



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2001: 033

TENNESSEE DEPARTMENT OF TRANSPORTATION

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** Tennessee Highway Project No. HPP/STP-73 (25), 05006-3242-14, Widening of US 321 (State Route 73) from Kinzel Springs to Wear Valley Road in Blount County, is a project partially funded through Section 1601 of the Transportation Equity Act for the 21st Century (TEA-21), and the Federal Highway Administration (FHWA) is the lead federal agency in the Undertaking; and
- WHEREAS,** consequently, that portion of the project containing National-Register-eligible historic properties will not be available for construction until all data recovery has been completed; and
- WHEREAS,** the site discovery process was ongoing even as data recovery efforts were being initiated, causing revision of the original scope of work and budget although no provisions for this exist in the original contract; and
- WHEREAS,** the deadline for the archaeological survey (December 31, 2000), dictated by the Tennessee DOT, potentially will have severe adverse impact upon several thousand historic properties; and
- WHEREAS,** the abandonment of data recovery efforts guarantees that a large number of human interments will remain unidentified and subject to destruction during the road building process; and
- WHEREAS,** the FHWA and Tennessee State agencies have not effected a memorandum of agreement with the Eastern Band of Cherokee Indians Tribal Historic Preservation Officer (THPO) to address the National Historic Preservation Act (NHPA), NAGPRA, AIRFA, and Executive Order 13007 and 13175 responsibilities; therefore, be it
- RESOLVED** the USET Board of Directors requests the Advisory Council on Historic Preservation (ACHP) , as provided for in 36 CFR Part 800, become involved; and, be it further
- RESOLVED** the USET Board of Directors directs the ACHP communicate to the FHWA that the arbitrary termination of the archaeological data recovery process is a violation of NHPA Section 106, and that the failure to resolve this matter could lead to a finding of foreclosure and a violation of federal law; be it further
- RESOLVED** the USET Board of Directors recommends the FHWA be contacted and requested to terminate TEA-21 and other Federal funding for this project until such time as the Tennessee DOT comes into compliance with Federal mandates.

“Because there is strength in Unity”

CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting, at which a quorum was present in Arlington, VA on Thursday, February 1, 2001.



Keller George, President
United South and Eastern Tribes, Inc.



Beverly Wright, Secretary
United South and Eastern Tribes, Inc.