

DECLARATION OF ERIC MAI

**Commonwealth of Virginia
City of Richmond**

Eric Mai declares and certifies:

Professional Background

1. My name is Eric Mai. I am 33 years old. I reside in Richmond, Virginia.
2. I am a full-time graduate student in the Virginia Commonwealth University Master's program in Urban and Regional Studies and Planning. I earned a Master of Archaeology and Heritage degree from the University of Leicester in 2017, a Graduate Certificate in Geographic Information Systems from Virginia Commonwealth University in 2018, a Bachelor of the Arts degree in Art History from Christopher Newport University in 2011, and attended an archaeological field school at Tel Dor, Israel with Haifa University in 2011.
3. I was employed by Circa~ Cultural Resource Management LLC ("Circa") for over six years from January 2012 to May 2018 as a full-time hourly worker in the position of archaeological field technician. Circa is a cultural resource management ("CRM") firm which performs archaeological and architectural history investigations to comply with federal, state, and local regulations regarding historic preservation. During my employment I had daily exposure to the work practices of Circa and its President, Carol Tyrer.
4. For nine months between May 2017 through January 2018, I was assigned by Tyrer to conduct archaeological survey and testing in advance of the James River Water Authority's ("JRWA") proposed construction project at Point of Fork in Fluvanna County, Virginia. Circa and the JRWA rely on this survey and testing in a proposed Treatment Plan that would guide treatment of the cultural resources at the site should the project proceed.
5. I resigned my position at Circa in May 2018, motivated by my deep concerns about Circa's practices arising from my experiences excavating at Point of Fork and my cumulative experiences during my employment.
6. At no point during my employment did Circa state any concerns to me about the quality of my work nor were any disciplinary actions taken against me.

Purpose

7. I am coming forward because I believe it is the right thing to do. I have prepared this declaration of my own volition, without pressure by or compensation from any party.
8. I offer these facts based on my reasonable, genuine, and good faith belief in their truth. To the extent that I offer limited opinions, I also do so in good faith based on my observations and experience.
9. My intent is to report an urgent concern about what I believe to be illegal, unethical, unprofessional, and unscientific practices by Circa in its work generally and at Point of Fork specifically. These practices include lying to government officials, instructing employees to lie to government officials, assigning unqualified and untrained personnel to perform sensitive investigations, failing to supervise unqualified personnel, misrepresenting professional and academic qualifications in official filings, falsifying research data, failing to use appropriate technology to obtain reliable data and then massaging the data to look scientific, plagiarizing the work of unaffiliated professionals, minimizing archaeological discoveries, and handling cultural resources inappropriately in the field and in the laboratory.
10. I sincerely regret that I did not come forward sooner. My job at Circa was my first professional employment in CRM. It was not until I pursued advanced education in the field and gained exposure to the work of other CRM firms that I began to understand that the way things are done at Circa is not, as we were told by Tyrer, acceptable or common practice in the CRM field. I did not fully and timely appreciate how harmful the methods Circa employs are to the public interest.
11. I understand that other former Circa employees have resigned for similar reasons.

Background of Archaeological Investigations on Point of Fork

12. The archaeological investigation conducted by Circa at Point of Fork is flawed, inadequate, and unreliable, the reports of the investigation are misleading and inaccurate, and the proposed treatment plan based on those reports is inappropriate and unsupported. On this basis I conclude that the continued participation of Tyrer in the JRWA project will negatively impact the quality of the proposed treatment of sensitive cultural resources.
13. In 2017 and 2018, as an employee of Circa, I was part of a crew assigned to conduct archaeological investigations in the area proposed by the JRWA for the construction of a water pump station. The investigation was intended to assess the eligibility of known cultural resources for listing in the National Register of Historic Places and to identify unrecorded cultural resources including archaeological sites. Should the JRWA's proposed water pump station be constructed at this specific site, it would require significant disruption of the earth, which could contain significant archaeological evidence and cultural resources including artifacts and human remains. The purpose of the Circa investigation was to determine, preliminarily, what might be on or in the earth, what might be its cultural importance to the public and to interested parties (like affiliated Native American tribes), and to recommend a plan of treatment.
14. Circa was engaged to conduct this work by the Timmons Group ("Timmons"), an engineering consulting firm headquartered in Richmond, Virginia. JRWA had engaged Timmons as their project lead for the proposed pump station. Circa has also performed CRM work as a subcontractor to Timmons for other Timmons clients.
15. Part of our crew's charge was to search for unrecorded sites by excavating archaeological shovel test pits in a grid of regular survey lines called transects. We also were to conduct deeper testing in the lower floodplain areas with the assistance of a geoarchaeological subconsultant. Deep testing involves using heavy machinery to dig a trench to record soil stratigraphy (color and texture changes) indicative of different periods of human activity on the site and archaeological features indicative of human occupation and use.
16. I was present on site from the commencement to the end of initial testing. I was present for most shovel testing. I was present for all deep trench testing that was conducted at the proposed pump station and was instructed to excavate most of the archaeological features that we found in the trenches.

The Primary Crew Was Untrained, Unqualified, Unprepared, and Unsupervised

17. Prior the start of our work, Tyrer provided the field crew little background information on Point of Fork. We were not provided materials related to the prior documentation of Point of Fork as the historical chief city of the Monacan Indian Nation. We were not provided the map showing the location of Rassawek at this location prepared by Captain John Smith, nor any information related to the subsequent documentation by archaeologists associated with the Commonwealth of Virginia or the Smithsonian. Tyrer did say that human burials had previously been uncovered and documented on the site and suggested the site might be of great importance to Native Americans but provided no additional details.
18. Of the initial crew on the project, I was the only person with a master's degree and a BA in archaeology or a related field. The other two crew members do not have college degrees or any formal training investigating Native American sites; both were hired as a result of family friendships with Tyrer. They have both also since resigned from Circa.
19. Tyrer has expressed to me and colleagues that she avoids hiring people with master's degrees because they ask for too much money. Based upon my observations, she also prefers to hire young, inexperienced people as field technicians because they will not question her requests or approaches.
20. Notwithstanding my degrees, I have never taken a university course on Native American history or archaeology. I had no prior experience excavating Native American archaeological features in trenches when I was directed to work at Point of Fork. Tyrer did not train us how best to excavate such features prior to assigning us this work.
21. Tyrer did not accompany us to the site. She handed us a map with markings indicating where we should conduct shovel test pits and instructed us to drive to the site and begin work. We rarely saw her on site for the first five months of our work on site. During my employment, she almost never accompanied her crews into the field.

The Crew Lacked Appropriate Technology, Training, and Guidance to Conduct Accurate Surveys

22. In Tyrer's description of Circa on her LinkedIn page she asserts, "In addition to staff skills and experience, the firm is also equipped with specialized computer support services including mapping software. Our use of technology enables the firm to report results and exchange data in a cost efficient, accurate, and timely manner." This was certainly not true while I was employed by Circa to perform excavations at Point of Fork.
23. During my entire tenure at Circa, we did not employ technologies to ensure accurate documenting of the locations of archaeological resources, such as GPS, total station, or transit, even though these technologies have been available in the CRM field for at least the last 15 years. I made repeated requests to Tyrer for a Trimble GPS, for transit use at Phase II and Phase III excavations, and iPad technology so that Circa's work could be more accurate, efficient, and higher quality. She turned down my requests citing costs. Instead, crew members used basic compasses to attempt to map the transects along which we dug shovel test pits. Circa did not train crew members to properly use compasses; we did our best to figure it out for ourselves. Circa owned a GPS but used it to record metal detector responses, not to verify shovel test pit transects. Consequently, many times on projects, including on the JRWA project, our shovel test pit survey transects were inaccurate.
24. I lobbied Tyrer for several years to adopt current mapping technology. She acquired mapping software just before I resigned and after completion of the JRWA project work. Instead, Tyrer commonly provided maps with hand-drawn locations of the shovel test pits crews were to conduct. She did this on the JRWA project; the initial transects located at the pump station were hand-drawn. After beginning shovel testing based on our guess of project boundaries, our hand drawn transects were submitted to Timmons to create a map with intended shovel test pits. The maps created by Timmons were not based on a scientifically accurate location of shovel test pits.
25. Because of this mapping deficit, there were several times on the JRWA project when we conducted shovel test pits in the wrong location, well outside of the project area targeted for construction. I believe it very likely that listed locations in the archaeology reports of shovel test pits on the site are inaccurate and the quality and usefulness of those shovel test pits is poor. I believe the site boundary delineation may be influenced by insufficiencies in the shovel test pit survey.
26. Further, according to Virginia guidelines, shovel test pits should be excavated down to culturally sterile soil (soil showing no evidence of human habitation, frequently found *below* layers of human habitation). Tyrer neglected to tell us that we were digging on several areas in a flood plain, so we almost certainly mistook flood deposits as sterile soil and stopped digging before getting to archaeological evidence. That is, most of our test pits were too shallow to have revealed site features which, if present, would be destroyed when future construction disturbs the ground more deeply than our test pits. Later deep trench testing revealed that many areas of the site contained what is known as a Buried A Horizon, an early living surface buried under a subsequent flood event.
27. Virginia Department of Historic Resource ("VDHR") guidelines require the use of Munsell Soil Color Charts when evaluating a site. A Munsell book contains soil color swatches and descriptions that crew members use to differentiate site stratigraphy over large areas. Site stratigraphy is important to identifying the location, size, and boundaries of areas of occupation. Tyrer possessed a single long-outdated Munsell book which was often unavailable during field projects because it was in use on other projects. While an updated Munsell book was purchased in the latter half of 2017, it was not consistently used at the Point of Forks site. We were not properly trained to use the Munsell book and were not allotted time in the field to conduct Munsell assessments.
28. Tyrer did not invite me to review or verify the maps of purported test areas created by Timmons for the Point of Fork site or to review for accuracy the report drawing conclusions from these tests. Tyrer also did not, in my experience, discuss her conclusions regarding a site's sensitivity or eligibility with the field crew who surveyed or tested it, and field crew were almost never given the opportunity to review drafts of field reports before they were submitted to clients and agencies.
29. I have read correspondence sent to the VDHR by the geoarchaeological subconsultant hired by Tyrer to assist on the site. He stated various objections because Tyrer credited him with co-authorship of the Treatment Plan, and he similarly was never provided the opportunity to review the draft Treatment Plan in advance and object to its conclusions.

Tyrer Lied to State Officials and Demanded That Her Staff Do So

30. Early in the JRWA project, Tyrer provided the crew with a burial permit issued by VDHR, which required her to be on site and supervising the crew's work. The purpose of the requirement is to ensure that burials, if encountered, are recognized as such and that timely and proper protocols are followed for addressing such discoveries. Tyrer was aware that burials were previously documented on the site.
31. Tyrer did not travel to Point of Fork and was largely absent from the site for the first five months of our work. Her absence was consistent with my experience as a crew member on several previous Circa projects that excavated human remains. Tyrer did not remain on site for any of those excavations.
32. On October 12, 2017, Greg LaBudde, a professional with VDHR, visited the site while our crew was working. He asked who was supervising, for which we had no immediate answer since Tyrer's practice was not to designate a field supervisor, even in her absence. When a crew member informed Tyrer of LaBudde's visit, Tyrer was said to have become concerned and bothered. She demanded that a member of the crew inform LaBudde that Tyrer was typically at the site and that she had just left the site temporarily that day. I understood this to mean that Tyrer was asking the entire crew to lie on her behalf.
33. LaBudde returned to the site the following day, October 13, 2017, and Tyrer was again absent. A crew member, following Tyrer's directive, told LaBudde that Tyrer had only temporarily left the site but that she was supervising our work closely—both false statements. The crew member to whom Tyrer spoke by phone that day—one of her longest serving employees—later resigned, explaining to me that her asking him to lie was a major reason for that decision.
34. After LaBudde's second visit, Circa staff learned that Tyrer had received a letter of complaint from VDHR because the project was not complying with the requirement of the burial permit that Tyrer directly supervise work on the site.
35. Soon thereafter, Joe Hines, project lead for Timmons, came to the site and asked me about my professional and academic credentials. Tyrer then instructed me to send her my resume. Tyrer suggested that she might forward my resume to VDHR as "part of modifications to the burial permit." I was concerned about her motivations for the request, because I believed Tyrer had been dishonest previously when communicating with clients and agencies on prior projects. I sent her a copy of my resume in PDF format as that format is harder to manipulate.
36. About two years later, in July 2019, I received a copy of my resume that Tyrer submitted to VDHR. It is substantially modified, and grossly mischaracterizes and exaggerates my experience with prehistoric sites. I have not surveyed and analyzed Native American sites of all periods, as the resume states. My expertise is not in Native American archaeology as the resume states; my master's thesis focused on enslavement of African Americans on Virginia plantations in the antebellum period. While I earned a Master in Archaeology and Heritage degree, I never took a university course on Native American history or archaeology. Further, the submitted resume identifies me as a Field Supervisor, but I was never promoted to or paid as a Field Supervisor during my time at Circa. I was never given the responsibilities of site supervision at Point of Fork or on other projects consistent with that position. I believe Tyrer intentionally mischaracterized my career and expertise to create the appearance of the presence of a highly qualified on-site crew member to lessen the implications of her failure to supervise or guide her employees in this important investigation.
37. In October 2019, I had the opportunity to review a letter from Tyrer to VDHR dated October 20, 2017 in which she insinuates that LaBudde's surprise site visits were inappropriate and that he was hostile or intimidating to our crew. LaBudde was, in fact, very professional. Tyrer's letter, like the unauthorized reworking of my resume, exaggerates my credentials. For example, she states: "Please note that Mr. Mai has performed surveys and analyzed Native American sites of all periods, including Paleoindian to Late Woodland." While I have worked on field crews on several Native American sites, I do not possess enough knowledge to differentiate between Native American site periods and have not investigated all periods, as Tyrer is fully aware.
38. After the VDHR letter of complaint, Tyrer was present more frequently on site, though she typically sat in her vehicle completing reports for other projects. Tyrer did not directly supervise the work we were doing. While I personally excavated most of the Native American cultural features at the proposed pump station, for which I did not possess expert knowledge, Tyrer did not observe my excavations nor did she have direct contact with any Native American cultural feature. The conclusions that she made in the archaeological report are based on the notes that I took on these cultural features, which may be insufficient due to my inexperience in excavating Native American cultural features.
39. After the VDHR letter of complaint, Tyrer replaced two crew members at the Point of Forks site who both lacked academic credentials with two new field crew members who possessed at least a BA in anthropology or a related field. Neither new member had worked for Circa previously. Before long they were reassigned to other sites. One resigned after a short period, stating to other crew members that she was uncomfortable with Circa's methods.

40. I have read the public reporting beginning in September 2019 that VDHR, after an investigation, determined that Tyrer had falsified her academic credentials and qualifications on her CV, which was used to help JRWA secure an anticipatory burial permit for Point of Fork and possibly numerous prior project contracts. Specifically, I have read that she claimed to have two master's degrees, including one in archaeology, but, that VDHR discovered that she has only one master's degree which is not in archaeology, anthropology, or a related field, on which basis VDHR concluded that Tyrer is not qualified under the U.S. Secretary of Interior's standards to lead the work she conducted at Point of Fork.
41. Tyrer was consistently vague when discussing her academic degrees in my presence during my employment. She never referred to having taken any specific archaeology or anthropology courses. She never referred to specific faculty from whom she has learned in her claimed master's in archaeology program. She did state that she was enrolled in a degree program that was ending due to some issues at the educational institution, but that they were going to allow her to complete her degree.

Tyrer Enlisted Untrained Construction Workers to Conduct Archaeological Investigation on Portions of the Site Targeted for Construction

42. During shovel testing on the entire portion of the site where JRWA plans the most ground disturbance—surrounding the proposed water pump station location itself—Tyrer enlisted unoccupied construction workers from Faulconer Construction (vendors to JRWA engineering consultant, Timmons) to perform sensitive archaeological investigations.
43. These workers had never excavated or tested an archaeological site of any kind. They had no educational background or training in archaeology.
44. It is my understanding that Circa did not pay these workers – they were paid by Faulconer Construction.
45. Faulconer Construction workers dug shovel test pits and screened the soil for artifacts, although they told me they had no idea what they were looking for. I was concerned that they would not accurately recognize soil changes and that stratigraphy in the shovel test pits they recorded would be inaccurate.
46. I observed Faulconer Construction workers using inappropriate and destructive equipment, such as a post-hole digging bar, to excavate shovel test pits. Such a tool is heavy and would have a greater chance of damaging artifacts and features before they could be revealed and recovered.
47. I attempted to reduce the harms of using unskilled and untrained persons to conduct sensitive tests by urging them to use proper equipment and trying my best to monitor their work while also doing my own tests. But I was regularly directed by Tyrer to excavate archaeological features in the deeper testing trenches away from this critical area; therefore, there were many times when these construction crew were excavating or screening with no supervision whatsoever.
48. In summary, to the area of greatest proposed disturbance by JRWA, Tyrer sent the least qualified and supervised people to conduct testing.

Archaeological Sensitivity at Point of Fork

49. I have read recent public statements by legal counsel for JRWA that Point of Fork is likely not the location of Rassawek, the Monacan Indian Nation's capital city, and that there is low likelihood of burials at the site. I am not familiar with any scientific evidence or data that would make such assertions reasonable, especially considering the voluminous documentary evidence that places Rassawek on Point of Fork, and the uncovering by a storm of numerous human burials at the site in a prior decade.
50. While my knowledge of Native American archaeology is limited, based on my personal experience with excavations at Point of Fork, the area where the pump station is proposed represents a significant Native American occupation. Tyrer herself stated at the beginning of the project that the proposed construction was on a major site with likely burials, but, as detailed above, left us in the dark as to what we might find and without time or resources to do the background research ourselves.
51. In almost every deep trench we dug at Point of Fork we found archaeological features indicative of significant human habitation (shelter floors and supports, hearths), culture (decorative pottery, including with crenulations), and industry (stone tool construction).
52. While, as I have stated, I am not an expert on Native American sites, I believe the number and types of artifacts and features uncovered were unusual in their archaeological richness. The archaeological remains we found during testing, for example soapstone bowl fragments, were among the most impressive I saw during my more than six years with Circa, and the sites continued to be on my mind after I left Circa.

53. Based on the type and number of features we found during testing, I believe there are numerous features that would be identified by a full-scale data recovery on the site, and at many different depths across the site. I do not believe that machine stripping as contemplated by the Treatment Plan would effectively identify these features because many of them were not visible in our trenches until machine stripping had already removed significant portions of these features. Fine variations in soil color and texture were often difficult to determine at the pace and scale of machine excavation, and it was not until artifacts were seen and sometimes damaged that features could be discerned.
54. Even if the Army Corps of Engineers somehow determines that excavating this site in advance of its destruction is appropriate, a full and scientific excavation would require far more work, and far more careful and costly work, than is proffered in the proposed Treatment Plan.

Circa's Site Report and Treatment Plan Are Inaccurate, Misleading, Unreliable, and Contain Plagiarism

55. After resigning from Circa, I obtained and reviewed a copy of Circa's Phase I/II archaeology report and their proposed site Treatment Plan.
56. Phase I/II report is not a full and accurate assessment of what we found during survey and testing. For example, even with the flawed survey methodology and flawed mapping accuracy and the use of untrained and unsupervised workers, the crew nonetheless found significant evidence of Native American occupation at the JRWA site, including in areas that are downplayed or not acknowledged in the report. For example, we found concentrations of fire-cracked rock (evidence of cooking, as in hearths), debitage (evidence of stone tool production), and other cultural material during shovel survey (and laying on the surface of the ground) by the power line easement near the top of the upper floodplain area. I do not believe the Circa report accurately characterizes the site's cultural richness in this area.
57. The methodology used to analyze the artifacts we found is also misstated. For example, the careful methods used to investigate artifacts in the laboratory Tyrer claims to have followed were not, in fact, used. All artifacts sent to the lab were treated the same, regardless of type, importance, or condition. This approach was consistent with Circa's approach on prior projects. One of my colleagues on the JRWA project crew also served as Circa's lab manager. He was responsible for all artifact processing. However, he does not have training in handling artifacts. He does not have any educational background that would have prepared him for those responsibilities. He has now resigned from Circa.
58. Circa's proposed Treatment Plan (their proposal for how they plan to mitigate the damage to the sites if the plans to build on the site are authorized) also contains promises for quality of care of treatment that is contradicted by Circa's prior practice and capacity. For example, the plan promises that screening will be done using 1/8th inch mesh, which would be preferred at such a sensitive and important site. Screening methods that use smaller mesh screens tend to result in greater quantities of artifacts collected and greater quantities create increased opportunities for rare or underrepresented artifacts to be collected. But I cannot recall Circa ever using such tight screens on a site, no matter how important or sensitive the site.
59. The large trenches proposed in Circa's Treatment Plan will require substantial set-backs due to the depth of the excavations. The plan does not make clear how and whether these set-backs will be mitigated.
60. The plan promises extensive monitoring. Based on my experience working with Circa, particularly at Point of Forks, Tyrer herself almost never shows up to monitor work. Also, Circa has lost many of its more experienced staff over the last year. As a result, it is unlikely that Tyrer will have available Circa staff with monitoring experience.
61. In summer 2019, it became publicly known that an important and lengthy section of Tyrer's proposed Treatment Plan for the Point of Fork site was plagiarized from the dissertation of a former graduate student unaffiliated with the project or Circa. I was not at Circa when the Treatment Plan was written. However, during my employment at Circa only Tyrer or the architectural historian on staff authored such documents.

Circa's Approach to Point of Fork Was the Rule, Not the Exception: Pervasive Inadequacies of Methodology, Ethics, and Expertise

62. After having spent more than six years at Circa at the start of what I hoped would be a long career in CRM, the ethical and professional lapses in Circa's work that I observed were pervasive. Circa's problematic work at Point of Fork was consistent with Tyrer's approach on most sites.
63. Direct staff training was virtually nonexistent at Circa. Tyrer never instructed me on how to properly excavate test units or features, how to assess soil typology, or how to correctly fill out test unit or shovel test pit forms that created the written record for the archaeological investigations we conducted.
64. Because the position at Circa was my first experience in American archaeology and in CRM, I initially learned most of my archaeological approaches from the more senior field staff at Circa, who had no formal archaeological schooling and little archaeological training outside of Tyrer's instruction or that of previous Circa staff.
65. Circa's information recording and collection was spotty, at best, and outright fabricated at worst. On multiple occasions, staff were instructed to create documentation after-the-fact, and even to create paperwork for shovel test pits that had not been dug or to invent data about shovel test pits that were not gathered.
66. For example, during Circa's survey in Nokesville, Virginia of a project reviewed by the Virginia Department of Environmental Quality ("VDEQ"), Tyrer directed staff to excavate every 100 feet instead of every 50 feet as required by the VDHR archaeological survey guidelines. Tyrer directed Circa staff to falsify these shovel test pits by creating non-existent shovel test pit records so that it would appear that all areas were surveyed every 50 feet. Also, when VDEQ reviewed Circa's work at Nokesville and found no Munsell soil color descriptions on the shovel test pits forms, Tyrer directed Circa staff to guess at Munsell values and add them to test pit paperwork in the lab.
67. There was nervousness among the young staff around these regular directions to falsify records. On one occasion, a staff member joked about rubbing dirt on the forms so they would appear to have been used in the field.
68. I understand that a former Circa employee possesses one or more voice recordings of Tyrer discussing falsifying shovel test pit forms.
69. As happened at Point of Fork, Tyrer typically does not visit archaeological sites during fieldwork to supervise or guide the methodology or approach of Circa staff. Tyrer works from home or at the office and writes the reports, frequently without visiting the places about which the reports are written.
70. Tyrer frequently changes the people assigned to crews from week to week, sending out crews of people who have no prior knowledge of the site or the situation in the field. This frequent turnover has caused crew to survey incorrect locations and generated other methodological issues.
71. Sometimes Tyrer will pause fieldwork at a site mid-survey and move the crew to another site for months at a time, without taking precautions to protect the first site during the delays. When the crew returns to these abandoned sites, they must address deteriorated conditions from exposure to bad weather. In some cases, these delays damaged cultural resources present at the original site.
72. I have read the public statements made by the JRWA's legal counsel that Tyrer *must* have been qualified to lead the Point of Fork work—notwithstanding her falsified resume—because Tyrer had performed so many prior investigations in Virginia. From my own observations I can attest that one doesn't become qualified to do quality work by repeatedly getting away with doing poor work. When I suggested more efficient and scientifically accurate ways of completing work, Tyrer responded to me that the way she conducted work was the way it has always been done. I and other crew members often suggested ways in which to do the work in a way that we felt was more accurate; however, Tyrer always rejected our suggestions in favor of her established methods.

Circa's Priorities Are Project Speed and Money, Not Quality or Discovery

73. My experience leads me to conclude that the priorities at Circa are money and speed in assistance of developer timelines over the quality of the work or value of discoveries.
74. Circa would take on multiple projects simultaneously without enough staff to complete the work, or where the budget submitted was inadequate relative to the work required once an investigation began.
75. As just one example, for work in advance of a housing development in Mechanicsville, Virginia, I went into some trees on the site and found a historic house foundation, chimney, and associated archaeological site. The house was on historic maps, but

Tyrer had not been aware of it before our field visit. The recording of the site was then rushed because Circa had not anticipated or apparently budgeted money or time to document a significant site.

76. Circa also prematurely ended archaeological testing required as part of the construction of the Redskins training camp in Richmond on Broad Street. The project area contained a site that had been a Civil War encampment and later became a freedman's community. We found features that several staff members considered likely to have been part of Civil War fortifications. I was present for all excavations at this site, as well as the machine monitoring. I believe that the archaeological investigations undertaken were rushed and features ignored.
77. Based on the Circa projects with which I have direct experience, I believe there are many more examples where state archaeological guidelines and proposal commitments were not followed as required by the terms of the contracts received by Circa.
78. Salary at Circa was not high enough to attract or retain trained archaeologists. For example, I was paid \$10.50 per hour at the start of my employment in 2012 and approximately \$16.50 per hour when I left in 2018, having obtained a master's degree and a graduate certificate in the interim. My colleagues and I were all hourly employees entitled to overtime for work over 40 hours per week. However, Tyrer required us to falsify our hours reports by moving excess hours onto other weeks to avoid Circa paying overtime.
79. Circa has conducted several projects for Timmons. A Circa colleague shared with me that Timmons had expressed interest in acquiring Circa.

I declare under penalty of perjury that the foregoing is true and correct.

Eric V. Mai
Signature of Declarant

ERIC V. MAI
Name of Declarant

Subscribed and sworn to before me this 16th day of OCTOBER 2019.

VIRGINIA NOTARY ACKNOWLEDGMENT

Commonwealth of Virginia

City of Richmond

The foregoing instrument was acknowledged before me this 16th day of October, 2019, by Eric Mai (name of person acknowledged).

Susan Wager Williams 10/16/2019

Signature of Notarial Officer

Notary Registration Number: 4138154

My Commission Expires: March 31, 2023

(Seal)

