

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

EASTERN BAND OF CHEROKEE INDIANS,)

Plaintiff,)

vs.)

Case No. 1:20-CV-00757-JEB

**UNITED STATES DEPARTMENT OF THE
INTERIOR, et al.,**)

Defendants.)

**DECLARATION OF ELIZABETH TOOMBS,
CHEROKEE NATION TRIBAL HISTORIC PRESERVATION OFFICER**

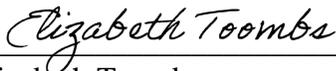
In accordance with 28 U.S.C. § 1746 and LCvR 5.1(f)(2), Elizabeth Toombs declares:

1. My name is Elizabeth Toombs, and I reside in Jay, Delaware County, Oklahoma.
2. I am a citizen of the Cherokee Nation and serve as the Tribal Historic Preservation Officer (“THPO”) for the Cherokee Nation, the largest federally recognized Indian tribe in the United States. The Cherokee Nation’s reservation is located in northeast Oklahoma, with Tahlequah, Okla. serving as the Nation’s capital. I have a Master’s degree in Literary and Cultural Studies in Native American Literature, and have worked and lived in Cherokee tribal communities for twenty-eight (28) years.
3. I have served as the Cherokee Nation’s THPO for three (3) years. I previously managed the native art collection for Cherokee Nation Businesses for three (3) years. I left Cherokee Nation Businesses in 2017 to take the post of THPO for my tribe.
4. As THPO for the Nation, I consult with private entities, state and federal agencies and others who seek to comply with the National Historic Preservation Act (“NHPA”) and the National Environmental Policy Act (“NEPA”) within the Cherokee aboriginal and historical territory, which includes part of North Carolina—including Cleveland County where the land the Department of the Interior plans to take land into trust for the Catawba Indian Nation is located.
5. The THPO office reviews between 4,000 and 5,500 cultural resource consultation requests per year.
6. During the period of October 1, 2019 to April 29, 2020, the THPO completed ninety (90) cultural resource reviews required by federal and state agencies pursuant to the NHPA and NEPA for proposed projects located within the State of North Carolina, two (2) of which were located within Cleveland County.

7. Since October 1, 2017, the THPO has completed 525 cultural resource reviews required by federal and state agencies pursuant to the NHPA or NEPA for proposed projects in the State of North Carolina, eight (8) of which were located in Cleveland County.
8. The Cherokee Nation never received any request for review or comment on the Draft Environmental Assessment for the Kings Mountain site in Cleveland County, North Carolina, which is within the Cherokee treaty and historical territory ceded to the state of North Carolina via treaty in 1777.
9. In my experience, the BIA typically consults with the Cherokee Nation prior to the release of a draft Environmental Assessment for lands that are within the Cherokee Nation's treaty and historical territory.
10. If contacted, I would have requested that the BIA conduct a cultural survey on the land at issue because of the potential for adverse impacts upon religious or cultural items present at the site. If no cultural survey was conducted, I would have registered my objection on the basis that this site has religious and cultural significance to the Cherokee Nation.
11. If the Kings Mountain site is taken into trust for the Catawba Indian Nation, the land will fall under the governance of that tribe, and the Cherokee Nation will lose the right to consult on and protect Cherokee religious and cultural sites.

I have personal knowledge of the facts stated herein, and, if called to do so, I would competently testify to these facts. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 1st day of May, 2020.



Elizabeth Toombs
Tribal Historic Preservation Officer
Cherokee Nation