

**Media Advisory:**  
**Rassawek Revelations Disqualify JRWA from Receiving Federal Permit**

Whistleblower confirmation of unethical and intentionally destructive archaeological work doesn't just add to the public relations nightmare of the James River Water Authority project – it triggers a federal requirement that the U.S. Army Corps of Engineers deny JRWA *all* future permits on the project.

The Revelations

The whistleblower, archaeologist Eric Mai, was an employee for more than six years of JRWA's consultant, Circa. Mr. Mai came forward to swear under oath in a declaration provided to the Virginia Department of Historic Resources to the following concerns:

- Circa management sent an unqualified, untrained, unprepared, and unsupervised field crew to excavate at Rassawek. They lacked academic training, practical experience, direction and the supervision required by law.
- Circa management denied the crew's requests for appropriate technology, training, and guidance to conduct accurate surveys or recover archaeological information, resulting in tests being performed in the wrong places, mistreatment of artifacts, and destruction of resources.
- Circa management lied to state officials and demanded that their staff lie about the presence of a supervisor on site and about the qualifications of the project lead and site crew, going as far as to falsify the whistleblower's resume without his knowledge.
- Circa management enlisted untrained construction workers to investigate the portions of the site targeted for construction. They lacked any experience, supervision, and used destructive equipment.
- Circa's management produced Phase I and II reports and a draft treatment plan without consulting the field staff. These reports downplay the scientific findings, mislead about the study techniques used, and contain plagiarism.

Army Corps Responsibilities Under the National Historic Preservation Act

Federal and state law include provisions that protect archaeological resources from negligent and malicious actions. Specifically, under the National Historic Preservation Act, the Corps cannot issue a permit to an applicant who has damaged archaeological sites. Congress enacted Section 110(k) of the NHPA to punish those who would seek to manipulate the historic preservation permitting process by denying them access to post-demolition permits.

Implications

What do these revelations mean for the project?

1. The archaeological survey and testing work conducted on Point of Fork/Rassawek cannot be relied upon as a basis for future work.
2. The JRWA cannot cure the problem by hiring a replacement archaeologist to get a second bite at the apple because repeated testing after demolition inflicts unwarranted further damage.

3. The Corps must notify the Advisory Council on Historic Preservation, an independent federal agency, that anticipatory demolition has occurred.
4. The Corps may not issue JRWA a permit for this project.

Outrageously, even after Circa's lack of qualifications and mischaracterizations came to light, JRWA has not removed Circa from their team; indeed, they have filed a notice of appeal in state court of DHR's decisions to disqualify their consultant. Despite JRWA's press statement this morning that they have "recently" been made aware of serious allegations of misconduct by their consultant, JRWA was, in fact, made aware of several of these allegations as early as seven months ago, including about their consultant lying to state officials and serious deficiencies in her official report. They took no action.

JRWA's proposed project would destroy Rassawek, the historic capital of the Monacan Indian Nation. Chief Kenneth Branham states: "Tribes are used to insensitive treatment of our heritage, but this shocks us to the core. We are deeply saddened to learn of this behavior by JRWA's consultant and can only hope that the federal and state agencies make clear that this is unacceptable and will not be tolerated in the Commonwealth."

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