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June 6, 2020

Norfolk District, U.S. Army Corps of Engineers
Attn: Steven VanderPloeg
9100 Arboretum Parkway, Suite 235
Richmond, Virginia 23236

Re: James River Water Authority Permit Application, NAO-2014-00708

Dear Mr. VanderPloeg,

I urge the U.S. Army Corps of Engineers (USACE) to hold a public hearing and prepare an environmental impact statement (EIS) for the James River Water Authority's (JRWA) permit application, NAO-2014-00708, for a water intake and pump station (project). The proposed project would disturb the remains of buried ancestors of the Monacan Indian Nation, and it would desecrate Rassawek, their historic capital. Furthermore, the project would infringe on the water rights of the City of Richmond, which depends on the James River basin. It is my belief that a public hearing and EIS would make it clear what many already know: alternative locations for the project can and should be considered that would both honor and respect the ancestral history the Monacan Indian Nation while also providing the water and sewer needs of the Zion Crossroads development.

The Monacan Indian Nation is the largest federally recognized Indian tribe in the Commonwealth. At the time of the arrival of the English, the Monacan Confederacy had political control over more than half of modern-day Virginia, extending from the fall line of the James River in Richmond to what is now modern-day West Virginia. Virginians have known of the location of Rassawek since Captain John Smith first documented the "chiefest" town of the Monacans at the confluence of the James and Rivanna Rivers on his published 1612 map of Virginia. In the 1880s, the Smithsonian Institution documented the ruins of many building complexes at Rassawek, as well as the burial sites of Monacan ancestors. The preservation of Rassawek is critical to understanding the rich history of the Commonwealth, and to telling the stories of all Americans. JRWA now plans to destroy that history by building a pump station at the heart of this sacred location.

Locating the project on top of Rassawek raises serious environmental justice concerns, and it threatens to perpetuate our nation's shameful history of de-valuing the heritage of Native Americans. Native Americans have long-endured the disproportionate impacts of development projects; for centuries, our nation has seized and destroyed sacred native lands for economic development, moving tribes further from their ancestral homes and subjecting them to unimaginable sorrow. Approving this permit application, particularly without holding a public hearing and conducting an EIS, would cause similar

grief and pain for the Monacan Indian Nation. It is important to note that the Monacan capital was a contemporary of Jamestown, which has been preserved, studied, and interpreted for decades. The Monacan capital deserves the same respect and consideration as Jamestown.

In addition to destroying the Monacan Indian Nation's sacred capital, the project also risks disturbing the graves of those interred at Rassawek. Archaeological testing has revealed a rich record of human occupation and a very high likelihood of burials at Rassawek, directly in the path of this project. The Monacans have already endured the trauma of repatriation and reburial of their ancestors on previous development projects; approving this permit application and allowing this project to proceed risks to reopen those wounds. USACE should hold a public hearing to hear directly from the Monacan people about the impacts of these actions, and over the course of conducting an EIS, should take a careful, thorough look at alternative proposals for the location of the project.

The project also raises serious water rights concerns for the City of Richmond. The City has already informed JRWA that it intends to protect its riparian rights, and has raised concerns about dissolved oxygen levels in the James River and the potential degradation to the river's aquatic habitat from JRWA's proposed water withdrawals.¹ The City's Department of Public Utilities has also issued similar comments to Virginia's Department of Environmental Quality. A public hearing and EIS should be prepared to examine the significant water quantity and water quality impacts of this project on the City of Richmond. I urge you to conduct these processes, and to ensure that the water rights concerns of the City of Richmond are addressed.

As you know, the National Environmental Policy Act (NEPA) requires federal agencies to analyze the potential environmental consequences of major federal actions, and to consider public input before any major actions are taken. NEPA requires USACE to prepare an environmental impact statement for this project that considers alternatives, discloses impacts, and guides federal decision-making, 42 U.S.C. § 4332(2)(C). USACE must also consider whether this project is in the public interest.

I strongly encourage the U.S. Army Corps of Engineers to follow the law and to schedule a public hearing, prepare an environmental impact statement, and consider alternative locations. Rassawek and the rich history of the Monacan people deserves to be preserved and protected for all Americans.

Sincerely,



A. Donald McEachin
Member of Congress

¹ Letters dated Sept. 21, 2015 and Nov. 17, 2015 from R. Steidel, City of Richmond Department of Public Utilities, to S. Masala, Virginia Department of Environmental Quality.