

SAVE RASSAWEK Timeline

1612: John Smith records the town of Rassawek on his published Map of Virginia.

1880s: Gerard Fowke of the Smithsonian Institute Bureau of Ethnology documents an Indian village at Point of Fork exposed by a flood. He describes 40-50 fireplaces (likely indicating at least as many structures), more than 25 Indian burials, and great density of Indian artifacts.

1930s: Smithsonian researcher David Bushnell studies the five Monacan towns identified on John Smith's map and concludes that the capital town of Rassawek was likely on Point of Fork.

1980: DHR officially identifies Rassawek (site number 44FV0022) after examining sites on Point of Fork disturbed by construction of a gas pipeline, which uncovered Native burials. The Monacan Indian Nation has never received the human remains excavated at that time.

November 2014: Fluvanna and Louisa Counties (together as the James River Water Authority) contemplate a pump station location at Point of Fork, and are notified by former VCU professor Dr. Dan Mouer about how archaeologically sensitive the Point of Fork area is. Dr. Mouer tells them that excavation at the site of Rassawek will be complex, lengthy, and may be financially infeasible as part of a construction project.

Fall 2015: DHR, Preservation Virginia, many independent professional archaeologists, and concerned landowners caution the James River Water Authority (JRWA) about Rassawek and the Point's incredible historical sensitivity, urging consideration of alternative locations.

November 20, 2015: DEQ issues Individual Virginia Water Permit Number 14-0343 for the entire project, including the pump station, water pipeline, and a water treatment plant at Ferncliff.

July 6, 2016: JRWA purchases land on which to site the pump station from William Hammond. Note that this is a full year before the Corps invites the Monacans to consult, revealing that consultation was an after-thought to the foregone conclusion of the siting on Rassawek.

May 2, 2017: JRWA consultants start archaeological testing on the project area, which continues intermittently until January 2018. The Monacans are never invited to comment on, review, or observe.

May 21, 2017: JRWA first informs the Monacans of their intent to locate the pump station at Point of Fork on an identified archaeological site JRWA describes as the Monacan capital, in response to which the Monacan Indian Nation expresses concern and a desire to be consulted.

June 9, 2017: The Corps sends the Nation an invitation to consult.

November 2, 2017: DHR sends a complaint to the Corps citing multiple violations by JWRA's archaeological consultants of the requirement of their anticipatory burial permit to have a

supervisor on site during investigatory work.

November 2017: Preservation Virginia is recognized as a consulting party and is surprised to learn that archaeological work had been undertaken without participation by consulting parties.

January 28, 2018: The United States recognizes the Monacan Indian Nation as an American Indian tribe (federal recognition).

April 17, 2018: JRWA consultants send the Nation a draft archaeological report.

May 31, 2018: JRWA finally submits a complete Joint Permit Application to the Corps (NAO-2014-00708) for the pump station at Point of Fork.

August 11, 2018: JWRA acquiesces to the Monacans' request to visit the site to see the proposed location of the construction.

September 5, 2018: The Corps provides the Monacans with a draft archaeological report and asks for comments on the draft Memorandum of Agreement with the aim of declaring consultation concluded.

September 6, 2018: The Monacan Indian Nation engages as legal counsel Cultural Heritage Partners, PLLC, to address concerns about seeming failures in the regulatory and consulting process and the reliability of information provided by JRWA.

September 28, 2018: The Monacans demand that JWRA include in its planned mitigation financial resources sufficient for the Monacans to deal appropriately with the archaeological materials produced during salvage archaeology.

October 12, 2018: JRWA applies for a burial permit to relocate Monacan ancestors.

October 31, 2018: At a consulting party meeting held in Richmond, the Army Corps admits that the project's permitting was segmented (separately permitting the water treatment plant and pipeline from the pump station) because there are multiple alternative locations where JRWA could put the pump station. The Monacans' legal counsel asks why these alternative locations were not being pursued and was told they were more expensive.

November 27, 2018: The Monacans send a letter to the Corps following on from October 31 meeting and reiterate their concerns about the permitting process, lack of consideration for alternatives, and the poor archaeological processes to date.

December 21, 2018: The Monacans provide comments on the draft MOA, again reiterating their permitting and archaeological quality concerns, and asks for the project to be moved.

January 11, 2019: JRWA submits a revised MOA to the Corps. Their cover letter requests that the agreement document be finalized, mischaracterizes consulting party concerns as being addressed in this document, and asks for Section 106 consultation to be ended.

April 9, 2019: The Corps writes a 3-page letter in response to Monacan concerns from September, November, and December. The Monacans' concerns are not resolved.

May 6, 2019: The Corps provides a revised MOA, Treatment Plan, and Monitoring Plan to consulting parties for comment.

May 20, 2019: Following the Monacan Indian Nation's counsel's thorough review of historical documentation of Rassawek, JWRA project plans, draft agreement documents, and documents the Corps was compelled to produce by FOIA requests, as well as growing tribal concerns regarding the quality of work planned on the site, the Monacans meet with the Corps in government-to-government consultation to ask the Corps to reconsider the project and require submission of an Individual Permit.

June 5, 2019: The Monacans submit comments again expressing concern regarding the flawed agreement documents, inadequate archaeological methods, and poor recovery techniques for human remains.

June 24, 2019: The President's Advisory Council on Historic Preservation provides notice of its intention to consult on the JRWA project due to "procedural problems and issues of concern to Indian tribes."

July 1, 2019: Virginia Governor Ralph Northam and multiple cabinet members travel to Rassawek to meet with Monacan leaders to view the property and discuss concerns with the proposed project.

August 9, 2019: The Corps hosts a meeting of consulting parties. At this meeting, all of the consulting parties (including the Advisory Council on Historic Preservation and the Council of Virginia Archaeologists) state that they are not prepared to sign a draft Memorandum of Agreement allowing the project to be built at Rassawek.

September 6, 2019: The Department of Historic Resources sends letters to the Corps, the JRWA, and Carol Tyrer, the archaeological subconsultant. The letters disclose that DHR held a meeting with Carol Tyrer on August 19th about her Masters degree and coursework, and DHR has discovered that she does not meet the Secretary of Interior Professional Qualifications Standards for Archaeology. As a result, DHR will not approve any permit application that identifies Tyrer as the principal archaeologist.

September 10, 2019: The Corps sends a letter to the JRWA. The Corps states that because the Corps has been unable to reach an agreed-upon Memorandum of Agreement, given the uncertainty regarding archaeological surveys that has been created by Tyrer's disqualification, and due to consultant party information regarding the extent of adverse effects that would be

caused by the project, the Corps has decided to require a Standard Individual Permit for the project.

October 16, 2019: Eric Mai, a former employee of Tyrer and her company Circa~ Cultural Resource Management LLC, submits to DHR an 8-page notarized declaration regarding a series of alleged incompetent and unethical practices conducted by Tyrer's company at Point of Fork archaeological sites. The whistleblower states that Tyrer employed untrained and unqualified staff, lied to state officials, misrepresented the archaeological findings, and did not follow accepted archaeological standards.

October 21, 2019: The Monacan Indian Nation sends a letter to the Corps discussing the whistleblower's declaration, pointing out that the practices used on Rassawek and other Point of Fork sites are so inappropriate that they rise to the level of anticipatory demolition – destruction of historic resources explicitly forbidden by the National Historic Preservation Act. Under Section 110(k) of the NHPA, the Corps cannot issue a permit to an applicant who has damaged archaeological sites.

October 23, 2019: JRWA addresses the whistleblower declaration in a press release, stating that the authority “takes those allegations very seriously and is conducting an investigation of the consultant's work on the project.”

November 4, 2019: The JRWA files a petition for appeal in Fluvanna County Circuit Court, appealing DHR's statement that they will not approve a permit on the project until there is a qualified archaeologist and appealing permit conditions deemed necessary for the professional and ethical recovery of human remains. On the same day, Tyrer files a permit of appeal and complaint in Williamsburg City Circuit Court appealing the qualification decision and requesting that DHR vacate the disqualification decision and award attorney fees and damages.

November 25, 2019: DHR files motions to dismiss in the JRWA and Tyrer petitions, arguing that the cases were filed before they were timely and that both parties have not exhausted their administrative appeal options. On this date the Monacan Indian Nation also files amicus briefs (friend of the court briefs) in both cases providing more context to the courts and asking the courts to defer to DHR's expertise regarding the qualifications of archaeological contractors.

January 7, 2020: JRWA concludes a biased investigation into the whistleblower's allegations, failing to interview the whistleblower himself or any current or former Circa staff, relying heavily on the testimony of Carol Tyrer, and defending the adequacy of her work on the project.

February 25, 2020: JRWA announces the conclusion of their alternatives analysis and presents the results in their regular meeting. The alternatives analysis did not include any archaeological survey or assessment of the other proposed routes and does not include the costs of archaeological excavation in its cost calculations.

March 11, 2020: JRWA votes to move forward with their preferred route through Rassawek and the other archaeological sites at their monthly meeting, after over 50 members of the public spoke unanimously in opposition to the project.