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Date: October 18, 2025

To:
Chatham County Planning Board
Chatham County Board of Commissioners
North Carolina State Historic Preservation Office (SHPO)
U.S. Army Corps of Engineers
Swain Group, LLC (Developer)
University of North Carolina, Research Laboratories of Archaeology

Legal and Cultural Grounds for Deferral and Modification of the Riverbend Estates at Laurel Ridge Development:

Protection of the Mitchum Site and Surrounding Indigenous Cultural Landscape

I. Introduction and Purpose

On behalf of myself as an enrolled citizen, citizens, and descendants of the **Occaneechi Band of the Saponi Nation**, the state-recognized tribal nation whose ancestral territory includes the Haw River watershed, we submit this memorandum to formally request that the **Riverbend Estates at Laurel Ridge** development not proceed without significant modifications and conditions. Specifically, we call for a **comprehensive archaeological survey, tribal consultation and participation, protective easements, and enforceable preservation measures** prior to any land disturbance.

The land under review — which includes and surrounds the **Mitchum Site**, one of the most significant archaeological and cultural landscapes in the Piedmont — holds profound historical, cultural, legal, and spiritual significance. It has been continuously inhabited, stewarded, and used by Indigenous peoples, including our ancestors, for more than 10,000 years. Today, our citizens continue to visit this area to **harvest medicines, conduct ceremonies, and maintain living cultural practices** directly connected to this landscape.

II. Historical and Archaeological Significance of the Mitchum Site

The **Mitchum Site (31CH63)** is one of the most thoroughly documented Indigenous archaeological sites in the Haw River Valley. It is widely recognized as the most significant known **Sissipahaw (Saxapahaw)** village in the region. It is directly associated with the

Siouan-speaking peoples — including the Occaneechi, Saponi, Shakori, and Eno — who inhabited and managed the North Carolina Piedmont for centuries prior to European contact. Who were absorbed into the present-day Occaneechi Band of Saponi Nation.

A. Continuous Human Occupation for Over 10,000 Years

Archaeological investigations have uncovered a remarkable sequence of human activity spanning millennia:

- Early Archaic projectile points dating to **ca. 8000 B.C.**
- Woodland period ceramics from **A.D. 100–500**
- Evidence of continuous occupation and cultural activity through the Mississippian and Contact periods (**A.D. 1300–1700**)

This deep temporal record demonstrates that the Mitchum Site was not a single settlement but part of a **continuous Indigenous cultural landscape** that evolved over thousands of years.

B. Village Core and Extended Cultural Landscape

While often described in terms of a "village core," this terminology dramatically underrepresents the site's scale. Excavations to date cover only about **2,643 square feet — less than 10%** of the total site area. Archaeologists have documented an extensive cultural landscape beyond the palisade walls, including:

- Seasonal camps and satellite habitation sites
- Quarry and tool-making areas
- Agricultural fields and storage pits
- Ceremonial grounds and burial locations
- Travel routes and trails integral to daily life and trade networks

C. Network of Interconnected Sites

The Mitchum Site was part of a broader cultural system. A **second major village site** has been documented directly across the Haw River, with numerous smaller sites scattered throughout the valley. This interconnected network shows that the **entire river corridor** — not just the excavated portion — functioned as a cultural, economic, and ceremonial nexus.

D. High Potential for Unrecorded Cultural Resources

Given the limited excavation and deep occupation history, experts agree there is a **high likelihood of undiscovered burials, ritual deposits, quarry pits, and artifact scatters** within and adjacent to the proposed development area. Archaeologists caution that these off-site areas often contain the most sensitive evidence — including unmarked graves — and once destroyed, they cannot be recovered.

E. Cultural Continuity and Present-Day Use

For the Occaneechi Band of the Saponi Nation, the Mitchum Site is not an artifact of the past. It is a **living cultural landscape** where our people continue to gather medicinal plants, conduct ceremonies, and maintain spiritual relationships that have endured for thousands of years. This ongoing use underscores the site's continuing cultural, legal, and spiritual significance.

III. Legal Framework and State Obligations

A. Federal Law – Section 106 of the National Historic Preservation Act (NHPA)

Under Section 106, federal agencies — and by extension, applicants receiving federal permits, funds, or licenses — must consult with tribal nations and the State Historic Preservation Office (SHPO) regarding impacts to historic properties, including those eligible for the National Register of Historic Places. This includes archaeological sites like Mitchum, even if they are not yet formally listed. Meaningful tribal consultation is a legal requirement, not a discretionary option.

B. North Carolina Law – State Statutes Protecting Cultural Resources

- **G.S. Chapter 70, Article 3 – Unmarked Human Burials and Skeletal Remains**
  Requires immediate stop-work and notification to the county medical examiner upon discovery of human remains. It further requires consultation with Native American communities and investigation by qualified archaeologists. This language must be written directly into the plat conditions and contractor agreements.

- **G.S. Chapter 70 – Indian Antiquities and Archaeological Resources**
  Establishes the State's policy expectation that significant archaeological resources — including those on private property — be identified, documented, and avoided whenever possible.

- **G.S. § 143B-405 – Purposes of the North Carolina Commission of Indian Affairs**
  Affirms the State's responsibility to deal fairly and effectively with Indian affairs, protect cultural and religious traditions, and assist in the social and economic development of Indian communities.

- **G.S. § 143B-406 – Duties of the North Carolina Commission of Indian Affairs**
  Authorizes the State to coordinate resources, review legislation, hold public hearings, and hold land in trust for the benefit of state-recognized tribes. It explicitly supports cultural resource protection and consultation.

IV. Required Conditions Before Development Approval

Given the cultural, legal, and archaeological significance of this area, we respectfully request that the Planning Board and relevant agencies **defer approval or condition approval** of the Riverbend Estates First Plat until the following actions are completed:

- **A. Comprehensive Phase I Archaeological Survey**
  Conduct a complete shovel-tested survey of the entire 622-acre tract and key buffer zones conducted by a qualified Cultural Resource Management (CRM) firm, with representatives of the Occaneechi Band of the Saponi Nation present throughout fieldwork.

- **B. Treatment and Avoidance Plan**
  Development of a plan outlining how significant cultural resources will be buffered, conserved, or monitored during construction.

- **C. Stop-Work and Notification Requirement**
  Written requirements in the plat notes and contractor specifications mandate immediate cessation of work and consultation if artifacts or human remains are discovered.

- **D. Cultural Easement**
  Establishment of a cultural conservation easement on portions of the property with high archaeological sensitivity to ensure long-term protection and continued tribal access.

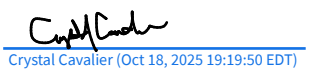
- **E. Ongoing Tribal Consultation**
  Formal, government-to-government consultation between Chatham County, the developer, and the Historic Village Restoration Chair, Occaneechi Band of the Saponi Nation Tribal Councilwoman, Beverly Payne, before any permits are issued or site work begins.

V. Conclusion

The Mitchum Site and its surrounding landscape are among the most significant Indigenous cultural resources in the North Carolina Piedmont. They represent over **10,000 years of continuous human history**, embody sacred traditions still practiced today, and offer irreplaceable insights into the heritage of the Occaneechi, Sissipahaw, Saponi, Shakori, and Eno peoples. We urge you to exercise your legal authority and moral responsibility to ensure that this development does not erase that history. Conditioning or deferring approval until proper archaeological investigation, tribal consultation, and preservation measures are in place is not an obstacle to progress — it is the only responsible path forward.

Thank you for your time, consideration, and commitment to protecting this shared and sacred heritage.

Respectfully submitted,


Crystal Cavalier (Oct 18, 2025 19:19:50 EDT)

By: Dr. Crystal Cavalier-Keck, M.L.S.
On behalf of the traditional tribal citizens of the Occaneechi Band of the Saponi Nation

References

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North Carolina General Statutes, Chapter 70, Article 3 (*Unmarked Human Burials and Skeletal Remains*).

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