



**TENNESSEE HISTORICAL COMMISSION**  
**STATE HISTORIC PRESERVATION OFFICE**  
2941 LEBANON ROAD  
NASHVILLE, TENNESSEE 37243-0442  
OFFICE: (615) 532-1550  
<https://tnhistoricalcommission.org>

September 6, 2016

Mr. JaSal Morris  
Cherokee National Forest  
2800 North Ocoee Street  
Cleveland, Tennessee 37312-5374

RE: USFS, Cherokee National Forest, Programmatic Agreement, Management of Cultural Resources

Dear Mr. Morris:

In June 2005, the Tennessee State Historic Preservation Office entered into a Programmatic Agreement with the United States Forest Service Cherokee National Forest (Forest Service) concerning the management of cultural resources in the Forest. The Agreement stipulates the process to be followed concerning the Forest's Identification of Cultural Resources (Stipulation II), Evaluation of Cultural Resources (III), Treatment of Eligible Properties (VIII), Mitigation Measures (IX), and Property Management (X), among others.

In light of the recent discovery of the Forest Service's failure to comply with the stipulations in the Programmatic Agreement and resultant mismanagement of a previously identified historic property – the Unicoi Turnpike/Trail of Tears – located in the Tellico Plains District, this office finds it necessary and appropriate to remove itself from the Agreement. By doing so, our office considers the stipulations agreed to in the document as void. In accordance with Sections 110 and 106 of the National Historic Preservation Act and the regulations at 36 CFR 800, all undertakings and programs that have the potential to affect historic properties should now be submitted to this office for our review and comment prior to implementation.

In accordance with Stipulations XIV of the 2005 Agreement Document, your agency should now notify the Advisory Council on Historic preservation (ACHP) of our office's decision to abrogate the Agreement Document. Questions may be addressed to David Calase, (615) 770-1092.

Sincerely,

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

EPM/dlc