastern Band of Cherokee Indians</u></p> <p>Michell Hicks Principal Chief 88 Council House Loop Rd. Cherokee, NC 28719 p. 828-497-7000</p> <p>Stephen J. Yerka THPO P.O. Box 455 Cherokee, NC 28719 p. 828-359-6852 syerka@ebci-nsn.gov</p> <p>www.ebci.com</p>	<p>Preferred consultation method: <u>Email</u></p> <p>Requests need only be sent to the THPO: syerka@ebci-nsn.gov</p> <p>In the request, list County and State where project is located, type of Federal funding, any information about previous ground disturbance at project site, if the project is replacing existing structures, and if the area is within a town/city. Also, send copies of topographic map(s).</p>
<p><u>Eastern Shawnee Tribe of Oklahoma</u></p> <p>Glenna Wallace Chief P.O. Box 350 Seneca, MO 64865 p. 918-666-2435 f. 918-6662186 gjwallace@estoo.net</p> <p>Paul Barton THPO 70500 E. 128 Rd. Wyandotte, OK 74370 p. 918-238-5151 Ext. 1833 f. 888-971-3905 pbarton@estoo.net</p> <p>www.estoo-nsn.gov</p>	<p>Preferred consultation method: <u>Email</u></p> <p>Consult as a party of interest on new construction and projects with soil disturbance.</p> <p>Include: topographic map, past and present usage of site, current photos of the area, any archeological survey completed by TNSHPO, any completed surveys.</p>

Tribe	Consultation Details
<p><u>Mississippi Band of Choctaw Indians</u></p> <p>Ben Cyrus Chief 101 Industrial Road Choctaw, MS 39350 p. 601-656-5251 f. 601-650-1606 info@choctaw.org</p> <p>Ken Carleton Archaeologist p. 601-650-7316 kcarleton@choctaw.org</p> <p>www.choctaw.org</p>	<p><i>Lauderdale County only.</i></p> <p>Preferred consultation method: <u>Email</u></p> <p>Include: topographic maps, past and present usage of site, current photos of area, any archaeological research completed by TNSHPO, any completed surveys</p>
<p><u>Muscogee (Creek) Nation</u></p> <p>David Hill Principal Chief 1007 East Eufaula St. Okmulgee, OK 74447 p. 800-482-1979 f. 918-756-2911 dhill@mcn-nsn.gov</p> <p>Turner Hunt THPO P.O. Box 580 Okmulgee, OK 74447 p. 918-732-7759 f. 918-758-0649 section106@mcn-nsn.gov section106@muscogeenation.com</p> <p>www.mcm-nsn.gov</p>	<p>Preferred consultation method: <u>Email</u> SEND TO BOTH LISTED THPO EMAIL ADDRESSES.</p> <p>Consult for new soil disturbance.</p> <p>Include any known archaeological sites within 1 mile of the APE. Does the proposed construction and ground-disturbing activity have any indirect effects outside of the view shed of the proposed project? Is the project reviewed by someone that meets the Secretary of the Interior’s Professional Qualification Standards (36 CFR Part 61)? Is a color topographic map provided that shows the APE as well as all previously known sites within 1 mile of the project area and any previous surveys within one mile of the project area (this is in case a survey has not been completed for the project)?</p> <p>Provide a good legal description (address and/or latitudes and longitudes).</p> <p>Note: Archaeological surveys completed prior to 1982 did not require shovel testing. Any archaeological surveys completed now must include shovel testing for Phase I survey. Pedestrian survey only will not be accepted. Reasons for lack of survey in a particular area must be specifically noted and why. Provide a copy of archaeological survey. Survey should meet the state standards for survey methodology (each state will be different, and those guidelines are all online).</p>

Tribe	Consultation Details
<p><u>Osage Nation</u></p> <p>Dr. Andrea Hunter THPO 100 W. Main Pawhuska, OK 74056 p. 918-287-5328 f. 918-287-5376 s106@osagenation-nsn.gov</p> <p>Kathleen Kelley Archaeologist, MA Kathleen.kelley@osagenation-nsn.gov</p>	<p>Preferred consultation method: <u>Email</u></p> <p>Specific instructions for consultations available here: https://s3.amazonaws.com/osagenation-nsn.gov/files/departments/Historic-Preservation/ONHPO%20S106%20Protocol%20and%20Standards%202023.pdf</p> <p>*Note: The language on the Section 106 Protocol and Standards document linked above is a bit confusing. A cultural resource survey is not needed unless requested by the Osage Nation during the consultation process.</p>
<p><u>Quapaw Nation</u></p> <p>Wena Supernaw Chairperson P.O. Box 765 Quapaw, OK 74363 p. 918-238-3100 f. 918-674-2456 wena.supernaw@quapawnation.com</p> <p>Everett Bandy THPO P.O. Box 765 Quapaw, OK 74363 p. 918-238-3100 f. 918-674-2456 section106@quapawnation.com ebandy@quapawnation.com</p> <p>www.quapawtribe.com</p>	<p>Preferred consultation method: <u>hardcopy letters; email is accepted when necessary.</u></p> <p>Review specific consultation preferences here: https://www.quapawtribe.com/502/Section-106-Consultation-Preferences</p> <p>Do not copy or directly send correspondence to the Chairman unless a project is deemed to be overly complex or imminent response urgency is deemed necessary.</p> <p>Include: maps (including topographic), past and present usage(s) of site, current photos of the area, any archaeological research completed by TNSHPO, any completed surveys.</p>

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- significant ground disturbance (digging)**
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- new construction in undeveloped natural areas**
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- incongruent visual changes**
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- incongruent audible changes**
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- incongruent atmospheric changes**
Examples: introduction of lights that create skyglow in an area with a dark night sky
- work on a building with significant tribal association**
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- transfer, lease or sale of a historic property of religious and cultural significance**
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
- None of the above apply**

Project

Reviewed By

Date