

June 7, 2020

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**Re: James River Water Authority | NAO-2014-0708**

Dear Mr. VanderPloeg:

Our law firm represents the Monacan Indian Nation (“Nation”), a federally recognized, sovereign American Indian tribe headquartered in Amherst, Virginia. We write on the Nation’s behalf regarding the public notice the U.S. Army Corps of Engineers (“USACE” or the “Corps”) posted on April 7, 2020 for the James River Water Authority (“JRWA” or “Applicant”) application for a permit to construct a water intake, pump station, and water pipeline in Fluvanna County (“Project”).

We request that the Corps withdraw the public notice and deny JRWA’s permit application. If the Corps does not deny the application, the Corps must make the entire permit application available to the public on its website, re-issue the public notice with an acknowledgment that the entire application has not been available for review, and extend the public comment period.

If the Corps proceeds with considering JRWA’s application, the Corps should hold a public hearing. The Corps should also prepare an Environmental Impact Statement (EIS) for the Project and direct JRWA to hire a consultant that does not have conflicts of interest to prepare the EIS. Finally, if the Corps proceeds with approving JRWA’s application, the Corps must choose an alternative site for the Project that does not require the disinterment of Monacan ancestors and the destruction of the Nation’s cultural heritage.

Let us be clear: JRWA is asking the Corps for permission to destroy the Monacan Indian Nation’s historic capital of Rassawek, documented by Captain John Smith in his 1612 Map of Virginia. JRWA seeks permission to disinter Monacan ancestors and to subject tribal citizens to the trauma of reburial over their objections.

Rassawek is a contemporary of the English settlement of Jamestown and the Powhatan Confederacy capital of Werowocomoco, both jewels of the National Park Service. Yet JRWA would destroy Rassawek because JRWA believes building their pump station and digging up graves will be less expensive than other practical and feasible alternatives. The Nation has committed to pursuing every possible avenue for stopping this destruction for as long as it takes, and the Nation reserves all of its rights to seek justice in any and all forums, including through the permitting process, in courts of law, in the court of public opinion, in legislative bodies, and through electoral and political processes.

We organize our comments as follows:

- I. Background.
- II. The Corps should withdraw the public notice and deny the permit because JRWA has committed anticipatory demolition in violation of Section 110(k) of the National Historic Preservation Act.
- III. The Corps should withdraw the public notice because JRWA's permit application and alternatives analysis were prepared by a consultant with conflicts of interest, and these documents cannot be relied upon for agency decision-making.
- IV. The Corps has not provided adequate opportunity for public comment because it has failed to make the complete permit application available and has proceeded with soliciting comment on an incomplete set of documents during a state of emergency. Public involvement has been impeded by current COVID-19 pandemic, lack of internet access, and widespread public protests.
- V. The purpose and need for the Project fail to acknowledge that the proposed Project is part of a larger undertaking that was illegally segmented and permitted by the Corps. The Corps and JRWA have taken actions to limit the choice of reasonable alternatives in violation of NEPA.
- VI. If the Corps proceeds with considering this permit application, notwithstanding its responsibilities under Section 110(k), the Corps must prepare an Environmental Impact Statement.
  - A. There are unique characteristics of the geographic area that must be considered in an EIS. (Factor 3).
  - B. The Corps' NOI is misleading, and the proposed action has the potential to impact four threatened and endangered species. (Factors 3 and 9).
  - C. The Project proposes severe adverse effects on sites eligible for listing in the National Register of Historic Places and will cause loss or destruction of significant scientific, cultural, or historic resources (Factor 8).
  - D. The Project's effects on the quality of the human environment are likely to be highly controversial, and the degree to which the possible effects on the human environment are highly uncertain and involve unique or unknown risks (Factors 4 and 5).
  - E. The Project would affect an interbasin watershed transfer, which raises issues of considerable risk to the human and natural environment, is inherently controversial, and deserves analysis in an EIS. (Factors 1, 3, 4, 5, 6, 7, 9, 10).
- VII. The alternatives analysis provided by JRWA is deficient in material ways and the Corps cannot rely on it for decision making.
  - A. The alternatives analysis presented by JRWA fails to consider impacts to cultural resources.
  - B. JRWA's analysis demonstrates an apparent lack of concern regarding disturbing burials.
  - C. The alternatives analysis must include a "No-Action Alternative."
  - D. To require the Monacans to bear traumatic cultural and social effects when JRWA has other feasible alternatives is the definition of environmental injustice.
  - E. The analysis of mitigation is flawed.
- VIII. The Corps must deny a permit for JRWA's preferred alternative because it is against the public interest.
- IX. The Corps must hold a public hearing.



We organize the Appendices to these comments as follows:

- Appendix I: Background
- Appendix II: Previous Statements of Opposition from the Monacan Indian Nation
- Appendix III: Opposition from Tribal, Environmental, Preservation, and Cultural Organizations
- Appendix IV: Opposition from the Community
- Appendix V: Statements from Government Offices
- Appendix VI: Media Coverage of Opposition

## **I. Background.**

The Monacan Indian Nation is a federally recognized sovereign tribe and a state-recognized tribe in the Commonwealth of Virginia, headquartered on Bear Mountain in Amherst County.<sup>1</sup> With approximately 2,400 citizens, the Monacan Indian Nation is today the largest federally recognized tribe in Virginia, and the Monacans once occupied half of the Commonwealth.<sup>2</sup> The Monacans had hundreds of villages, but their historic capital, the community to which all other villages paid tribute, was Rassawek.<sup>3</sup> Its archaeological remains are on a point of land where the James and Rivanna rivers meet called Point of Fork.

Following the arrival of the English in the early 1600s, the Monacans were pushed from their lands by violent conflicts during the late 17<sup>th</sup> century, including a 1654 battle near Richmond, destruction of Mowhemcho by the English, and by Bacon's Rebellion.<sup>4</sup> As a result they lost access to their ancestral lands, including Rassawek, and suffered catastrophic disease and violence that decimated their population. They were deprived of basic human rights and subject to state-sanctioned discrimination, including exclusion from segregated white schools and being refused state funds for their education.<sup>5</sup>

Rassawek has been well-documented throughout history. Captain John Smith mapped it in 1612.<sup>6</sup> The Smithsonian conducted investigations there in the 1880s,<sup>7</sup> and leading Virginia professionals documented burials and the remains of a substantial village at Point of Fork in

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<sup>1</sup> The Monacan Indian Nation was recognized by the Commonwealth of Virginia in 1989. On January 29, 2018, the Nation received federal recognition when President Trump signed into law the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2017.

<sup>2</sup> Encyclopedia Virginia, *Monacan Indian Nation* (2019), available at [https://www.encyclopediavirginia.org/Monacan\\_Indian\\_Nation3start\\_entry](https://www.encyclopediavirginia.org/Monacan_Indian_Nation3start_entry).

<sup>3</sup> Jeffrey Hantman, *Monacan History and Archaeology of the Virginia Interior* in SOCIETIES IN ECLIPSE: ARCHAEOLOGY OF THE EASTERN WOODLAND, AD 1400-1700, 107-124 (Smithsonian Institution Press 2001).

<sup>4</sup> Karenne Wood, "The Language Ghost," *Linguistic Heritage and Collective Identity Among the Monacan Indians of Central Virginia* (2016), available at <https://pdfs.semanticscholar.org/c02a/b2eef5fd26f1135d5aa40657ab5a268f4adc.pdf>

<sup>5</sup> Melanie Dorothea Haimes-Bartolf, *Policies and attitudes: Public education and the Monacan Indian community in Amherst County, Virginia, from 1908 to 1965* (2004), available at <https://search.proquest.com/openview/1748f0c2d34be5bf1b4631b5cf16861b/1?pq-origsite=gscholar&cbl=18750&diss=y>.

<sup>6</sup> See John Smith & William Hole, *Virginia* (1624), <https://www.loc.gov/item/99446115/>.

<sup>7</sup> GERARD FOWKE, *ARCHAEOLOGICAL INVESTIGATIONS IN JAMES AND POTOMAC VALLEYS* (U.S. Government Printing Office) (1894).

the 1980s.<sup>8</sup> Rassawek was thriving when Jamestown was founded, and was a much larger and more complex settlement. Rassawek is a sacred site to the Nation.

Three years ago, in June 2017, the Nation became aware that JRWA planned to construct a water intake, pumping station, and water pipeline at Point of Fork. JRWA (a joint venture of Louisa and Fluvanna Counties in Virginia) proposes to build a pump station to extract water from the James River to support economic development at Zion Crossroads. The project will destroy Rassawek and disturb tribal ancestors.

The Corps knew of Rassawek's historic and cultural significance at least as early as 2015 but did not reach out to the Monacans until 2017, after JRWA had purchased the land on which to build the pump station. The Virginia Department of Historic Resources (DHR) warned JRWA and the Corps early on that this was a very sensitive location. JRWA proceeded anyway.

At first, JRWA told to the Nation that no alternatives were available. In October 2018, the Nation discovered that JRWA had, in fact, identified multiple alternatives to get water to the Zion Crossroads area that did not destroy Rassawek. The Nation has since been steadfast in its opposition to JRWA's preferred site for the Project.

In the meantime, it was discovered that JRWA's archaeologist, Carol Tyrer—the person tasked with identifying, evaluating, and excavating any archeological resources on this sensitive site—falsified her resume and did not have the degrees or training she claimed. Her supervisory staff member courageously blew the whistle on deeply unethical practices and problems with the investigation, and DHR disqualified Tyrer from conducting work on any projects in the Commonwealth that require federal permits.

The Corps then reversed its initial decision to use Nationwide Permit 12 to authorize this Project, and the Corps is now requiring an individual permit and an in-depth analysis of alternative routes. JRWA has resubmitted its permit application, still seeking the route through Rassawek. JRWA has identified twelve alternative routes, but still argues that destroying Rassawek is the least expensive (and thus, they argue, the most desirable route and the only practicable one). However, JRWA still has not done basic investigations of cultural resources on the other routes. JRWA has persevered understating the likelihood that burials will be disturbed and ignoring the unique and devastating impact this Project threatens to have on the Monacan people.

Once the public learned what was going on, there was, and continues to be, national outrage and objection. As of this writing, an astounding array of local, state, and national organizations have filed their own comments in opposition to JRWA's permit application. Among them are entities representing most of the 574 federally recognized tribes in the United States, including the National Congress of American Indians, United Southern and Eastern Tribes, and the Alliance of Colonial Era Tribes. The premier voices for historic preservation have filed comments, including the National Trust for Historic Preservation and Preservation Virginia. Leading environmental advocacy groups have weighed in, including the Southern Environmental Law Center and the Sierra Club. Faith communities have expressed opposition,

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<sup>8</sup> Daniel Mouer, *1985 Archaeology at Point of Fork, Fluvanna County, Virginia*, FLUVANNA COUNTY HISTORICAL SOCIETY SPECIAL BULLETIN (1985).

including divisions of the Episcopal and Quaker churches. Municipal and political leadership have filed comments, including the City of Richmond and Congressman Donald McEachin.

In addition, more than 12,000 community leaders and private citizens have signed statements in opposition and hundreds have spoken at public meetings opposed to the project. The media has covered the controversy in hundreds of news articles, and Preservation Virginia named Rassawek to its 2020 List of Most Endangered Places in the Commonwealth.

By contrast, not a single consulting party except JRWA has publicly endorsed this Project location.

## **II. The Corps should withdraw the public notice and deny the permit because JRWA has committed anticipatory demolition in violation of Section 110(k) of the National Historic Preservation Act.**

As we have previously explained to the Corps in letters dated October 21, 2019<sup>9</sup> and December 16, 2019,<sup>10</sup> the National Historic Preservation Act (NHPA) Section 110(k) forbids a federal agency from granting a permit to a project proponent who has destroyed cultural resources to avoid permitting requirements.<sup>11</sup> The Corps should withdraw the public notice and deny this permit application on its face because JRWA committed anticipatory demolition. Not only did JRWA knowingly approve untrained, unskilled construction workers to use post hole diggers to destroy the most sensitive parts of Rassawek without supervision by qualified archaeologists, but it also hired and has defended the work of a consultant who avoided meaningful discovery and lied to state officials over compliance measures meant to protect resources, among many other unsettling allegations.

The Corps has a sworn affidavit executed by Eric Mai, a whistleblower who worked for JRWA's contractor, Circa~ Cultural Resource Management ("Circa"), as well as copies of JRWA's own documents that show JRWA's knowing approval of this demolition.<sup>12</sup> JRWA's response, Appendix M-1-1 to this permit application, seeks to place blame for the demolition on its contractors, the Timmons Group ("Timmons") and Circa.<sup>13</sup> Yet JRWA knowingly approved payment to unqualified, unskilled construction workers for "digging holes and sifting artifacts." JRWA was on notice that Circa principal Carol Tyrer had twice been discovered by DHR to have been absent from her supervising responsibilities at the time JRWA approved those payments. Furthermore, once these issues came to light, JRWA's response was not to

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<sup>9</sup> Letter from the Monacan Indian Nation to U.S. Army Corps of Engineers (Oct. 21, 2019), available at [http://www.culturalheritagepartners.com/wp-content/uploads/2019/10/AnticipatoryDemolition\\_10\\_21\\_2019\\_withexhibits.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2019/10/AnticipatoryDemolition_10_21_2019_withexhibits.pdf).

<sup>10</sup> Letter from the Monacan Indian Nation to U.S. Army Corps of Engineers (Dec. 16, 2019), available at [http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/FinalLetter\\_AnticipatoryDemolition\\_2\\_12\\_16\\_2019-1.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/FinalLetter_AnticipatoryDemolition_2_12_16_2019-1.pdf).

<sup>11</sup> 16 U.S.C. § 470h-2(k); Section 110(k) provides that "a federal agency may not grant a permit to an applicant who has already adversely affected historic property." *Committee to Save Cleveland's Hulets v. U.S. Army Corps of Eng'rs*, 163 F. Supp. 2d 776, 792-92 (N.D. Ohio 2001).

<sup>12</sup> See Sworn Declaration of Eric Mai (Oct. 16, 2019), available at [http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/Mai\\_Declaration\\_10-16-19\\_Notarized.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/Mai_Declaration_10-16-19_Notarized.pdf); Letter from Monacan Indian Nation to U.S. Army Corps of Engineers (Dec. 16, 2019), available at [http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/FinalLetter\\_AnticipatoryDemolition\\_2\\_12\\_16\\_2019-1.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2019/12/FinalLetter_AnticipatoryDemolition_2_12_16_2019-1.pdf).

<sup>13</sup> James River Water Supply Project Supplemental Information Package NAO-2013-0070 (Mar. 2020), Appendix M-1-1.

acknowledge and mitigate these issues, but to file a lawsuit against DHR aimed at compelling DHR to reverse their finding that Tyrer was unqualified, and to perform a sham investigation (Appendix M-1-2 to the permit application) in which JRWA's own legal counsel interviewed Circa's principal but not any of the individuals who had made allegations against her.

The whistleblower's affidavit describes damage JRWA's destructive testing inflicted on to Rassawek, and raises important concerns including:

- a) Failure to employ a principal investigator who meets the Secretary of the Interior's Standards required by law for work on federally permitted projects;
- b) Mischaracterization of resumes of multiple staff members to secure approval of burial permits and contracts;
- c) Mischaracterization of availability of computer software, mapping technologies, and other specialized archaeological tools that are standard equipment in the field and are required to have comparable and verifiable archaeological work;
- d) Neglect of untrained archaeological staff for days and weeks in the field;
- e) Use of construction workers to conduct specialized archaeological testing, sometimes with no supervision;
- f) Approval of this use of construction workers for archeological testing by the JRWA board;
- g) Multiple episodes of violation of the DHR burial permit conditions;
- h) Lying and encouragement of staff to lie when these violations were observed;
- i) Improper and unauthorized use of another specialist's work, Dan Hayes, to defend a document he did not support and had not reviewed;
- j) Inadequate report details with frequent factual errors that resulted in an inability of DHR to accept these reports;
- k) Misrepresentation of lab skills and lab procedures to ensure care of delicate artifacts and recovery of microartifacts present in soil screened in the field;
- l) Misrepresentation and minimization of archaeological resources present at Point of Fork in the Phase I/II report being used to determine next steps for these sites; and
- m) Plagiarism of significant elements of the original Treatment Plan, without attribution, from the dissertation of a graduate student wholly unaffiliated with the Project.

To date, the Nation has not received any response from the Corps regarding the Corps' responsibilities under Section 110(k) of the NHPA or the significant methodological and professional lapses that underly them. In this current public comment period, the Pamunkey Indian Tribe has come forward<sup>14</sup> with similar grievous concerns about Circa, which get to the heart of why the site testing has created an unrecoverable error in the Project. We again reiterate our request that the Corps fulfill its responsibility and follow the protocols required by federal law in the case of anticipatory demolition by a project applicant as set forth in our October 21, 2019 letter. Please be advised that the Nation intends to seek enforcement of Section 110(k) in a court of law if the Corps grants a permit to JRWA for this Project.

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<sup>14</sup> Letter from Terry Clouthier, Tribal Historic Preservation Officer for the Pamunkey Indian Tribe, to U.S. Army Corps of Engineers (May 6, 2020).

**III. The Corps should withdraw the public notice because JRWA's permit application and alternatives analysis were prepared by a consultant with conflicts of interest, and these documents cannot be relied upon for agency decision-making.**

The Supplemental Information Package provided to the Corps to facilitate the Corps' compliance with the National Environmental Policy Act (NEPA) was prepared and submitted by Timmons. The Supplemental Information Package includes JRWA's permit application and alternatives analyses, among other NEPA documents. Timmons has several conflicts of interest that disqualify the company from preparing analyses for the Corps to rely on when making this decision. The Corps must reject the Supplemental Information Package to preserve the objectivity and integrity of the NEPA process.

The Council on Environmental Quality addresses conflicts of interest in guidance regarding the National Environmental Policy Act.<sup>15</sup> CEQ states:

Section 1506.5(c), which specifies that a consulting firm preparing an EIS must execute a disclosure statement, does not define "financial or other interest in the outcome of the project." The Council interprets this term broadly to cover any known benefits other than general enhancement of professional reputation. This includes any financial benefit such as a promise of future construction or design work on the project, as well as indirect benefits the consultant is aware of (*e.g.*, if the project would aid proposals sponsored by the firm's other clients). For example, completion of a highway project may encourage construction of a shopping center or industrial park from which the consultant stands to benefit. **If a consulting firm is aware that it has such an interest in the decision on the proposal, it should be disqualified from preparing the EIS, to preserve the objectivity and integrity of the NEPA process.** When a consulting firm has been involved in developing initial data and plans for the project, but does not have any financial or other interest in the outcome of the decision, it need not be disqualified from preparing the EIS. However, a disclosure statement in the draft EIS should clearly state the scope and extent of the firm's prior involvement to expose any potential conflicts of interest that may exist.<sup>16</sup>

The analyses provided by Timmons cannot be relied upon by the Corps now and cannot be included in any future EIS. Timmons stands to benefit directly and indirectly from the outcome of the Project. Timmons has a direct financial interest in that Timmons is the architect and engineering firm hired by JRWA to design and execute this Project, and Timmons also oversees cultural resources, construction, and other services to deliver the Project. It is in the financial interests for the Timmons for this Project to proceed because Timmons will get future construction and design work.

It is also in the financial interests of Timmons for this work to proceed specifically at Alternative 6, JRWA's preferred alternative. Timmons hired Circa, the cultural resource firm that was later found to have falsified credentials and committed egregious acts during its work at Rassawek. As previously discussed, a whistleblower came forward to expose Timmons' lack

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<sup>15</sup> COUNCIL ON ENVIRONMENTAL QUALITY, MEMORANDUM TO AGENCIES: FORTY MOST ASKED QUESTIONS CONCERNING CEQ'S NATIONAL ENVIRONMENTAL POLICY ACT REGULATIONS (1986), Question 17(a), available at <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>.

<sup>16</sup> *Id.* (emphasis added).

of oversight of Circa. DHR has now disqualified Circa from work on federally permitted projects, and Circa, JRWA, and DHR are all parties to current litigation in which Timmons' actions are material.

This series of events puts Timmons in a precarious position vis-à-vis all of its clients for whom Timmons also used Circa as a cultural resources contractor. Timmons has a financial interest in defending Circa's work and having the Project proceed because if the Corps determines it cannot rely on Circa's work in the JRWA permitting process, that decision will set a precedent for other clients' projects. Timmons could be liable to an untold number of its clients on whose projects it also employed Circa. On the other hand, approval of this Project will aid proposals sponsored by the firm's other clients where Timmons also used Circa as a cultural resources subcontractor, as the Corps' acceptance of Circa's work would provide a favorable precedent for Timmons and Timmons' other clients.

Timmons also has a financial interest in the Project proceeding at JRWA's preferred alternative in particular to reduce Timmons' liability exposure to JRWA. Because Timmons hired an incompetent, unqualified consultant to conduct cultural resources investigations at Rassawek, JRWA now stands to lose the possibility of receiving any permit from the Corps because it committed anticipatory demolition. Because Timmons hired Circa, JRWA has incurred additional costs because JRWA had to hire a new cultural resources firm, GAI, to try to salvage any meaning from Circa's fatally flawed investigations. Indeed, members of the public have called for JRWA to conduct a deeper investigation into Timmons with regards to its work with Circa.<sup>17</sup> Calls for financial reimbursement from Timmons will only grow louder when the Corps agrees with the Nation that Circa's work has tainted Alternative 6, that Circa's work cannot be relied upon for the Corps' compliance with NEPA or the NHPA's Section 106 process, that any further testing would constitute an adverse effect on the site, and construction cannot be permitted. Finally, it is in Timmons' best interests to get this project completed without further interruption to defend their development of Alternative 6, which they had assured JRWA could be easily permitted with little public input through a nationwide permit and cultural resource impacts could be easily resolved.<sup>18</sup>

These myriad conflicts of interest have no doubt colored Timmons' analysis in the Supplemental Information Package. To preserve the integrity and objectivity of the NEPA process, the Corps cannot rely upon Timmons's analysis, and the Corps should not allow it to be incorporated into any future Environmental Impact Statement or Record of Decision for this Project.

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<sup>17</sup> See, e.g., Editorial Board, *Rassawek Dispute Ratchets Higher*, DAILY PROGRESS, Dec. 31, 2019, available at [https://www.dailyprogress.com/opinion/opinion-editorial-rassawek-dispute-ratchets-higher/article\\_5a915592-b01e-5353-a1b8-3d31e4796c8e.html](https://www.dailyprogress.com/opinion/opinion-editorial-rassawek-dispute-ratchets-higher/article_5a915592-b01e-5353-a1b8-3d31e4796c8e.html) ("It faces a conflict of interest: Its own aims in pushing the water project forward rely on the consultant being up to standards. Otherwise, the project may be delayed or derailed. An independent investigation, by those without a vested interest, is necessary. Without such impartiality, results of any investigation are likely to be adjudged as tainted and unacceptable."); Jon Taylor, *Some questions for our elected leaders*, CENTRAL VIRGINIAN, Feb. 13, 2020, available at [https://www.thecentralvirginian.com/news/editorial/some-questions-for-our-elected-leaders/article\\_90f03dec-4e8d-11ea-806a-0b957a5e432b.html](https://www.thecentralvirginian.com/news/editorial/some-questions-for-our-elected-leaders/article_90f03dec-4e8d-11ea-806a-0b957a5e432b.html); Randy Halladay, *A Poem for supervisors who just won't listen*, CENTRAL VIRGINIAN, Sept. 19, 2019, available at [https://www.thecentralvirginian.com/news/editorial/a-poem-for-supervisors-who-just-won-t-listen/article\\_8cf93082-da4c-11e9-9b76-8f74f0e97e56.html](https://www.thecentralvirginian.com/news/editorial/a-poem-for-supervisors-who-just-won-t-listen/article_8cf93082-da4c-11e9-9b76-8f74f0e97e56.html);

<sup>18</sup> See James River Water Supply Project Supplemental Information Package NAO-2013-0070 (Mar. 2020), Appendix H-9-3; Timmons Group, *Alternate Intake and Pump Station Site: Preliminary Evaluation of the Potential Cost and Schedule*, Dec. 16, 2015.



**IV. The Corps has not provided adequate opportunity for public comment because it has failed to make the complete permit application available and has proceeded with soliciting comment on an incomplete set of documents during a state of emergency. Public involvement has been impeded by lack of access to the complete application, the COVID-19 pandemic, compliance with stay-at-home orders, lack of internet access, and widespread civil unrest.**

The Commonwealth of Virginia and the Monacan Indian Nation are currently operating under states of emergency due to the COVID-19 pandemic.<sup>19</sup> The Governor of Virginia has shut down a wide swath of the economy and ordered Virginia residents to stay in their homes to prevent the spread of the virus.<sup>20</sup> Schools have been closed for three months, and citizens are being asked to homeschool their children without access to safe childcare, while still holding down jobs and many working from home. Nearly forty (40) million Americans have lost their jobs, and many citizens are concerned about whether they will be able to afford their rent or mortgage payment and where they will get their next meal. As of this writing, more than 110,000 Americans have died from COVID-19 and more than 1,900,000 Americans have been confirmed to be infected.<sup>21</sup> In addition, the country is experiencing widespread public protests in response to the murder of George Floyd and multitude other abuses of minority citizens.<sup>22</sup> Curfews have been ordered in various Virginia localities and in cities across the country.<sup>23</sup> That so many people managed to participate in this public comment process is astounding and

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<sup>19</sup> Declaration of Public State of Emergency, Monacan Indian Nation (Mar. 20, 2020), available at [https://www.monacannation.com/uploads/7/0/0/1/70010765/03.20.2020\\_declaration\\_of\\_emergency.pdf](https://www.monacannation.com/uploads/7/0/0/1/70010765/03.20.2020_declaration_of_emergency.pdf); Commonwealth of Virginia, Office of the Governor, Exec. Order 51-2020 (Mar. 12, 2020), available at [https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/eo/EO-51-Declaration-of-a-State-of-Emergency-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/eo/EO-51-Declaration-of-a-State-of-Emergency-Due-to-Novel-Coronavirus-(COVID-19).pdf).

<sup>20</sup> Exec. Order No. 51, Declaration of a State of Emergency due to Novel Coronavirus (COVID 19) (Mar. 12, 2020); Exec. Order No. 51 Amended, Extending Declaration of a State of Emergency due to Novel Coronavirus (COVID-19) (May 26, 2020); Exec. Order 53, Temporary Restrictions on Restaurants, Recreational, Entertainment, Gatherings, Non-essential Retail Businesses, and Closure of K-12 Schools Due to Novel Coronavirus (COVID-19) (Mar. 23, 2020); Exec. Order 53, Amended Extension of Temporary Restrictions on Restaurants, Recreational, Entertainment, Gatherings, Non-essential Retail Businesses, and Closure of K-12 Schools Due to Novel Coronavirus (COVID-19) (April 15, 2020); Exec. Order No. 53, Second Amended Extension of Temporary Restrictions on Restaurants, Recreational, Entertainment, Gatherings, Non-essential Retail Businesses, and Closure of K-12 Schools Due to Novel Coronavirus (COVID-19) (May 4, 2020); Exec. Order 55, Temporary Stay at Home Order Due to Novel Coronavirus (COVID-19) (Mar. 30, 2020); Exec. Order 62 and Order of Public Health Emergency Four - Jurisdictions Temporarily Delayed From Entering Phase One in Executive Order 61 and Permitted to Remain in Phase Zero Northern Virginia Region (May 12, 2020). See also Order of Public Emergency One - Order of the Governor and State Health Commissioner Declaration of Public Health Emergency (Mar. 17, 2020); Order of Public Emergency One AMENDED, Order of the Governor and State Health Commissioner Declaration of Public Health Emergency (Mar. 20, 2020); Order of Public Emergency Two - Order of the Governor and State Health Commissioner Declaration of Public Health Emergency (Mar. 25, 2020); Order of Public Emergency Two Amended - Order of the Governor and State Health Commissioner Declaration of Public Health Emergency (April 23, 2020).

<sup>21</sup> See *Coronavirus in the U.S.: Latest Map and Case Count*, N.Y. TIMES, Jun. 5, 2020, available at <https://www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html>.

<sup>22</sup> See, e.g., *Live Update on George Floyd Protests*, N.Y. TIMES, Jun. 5, 2020, available at <https://www.nytimes.com/2020/06/05/us/george-floyd-protests.html>.

<sup>23</sup> See, e.g., see Exec. Order No. 64, Declaration of a State of Emergency Due to Civil Unrest and Institution of a Curfew in the City of Richmond (May 31, 2020); Exec. Order 64, Amended Declaration of a State of Emergency Due to Civil Unrest and Institution of a Curfew in the City of Richmond and the City of Virginia Beach (June 1, 2020); and Exec. Order No. 64, Second Amended Declaration of A State Of Emergency Due to Civil Unrest and Institution of a Curfew in the City of Richmond, the City of Virginia Beach and the City of Hampton (June 3, 2020).

should cause the Corps to wonder how many more would have participated had the Corps managed the comment process in a manner attuned to these massive obstacles.

Shockingly, while the Corps moved ahead with a public comment process in the middle of a national emergency, the Corps failed to provide complete materials to the public. It is deeply disrespectful to the Nation and to the public that the Corps asked them to divert attention from dealing with the pandemic to respond to this public notice, but then failed to provide complete information. The Corps did not post links to more than 2,000 pages of the Supplemental Information Package until May 7, thirty days after the public notice and after many members of the public had already commented, and the Corps did not notify commenters that additional materials had then been made available.<sup>24</sup> On today, June 7, 2020, the materials on the Corps' website are still not complete, with Appendix G not being available at all.<sup>25</sup>

Declining to provide the public complete information is not only a violation of NEPA,<sup>26</sup> but it is also contrary to the Executive Order on Environmental Justice, E.O. 12898. The Corps, in failing to publish JRWA's complete individual permit application and alternatives analysis, failed to uphold federal law requiring important documentation to be accessible to the public. The Executive Order requires agencies to "ensure that public documents, notices, and hearings related to human health or the environment are concise, understandable, and readily accessible to the public."<sup>27</sup> The Corps did not make the full application available for public review, which undermines the public's ability to properly comment, and reduces transparency for the entire Project. The Corps has an obligation to make all NEPA documentation accessible, and in this regard it has thus far failed.

The Corps should withdraw this public notice and post complete materials for the public to review, in accordance with the law.<sup>28</sup> If the Corps decides to re-issue the public notice, it should include an acknowledgment that the entire application has not been previously available for review, and extend the public comment period.

The Nation requested twice that the Corps extend public comment for this notice because the Nation's leadership and tribal members are focused on pandemic response, and public comment would likely be subdued by compliance with the Governor's order to stay at home and the lack of community members to internet access. In particular, the Nation noted that Louisa County has only 36.3% broadband access, one of the lowest rates in Virginia, and broadband rates for tribal members are similarly low.<sup>29</sup> While the Corps determined to extend the public comment period thirty days until June 7, it did not publish this decision until May 7, meaning that many members of the public and the Nation had to act as though the deadline would not be extended.

The Nation resents that it had to divert the attention of its leadership and the tribe's attorneys to this matter when that time could have been spent dealing with a public health emergency

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<sup>24</sup> See App. B.

<sup>25</sup> *Id.*

<sup>26</sup> 40 C.F.R. § 1506.6(b).

<sup>27</sup> 59 Fed. Reg. 7629 (1994).

<sup>28</sup> See 40 C.F.R. § 1500.2(d): "Federal agencies shall to the fullest extent possible encourage and facilitate public involvement in decisions which affect the quality of the human environment." In this case, the Corps failed to even post the entire application for public comment.

<sup>29</sup> See *Internet Access in Virginia*, BroadbandNow, available at <https://broadbandnow.com/Virginia>.



and critical needs of its tribal members. As just one example of immediate needs with which the Nation is grappling, the Nation's food bank has 100 times more demand today than it did three months ago. The Nation's members are struggling with widespread unemployment, health emergencies, and hunger because of the pandemic. It is a testament to the Nation's priorities to preserve its cultural heritage, and the significance of Rassawek in particular, that the Nation has prepared these comments even in this extraordinarily challenging time.

**V. The purpose and need for the Project fail to acknowledge that the proposed Project is part of a larger undertaking that was illegally segmented and permitted by the Corps. The Corps and JRWA have taken actions to limit the choice of reasonable alternatives in violation of NEPA.**

Segmentation of a project occurs when the Corps breaks a single and complete project into multiple permitting actions in an attempt to evade legal requirements. An action can be too narrowly defined by a permit applicant, minimizing potential impacts to avoid a higher level of NEPA documentation and scrutiny. "The scope of an action must include the consideration of connected, cumulative, and similar actions."<sup>30</sup>

Here, illegal segmentation has occurred. The Nation has objected to the Corps for the past eighteen months that this proposed action is only half of a functional project.<sup>31</sup> The James River Water Supply Line (Corps permit file NAO-2016-01198) was segmented from (but integral to) the current James River Water Supply Project consisting of the water pump station and southern section of pipeline (NAO-2014-00708). These two projects were understood to be a single undertaking by the Virginia Department of Environmental Quality and the Virginia Marine Resources Commission, which permitted the project under a single Virginia Water Permit 14-0343 in 2015. In fact, employees from the Corps questioned early on why the project was so illogically segmented. In an email dated December 2015, Steven VanderPloeg stated, "I am viewing the [w]hole project (Intake, JRWA waterline, and Louisa/Fluvanna Waterline) as one single and complete project . . . if I issue them the permit for just the JRWA part of the project *there is not a logical termini without the construction of the other part.*"<sup>32</sup>

In its application for NAO-2016-01198, JRWA repeatedly stated that the treatment plant and northern pipeline were needed to "make the raw water line connection where the James River Water Authority portion of the project terminates and connect it to the proposed Water Treatment Plant in Ferncliff, VA."<sup>33</sup> The complete Purpose and Need statement provided on page 4 of the Joint Permit Application states three main justifications for the project: 1) to meet long-term water supply needs based on continued growth projections; 2) to reduce reliance on groundwater sources; and 3) to meet the water demands of future business prospects such as information data centers, defense, and agribusiness.

In the Corps' April 9, 2019 letter responding to the Nation's repeatedly articulated concerns about the permitting, the Corps stated that "the purpose of the Louisa County Waterline project

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<sup>30</sup> 38 C.F.R. § 200.4(b)(1)(i)(A) (implementation of NEPA and related authorities).

<sup>31</sup> See, e.g., Letter from Monacan Indian Nation to U.S. Army Corps of Engineers (Dec. 21, 2018); Letter from Monacan Indian Nation to U.S. Army Corps of Engineers (Jun. 5, 2019).

<sup>32</sup> Email from Steven VanderPloeg to Jennifer Frye, Dec. 2, 2015 (emphasis added).

<sup>33</sup> Letter from Jason Bohdan to Randy Owen regarding Joint Permit Application for NAO-2016-01198, Jun. 29, 2016, at 4.

is to provide a raw water line connection from a transmission point at River Road (Route 6) to a new Louisa County Water Treatment facility. The purpose of the currently proposed Project is to provide raw water to a transmission point in Louisa County. Louisa County and the JRWA are independent applicants with distinct projects having different points of origin and termini.”<sup>34</sup> This is a distinction without a difference. JRWA’s stated purpose for the Project now under consideration is “to provide a new and reliable raw water supply of sufficient quantity to meet the short and long-term needs of Fluvanna and Louisa Counties for delivery to an agreed-upon T interconnection point planned for use by Fluvanna and Louisa Counties.” This stated purpose is impermissibly narrow and should be revised to “provide a new and reliable raw water supply of sufficient quality to meet the short and long-term needs of Fluvanna and Louisa County,” which is exactly what the Zion Roads Concept Growth Area plan makes clear that Louisa County seek to do. Indeed, if the two halves of the project had been permitted together, the development of project alternative routes and the alternatives analysis for the Individual Permit would be a completely different exercise, with multiple options on the table to meet the water needs of Fluvanna and Louisa County.

To be clear: before the Corps considered how water would get from the James River to the T interconnector, the Corps issued a permit for the water treatment plant and the pipeline to the T interconnector, creating a fixed point that impermissibly limits alternatives. By permitting the location of the T connector before permitting the location of the intake, the Corps illegally segmented the project and limited the alternatives available to JRWA.<sup>35</sup> JRWA moved forward with constructing the water treatment plant without knowing where the water would come from. That treatment plant now stands idle because its only function is to process the water from the intake that has not yet been constructed, demonstrating how integral the water treatment plant, pipeline, T interconnector point, water intake, and pump station are to the overall integrity and purpose of the project. JRWA now seeks Corps approval for alternatives needlessly limited by its own refusal to plan and follow the law.<sup>36</sup>

By allowing the proponent to segment this project to avoid analyzing their true significance, the Corps has enabled a situation where the consideration of alternatives is arbitrarily limited by a transmission point that is fixed due to the premature construction of the James River Water Supply Line Project (Corps project NA0-2016-01198) and is therefore contrary to law.<sup>37</sup>

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<sup>34</sup> Letter from U.S. Army Corps of Engineers to Monacan Indian Nation (Apr. 9, 2019).

<sup>35</sup> See, e.g., *Bragg v. Robertson*, 54 F. Supp.2d 635, 649 (S.D. W. Va. 1999) (finding that if the proposed action is separated into component to avoid significance, the proposed projects would be illegally segmented). The U.S. Court of Appeals for the Fourth Circuit has addressed the factors to be considered in addressing segmentation. In *Maryland Conservation Council, Inc. v. Gilchrist*, the court considered not only the utility of the proposed component, but also whether the component involved such a dedication of resources that it would virtually force the agency to approve a later component as “a fait accompli.” 808 F.2d 1039, 1042–43 (4<sup>th</sup> Cir. 1986). “We are committed to the proposition that when a major federal action is undertaken, no part may be constructed without an EIS.” *Id.* at 1042. Accordingly, the Court must consider whether the “project would violate NEPA by limiting the choice of reasonable alternatives available to federal decision-makers.” *State of N.C. v. City of Virginia Beach*, 951 F.2d 596, 602 (4<sup>th</sup> Cir. 1991) (internal quotations and citations omitted). That is, the Court considers whether the completion of the first component has “a direct and substantial probability of influencing” the agency’s decision. *Id.* at 603.

<sup>36</sup> Timmons Group, *Alternate Intake and Pump Station Site: Preliminary Evaluation of the Potential Cost and Schedule*, Dec. 16, 2015 (emphasis in original). It should be noted that Timmons has advised JRWA on multiple occasions to avoid exposing the project to any public feedback. In a 2015 memo to JRWA, Timmons strongly advised against moving the intake further upstream because doing so “would most likely put this into an individual permit category which would require extensive public involvement such as public hearings.”

<sup>37</sup> See note 26, *supra*.

Neither the James River Water Supply line nor JRWA water pump station has “independent utility.” The test for determining whether a project is “single and complete” and not illegally segmented is “whether the project has independent utility.”<sup>38</sup> Stated another way, would the proposal be constructed absent its connection to other projects in the project area? The answer here is no. For this reason, the Corps should never have allowed the project to be permitted as it stands now. By artificially altering the Project’s purpose to reduce the likelihood of further analysis by purporting to give JRWA’s Project an impermissibly narrow scope, JRWA and the Corps have illegally segmented the project. For these reasons, the Corps should revise the purpose of the project to consider the project as a whole and conduct a new alternatives analysis without consideration to the already constructed pipeline.

**VI. If the Corps proceeds with considering this permit application, notwithstanding its responsibilities under Section 110(k), the Corps must prepare an Environmental Impact Statement.**

NEPA mandates agencies prepare an EIS to assess the potential impact of actions significantly affecting the quality of the human environment, and NEPA regulations require all agencies to consider the context of any action in determining significance of those effects. “[Context] means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short term and long-term effects are relevant.”<sup>39</sup> In other words, “considering contexts does not mean giving greater attention to...effects on society as a whole than to effects on a local area. On the contrary, the importance of impacts must be considered in the context of the local area...”<sup>40</sup>

Here, context includes the circumstances that frame the historic and cultural importance of the site to the Nation and to the American public so that JRWA’s proposal can be fully understood and assessed. Rassawek is an irreplaceable historic and cultural site and is the Nation’s ancestral capital, which includes human remains believed to be connected to the Nation’s living members. Even though JRWA has feasible alternatives that would avoid Rassawek, JRWA’s developers have ignored those alternatives in favor of the most harmful one in order to solve a self-created problem of segmenting their project and approving real estate development in an area that had a limited water supply.<sup>41</sup> The context surrounding JRWA’s origins, purpose, and

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<sup>38</sup> 67 Fed. Reg. 2074 (Jan. 15, 2002) (stating that “[p]ortions of a multi-phase project that depend upon other phases of the project do not have independent utility[.]” but that “[p]hases of a project that would be constructed even if other phases were not built” do have “independent utility.”)

<sup>39</sup> 40 C.F.R. 1508.27(a)

<sup>40</sup> *Significance Under NEPA*, NATIONAL PRESERVATION INSTITUTE, <https://www.npi.org/node/478>.

<sup>41</sup> See, e.g., Zion Crossroads Concept Growth Area, Louisa County, available at <https://www.louisacounty.com/DocumentCenter/View/4564/Website-Posting---Zion-Crossroads-Growth-Area-Complete> (showing that JRWA is needed to support future development plans). See also David Holtzman, *Planners back hundreds of homes in Zion Crossroads*, CENTRAL VIRGINIAN, Jul. 17, 2019, available at [https://www.thecentralvirginian.com/planners-back-hundreds-of-homes-in-zion-crossroads/article\\_4067dc6c-a8cb-11e9-ae6b-f7e555460649.html](https://www.thecentralvirginian.com/planners-back-hundreds-of-homes-in-zion-crossroads/article_4067dc6c-a8cb-11e9-ae6b-f7e555460649.html); *Zion Crossroads housing plans stalled, for now*, CENTRAL VIRGINIAN, Jun. 20, 2019, available at [https://www.thecentralvirginian.com/news/business/zion-crossroads-housing-plans-stalled-for-now/article\\_c1f9eb76-8f38-5618-9900-31a6ebd5e1a5.html](https://www.thecentralvirginian.com/news/business/zion-crossroads-housing-plans-stalled-for-now/article_c1f9eb76-8f38-5618-9900-31a6ebd5e1a5.html); David Holtzman, *Proposed lake rezoned*

alleged need, as well as reasons why Rassawek is a significant historic and cultural resource, are important for the Corps to consider. This Project's context demands an EIS.

Agencies must also consider the intensity of an action, which is a function of ten factors, any one of which can justify preparation of an EIS.<sup>42</sup> As provided in 40 C.F.R. § 1508.27, these factors include:

1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.
2. The degree to which the proposed action affects public health or safety.
3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.
4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.
5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.
6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
8. The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.
9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

The impacts of JWRA's plans have a high degree of intensity and meet many of these factors, as we discuss below.

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*gets mixed reviews*, CENTRAL VIRGINIAN, Aug. 17, 2019, available at [https://www.thecentralvirginian.com/news/local/proposed-lake-rezone-gets-mixed-reviews/article\\_2d17beb2-c058-11e9-bba1-9fa5e204bffa.html](https://www.thecentralvirginian.com/news/local/proposed-lake-rezone-gets-mixed-reviews/article_2d17beb2-c058-11e9-bba1-9fa5e204bffa.html); Joe Mikolajczak, *Does board not want to hear from experts?*, CENTRAL VIRGINIAN, Sep. 27, 2019, available at [https://www.thecentralvirginian.com/news/editorial/does-board-not-want-to-hear-from-experts/article\\_44d9e1d0-e16c-11e9-bdc2-5fd3217db274.html](https://www.thecentralvirginian.com/news/editorial/does-board-not-want-to-hear-from-experts/article_44d9e1d0-e16c-11e9-bdc2-5fd3217db274.html); Jon Taylor, *Some questions for our elected leaders*, CENTRAL VIRGINIAN, Feb. 13, 2020, available at [https://www.thecentralvirginian.com/news/editorial/some-questions-for-our-elected-leaders/article\\_90f03dec-4e8d-11ea-806a-0b957a5e432b.html](https://www.thecentralvirginian.com/news/editorial/some-questions-for-our-elected-leaders/article_90f03dec-4e8d-11ea-806a-0b957a5e432b.html).

<sup>42</sup> See, e.g., *Ocean Advocates v. U.S. Army Corps of Eng'rs*, 402 F.3d 846, 865 (9<sup>th</sup> Cir. 2005).

**A. There are unique characteristics of the geographic area that must be considered in an EIS. (Factor 3).**

First, the Project proposes to impact unique characteristics of the geographic area, including proximity to historic and cultural resources, as well as ecologically critical areas. The Project would have considerable impact on setting through changes to the appearance of Point of Fork and the introduction of noise and visual impacts. The Project in its current design (Alternative 6) proposes to damage at least four archaeological sites and two historic architectural resources. Archaeological site 44FV0022, dating to the Archaic, Early and Late Woodland, and Contact period, will be impacted the most extensively, through construction of the pump station and the pipeline extending north from it. Site 44FV0022 appears to have the most Contact period occupation, is located on the Point of Fork landform between the James and Rivanna Rivers, and is positioned along the floodplain edge where archaeologist Dr. Daniel Mouer and colleagues reported seeing remains of large refuse and hearth pits, subterranean house features, and a significant density of artifacts and human bones, clusters of which they assigned as the distinct site numbers 44FV0020, 44FV0021, and 44FV0022. Together, these sites represent part of the Contact-era village site of Rassawek.

Archaeological site 44FV0269, a site dating to the Archaic and Middle Woodland periods whose National Register eligibility has received conflicting assessments that have not been accepted by DHR, will be damaged during the construction of the pipeline leading towards the Rivanna River crossing. At the Rivanna crossing Alternative 6 will also impact Archaic (and historic) site 44FV0024, Archaic site 44FV0268, the circa 1780 James and Kanawha River Canal and Railroad Site (032-5124), and part of the circa 1854 Rivanna Canal Navigation Historic District (032-0036). Additional resources such as 44FV0270 (a Middle Woodland site) and 44FV0025 (an Archaic and Early and Late Woodland period site) are also identified within the APE but were able to be avoided through avoidance efforts or pipeline alignment selection.

As the Nation has learned through consulting party meeting, organization comments, and documents obtained through Freedom of Information Act (FOIA) requests, JRWA and consulting parties were well aware of the location's profound sensitivity, but efforts to convey the level of significance of Point of Fork fell on deaf ears. In describing the Project's effects on November 13, 2015, Justin Sarafin of Preservation Virginia stated, "I am not sure that the locality could have chosen a more archaeologically/historically/culturally significant and sensitive site of all that exist along the James as it forms the southern border of Fluvanna County."<sup>43</sup> Dr. Mouer wrote a letter of concern to Louisa and Fluvanna officials in 2014 noting that "construction at Point of Fork must necessarily involve extensive archaeological and historic sites survey and impact assessment...Sites located by such survey could result in relocation of the project or the requirement of long term, complex archaeological excavations."<sup>44</sup>

In a recent editorial, Dr. Mouer further described Point of Fork as "one of the most important—potentially critical—archaeological districts in the commonwealth for the potential

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<sup>43</sup> Email from Justin Sarafin to Marc Wagner and Roger Kirchen of the Virginia Department of Historic Resources (Nov. 13, 2015), DHR Project File 2015-0984.

<sup>44</sup> Letter from L. Daniel Mouer to County Administrator of Louisa County and County Administrator and Board of Supervisors of Fluvanna County (Nov. 9, 2014); L. Daniel Mouer, *Save, study important Monacan site*, DAILY PROGRESS, Jul. 1, 2019, available at [https://www.dailyprogress.com/opinion/opinion-letter-save-study-important-monacan-site/article\\_b1379f71-cd00-5afb-94f5-888d889ffe29.html](https://www.dailyprogress.com/opinion/opinion-letter-save-study-important-monacan-site/article_b1379f71-cd00-5afb-94f5-888d889ffe29.html).

contributions to knowledge of the indigenous peoples of the James River.”<sup>45</sup> Similarly, the Council of Virginia Archaeologists has described the Project as being particularly concerning because of “its impact to sites of immense significance. These sites, which are part of the sprawling Village of Rassawek, the pre-Colonial Monacan political capital, are exceedingly important due to their exceptional level of preservation, high potential for the presence of burials, and the fact that they are included in the earliest European documentation of the region.”<sup>46</sup>

Together, this Project represents not merely a minor adverse effect to a common type of archaeological site, but considerable destruction of the Monacan’s historic capital, one of only five Monacan towns with a recorded name. Rassawek is unique in terms of its historic and cultural resources as the Nation’s ancestral capital and cannot be replaced. Therefore, its significance cannot legitimately be questioned.<sup>47</sup> In contrast to how Rassawek is being treated through this process, the first English capital in Virginia has been excavated for decades, and the Powhatan capital of Werowocomoco will become a national park. The opportunity cost of this Project being constructed at this location, given its archaeological significance, burials sensitivity, historic setting, and potential for a more appropriate disposition, is tremendous.

**B. The Corps’ NOI is misleading, and the proposed action has the potential to impact four threatened and endangered species. (Factors 3 and 9).**

In addition, the Project would impact ecologically critical areas, including potentially the habitat of four threatened and endangered species. The Nation notes that it was confused by the Corps’ NOI, which stated that preliminary review indicated only the Northern Long-eared Bat would be potentially affected by the Project and that “no further coordination with the Fish and Wildlife Service is required.” Yet the Supplemental Information Package clearly states that, “the IPaC search also identified two protected mussel species having potential habitat within each alternative alignment...in addition, Pump Station 2 is located within a reach of the James River which has been proposed to be listed as Critical Habitat for the Atlantic Pigtoe...To further determine if protected mussel species will be affected by the proposed Project, **additional coordination with USFWS will be required** and mussel surveys of streams with suitable habitat, as determined by the USFWS, will likely be necessary.”<sup>48</sup> Thus, in total, four threatened and endangered species could be impacted by the project. An EIS is needed to assess these potential effects, and the Nation is concerned that the NOI misled the public by failing to describe potential effects to three additional threatened and endangered species.

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<sup>45</sup> L. Daniel Mouer, *Save, study important Monacan site*, Daily Progress, Jul. 1, 2019, available at [https://www.dailyprogress.com/opinion/opinion-letter-save-study-important-monacan-site/article\\_b1379f71-cd00-5afb-94f5-888d889ffe29.html](https://www.dailyprogress.com/opinion/opinion-letter-save-study-important-monacan-site/article_b1379f71-cd00-5afb-94f5-888d889ffe29.html).

<sup>46</sup> Letter from the Council of Virginia Archaeologists submitted to U.S. Army Corps of Engineers (Sep. 9, 2019).

<sup>47</sup> See 40 C.F.R. § 1508.27(b)(8) (detailing how “significantly” as used in NEPA requires consideration of both context and intensity and must be analyzed in of the setting of the proposed action and in terms of severity of impact).

<sup>48</sup> James River Water Supply Project Supplemental Information Package NAO-2013-0070 (Mar. 2020), pp. 140-141 (emphasis added).

**C. The Project proposes severe adverse effects on sites eligible for listing in the National Register of Historic Places and will cause loss or destruction of significant scientific, cultural, or historic resources (Factor 8).**

This project will cause extreme adverse effects to six separate National Register-eligible resources, a degree sufficient to warrant an EIS. Furthermore, the adverse effects themselves are considerable in scope. The pump station footprint must be excavated into bedrock, necessitating mitigation of over ten feet of cultural deposits. Similarly, the sites of 4FV002 and FV0268 are being excavated through an open cut to a considerable depth. Because these sites have not been fully delineated and have not been tested beyond the boundary of the project, it is possible that the sites will be destroyed. The pump station location, the location of the Contact-era remains of Rassawek, will also have visual and auditory impacts, and will preclude the use of the site for heritage preservation purposes in the future. Because of the profound concerns about the assessment of effects conducted by Circa, it is possible that even greater adverse effects could occur. An EIS is necessary to determine the extent of the adverse effects, both quantitatively and qualitatively, on each of the alternatives.

**D. The Project's effects on the quality of the human environment are likely to be highly controversial, and the degree to which the possible effects on the human environment are highly uncertain and involve unique or unknown risks (Factors 4 and 5).**

This project is highly controversial. As the court in *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs* explained, "Effects are 'controversial' where 'substantial dispute exists as to the size, nature, or effect of the major federal action rather than to the existence of opposition to a use.'"<sup>49</sup> Additionally, a project is considered highly controversial when "scientific or other evidence that reveals flaws in the methods or data relied upon by the agency in reaching its conclusions."<sup>50</sup>

Here, the Corps is considering an application that cites data from discredited archaeological studies, and the Corps is evaluating impacts on overly narrowed criteria as articulated by consultants with rampant conflicts of interest. First, as discussed in detail above, JRWA employed Circa to conduct archaeological testing that has been repeatedly shown as substandard and rises to the level of anticipatory demolition. The Corps itself raised concerns about this work when it directed JRWA to submit a new, more detailed permit application.<sup>51</sup> JRWA has yet to take any legitimate steps to remedy these issues. The Nation contends that reliance on Circa's assessment of effects would be arbitrary and capricious.

Furthermore, as the Court in *Nat'l Park Conservation Ass'n v. Semonite* stated and the Court in *Standing Rock Sioux* affirmed, the Corps must pay particular attention to the concerns from state and federal agencies "entrusted with preserving historic resources and organizations with subject-matter expertise."<sup>52</sup> The Courts found that DHR and the ACHP deserve deference for their views on effects to historic properties.<sup>53</sup> Here, both DHR and ACHP have raised issues

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<sup>49</sup> *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs*, 2020 U.S. Dist. LEXIS 51540 \*19, citing *Town of Cave Creek v. FAA*, 325 F.3d 320, 331 (D.C. Cir. 2003).

<sup>50</sup> *Id.* citing *WildEarth Guardians v. Zinke*, 368 F. Supp. 3d 41, 81 (D.D.C. 2019).

<sup>51</sup> Letter from U.S. Army Corps of Engineers to JRWA (Sep. 10, 2019).

<sup>52</sup> *Nat'l Parks Conservation Ass'n v. Semonite*, 916 F.3d 1075 (D.C. Cir. 2019); *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs*, 2020 U.S. Dist. LEXIS 51540 \*21 (D.D.C. 2020).

<sup>53</sup> *See Semonite* at 1080.



over the Corps' and JRWA's approach to Rassawek. Both agencies have expressed deep concern over the methods used by archaeological consultants hired by JRWA, concerns echoed by the Council of Virginia Archaeologists and several local historic preservation groups. DHR and ACHP have also questioned the decision to find Rassawek eligible for the National Register for Historic Places only under Criterion D, but not under Criteria A or C.<sup>54</sup> The Corps is obligated to give particular deference to these concerns when deciding whether to prepare an EIS.

The incredible volume of controversy is demonstrated by the level of public engagement by tribes and public interest organizations that oppose JRWA's Project siting, even during a global pandemic. We include at Appendix III comments and statement of opposition from the leading tribal, environmental preservation, and cultural organizations at the local, state, and national level. These include organizations representing most of the 547 federally recognized tribes with aggregate millions of citizens, and organizations with hundreds of thousands of members. Appendix IV includes emails, letters, and petitions of opposition signed by more than 12,000 community and organization leaders and private citizens—from Louisa and Fluvanna Counties to communities throughout the United States—as well as editorials opposing the Project from the newspapers in the region of the Project. Government offices express their concerns in documents included at Appendix V. At Appendix VI we include the numerous items of press coverage from local, state, and national media outlets. The ~1,000 pages of evidence of public concern and opposition include just those who provided a courtesy copy to the Nation when submitting to the Corps.

By contrast, the only public statements of support for destroying Rassawek have come from JRWA itself. Not a single letter to the editor in support of the project has been published, and no member of the public has spoken in favor of the project at any of the public meetings the Nation has attended.

**E. The Project would effect an interbasin watershed transfer, which raises issues of considerable risk to the human and natural environment, is inherently controversial, and deserves analysis in an EIS. (Factors 1, 3, 4, 5, 6, 7, 9, 10).**

Considerable controversy about this project exists regarding water rights and the environmental impact of interbasin transfers. Interbasin transfers, also known as watershed transfers, is any transfer of water from one watershed to another by a man-made conveyance scheme—such as JRWA proposes—to move water from river basin where it is available, to another river basin where water is less available. The water is transferred primarily to alleviate purported water scarcity in the recipient basin and travels via complex pipeline or canal systems. Consequences are high, controversial, and difficult to predict.<sup>55</sup>

This Project proposes to remove water from the James River and transfer it to the South Anna River in the York River watershed. Inter-basin water transfers have generated substantial controversy and raise complex issues of riparian rights and environmental law that often result in litigation, especially in eastern states such as Virginia.<sup>56</sup> “Interbasin diversion, even when

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<sup>54</sup> John Eddins, Advisory Council on Historic Preservation, Remarks at Consulting Party Meeting, Aug. 9, 2019.

<sup>55</sup> See generally UNEP-DHI Partnership—Center on Water and Environment, *Inter-basin Transfers*, Water Adaptation Technology Brief, available at <https://www.ctc-n.org/technologies/inter-basin-transfers>.

<sup>56</sup> See, e.g., Robert Haskell Adams, *Interbasin Transfer in a Riparian Jurisdiction*, 24 William & Mary L. Rev. 591 (1983).



well-conceived and executed, is . . . degrading to the environment.”<sup>57</sup> These potential effects are not addressed in any way in the current permit application. The Corps should require an EIS for this reason alone.

Factor 1—impacts may be both beneficial and adverse and still create a significant effect—is satisfied. JRWA extolls the beneficial effects of additional water to supply real estate development, whereas the Nation’s comments are replete with examples of adverse effects that need not be restated here. JRWA’s Project is at the head of three watersheds, a unique characteristic that merits the intense scrutiny that only an EIS can provide, which is the touchstone of Factor 3, along with Factor 7 because of the cumulative effects a watershed transfer will generate. In addition to the other controversial issues described above, interbasin water transfers are highly controversial from an environmental point of view and have historically been disfavored by the EPA and Virginia’s DEQ because of the risk posed to the natural environment from shifting water from one watershed to another. Therefore, Factor 4 (controversy) and Factor 5 (uncertain and unknown risk) are met. For the same reasons, it is possible that the Project—because of the watershed transfer—may have implications for the Atlantic Sturgeon, which inhabit the James and York Rivers—water bodies that have received a Critical Habitat Designation pursuant to the Endangered Species Act.<sup>58</sup> Moreover, allowing the ill-conceived JRWA project to move forward would set a precedent for future action by the Corps with regard to interbasin water transfers (Factor 6).

Also related to Factor 4 (controversy) and along with Factor 10 (whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment), Virginia’s law governing interbasin water transfers is not settled and should first be resolved before the Corps decides whether to issue a permit. For example, Virginia’s Supreme Court has raised significant questions about whether interbasin diversions should be allowed to the extent they deprive riparian owners of needed water flow.<sup>59</sup> The City of Richmond has threatened legal action if JRWA proceeds with the project in violation of the City’s riparian rights and water quality.<sup>60</sup> An EIS would allow for the detailed analysis needed for the Corps and the public to consider and understand these environmental and legal issues.

These legal and project complexities extend to concerns from parties downstream of the undertaking who have repeatedly raised concerns that the Project has the potential to violate their pre-existing water rights. The City of Richmond Department of Public Utilities issued comments in 2015 to Virginia’s Department of Environmental Quality concerning its intent to “vigorously protect” its riparian rights from inappropriate withdrawals by JRWA from the James River, as well as its water quality because of the dangers that the JRWA poses to the aquatic habitat.<sup>61</sup> Henrico County has also expressed concerns during meetings regarding the

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<sup>57</sup> *Id.* at 595; *see generally* National Water Comm’n, *Legal Study 7: Law of Interbasin Transfers* (1971) (noting significant environmental impacts on aquatic ecosystems caused by interbasin water transfers).

<sup>58</sup> *See* NOAA Fisheries Critical Habitat Designations for the Southeast, *available at* <https://www.fisheries.noaa.gov/action/critical-habitat-designation-atlantic-sturgeon>.

<sup>59</sup> *Town of Purcellville v. Potts*, 19 S.E.2d 700, 703 (Va. 1942).

<sup>60</sup> As noted in the City of Richmond’s comments to Virginia Department of Environmental Quality, the City will view any increase in the proposed water withdrawal from the currently permitted amounts in the James River basin in context of the City’s water rights and will “vigorously defend against actions which we believe will infringe on those rights.” 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.

<sup>61</sup> *Id.*

potential for this Project to affect their water rights.<sup>62</sup> For all of these reasons, the Army Corps should require an EIS.

Finally, it should be noted that the courts in *Semonite* and *Standing Rock Sioux* both put a strong emphasis on the Corps actually resolving the controversy, rather than simply instructing the applicant to resolve concerns.<sup>63</sup> The Court in *Semonite* stated, “The question is not whether the Corps attempted to resolve the controversy, but whether it succeeded.”<sup>64</sup> For the Corps to successfully address the controversy surrounding its methodology, it must actually resolve these concerns by preparing an EIS to properly study the impacts.

## **VII. The Alternatives Analysis provided by JRWA is deficient in material ways, and the Corps cannot rely on it for decision making.**

As previously discussed, the Corps should not rely on Timmons’ alternatives analysis because Timmons has conflicts of interest that affect the objectivity of the analysis. In addition, the Corps and JRWA have taken actions that limit the choice of reasonable alternatives by segmenting the Project, too narrowly describing the purpose of the project, and prematurely committing money and other resources towards completing the Project. JRWA purchased the land planned for the pump station before ever initiating consultation with potentially affected parties, including the Nation. They received a permit to construct the treatment plant in February 2017 and had finished constructing it by the end of 2018, therefore narrowing the alternatives for water to hook into the treatment plant.<sup>65</sup>

In reality, there is no ability to meaningfully consider alternatives when half of the project was constructed before there was ever a consultation meeting regarding the sensitive resources JRWA proposed to disturb on the other half. Through this manoeuvre, the Corps and JRWA effectively dispatched the Alternatives Analysis back in 2017 and likely hoped the Nation would lack the resources or will to protect its historic capital from being destroyed.

The Corps was in error when it did nothing to prevent this situation. When a lead agency of a NEPA process becomes aware that a non-federal applicant is about to limit the choice of reasonable alternatives (including by prematurely committing money or other resources into a particular route), “the federal agency must notify the applicant that the agency will take strong affirmative steps to insure that the objectives and procedures of NEPA are fulfilled.”<sup>66</sup> This can include sanctioning the applicant or by informing the applicant that if it proceeds with eliminating alternatives, the Corps will refuse to process its application.<sup>67</sup>

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<sup>62</sup> See, e.g., James River Water Supply Project Supplemental Information Package NAO-2013-0070 (Mar. 2020), at 184.

<sup>63</sup> *Nat'l Parks Conservation Ass'n v. Semonite*, 916 F.3d 1075 (D.C. Cir. 2019); *Standing Rock Sioux Tribe v. U.S. Army Corps of Eng'rs*, 2020 U.S. Dist. LEXIS 51540 (D.D.C. 2020).

<sup>64</sup> *Semonite* at 1085.

<sup>65</sup> *James River water project delayed to 2020 due to study of Native American site*, THE CENTRAL VIRGINIAN: Nov. 30, 2017, available at [https://www.thecentralvirginian.com/news/local/james-river-water-project-delayed-to-2020-due-to-study-of-native-american-site/article\\_53efcbb1-9c09-5913-8135-4bcbe4e81067.html](https://www.thecentralvirginian.com/news/local/james-river-water-project-delayed-to-2020-due-to-study-of-native-american-site/article_53efcbb1-9c09-5913-8135-4bcbe4e81067.html).

<sup>66</sup> COUNCIL ON ENVIRONMENTAL QUALITY, MEMORANDUM TO AGENCIES: FORTY MOST ASKED QUESTIONS CONCERNING CEQ'S NATIONAL ENVIRONMENTAL POLICY ACT REGULATIONS (1986), Question 11, available at <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>.

<sup>67</sup> *Id.*

The Nation encourages the Corps to take a hard look at alternatives that would move the pump station off Point of Fork. The Forsyth Alternative, especially, deserves further scrutiny, as the Nation stated in its letter to JRWA of March 10, 2020.<sup>68</sup>

The fact that JRWA already built a treatment plant with no plan for intake, and the Corps failed to stop them, should not be an acceptable reason now to require harm to the Monacans' cultural heritage. The alternatives analysis is also flawed in a number of material ways, which we discuss below.

**A. The alternatives analysis presented by JRWA fails to consider impacts to cultural resources.**

The cultural resources portion of the alternatives analysis presented by JRWA has substantial and critical flaws. The examination of alternatives is based largely on previously recorded sites, except in the location chose as the LEDPA. The application uses a previously recorded site method and its description of the sites and excavations planned in a way to pervasively minimize and dismiss the chance for locating burials on the sites, the archaeological significance of the sites, the enduring cultural importance of the sites, the logistical challenges of excavating the sites, and the ways in which the sites have been considerably degraded by the poor work completed at the site by JRWA's archaeological subcontractor.

In particular, the alternatives analysis fails to account for impacts to cultural resources and:

- i) Does not include information from physical surveys on any of the alternate routes;
- ii) Fails to include information from the Nation regarding cultural resources and their significance;
- iii) Relies on a flawed metric that uses previously recorded archaeological sites within a certain distance of the permit area as a proxy for cultural sensitivity;
- iv) Excludes consideration of data recovery time and cost in all assessments of Project practicability;
- v) Is based on archaeological survey work that is not permissible because it does not meet the Secretary of Interior standards;
- vi) Fails to consider all National Register criteria for eligibility;
- vii) Asserts without evidence that the current Project is beneficial for preservation of the sites because a hypothetical future development might be more destructive;
- viii) Ignores during characterization of the Memorandum of Agreement and Project next steps the seemingly unified opposition of consulting parties to this Project and the likely impact protracted litigation will have on the Project outcome;
- ix) Misuses the removal of the Monacan people from the landscape in the 17th century and their current lack of access to the site as a spurious argument that the Nation has no interest in Rassawek; and
- x) Downplays the likelihood of finding burials despite clear evidence to the contrary.

First, significant methodological and ethical concerns have been laid before the Corps, JRWA, and DHR for the past nine months. In response to multiple concerns about the original archaeological consultant, Circa, JRWA writes that the Nation's objections rely "on specious

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<sup>68</sup> Letter from Monacan Indian Nation to James River Water Authority (Mar. 10, 2020), available at [http://www.culturalheritagepartners.com/wp-content/uploads/2020/03/CHPLettertoJRWA\\_ForsythAlternative\\_3\\_10\\_2020.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2020/03/CHPLettertoJRWA_ForsythAlternative_3_10_2020.pdf).

allegations” in an attempt to protect JRWA and its contractors from further scrutiny about work quality and professional ethics.<sup>69</sup> We have no intention of repeating our detailed concerns from September and October 2019 or Section II above, but we do want to emphasize that this issue remains **wholly unresolved** and that if the Corps issues this permit, the Corps will be in effect condoning a variety of unethical and substandard activities.

As for flaws in the specific methods used by JRWA in preparing its Supplemental Information Package, JRWA compared cultural resources impacts by using the state archaeological site database, VCRIS, to examine previously recorded archaeological sites and their recorded eligibility. The results were then tabulated in Table 32.<sup>70</sup> This approach ignores that archaeological site records reflect largely the history of federally mandated compliance archaeology or volunteer and academic research, rather than actual archaeological sensitivity. It also ignores that sites vary tremendously in their size, scope, depth, resource type, and likelihood of eligibility for listing on the National Register of Historic Places. Further, it does not account for the fact that mitigation through data recovery is only considered an adequate approach for archaeological sites determined eligible only through Criterion D, and the sites on Point of Fork should also be considered for eligibility under Criteria A, B, and C as recommended by the ACHP.<sup>71</sup> Many of the proposed alternatives have never been surveyed, even in a windshield capacity. The Supplemental Information Package states that actual cultural resources impacts have not been determined and because JRWA knows the impacts for Alternative 6, the Corps should select it (no matter how severe those impacts).<sup>72</sup> JRWA has simply failed to investigate these other routes. For the Corps to make a decision on the Project based on this flawed and incomplete information, as well as the discredited study at Alternative 6, would be arbitrary and capricious.

## **B. JRWA’s analysis demonstrates an offensive lack of concern regarding disturbing burials.**

The Nation is especially disturbed by JRWA’s offensive and repeated understatement of the likelihood that this Project will disturb human remains. JRWA’s Supplemental Information Package states, “No human burials have previously been documented within the footprint of the project, and no evidence of burials was discovered during the archeological field work that was conducted at the sites in 2017 and 2018. Thus, there is nothing more than speculation that project construction will in fact disturb human remains.”<sup>73</sup>

Of course, JRWA has filed for a burial permit from DHR in anticipation of the likelihood of disturbing burials. And ancient human bones and indications of numerous burials have been documented throughout Point of Fork and where Rassawek is located. And JRWA’s flawed archaeological survey was not designed to identify human burials; identification of all burials disturbed would only occur after the area has been completely hand-excavated and mechanically stripped—the very actions the Nation and so many others seek to prevent.

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<sup>69</sup> James River Water Supply Project Supplemental Information Package NAO-2013-0070 (Mar. 2020), at 10.

<sup>70</sup> James River Water Supply Project Supplemental Information Package NAO-2013-0070 (Mar. 2020), at 146.

<sup>71</sup> John Eddins, Advisory Council on Historic Preservation, Remarks at Consulting Party Meeting, Aug. 9, 2019.

<sup>72</sup> James River Water Supply Project Supplemental Information Package NAO-2013-0070 (Mar. 2020), at 145.

<sup>73</sup> *Id.* at 167.

In their May 7, 2020 comments, DHR notes that sites 44FV0024 and 44FV0268, the Rivanna Crossing sites, “contain intact cultural deposits and features consistent with human burials.”<sup>74</sup>

Furthermore, plentiful evidence from investigations along the floodplain north of the James River supports the Nation’s contention that that burials will be destroyed during the excavation of 44FV0022. In his 1983 article regarding the Columbia gasline (which skirts an edge of Point of Fork/Rassawek, Dr. Daniel Mouer noted, “No Indian remains [i.e. artifacts] were found on the banks of the Rivanna, but the north bank of the James was quite a different story. Under nearly six feet of sterile flood deposits, bulldozers uncovered a sequence of separate cultural levels extending through a section nearly 10 feet in depth.”<sup>75</sup> Mouer describes an array of feature types, including storage pits and a series of house floors. He reports that numerous human bones were found along the cut of the pipeline for a quarter mile from the Point.”<sup>76</sup>

Emails from DHR, received pursuant to a FOIA request, state, “The Department is aware that archaeological sites 44FV0019, 44FV0020, 44FV0021, and 44FV002 all formally recorded in the VDHR’s permanent archives, are located partially or entirely within the James River Water Supply Project. The Department is further aware that archaeological survey conducted in the early 1980s resulted in reports of exposed human remains within the boundaries of site 44FV0021, and that the area in general is believed to correspond to the Monacan village known as Rassawek.”<sup>77</sup>

The Scope of Work prepared by JRWA’s own controversial consultant, Circa, on March 2, 2017 expects the project to disturb Rassawek burials. Circa observes that although Dr. Mouer’s team had “divided the sites on the floodplain into separate sites based on surface scatters, they believed that the whole floodplain consisted of one large site. The historic record indicates that this landform is where the Native American village of Rassewek was located. The pipeline right-of-way and pump station are in this area and the possibility of human remains is moderate to high.”<sup>78</sup> DHR has concurred with this assessment and required that JRWA require a burial permit for the entire Project area, not merely for individual sites within the Project.

### **C. The alternatives analysis must include a “No-Action Alternative.”**

JRWA refuses to analyze a no-action alternative in the Supplemental Information Package.<sup>79</sup> This, too, is a fundamental flaw. NEPA requires the agency to consider a No Action alternative:<sup>80</sup>

The second interpretation of “no action” is illustrated in instances involving federal decisions on proposals for projects. “No action” in such cases would mean the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects

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<sup>74</sup> Letter from Virginia Department of Historic Resources to U.S. Army Corps of Engineers (May 7, 2020).

<sup>75</sup> Mouer, L. Daniel. 1983. A Review of the Ethnohistory and Archaeology of the Monacans. In *Piedmont Archaeology: Recent Research and Results*, edited by J. M. Wittfoski and L. E. Browning, pp. 26. Richmond: Archaeological Society of Virginia.

<sup>76</sup> *Id.*

<sup>77</sup> Letter from Julie Langan to Steven Nichols, Oct. 4, 2017, at 2.

<sup>78</sup> Tyrer, *James River Water Line Phase I Scope of Work*. (Mar. 2, 2017) at 1.

<sup>79</sup> See e.g., James River Water Supply Project Supplemental Information Package NAO-2013-0070 (Mar. 2020) at 58.

<sup>80</sup> 40 C.F.R. § 1502.14(c).

of permitting the proposed activity or an alternative activity to go forward. Where a choice of “no action” by the agency would result in predictable actions by others, this consequence of the “no action” alternative should be included in the analysis. For example, if denial of permission to build a railroad to a facility would lead to construction of a road and increased truck traffic, the EIS should analyze this consequence of the “no action” alternative. In light of the above, it is difficult to think of a situation where it would not be appropriate to address a “no action” alternative. Accordingly, the regulations require the analysis of the no action alternative even if the agency is under a court order or legislative command to act. This analysis provides a benchmark, enabling decisionmakers to compare the magnitude of environmental effects of the action alternatives. It is also an example of a reasonable alternative outside the jurisdiction of the agency which must be analyzed.<sup>81</sup>

An EIS should be prepared that considers a No-Action Alternative, and the Corps must consider that Alternative or its decision will be arbitrary and capricious.

**D. To require the Monacans to bear traumatic cultural and social effects when JRWA has other feasible alternatives is the definition of environmental injustice.**

According to the Environmental Protection Agency, “The guiding principle of environmental justice is that everyone, regardless of race, color, national origin or income is entitled to equal protection from environmental harms and risks.”<sup>82</sup> Congress declared in NEPA that it is the policy of the United States to “[p]reserve important historic, cultural, and natural aspects of our natural heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice.”<sup>83</sup>

If JRWA proposed to destroy Jamestown, a place of deep significance to colonial history, to build its pump station, this project would never have received serious consideration by the Corps. Yet here JRWA proposes to destroy Rassawek, the capital of the Monacan Indian Nation during the time the English were settling Jamestown. Captain John Smith documented that Rassawek was the town to which all other Monacan towns paid tribute and was their “chiefest” town. Rassawek provides the Monacans a tangible connection to their ancestors, the vast majority of whom did not survive the arrival of the English, and many of whom are buried there. The history of over two hundred generations of the Monacan people is written in this soil and landscape. The Monacans’ ancestors lived and died there, performed rituals, and met as a community, and the artifacts they left behind reveal important stories to Native and non-Native people alike.

Executive Order 12898 directs each Federal agency to make environmental justice a part of its mission. It calls on Federal agencies to identify and address “disproportionately high and adverse human health or environmental effects” of their programs, policies, and activities on “minority populations and low income populations in the United States and its territories and

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<sup>81</sup> COUNCIL ON ENVIRONMENTAL QUALITY, MEMORANDUM TO AGENCIES: FORTY MOST ASKED QUESTIONS CONCERNING CEQ’S NATIONAL ENVIRONMENTAL POLICY ACT REGULATIONS (1986), Question 3, available at <https://www.energy.gov/sites/prod/files/2018/06/f53/G-CEQ-40Questions.pdf>.

<sup>82</sup> *Environmental Justice in Your Community*, ENVIRONMENTAL PROTECTION AGENCY, <https://www.epa.gov/environmentaljustice/environmental-justice-your-community>.

<sup>83</sup> 42 U.S.C. § 4331(b)(4).



possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marianas Islands,” Indian tribes, and indigenous communities.<sup>84</sup> The Corps must take a hard look at the disproportionate impacts that approving this project will have on the Nation, a federally recognized sovereign Indian tribe. JRWA proposes not only to perpetrate intense, significant adverse effects on Rassawek, but also to disturb the burials of Monacan ancestors. To require the Monacans to bear traumatic cultural and social effects when JRWA has other feasible alternatives is the definition of environmental injustice. As the Lynchburg News and Advance Editorial Board noted, “How this project got to where it is today is a textbook example of the government trying to steamroll a marginalized community, only this time, it was found out.”<sup>85</sup>

The Corps is obligated, under Executive Order 12898, to consider and uphold the principles of environmental justice throughout its NEPA review.<sup>86</sup> The Executive Order requires federal agencies to address disproportionate environmental effects to minority and low-income communities. The CEQ guidance on environmental justice explains further, stating that “[e]ach Federal agency should analyze the environmental effects, including human health, economic, and social effects of Federal actions, including effects on minority populations, low income populations, and Indian tribes, when such analysis is required by NEPA.”<sup>87</sup> Guidance from the Federal Interagency Working Group on Environmental Justice states that these effects “may include ecological, cultural, human health, economic, or social impacts.”<sup>88</sup> The environmental, cultural, and social effects that this project would have for the Nation are widespread and clearly and publicly documented. The loss of the Nation’s historic capital will be an existential cultural loss, and subjecting the Nation’s members to the trauma of reburying their dead will perpetuate previous traumas and cause significant social distress. The Corps is therefore required under federal law to consider these environmental justice factors in its review.

JRWA has submitted an environmental justice analysis in the application that is incomplete and flawed. First, the analysis largely focuses on direct, physical, and immediate effects on minority populations, rather than social and cultural effects that should also be considered per CEQ guidance.<sup>89</sup> Furthermore, JRWA focused only on geographic density of minority populations, but the guidance from the interagency working group states, “In identifying minority communities, agencies may consider as a community either a group of individuals living in geographic proximity to one another, *or a geographically dispersed/transient set of*

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<sup>84</sup> *Environmental Justice in Your Community*, ENVIRONMENTAL PROTECTION AGENCY, <https://www.epa.gov/environmentaljustice/environmental-justice-your-community>.

<sup>85</sup> *Monacans’ Rassawek Must be Saved, Preserved*, Editorial Board, LYNCHBURG NEWS AND ADVANCE, Oct. 6, 2019, available at [https://www.newsadvance.com/opinion/editorials/monacans-rassawek-must-be-saved-preserved/article\\_bfc9253f-5a5a-5b20-aac7-0207779eb7ab.html](https://www.newsadvance.com/opinion/editorials/monacans-rassawek-must-be-saved-preserved/article_bfc9253f-5a5a-5b20-aac7-0207779eb7ab.html).

<sup>86</sup> See 59 Fed. Reg. 7629 (1994).

<sup>87</sup> See *Environmental Justice: Guidance Under the National Environmental Policy Act*, Council of Environmental Quality (1997) at 4.

<sup>88</sup> See *Appendix A, Text of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Annotated with Proposed Guidance on Terms* attached to CEQ’s *Guidance Under the National Environmental Policy Act* (1997).

<sup>89</sup> See *Environmental Justice: Guidance Under the National Environmental Policy Act*, Council of Environmental Quality (1997) at 4; *Appendix A, Text of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Annotated with Proposed Guidance on Terms* attached to CEQ’s *Guidance Under the National Environmental Policy Act* (1997).

individuals (such as migrant workers or *Native Americans*).”<sup>90</sup> JRWA’s methodology for assessing environmental justice impacts fails to properly take into account the widespread effects its project will have on the Nation in particular. The Corps has an obligation to uphold these principles in making its decision, and assessing environmental justice impacts using JRWA’s methodology would be in contradiction to those principles.

#### **E. The analysis of mitigation is flawed.**

JRWA continues to proceed as if this Project does not impact significant, irreplaceable resources. JRWA proposes to conduct data recovery at multiple Monacan sites with high risk of burials, and they propose to permanently alter the landscape and access to Point of Fork. Data recovery is often mitigation designed to mollify archaeologists – investigations frequently do not address the concerns that tribes have about sites, especially one of this significance. As discussed in Section VI, both the Corps and the Applicant have had considerable warning over the last five years that appropriate mitigation would be complicated or impossible to attain on this Project. The last Section 106 consulting party meeting, held in August 2019, resulted in all consulting parties except for JRWA refusing to agree to sign the proposed Memorandum of Agreement.

Furthermore, federal guidance is clear that data recovery is not an appropriate means of addressing adverse effects to these sites. Specifically, ACHP guidance regarding Secs. 800.5 and 800.6 of its revised regulations<sup>91</sup> clearly lays out a series of important criteria that should be met for data recovery to be appropriate:

1. The archeological site should be **significant and of value chiefly for the information on prehistory or history it is likely to yield** through archeological, historical, and scientific methods of information recovery, including archeological excavation.
2. The archeological site **should not contain or be likely to contain human remains**, associated or unassociated funerary objects, sacred objects, or items of cultural patrimony as those terms are defined by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).
3. The archeological site **should not have long-term preservation value**, such as traditional cultural and religious importance to an Indian tribe or a Native Hawaiian organization.
4. The archeological site **should not possess special significance to another ethnic group or community that historically ascribes cultural or symbolic value to the site** and would object to the site's excavation and removal of its contents.
5. The archeological site **should not be valuable for potential permanent in-situ display or public interpretation**, although temporary public display and interpretation during the course of any excavations may be highly appropriate.<sup>92</sup> [Emphasis added]

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<sup>90</sup> *Appendix A, Text of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, Annotated with Proposed Guidance on Terms*” attached to CEQ’s *Guidance Under the National Environmental Policy Act (1997)* (emphasis added).

<sup>91</sup> Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites, Advisory Council on Historic Preservation (Jun. 17, 1999), <https://www.achp.gov/digital-library-section-106-landing/recommended-approach-consultation-recovery-significant>.

<sup>92</sup> *Id.*



The archaeological sites at Point of Fork do have significant potential for information, but that is not their sole importance, and they have special significance due to their cultural, spiritual, and symbolic value to the Nation's citizens. Rassawek would be valuable for in-situ public interpretation and long-term preservation largely in its current state, as the Werowocomoco site has clearly been found to be. Therefore, the sites associated with the Project would not be best mitigated through data recovery.

### **VIII. The Corps Should Deny this Permit Because it is Contrary to the Public Interest.**

The Corps should deny this permit application because it is not in the public interest. The Corps' regulations state: "In making the public interest decision on a permit application, in accordance with 33 C.F.R. § 320.4, the district engineer should weigh all factors, including the effects of the undertaking on historic properties and any comments of the ACHP and the SHPO, and any views of the other interested parties."<sup>93</sup> The route as proposed in JRWA's application would destroy the Nation's historic capital and the archeological resources known to exist at the site. The risk to a site of such cultural, historical, and religious significance to the Nation, combined with the potential of disinterment of Monacan ancestors and likelihood for visual impacts, is clearly contrary to public interest. This conclusion is particularly true in light of the several feasible alternatives JRWA has already identified in its application.

As the Corps knows, more than 12,000 members of the public have filed comments or signed requests in support of seeking alternatives to the Project's preferred location. They have asked the Corps to preserve Rassawek because of its historic context and significance. A survey of these comments from citizens from Lexington, Virginia, to Talent, Oregon demonstrates nationwide public interest in exploring alternatives and call for the preparation of an EIS. Commenters have stressed the need to preserve Rassawek, to respect the Monacans by not disinterring their ancestors, and to find another location for the Project.

Moreover, an astounding array of local, state, and national organizations have filed their own comments in opposition to JRWA's permit application. Among them are entities representing most of the 574 federally recognized tribes in the United States, including the National Congress of American Indians, United Southern and Eastern Tribes, and the Alliance of Colonial Era Tribes. The premier voices for historic preservation have filed comments, including the National Trust for Historic Preservation and Preservation Virginia. Leading environmental advocacy groups have weighed in, including the Southern Environmental Law Center and the Sierra Club. Faith communities have expressed opposition, including divisions of the Episcopal and Quaker churches. Municipal and political leadership have filed comments, including the City of Richmond and Congressman Donald McEachin.

In addition, hundreds of community leaders and private citizens have spoken at public meetings opposed to the project. The media has covered the controversy in hundreds of news articles, and Preservation Virginia named Rassawek to its 2020 List of Most Endangered Places in the Commonwealth.

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<sup>93</sup> 33 C.F.R. § 325, Appendix C 10(a).

One commenter from Lyndhurst, VA, wrote eloquently about environmental justice implications, noting that the “proposed location is not in the public interest because it destroys cultural artifacts and marginalizes one community while privileging the needs of others.” In addition, comments from the City of Richmond’s Law Department oppose the Project because Richmond recognizes the adverse effects on Richmond’s water supply that the Project will cause.

Finally, comments from a number of Louisa County residents highlight how JWRA has selected the worst possible place to build the Project, not only because of Rassawek’s historic significance, but also because the Project will create inter-basin water transfers from the James River to the South Anna River in the York River watershed.

It is the policy of the federal government that “Federal agencies shall to the fullest extent possible use all practicable means . . . to avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.”<sup>94</sup> Permitting this project is not in the public interest.

## **IX. The Corps Must Hold a Public Hearing.**

The Corps must hold a public hearing on the issue, and extend the comment period until such a meeting can occur in person. 33 C.F.R. § 327.4(b) stipulates that any person may, during the public comment period, request a public hearing. The regulations state, in part, “Requests for a public hearing under this paragraph shall be granted, unless the district engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.”<sup>95</sup> Public hearings allow members of the public to engage with the Corps, ask questions, and provide insights the Corps may not have otherwise heard. Further, because the Corps failed to make available the entire permit application with its public notice, a hearing will allow the public a chance to become fully informed on the Project.<sup>96</sup>

There is also sustained public interest in this Project. For example, over 100 local residents attended a public meeting of the JRWA in March 2020, a meeting that took place in a gated community, at 9 a.m., in the middle of a work week, at an address other than the one provided on the last minute public notice. It is clear, from meetings, comments, letters, and calls, that these issues are not insubstantial to the Nation, to the community, to consulting parties, or to federal and state agencies.

The Corps should, however, take into account the current public health crisis due to COVID-19 and the corresponding Centers for Disease Control guidance against large in-person gatherings,<sup>97</sup> and extend the public comment period until the hearing can be safely held in-person. Although some federal agencies have attempted consultation meetings and public hearings over digital platforms during the pandemic, such methods restrict access only to those

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<sup>94</sup> 40 C.F.R. § 1500.2(f).

<sup>95</sup> 33 C.F.R. § 327.4(b).

<sup>96</sup> It should be noted that, as of this submission, the upload of the permit application is still incomplete, even after the addition of 2,000 missing pages from the original posting.

<sup>97</sup> *Interim Guidance for Coronavirus Diseases 2019 (COVID-19)*, CENTER FOR DISEASE CONTROL (March 15, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/mass-gatherings-ready-for-covid-19.html>.

individuals who have high-speed internet access.<sup>98</sup> As we have discussed, broadband access is not widely available in Louisa County or to members of the Monacan Indian Nation. Leaving out these critical groups would create an arbitrary review process, and for these reasons we request the Corps extend the comment period until a public hearing can be safely conducted in person.

Thank you for the opportunity to submit comments on this important matter, we look forward to hearing from the Corps in detail regarding these issues.

Respectfully submitted,



Cultural Heritage Partners, PLLC, on behalf of the Monacan Indian Nation:

Marion F. Werkheiser, Attorney at Law  
Gregory A. Werkheiser, Attorney at Law  
William J. Cook, Attorney at Law  
Jessica Krauss, Attorney at Law  
Ellen Chapman, Ph.D., RPA  
Sarah Curtis, Operations Coordinator  
Lesley Parrish, Paralegal

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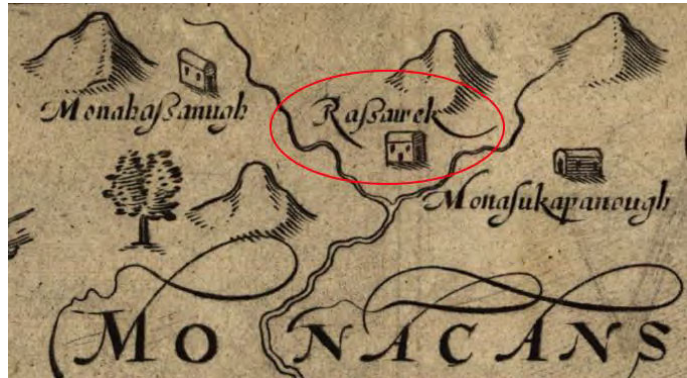
<sup>98</sup> Dino Grandoni, *The Energy 202: Public hearings on Zoom have Native Americans worried they won't be heard on oil projects*, WASH. POST, May 18, 2020, available at <https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2020/05/18/the-energy-202-public-hearings-on-zoom-have-native-americans-worried-they-won-t-be-heard-on-oil-projects/5ec15672602ff11bb1183c87/>; Arlyssa Becenti, *Feds proceed with Chaco drilling plan while tribes distracted by pandemic*, NAVAJO TIMES, June 6, 2020, available at <https://navajotimes.com/coronavirus-updates/feds-proceed-with-chaco-drilling-plan-while-tribes-distracted-by-pandemic/>; Anna Smith, *Tribal leaders oppose online consultations with the U.S. during the pandemic*, HIGH COUNTRY NEWS, May 27, 2020 available at <https://www.hcn.org/articles/covid19-indigenous-affairs-tribal-leaders-oppose-online-consultations-with-the-us-during-the-pandemic>.

# Appendix I:

# **BACKGROUND**

## THE MONACAN INDIAN NATION URGES YOU TO HELP SAVE RASSAWEK

The James River Water Authority (JRWA) plans to build a water pump station on top of Rassawek, the Monacans' capital city documented by John Smith in his 1612 Map of Virginia (see image). In order to save Rassawek for future generations and allow Monacan ancestors to rest in peace, JRWA must move the project to an alternative location.



- JRWA (a joint venture of Louisa and Fluvanna Counties) proposes to build a pump station to deliver water to support development at Zion Crossroads, a nearby area slated for economic development. According to disclosed documents, JRWA chose the Point of Fork site because their consultants told them it would be the least expensive and easiest permitting solution.
- Rassawek was located at the confluence of the Rivanna and James Rivers, and John Smith described it as the capital city to which all other Monacan towns paid tribute. Researchers have verified the location in the 1880s, the 1930s, and the 1980s. It is the Monacan equivalent of Werowocomoco, the Powhatan capital now planned to be a national park. While JRWA and the Corps learned of the site's historical significance in 2015, they did not reach out to the Monacan Indian Nation until June 2017, after the land had been purchased.
- **Building the pump station on top of Rassawek will mean that the site will be obliterated and Monacan burials will likely be disturbed.** Monacan tribal members are deeply opposed to conducting another **somber and traumatizing** reburial when JRWA has other alternatives.
- JRWA has applied for an **individual permit from the Army Corps of Engineers** (Corps) because the project impacts waters that are regulated by the Corps. An earlier simpler permit style was shelved after **shocking revelations** that JRWA's initial archaeological subconsultant employed untrained and unqualified staff, lied to state officials, misrepresented the archaeological findings, and did not follow accepted archaeological standards.

An individual permit requires, among other things, a robust analysis under the National Environmental Policy Act that will consider alternate sites and assess which site locations create the fewest environmental impacts. However, the alternatives analysis provided by JRWA does not contain enough information to determine what impacts those alternatives would have on Monacan burials and cultural resources.

- The Monacan Indian Nation have been voicing concerns about the archaeological work on the site since November 2018. Last summer a whistleblower came forward with concerns that the archaeological work on the site was destructive, it was conducted in bad faith, and its results are unreliable. The practices used on Rassawek and other sites are so inappropriate that they rise to

Contact: Marion F. Werkheiser, Attorney for the Monacan Indian Nation, (703) 489-6059, [marion@culturalheritagepartners.com](mailto:marion@culturalheritagepartners.com)

the level of anticipatory demolition – destruction of historic resources explicitly forbidden by the National Historic Preservation Act.

- 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.
- The Corps **has not answered** repeated Monacan requests for an extension of public comment on the individual permit application given the COVID-19 shutdown, have ignored anticipatory demolition concerns, and they are not requiring an Environmental Impact Statement. The Nation is concerned that the Corps will **allow this flawed project to move forward** without complying with federal law.

**JRWA has been misleading the tribe and the community. JRWA hid the fact that they knew this site was of great historic, cultural, and spiritual significance to the Monacans. JRWA hid the fact that they have alternative locations. They bought this site before ever involving the tribe. JRWA chose to build a portion of the project knowing they did not yet have a permit to complete the other half. Now JRWA claims surprise that the tribe objects and that it may cost more to choose other sites. This is a problem of JRWA's own making. Virginia native communities deserve better. The Monacans deserve respect, and harm to Monacan sacred sites must be avoided.**

### **HOW YOU CAN HELP!**

The Monacan Indian Nation appreciates the outpouring of support from concerned citizens, taxpayers, and heritage professionals. The Nation's goal is to convince JRWA to move the project to a location that does not disturb their ancestors and erase their history. You can help.

#### **Express your concerns to the Army Corps**

The Corps is taking public comment through May 7. Please write to Steven Vanderploeg (Steven.A.Vanderploeg@usace.army.mil) and tell them to require a public hearing and an environmental impact statement for this project, and that they should not allow Rassawek to be destroyed.

#### **Contact your Board of Supervisors!**

Tell the JRWA and Boards of Supervisors of Louisa and Fluvanna Counties that they must move the project and Save Rassawek. Contact information:

James River Water Authority:

[LCBS\\_LD@louisa.org](mailto:LCBS_LD@louisa.org)  
[edahl@fluvannacounty.org](mailto:edahl@fluvannacounty.org)  
[cgoodwin@louisa.org](mailto:cgoodwin@louisa.org)

Louisa Board of Supervisors:

Contact: Marion F. Werkheiser, Attorney for the Monacan Indian Nation, (703) 489-6059,  
[marion@culturalheritagepartners.com](mailto:marion@culturalheritagepartners.com)

[LCBS\\_JD@louisa.org](mailto:LCBS_JD@louisa.org)  
[LCBS\\_MD@louisa.org](mailto:LCBS_MD@louisa.org)  
[LCBS\\_GSD@louisa.org](mailto:LCBS_GSD@louisa.org)  
[LCBS\\_MRD@louisa.org](mailto:LCBS_MRD@louisa.org)  
[LCBS\\_PHD@louisa.org](mailto:LCBS_PHD@louisa.org)  
[LCBS\\_CD@louisa.org](mailto:LCBS_CD@louisa.org)  
[LCBS\\_LD@louisa.org](mailto:LCBS_LD@louisa.org)

Fluvanna Board of Supervisors:  
[mbooker@fluvannacounty.org](mailto:mbooker@fluvannacounty.org)  
[mikesh Sheridan@fluvannacounty.org](mailto:mikesh Sheridan@fluvannacounty.org)  
[tobrien@fluvannacounty.org](mailto:tobrien@fluvannacounty.org)  
[peager@fluvannacounty.org](mailto:peager@fluvannacounty.org)  
[dweaver@fluvannacounty.org](mailto:dweaver@fluvannacounty.org)

### **Sign Our Petition!**

Please sign our letter asking the Army Corps and Governor Northam to help save Rassawek (as of April 2020 more than 2300 people have signed):

[https://docs.google.com/forms/d/1oJ25\\_T6KnSPVsCmJSxrf24Rcc-g7523jM\\_ZCcbm0OWY](https://docs.google.com/forms/d/1oJ25_T6KnSPVsCmJSxrf24Rcc-g7523jM_ZCcbm0OWY)).

Sign the petition at DIYRootsAction (where an additional 6400 people have signed to ask the Corps to save Rassawek): <https://diy.rootsaction.org/p/monacan>

Sign up for our mailing list to get occasional action alerts here: <http://eepurl.com/gzErd5>



### 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 19<sup>th</sup> 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.

Appendix II:

**PREVIOUS  
STATEMENTS OF  
OPPOSITION FROM  
THE MONACAN  
INDIAN NATION**

## Monacan Nation will continue to fight

Chief Kenneth Branham  
Mar 12 2020

MORE INFORMATION



Monacans propose new water site

*Note: The following letter was sent to The Central Virginian, but addressed to members of the boards of supervisors of Fluvanna and Louisa counties.*

It has come to my attention that several of you are assuring your constituents that the Monacan Indian Nation will capitulate to the destruction of its historic capita at Rassawek on Point of Fork of the James River Water Authority "writes a big enough check to the Indians."

I write publicly to assure you and your constituents that you are misleading them. The tribe will not accept a financial payment, in any amount, in exchange for agreeing to the destruction of our heritage and the desecration of the burials of our ancestors at Rassawek.

We are not financially wealthy people, but we will not be bought. You will look quite foolish when you have promised otherwise and are then revealed to have vastly underestimated our resolve to win the fight to save Rassawek.

This battle will continue until your water authority is willing to choose a site that allows access to water without destroying Rassawek. Or until the last available court has rendered its verdict. Or until new members of your boards of supervisors are elected who have a different perspective on this issue. But let me repeat; it will not end with a payoff from JRWA to the tribe.

We are not naïve. We understand that the 400-year record in Virginia of wanton destruction of Native American culture and history is not over. But times are changing, and we're drawing a hard line at destruction of our historic capita and our ancestors' resting place.

We fully expect the fight to last for years. We are ready. So, too, is the large and growing coalition of your neighbors and supportive local, state, federal and national organizations committed to preserving American history and respecting Native rights and sacred burials.

Respectfu y,

Ch ef Kenneth Branham

Monacan Ind an Nat on



March 10, 2020

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[HPhillips@louisa.org](mailto:HPhillips@louisa.org)

Re: Alternatives Analysis for JRWA Project

Dear Mr. Curtis, Mr. Payne, and Ms. Phillips:

On behalf of our client the Monacan Indian Nation, we write to urge the James River Water Authority (JRWA) to:

- defer its planned vote to reject alternatives to the Rassawek location for the pump station project, and
- consider the Forsyth Alternative and conduct additional investigation into this potential route for the water project.

You stated last week that a primary obstacle to your clients' ability or willingness to deviate from current plans is that the Nation has not identified a specific alternative that it might find acceptable.<sup>1</sup> The Nation has now done so.

We understand that Julia and Richard Rose, owners of a large parcel that would provide access from the James River north along a substantial portion of Bremo Road, are willing to work with JRWA to provide access for a more detailed site survey and eventual construction. We have information that neither JRWA nor the Timmons Group has contacted the Roses,

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<sup>1</sup> See [https://www.dailyprogress.com/news/local/consultants-recommend-keeping-pump-station-at-rassawek/article\\_f0067342-332c-597f-9bf7-b691f9f8e99f.html](https://www.dailyprogress.com/news/local/consultants-recommend-keeping-pump-station-at-rassawek/article_f0067342-332c-597f-9bf7-b691f9f8e99f.html) and email correspondence from Mr. Payne to Greg Werkheiser, March 6, 2020.

notwithstanding that JRWA has identified the Forsyth Alternative as one that should be given careful consideration.

The Nation and supporting organizations are prepared to collaborate in good faith with JRWA in the earnest exploration of this alternative. Specifically:

- the Nation is prepared to direct its cultural resources management experts to work with JRWA's consultant, GAI, to ensure the route is evaluated and tested in a timely and accurate manner, and that the resulting information will be accepted as valid by all parties;
- the Southern Environmental Law Center (SELC) has enlisted an independent engineering firm, Aquilogic Inc., to evaluate JRWA's analysis of proposed alternatives<sup>2</sup>, with the ultimate goal of reaching a shared confidence in the conclusions regarding the engineering viability and associated costs projects of the Forsyth Alternative and JRWA's current preferred alternative at the site of Rassawek; and
- the Nation is open to a professionally mediated discussion of the Forsyth Alternative.

JRWA is now presented with a decision: it may either proceed to vote this Wednesday to adhere to the current plan to destroy Rassawek, or it can defer the vote and give closer attention to the Forsyth Alternative in a manner aimed at respecting the Nation's ancestors, history, and culture, and avoiding costly and burdensome litigation.

Should JRWA choose to move forward without more fulsome consideration of the Forsyth Alternative, the Nation and its supporters will have no choice but to conclude that JRWA was never serious about trying to find a viable alternative. State and federal agencies will also likely question whether this effort is in good faith if JRWA proceeds now to move forward with plans to destroy Rassawek.

This letter is not a settlement offer and is not confidential. Nothing in this letter constitutes a waiver of any legal claims the Nation may have against any party, including but not limited to the claim that anticipatory demolition by a JRWA consultant precludes the Army Corps from issuing a permit to JRWA.

We look forward to hearing from you.

Regards,

/s/

Greg Werkheiser  
Attorney for the Monacan Indian Nation

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<sup>2</sup> As of this writing, JRWA has not made its formal alternatives analysis public, instead releasing only a PowerPoint summary of the conclusions of the analysis. The summary, on its face, evidences attempts to create a greater-than-reality gap in projected costs between JRWA's preferred route through the heart of Rassawek and alternatives. We respectfully urge you to make the full alternatives analysis report available immediately and provide the public time to review it before proceeding to vote.



March 5th, 2020

An Open Letter from the Tribal Chief of the Monacan Indian Nation to Members of the Boards of Supervisors of Fluvanna and Louisa Counties

Dear Supervisors:

It has come to my attention that several of you are assuring your constituents that the Monacan Indian Nation will capitulate to the destruction of its historic capital at Rassawek on Point of Fork if the James River Water Authority “writes a big enough check to the Indians.”

I write publicly to assure you and your constituents that you are misleading them. The Tribe will not accept a financial payment, in any amount, in exchange for agreeing to the destruction of our heritage and the desecration of the burials of our ancestors at Rassawek.

We are not financially wealthy people, but we will not be bought. You will look quite foolish when you have promised otherwise and are then revealed to have vastly underestimated our resolve to win the fight to save Rassawek.

This battle will continue until your water authority is willing to choose a site that allows access to water without destroying Rassawek. Or until the last available court has rendered its verdict. Or until new members of your Boards of Supervisors are elected who have a different perspective on this issue. But let me repeat; it will not end with a payoff from JRWA to the Tribe.

We are not naïve. We understand that the 400-year record in Virginia of wanton destruction of Native American culture and history is not over. But times are changing, and we’re drawing a hard line at destruction of our historic capital and our ancestors’ resting place.

We fully expect the fight to last for years. We are ready. So, too, is the large and growing coalition of your neighbors and supportive local, state, federal, and national organizations committed to preserving American history and respecting Native rights and sacred burials.

Respectfully,

Chief Kenneth Branham  
Monacan Indian Nation  
Amherst, Virginia

## Summary of the Monacan Indian Nation's Response to the Report of the JRWA's Investigation of Itself

JRWA investigated itself and found itself innocent. We are not shocked. Their report reads more like a bad defense brief than a legitimate attempt to find facts. The Monacan Indian Nation reiterates its call for a legitimate independent investigation.

This self-serving outcome is not surprising, given that the Monacans discovered in December that the JRWA [signed off on work orders](#) that clearly stated that untrained and unqualified construction workers were given responsibilities for archaeological survey and artifact collection. These misdeeds occurred with the knowledge and consent of members of the authority. Since raising awareness of the anticipatory demolition episodes, we have not been informed whether these issues are being investigated by any state or federal agency. We urge them to do so and to seriously consider the precedent they would set by approving permits associated with this entity.

The Monacan Indian Nation has no confidence in this investigation, which was conducted directly by the JRWA counsel, only sought input from current JRWA employees and their contractors, and is clearly an effort to assist the water authority with its project goals. If the JRWA was interested in the truth, they would not uncritically accept the word of the same archaeological consultant who has been found to have plagiarized pages of the Treatment Plan from a dissertation, mischaracterized her degree on her resume for almost a decade, mischaracterized the work of another subconsultant on their project (leading him to make letters of formal protest to DHR), and who received complaints from DHR for not meeting required burial permit conditions. None of these concerns, it must be noted, were addressed in the "investigation."

Consider:

- Apparently, the *only people* Curtis interviewed about JRWA's paid consultant are other paid consultants to JWRA. (Timmons Group, Faulconer, GAI Consultants) (Pgs. 6, 7).
- Curtis *apparently never requested to interview the whistleblower himself*, Eric Mai. Instead, Curtis conducted an entire investigation without ever speaking to person whose allegations are the basis of the investigation.
- Curtis apparently declined to interview *any other current or former employees of Tyrer's firm* who have additional direct knowledge of her actions. Why? Because Tyrer told him not to!
  - "Tyrer stated that other Circa employees who participated in the Project study did not wish to speak to Counsel regarding this matter." Pg. 6.
  - But Curtis quotes and relies on Tyrer saying what she thinks her former employees *would* say if interviewed. See, e.g., pg. 23.

- Curtis says no punitive action by JWRA against Tyrer is necessary because JWRA has already hired a replacement consultant. Tyrer was replaced not because she did anything wrong (!), but because so many people think she did things wrong that replacing her was “prudent.” JWRA press release 1.15.20.
- Curtis mentions geoarchaeologist Daniel Hayes extensively throughout this report as indication of the work’s quality and thoroughness. However, he fails to mention that by last summer Hayes was concerned enough about the way in which his work was used by Circa that he wrote two letters to the Corps of Engineers regarding his experiences on the project. In a letter sent August 9, 2019, he describes how the Treatment Plan included his name as a co-author without his “knowledge, consent, or review.” He further stated “I neither support the treatment plan as proposed, nor have I agreed to participate in any attempts at its implementation.”
- Curtis attacks the personal credibility of Eric Mai throughout, while offering no explanation whatsoever as to why the young man would put his professional career at risk to speak out.
- Curtis has been aware of the Tribe’s concerns about Circa’s work for over a year, and has known of the plagiarism concerns since August. Curtis has been aware about systemic methodological and ethical issues with Circa’s work generally for over six months. Curtis made no effort to investigate these issues until Eric Mai’s allegations were published. In all communications with the tribe’s counsel about these concerns, Curtis’s response has been to praise Tyrer, question the motives behind concerns, minimize them as trivial details, and to claim all concerns are underhanded personal attacks. Curtis and Aqualaw are not the appropriate investigators to evaluate these concerns.

Curtis’ report follows a familiar pattern:

- Attack the personal credibility of the whistleblower
- Don’t interview key witnesses
- Believe the statements of the party who insists their investigation was flawless.

Worth noting – the report *does* contain some surprising admissions, including:

- “Tyrer asserts that Circa had no formal training program [for staff].” Many Circa staff apparently did not have a BA in anthropology or archaeology, and several did not have a college degree at all. The whistleblower account includes a variety of points on the lack of education and training of Circa employees, which Curtis dismisses based on Tyrer’s assessment of her staff training, which are at odds with Mai’s account. Curtis suggests that using untrained construction workers to sift for artifacts was OK because they were—according to Tyrer—supervised by Circa staff...who in many cases lacked relevant

education and for whom no formal training program was in place. Tyrer points to Mai as a supervisor; Mai admits that he was unable to supervise much of the work of the construction workers. Curtis believes Tyrer. (Pg. 10)

- Tyrer advised JWRA that “The historic record indicates that this landform is where the Native American village of Rassewek (sic) was located.” This directly contradicts Curtis’ recent statements to the press that the location of Rassawek is unclear; that it might be far away. (Pg. 8)
- Tyrer advised JRWA that “...the possibility of human remains is moderate to high.” This directly contradicts Curtis statements in recent media coverage that there are no indications of burials (and is also contradicted by the fact that numerous Native human remains were found there on multiple occasions.) (Pg. 8)

# # #





December 16, 2019

Steven VanderPloeg  
Environmental Scientist  
US Army Corps of Engineers, Norfolk District Western Virginia Regulatory Section  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236

RE: Action ID NAO-2014-00708, James River Water Authority Anticipatory  
Demolition

Dear Mr. VanderPloeg,

The enclosed documents reveal that the James River Water Authority (“JRWA”) knew its project consultant was deploying untrained construction personnel instead of trained professionals to perform highly sensitive testing at Rassawek.

The attached invoices submitted to JRWA for reimbursement appear on the letterhead of Faulconer Construction Company. The signature of the person attesting to have approved the work, however, is Carol Tyrer, President of Circa~ Cultural Resource Management, LLC (“Circa”). The workers are clearly identified *not* as cultural resource field technicians or archaeologists, but as “laborer(s),” and a “[backhoe] operator.” The work the Faulconer construction crew performed is clearly and repeatedly described as “digging holes” and “hand sifting and digging” for cultural resources.

Former Circa employee and whistleblower Eric Mai’s sworn declaration, sent to you on October 21, 2019, revealed that Tyrer sent unqualified and untrained personnel to the most sensitive portions of the site. The attached documents go even further: they establish that JRWA itself knowingly authorized the payment of taxpayer dollars for this purposefully incompetent approach to testing.

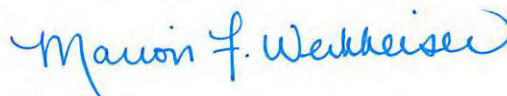
To be clear, had Tyrer directly supervised these wholly unqualified workers it would not have cured the situation, for two reasons. First, as we have all learned, Tyrer herself has been found to have falsified her credentials, and the Virginia Department of Historic Resources (“DHR”) has found her to be unqualified to supervise such work. Second, Tyrer did not, in fact, supervise these construction workers as they dug into and undoubtedly destroyed resources they had no training to recognize. By the time Tyrer started sending construction workers to conduct testing, JRWA knew Tyrer had been twice discovered by DHR to have been absent from her supervising responsibilities. Mr. Mai subsequently confirmed that after DHR complained that Tyrer was not on site as required by JRWA’s permit, Tyrer would simply sit in her car doing paperwork for other projects while these untrained workers spent full days digging holes and sifting for artifacts.

To the extent that the Corps, when evaluating the case for anticipatory demolition, requires evidence of JRWA's bad intent (versus simply negligence), you now have it. In minutes from the previous JRWA meeting, Louisa County Administrator Christian Goodwin commented that after completion of this archaeological testing [performed by persons with no training or experience] "fewer than expected artifacts had been found." No kidding. They were getting exactly the results they were paying for.

When Mr. Mai first bravely came forward to offer sworn information about his former employer, counsel for JRWA publicly declared that on behalf of the taxpayers JRWA would conduct a thorough investigation into these "very serious allegations." Since then all they have done is file appeals defending and endorsing Tyrer's qualifications and her performance (*See, e.g., James River Water Authority v. Dep't of Historical [sic] Resources*, Case No. 19-CL-702). This approach struck our client as unusual until we saw the attached documents, which make clear that Tyrer was doing "her job" with JRWA's full approval.

The idea of JRWA investigating itself is a farce. We urge the Corps to fulfill its responsibility and follow the protocols required by federal law in the case of anticipatory demolition by a project applicant as set forth in our letter October 21, 2019.

Sincerely,



Marion Werkheiser  
Attorney at Law  
Counsel for the Monacan Indian Nation

Cc: Consulting Parties  
John Eddins, Program Analyst, Advisory Council on Historic Preservation  
Julie Langan, Director, Virginia Department of Historic Resources  
Edward J. Passarelli, Deputy Chief, Natural Resources Section, ENRD, US Department of Justice  
Tom Walker, Chief, Regulatory Branch, US Army Corps of Engineers, Norfolk District  
The Honorable Matt Strickler, Secretary of Natural Resources, Commonwealth of Virginia  
Donald D. Anderson, Deputy Attorney General, Commonwealth of Virginia  
Office of U.S. Senator Tim Kaine  
Office of U.S. Senator Mark Warner  
Environmental Protection Agency  
National Trust for Historic Preservation

**James River Water Authority  
Board of Directors Meeting  
181 Clubhouse Way  
Zion Crossroads, Virginia  
March 6, 2018  
10:30 A.M.**

***Regular Business Meeting of the James River Water Authority Board of Directors***

**I. Call to Order**

**II. Adoption of Agenda**

**III. Items from the Public**

**IV. Approval of Minutes of Preceding Meeting**

- a. February 6, 2018 – Regular Meeting

**V. Financial Report**

- a. Bills Approval
  - i. MBP Invoice
  - ii. US Bank - Interest Payment
  - iii. Timmons Group

**VI. Discussion/Information Items**

- a. Discussion – FY19 DRAFT Budget

**VII. Action Items**

- a. Action – Robinson, Farmer, Cox Associates Financial Auditing Services

**VIII. Consent Agenda**

**IX. Closed Meeting**

**X. Adjournment**

***The James River Water Authority Board of Directors reserves the right to amend and/or change the Agenda the day of the meeting.***

BY ORDER OF:  
GOODMAN B. DUKE, CHAIRMAN  
BOARD OF DIRECTORS  
JAMES RIVER WATER AUTHORITY

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS  
SPRING CREEK SPORTS CLUB, 181 CLUBHOUSE WAY  
ZION CROSSROADS, VIRGINIA**

**February 6, 2018  
10:30 A.M.**

---

**Present:** Goodman Duke (Chairman), Joe Chesser (Treasurer), D. D. Watson, Mark Dunning, and Steve Nichols

**Absent:** (none)

**Others Present:** Brendan Hefty, Legal Counsel (Hefty, Wiley, and Gore); Joe Hines (Timmons Group); Eric Dahl (Fluvanna County); Bob Babyok (Louisa County); Greg Krystyniak (Faulconer Construction); Mike Knight (MBP Engineering); and Doug Wylie.

---

**CALL TO ORDER**

Chairman Duke called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 10:30 a.m. Mr. Nichols led the Board in the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Mr. Goodwin requested that consideration of an award of contract for audit services be added to the agenda, as supporting detail had been included in the packet but inadvertently left off the agenda. On the motion of Mr. Watson, seconded by Mr. Nichols, which carried by a vote of 6-0, the agenda was approved.

**APPROVAL OF MINUTES OF PRECEDING MEETING**

Mr. Nichols noted that a typographical error on page 2 (“with controversy” should read “without controversy”) required correction. On the motion of Mr. Goodwin, seconded by Mr. Watson, which carried by a vote of 6-0, the Board approved the amended minutes of the January 9, 2018, meeting.

**FINANCIAL REPORT**

Mr. Chesser briefly reviewed the bills included in the board packet (MBP, Faulconer/Timmons, and Hefty, Wiley and Gore) for consideration. On the motion of Mr. Goodwin, seconded by Mr. Watson, which passed by a vote of 6-0, the payments were approved.

Mr. Chesser noted that following the payments, the Authority has \$388,397.67 available for future needs.

**DISCUSSION/INFORMATION ITEMS**

### **Discussion – Corps of Engineers Permit Update**

Mr. Goodwin reported that preliminary testing at the site was complete, that fewer than expected artifacts had been found, and that a draft phase 1/phase 2 report was anticipated by the end of the month. Mr. Hines added that carbon dating was taking place on certain artifacts, and that after the report had been distributed to consulting parties, any concerns would need to be addressed. Following such, a programmatic agreement will detail the handling of any artifacts. General discussion regarding timeline ensued.

### **ACTION ITEMS**

#### **Action Item – Award of Audit Contract**

Mr. Nichols reported on the solicitation for fiscal year 2018 audit services and related supporting detail. Robinson, Farmer, Cox Associates provided a fee of \$3,000 for these services, and Steve Wunsch offered to provide them for \$5,000. Mr. Nichols expressed the Authority's satisfaction with Mr. Wunsch's services, and stated that periodic rotation among audit teams could add further value to the process. On Mr. Nichols motion, seconded by Mr. Chesser, which passed by a vote of 6-0, the Board voted to award the contract to Robinson, Farmer Cox Associates.

### **CONSENT AGENDA**

(none)

### **CLOSED SESSION**

On the motion of Mr. Goodwin, seconded by Mr. Nichols, which carried by a vote of 6-0, the Board voted to enter Closed Session at 10:45 a.m. for the purpose of discussing the following:

1. In accordance with §2.2-3711(A)(8) for consultation with legal counsel regarding the issuance of the U.S. Army Corps of Engineers' permit.

### **RESUMPTION OF REGULAR SESSION**

On the motion of Mr. Goodwin seconded by Mr. Watson, which carried by a vote of 6-0, the Board voted to return to regular session at 11:10 a.m.

### **RESOLUTION - CERTIFICATION OF CLOSED SESSION**

By roll call, which carried by a vote of 6-0, the Board voted to adopt the following resolution:

**WHEREAS**, the James River Water Authority Board of Directors has convened a Closed Meeting pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, §2.2-3712.D of the Code of Virginia requires a certification by the James River Water Authority Board of Directors that such closed meeting was conducted in conformity with the Virginia Law.

**NOW, THEREFORE BE IT RESOLVED** that the James River Water Authority Board of Directors does hereby certify that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting was heard, discussed or considered by the James River Water Authority Board of Directors.

<u>NAME</u>	<u>VOTE</u>
D.D. Watson	Yes/Aye
Mark Dunning	Yes/Aye
Christian R. Goodwin	Yes/Aye
Steven M. Nichols	Yes/Aye
Goodman B. Duke	Yes/Aye
Joe Chesser	Yes/Aye

**ADJOURNMENT**

On the motion of Mr. Nichols, seconded by Mr. Watson, which carried by a vote of 5-0, the Board voted to adjourn the meeting at 11:10 a.m.

BY ORDER OF:

\_\_\_\_\_  
GOODMAN B. DUKE, CHAIRMAN  
BOARD OF DIRECTORS  
JAMES RIVER WATER AUTHORITY



# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40444

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway,  
Suite 300 Richmond, VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	12-1-2017	JOB NO	9161
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT	JRWA		
LOCATION	PS site		
WEATHER	Clear		

DESCRIPTION OF WORK AND COMMENTS: Loaded up excavator and matts.  
Set up signs for traffic control. Unloaded truck then escorted  
him out. Placed 4 matts over gas line when crossed. 4 matts over Railroad.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Wever	Foreman	7.5				
Curtis Carter	Operator off	7.5				
Macall Chambers	laborer	7				
Matthew Lewis	Laborer	7.5				
Christopher Mays	Laborer	7				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314 E Cat	2		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT BJ Wright / Charlie Reynolds WORK APPROVED BY: Carol St. Cyr  
Authorized Signature

CLASS A • VIRGINIA CONTRACTORS LICENSE NO. 2701 003390A

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40445

PAGE 1 OF 1

NAME: Timmons Group

ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond, VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	12-4-2017	JOB NO.	9161
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT	SRWA		
LOCATION	PS site		
WEATHER	Clear		

DESCRIPTION OF WORK AND COMMENTS: Dig out first hole. Picked up  
Supplies. Fenced off hole

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	9				
Curtis Carter	Operator off	1				
Macall Chambers	laborer	9				
Matthew Lewis	laborer	9				
Christopher Mays	laborer	9				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314E CAT	8		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
Safety fence	200-FT		
T-post	20		
8"- cable ties	1 bag		

TOTAL COST

FCC SUPERINTENDENT

RJ Wright / Charlie Reynolds

WORK APPROVED BY:

Carol D. Tyler  
Authorized Signature

CLASS A • VIRGINIA CONTRACTORS LICENSE NO. 2701 009390A

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40446

PAGE 1 OF 1

NAME: Timmons Group

ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond, VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	12-5-2017	JOB NO	9161
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT	JRWA		
LOCATION	PS site		
WEATHER	Clear		

DESCRIPTION OF WORK AND COMMENTS: Finished first hole and put up fence. Began digging second hole. Put plastic over hole for rain. Filled sandbags to put on plastic and put up fence

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	9.5				
Curtis Carter	Operator off	9.5				
Matthew Lewis	Laborer	9.5				
Christopher Mays	Laborer	9.5				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314E CAT	7		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
Straw Bales	8		
TOTAL COST			

FCG SUPERINTENDENT

BT Wright / Darlie Reynolds

WORK APPROVED BY:

Carol S. Ingram

Authorized Signature

CLASS A • VIRGINIA CONTRACTORS LICENSE NO. 2701 008380A

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40448

PAGE 1 OF 1

NAME: Timmon Group

ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>12-6-2017</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>SRWA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Partly Cloudy</u>	

DESCRIPTION OF WORK AND COMMENTS: Continue digging on second hole. Had to stop and start third hole. Helped hand dig and sift. Picked up more fence, post and seed.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	9				
Curtis Carter	Operator off	2				
Matthew Lewis	Laborer	9				
Christopher Mays	Laborer	9				
Macall Chambers	Laborer	9				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314E Cat	7		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
Safety Fence	200 Feet		
T-post	20		
Contractors Mix Seed	25 lb.		

TOTAL COST

FCC SUPERINTENDENT: RJ Wright / Reynolds

WORK APPROVED BY: Carol D. Tynan

Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40449

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>12-7-2017</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>SRWA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Partly Cloudy</u>	

DESCRIPTION OF WORK AND COMMENTS: Continue digging on third hole. Finished  
Second hole. Fenced off. Also helped hand dig and sift.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	9				
Curtis Carter	Operator off	1				
Matthew Lewis	Laborer	9				
Christopher Mays	Laborer	9				
Macall Chambers	Laborer	9				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	3/4 E Cat	8		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

B. Wright / Charlie Reynolds

WORK APPROVED BY:

Carol D. Tigner

Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40450

PAGE 1 OF 1

NAME: Timmons Group

ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	<u>12-8-2017</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT <u>SRWA</u>			
LOCATION <u>PS site</u>			
WEATHER <u>cloudy &amp; Snowing</u>			

DESCRIPTION OF WORK AND COMMENTS: Dug on third hole, stopped and began  
on fourth hole, put down plastic, fenced off holes, also hand  
dug & sifted

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Warner</u>	<u>Foreman</u>	<u>6</u>				
<u>Curtis Carter</u>	<u>Operator off</u>	<u>6</u>				
<u>Matthew Lewis</u>	<u>Laborer</u>	<u>6</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>6</u>				
<u>Macall Chambers</u>	<u>Laborer</u>	<u>6</u>				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>34 E Cst</u>	<u>4</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT RS Wright

WORK APPROVED BY: Carol Wright  
Authorized Signature

CLASS A • VIRGINIA CONTRACTORS LICENSE NO. 2701 003330A

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40451

PAGE 1 OF 1

NAME: Timmons Group

ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE 12-11-2017	JOB NO. 9161
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT JRWA	
LOCATION PS site	
WEATHER	

DESCRIPTION OF WORK AND COMMENTS: Moved from 4th hole back to 3rd hole and finished it out. Backfill part way.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	8	1.5			
Curtis Carter	Operator off	1.5				
Christopher Mays	laborer	8	1.5			
Macall Chambers	Laborer	8	1.5			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314 E Cat	8		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RJ-Wright

WORK APPROVED BY:

Carol D. Tipton

Authorized Signature

CLASS A • VIRGINIA CONTRACTORS LICENSE NO. 2701 003330A

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40452

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>12-12-2017</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>SRWA</u>	
LOCATION <u>PS Site</u>	
WEATHER	

DESCRIPTION OF WORK AND COMMENTS: Took down fence and rolled up. Pulled up stakes and piled up. Backfilled holes. Dressed up, seeded and strawed. Then picked up other supplies.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVERTIME	REG.	OVERTIME	
Brandon Weaver	Foreman	6				
Curtis Carter	Operator off	1				
Christopher Mays	Laborer	6				
Macall Chambers	Laborer	5				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314E Cat	4		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
Straw	8 bales		
Silt fence - 300 feet	1 Roll		
2"x2"x4' Stakes wood	25		
TOTAL COST			

FCC SUPERINTENDENT RS-Wright

WORK APPROVED BY: Carol Wright

Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40456

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>12-13-2017</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>SRWA</u>	
LOCATION <u>PS site</u>	
WEATHER <u>Cold, clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Dug on fourth hole, Put up silt  
fence around spoils, Helped hand dig and sift

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>8</u>	<u>1</u>			
<u>Curtis Carter</u>	<u>operator off</u>	<u>1</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			
<u>Macall Chambers</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314 E Cat</u>	<u>8</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RS Wright

WORK APPROVED BY:

Carve S. upm  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40454

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	<u>12-14-2017</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT		<u>SRWA</u>	
LOCATION		<u>PS Site</u>	
WEATHER		<u>Clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Hard dug and sifted. Started on  
the 5th hole. Put up silt fence and safety fence.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVERTIME	REG.	OVERTIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>8</u>	<u>1</u>			
<u>Curtis Carter</u>	<u>Operator off</u>	<u>2</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			
<u>Macall Chambers</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314 E Cat</u>	<u>7</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RS Wright

WORK APPROVED BY:

Carol S. Tipton  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40455

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	<u>12-15-2017</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT <u>JBWA</u>			
LOCATION <u>PS Site</u>			
WEATHER <u>Overcast, cold</u>			

DESCRIPTION OF WORK AND COMMENTS: Worked on 5th hole. Hand dug  
and sifted. Put up fence and put plastic down.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	8	1			
Curtis Carter	Operator off	4				
Christopher Mays	Laborer	8	1			
Macall Chambers	Laborer	8	1			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314 E Cat	8		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RS Wright

WORK APPROVED BY:

Carol D. [Signature]  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40251

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>12-18-2017</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>JR WA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Took down fence and backfilled  
3rd hole. Put down seed and straw. Continue digging on  
5th hole

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVERTIME	REG.	OVERTIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>8</u>	<u>1</u>			
<u>Curtis Carter</u>	<u>Operator off</u>	<u>1</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314E Cat</u>	<u>8</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RJ Wright

WORK APPROVED BY:

Carol D. Wright  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40252

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>12-19-2017</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>JRWA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Started back digging on 4th hole.  
Finish digging 5th hole and backfilled most of the hole.  
Hand dug and sifted as well.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>7</u>				
<u>Curtis Carter</u>	<u>Operator off</u>	<u>1</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			
<u>Macall Chambers</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314E Cat</u>	<u>8</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RJ Wright

WORK APPROVED BY:

Carol S. Turner  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40253

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>12-20-2017</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>JRWA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Dug on 4th hole then moved and started 6th hole. Also hand dug.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVERTIME	REG.	OVERTIME	
<u>Bryan Weaver</u>	<u>Foreman</u>	<u>7</u>				
<u>Curtis Carter</u>	<u>Operator off</u>	<u>.5</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>7</u>				
<u>Macall Chambers</u>	<u>Laborer</u>	<u>8</u>	<u>.5</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEV-130</u>	<u>314E Cat</u>	<u>8</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCG SUPERINTENDENT

PS Wright

WORK APPROVED BY:

Camel S. Taylor  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40254

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	<u>12-21-2017</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT <u>SRWA</u>			
LOCATION <u>PS Site</u>			
WEATHER <u>Clear</u>			

DESCRIPTION OF WORK AND COMMENTS: Worked on hole 6. Hand dug and  
Sifted. Helped sift on hole 4. Put up fence

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVERTIME	REG.	OVERTIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>5</u>				
<u>Curtis Carter</u>	<u>Operator off</u>	<u>1</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			
<u>Macall Chambers</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEW-130</u>	<u>314E Cat</u>	<u>8</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT RJ- Wright WORK APPROVED BY: Carla D. Wright  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

31930

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225  
WORK AUTHORIZED BY: Joe Hines

DATE <u>12-22-2017</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO./EXTRA WORK ORDER NO.	
PROJECT <u>SRWA</u>	
LOCATION <u>RS Site</u>	
WEATHER	

DESCRIPTION OF WORK AND COMMENTS: Worked on hole 6 and hole 5.  
Backfilled same on hole 5. Helped hand dig and sift.  
Put up safety fence

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>8</u>				
<u>Curtis Carter</u>	<u>Operator off</u>	<u>0</u>				
<u>Christopher</u>	<u>Laborer</u>	<u>8</u>				
<u>Macall Chambers</u>	<u>Laborer</u>	<u>8</u>				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314E Cat</u>	<u>8</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST

TOTAL COST

FCC SUPERINTENDENT

RS-Wright

WORK APPROVED BY:

Carol D. [Signature]  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

31931

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225  
WORK AUTHORIZED BY: Joe Hines

DATE	<u>1-2-2018</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO./EXTRA WORK ORDER NO.			
PROJECT	<u>SRWA</u>		
LOCATION	<u>PS Site</u>		
WEATHER	<u>Clear, Cold</u>		

DESCRIPTION OF WORK AND COMMENTS: Open up 5th hole for hand digging  
then began digging back on the 4th hole

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>7.5</u>				
<u>Curtis Carter</u>	<u>Operator off</u>	<u>1.5</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>7.5</u>				
<u>Macall Chambers</u>	<u>Laborer</u>	<u>8</u>	<u>1.5</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314 E Cat</u>	<u>8</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RS Wright

WORK APPROVED BY:

Conell Stinson

Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

31932

PAGE 1 OF 1

NAME: Timmons Group

ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA

23225

WORK AUTHORIZED BY: Joe Hines

DATE	1-3-2018	JOB NO.	9161
CHANGE ORDER NO./EXTRA WORK ORDER NO.			
PROJECT	JRWA		
LOCATION	PS site		
WEATHER	Cloudy, cold		

DESCRIPTION OF WORK AND COMMENTS: Continue digging on 4th hole.  
Finished it then began backfilling.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	8	1			
Curtis Carter	Operator off	1				
Christopher Mays	Laborer	8	1			
Macall Chambers	Laborer	8	1			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314E Cat	8		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RS Wright

WORK APPROVED BY:

Carol D. Wright  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40477

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	<u>1-4-2018</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT	<u>SRWA</u>		
LOCATION	<u>PS Site</u>		
WEATHER	<u>Overcast, cold</u>		

DESCRIPTION OF WORK AND COMMENTS: Finished backfilling hole 4, started  
back digging on the upper end of hole 5, Finished that  
and backfilled.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>7</u>				
<u>Curtis Carter</u>	<u>Operator off</u>	<u>0</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>7</u>				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314E Cat</u>	<u>7</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RJ Wright

WORK APPROVED BY:

Cancel D. Upm  
Authorized Signature

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**DAILY RECORD OF EXTRA FIELD WORK**Ticket # **XXXXX**

PAGE

OF

<b>NAME:</b>	Timmons Group	<b>DATE</b>	1/5/2018	<b>JOB NO.</b>	9161
<b>ADDRESS:</b>	1001 Boulders Parkway, Suite 300	<b>CHANGE ORDER NO. / EXTRA WORK NO.</b>			
	Richmond, VA 23225	<b>PROJECT</b> JRWA			
		<b>LOCATION</b> PS site			
<b>WORK AUTHORIZED BY:</b> Joe Hines		<b>WEATHER</b>			

**DESCRIPTION OF WORK AND COMMENTS:**

No work due to Carol not being present.

**LABOR**

OFFICE TO PROVIDE RATES AND COMPUTE COSTS

USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00

**EQUIPMENT**

OFFICE TO PROVIDE RATES AND COMPUTE COSTS

USE ADDITIONAL SHEETS AS NECESSARY

EQUIPMENT NUMBER	DESCRIPTION	HOURS	RATE	COST
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

**MATERIAL / SUBCONTRACT**

OFFICE TO PROVIDE RATES AND COMPUTE COSTS

USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	COST	13%	5%	UNITS	UNIT COST	COST
		SG&A	PROFIT			
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
<b>TOTAL COST</b>						<b>\$0.00</b>

FCC SUPERINTENDENT RJ Wright/Charlie Reynolds

WORK APPROVED BY: \_\_\_\_\_

AUTHORIZED SIGNATURE

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**FAULCONER**

Construction Company, Inc.

**DAILY RECORD OF EXTRA FIELD WORK**Ticket # **XXXXX**

PAGE

OF

<b>NAME:</b>	Timmons Group	<b>DATE</b>	1/8/2018	<b>JOB NO.</b>	9161
<b>ADDRESS:</b>	1001 Boulders Parkway, Suite 300	<b>CHANGE ORDER NO. / EXTRA WORK NO.</b>			
	Richmond, VA 23225	<b>PROJECT</b> JRWA			
		<b>LOCATION</b> PS site			
<b>WORK AUTHORIZED BY:</b>	Joe Hines	<b>WEATHER</b>			

**DESCRIPTION OF WORK AND COMMENTS:**

No work due to Carol not being present.

**LABOR**

OFFICE TO PROVIDE RATES AND COMPUTE COSTS

USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00

**EQUIPMENT**

OFFICE TO PROVIDE RATES AND COMPUTE COSTS

USE ADDITIONAL SHEETS AS NECESSARY

EQUIPMENT NUMBER	DESCRIPTION	HOURS	RATE	COST
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

**MATERIAL / SUBCONTRACT**

OFFICE TO PROVIDE RATES AND COMPUTE COSTS

USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	COST	13% 5%		UNITS	UNIT COST	COST
		SG&A	PROFIT			
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
<b>TOTAL COST</b>						<b>\$0.00</b>

FCC SUPERINTENDENT RJ Wright/Charlie Reynolds

WORK APPROVED BY: \_\_\_\_\_

AUTHORIZED SIGNATURE

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40479

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 800 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>1-9-2018</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>JR WA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Started back digging on hole 6.  
Stopped then started digging on hole 7. Put up safety  
fence and silt fence. Helped sift also.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>7.5</u>				
<u>Curtis Carter</u>	<u>Operator off</u>	<u>.5</u>				
<u>Christopher Mays</u>	<u>laborer</u>	<u>7.5</u>				
<u>Macall Chambers</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			
		<u>8</u>	<u>1</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>Hox-130</u>	<u>3/4 E Cat</u>	<u>8.5</u>		
<u>FLT-230</u>	<u>Pick up 2010 Chevy</u>	<u>7.5</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT BJ Wright

WORK APPROVED BY: Carol D. Upton  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40481

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>1-10-2018</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>SR WA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Overcast</u>	

DESCRIPTION OF WORK AND COMMENTS: Continue working on hole 7. Picked up straw. Finished backfilling hole 5.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	8	1.5			
Curtis Carter	operator off	.5				
Christopher Mays	Laborer	8	1.5			
Macall chambers	Laborer	8	1.5			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314 E Cat	9		
FLT-230	Pickup 2010 Chevy	9.5		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
Straw	8 bales		
TOTAL COST			

FCC SUPERINTENDENT RS Wright

WORK APPROVED BY: Carol Wright

Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40482

PAGE 1 OF 1

NAME: Timmons Group

ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	1-11-2018	JOB NO.	9161
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT	SRWA		
LOCATION	PS Site		
WEATHER	Overcast		

DESCRIPTION OF WORK AND COMMENTS: Seeded and strawed hole 5.  
Continue digging on hole 7. Stopped started back on hole 6.  
Fenced off holes and covered spoil piles. Had dig new holes.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	8	1			
Curtis Carter	Operator off	1.5				
Christopher Nails	Laborer	8	1			
Macell Chambers	Laborer	8	1			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314 E Cat	8.5		
FLT-230	Pick up 2010 Chevy	9		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

*BS Wright*

WORK APPROVED BY:

*Carol Turner*  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40483

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	<u>1-12-2018</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT	<u>SRWA</u>		
LOCATION	<u>PS Site</u>		
WEATHER	<u>Overcast</u>		

DESCRIPTION OF WORK AND COMMENTS: Continue working on hole 6.  
Finished and backfilled master of the hole.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Wleaver</u>	<u>Foreman</u>	<u>8</u>	<u>1.5</u>			
<u>Curtis Coker</u>	<u>Operator off</u>	<u>.5</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>8</u>	<u>1.5</u>			
<u>Macall Chambers</u>	<u>Laborer</u>	<u>7</u>				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314 E Cat</u>	<u>9</u>		
<u>FLT-230</u>	<u>Pick up 2010 Chevy</u>	<u>9.5</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FGC SUPERINTENDENT

RS Wright

WORK APPROVED BY:

Carol D. Tigner  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40484

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>1-15-2018</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>SRWA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Cut side benches down for  
work in the bottom of hole 7. Put in more silt fence  
Put up more safety fence as well.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Weaver</u>	<u>Foreman</u>	<u>8</u>	<u>1</u>			
<u>Curtis Carter</u>	<u>Operator off</u>	<u>0</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			
<u>Macell Chambers</u>	<u>Laborer</u>	<u>8</u>	<u>1</u>			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314 E Cat</u>	<u>9</u>		
<u>FLT-230</u>	<u>Pick up 2010 Chevy</u>	<u>9</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT RS Wright

WORK APPROVED BY: Carol D. Ayne  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40485

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>1-16-2018</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>JRWA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Uncovered hole 7 for hand digging.  
Then began digging on hole 8. Put up silt fence and  
safety fence.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	7.5				
Curtis Carter	Operator off	.5				
Christopher Mays	Laborer	7.5				
Macell Chambers	Laborer	8	1			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314 E Cat	8.5		
FLT-230	Pick up 2010 Chevy	7.5		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

R. S. Wright

WORK APPROVED BY:

Carolyn Turner  
Authorized Signature

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**DAILY RECORD OF EXTRA FIELD WORK**Ticket # **XXXXX**

PAGE

OF

<b>NAME:</b>	Timmons Group	<b>DATE</b>	1/17/2018	<b>JOB NO.</b>	9161
<b>ADDRESS:</b>	1001 Boulders Parkway, Suite 300	<b>CHANGE ORDER NO. / EXTRA WORK NO.</b>			
	Richmond, VA 23225	<b>PROJECT</b> JRWA			
		<b>LOCATION</b> PS site			
<b>WORK AUTHORIZED BY:</b> Joe Hines		<b>WEATHER</b> Snow			

**DESCRIPTION OF WORK AND COMMENTS:**

No work due to snow.

**LABOR**OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
					\$0.00	\$0.00
					\$0.00	\$0.00
					\$0.00	\$0.00
					\$0.00	\$0.00
					\$0.00	\$0.00
					\$0.00	\$0.00
					\$0.00	\$0.00

**EQUIPMENT**OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIPMENT NUMBER	DESCRIPTION	HOURS	RATE	COST
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

**MATERIAL / SUBCONTRACT**OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	COST	13% 5%		UNITS	UNIT COST	COST
		SG&A	PROFIT			
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
		\$0.00	\$0.00		\$0.00	\$0.00
<b>TOTAL COST</b>						<b>\$0.00</b>

FCC SUPERINTENDENT RJ Wright/Charlie Reynolds

WORK APPROVED BY: \_\_\_\_\_

AUTHORIZED SIGNATURE

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40486

PAGE 1 OF 1

NAME: Timmons Group

ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: See Hines

DATE	<u>1-18-2018</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT <u>JRWA</u>			
LOCATION <u>PS Site</u>			
WEATHER <u>clear, cold</u>			

DESCRIPTION OF WORK AND COMMENTS: Continue working on hole 8. Helped  
sift on hole 7.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
<u>Brandon Wlemer</u>	<u>Foreman</u>	<u>8</u>				
<u>Curdis Carter</u>	<u>Operator off</u>	<u>3</u>				
<u>Christopher Mays</u>	<u>Laborer</u>	<u>8</u>				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
<u>HEX-130</u>	<u>314E Cat</u>	<u>5</u>		
<u>FLT-230</u>	<u>Pick up 2010 Chevy</u>	<u>8</u>		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RJ Wright

WORK APPROVED BY:

[Signature]

Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40487

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE	<u>1-19-2018</u>	JOB NO.	<u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.			
PROJECT <u>JRWA</u>			
LOCATION <u>PS Site</u>			
WEATHER <u>Clear, wet</u>			

DESCRIPTION OF WORK AND COMMENTS: Continue digging on 8th hole.  
Finished and backfilled. Also backfilled the rest of hole  
6. Put down seed and straw. Helped hand dig and split.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	8				
Christopher Mays	Laborer	8				
Macell Chambers	Operator off	1				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314E Cat	7		
FLT-230	Pick up 2010 Chevy	8		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
TOTAL COST			

FCC SUPERINTENDENT

RJ Wright

WORK APPROVED BY:

[Signature]  
Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

40488

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hines

DATE <u>1-22-2018</u>	JOB NO. <u>9161</u>
CHANGE ORDER NO. / EXTRA WORK ORDER NO.	
PROJECT <u>JRWA</u>	
LOCATION <u>PS Site</u>	
WEATHER <u>Clear</u>	

DESCRIPTION OF WORK AND COMMENTS: Finished backfilling hole 7. Dressed up everything. Put down seed and straw. Also had to go pick more up. Walk machine back out across gas line

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	8	1			
Curtis Carter	Operator off	1				
Christopher Mays	Laborer	8	1			
Macall Chambers	Laborer	8	1			

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	314 E Cat	8		
FLT-230	2010 Chevy	8		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

DESCRIPTION	UNITS	UNIT COST	COST
Contractors mix	50 lb		
Straw	16 bales		
TOTAL COST			

FCC SUPERINTENDENT

RS Wright

WORK APPROVED BY:

Authorized Signature

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# FAULCONER

CONSTRUCTION COMPANY

## DAILY RECORD OF EXTRA FIELD WORK

31935

PAGE 1 OF 1

NAME: Timmons Group  
ADDRESS: 1001 Boulder Parkway  
Suite 300 Richmond VA  
23225

WORK AUTHORIZED BY: Joe Hine

DATE	1-24-2018	JOB NO.	9161
CHANGE ORDER NO./EXTRA WORK ORDER NO.			
PROJECT	JR WA		
LOCATION	PS site		
WEATHER			

DESCRIPTION OF WORK AND COMMENTS: Demobilize out. Put up road signs, loaded up machine, Took down signs. Pick up trash and took stuff to shop.

### LABOR

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

NAME	CLASSIFICATION	HOURS		RATE		COST
		REG.	OVER-TIME	REG.	OVER-TIME	
Brandon Weaver	Foreman	4				
Curtis Carter	Operator off	3				
Christopher Mays	Laborer	4				
Macall Chambers	Laborer	0				

### EQUIPMENT

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

EQUIP. NO.	DESCRIPTION	HOURS	RATE	COST
HEX-130	3/4 E CAT	1		
FLT-230	2010 Chevy	4		

### MATERIAL

OFFICE TO PROVIDE RATES AND COMPUTE COSTS  
USE ADDITIONAL SHEETS AS NECESSARY

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October 21, 2019

Steven VanderPloeg  
Environmental Scientist  
US Army Corps of Engineers, Norfolk District Western Virginia Regulatory Section  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236

Re: Notice of Triggering of Section 110(k) of the NHPA at Point of Fork

Dear Mr. VanderPloeg:

I write on behalf of the Monacan Indian Nation, for which my firm serves as legal counsel.

Last week Mr. Eric Mai, a former long-term employee of the James River Water Authority's ("JRWA") consultant Circa~ Cultural Resource Management, LLC ("Circa"), courageously prepared a sworn declaration of facts documenting his experiences working for Circa and conducting the archaeological study of Point of Fork, on which JRWA seeks to build a water pump station. Mr. Mai's highly detailed sworn statement, attached as Exhibit A, is shocking. He declares:

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.<sup>1</sup>

Mr. Mai's whistle-blowing disclosures fundamentally transform the legal obligations of the Army Corps of Engineers ("Corps") with respect to consideration of JRWA's requests for any future federal permit for this project. JRWA's consultant's "study" at Point of Fork was so purposefully deceptive and inappropriate in its approach, and so lacking in integrity, that the resulting "testing" adversely affected the site. Because the archaeological sites at Point of Fork are eligible for the National Register of Historic Places under Criterion D ("may be likely to yield information important to history or prehistory"), destroying information that could have been recovered from the site constitutes anticipatory demolition under Section 110(k) of the National Historic Preservation Act ("NHPA").<sup>2</sup>

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<sup>1</sup> Sworn Declaration of Mr. Eric Mai, October 16, 2019, Para. 9.

<sup>2</sup> 54 U.S.C. § 306113.

Section 110(k) provides that “a federal agency may not grant a permit to an applicant who has already adversely affected historic property.” (*Committee to Save Cleveland’s Hulett’s v. U.S. Army Corps of Eng’rs*, 163 F. Supp. 2d 776, 792-93 (N.D. Ohio 2001). “Section [110(k)] works to punish those who would seek to manipulate the § 106 process by denying them access to post-demolition permits.” *Id.* See also *Pye v. U.S. Army Corps of Eng’rs*, 269 F.3d 459 (4th Cir. 2001), where post-decision the Corps revoked a permit because the applicant refused to cooperate in the permitting process as required by the NHPA.

In short, it would now be contrary to federal law for the Corps to grant a permit to JRWA for this project.

### **Section 110(k): Anticipatory Demolition Has Occurred**

Testing archaeological sites by disrupting the soil with tools and machinery is inherently destructive. Testing is allowed for the purposes of generating reliable information about the eligibility of sites that can support informed decision making in the Section 106 process.<sup>3</sup> VDHR guidance on Phase II testing makes it clear that excessive or poorly documented testing can be considered an Adverse Effect on the site, and can result in sanctions for the responsible agency.<sup>4</sup>

No reasonable person will read the parade of horrors laid out in Mr. Mai’s sworn statement and conclude that Circa was endeavoring to generate reliable information to support reasoned decision-making. Under Circa’s management, well-meaning staff like Mr. Mai and his colleagues were put in an impossible situation where they were instructed in ways that undermined the goals and objectives of the cultural resource management industry and the clear intent of the law. “The Principal Investigator has the responsibility to conduct field investigations in a manner that will add to the understanding of past cultures and will develop better theories, methods, and techniques for interpreting the archaeological record while causing minimal attrition of the archaeological resource base.”<sup>5</sup> Yet, under Carol Tyrer’s direction, Circa’s fraudulent and malicious approach to the study with which it had been entrusted was clearly intended to manipulate the Section 106 process, and caused more than “minimal attrition of the archaeological resource base.”

Purposefully avoiding meaningful discovery during testing pursuant to Section 106 renders the destruction of the resource a form of anticipatory demolition. Knowingly assigning unqualified persons to conduct unscientific tests with inappropriately destructive methods, as Mr. Mai reveals occurred at Point of Fork, is more than negligence. It is “anticipatory demolition” as contemplated by Section 110(k) of the NHPA, which provides:

Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of [Section 106 of the NHPA], has intentionally

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<sup>3</sup> See The Virginia Department of Historic Resources’ Guidelines for Conducting Historic Resources Survey in Virginia, revised September 2017, hereinafter “VDHR 2017.”

<sup>4</sup> VDHR 2017 at 51.

<sup>5</sup> VDHR 2017 at 54.



significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed the significant adverse effect to occur, unless the agency, after consultation with the [Advisory Council on Historic Preservation], determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant.<sup>6</sup>

### **Mr. Mai's Revelations Show Purposeful Harm**

Mr. Mai's sworn declaration contains voluminous evidence that Circa knowingly adversely affected cultural resources through testing without the expectation of securing decision-quality information so as to manipulate the Section 106 process. We take each of these indications of purposeful harm in turn (numbers refer to paragraphs numbers in Mr. Mai's statement):

- I. Circa management sent into the field a crew that was unqualified, untrained, unprepared, and unsupervised.
  - a. The field crew lacked academic training to investigate a site of this kind. (18)
  - b. The field crew lacked practical experience investigating a site of this kind. (20, 36, 38)
  - c. The field crew members were untrained for the techniques they applied. (20, 63)
  - d. The field crew members were sent in without any context for what they were looking for. (17)
  - e. The field crew members were sent in on their own, without supervision. (21, 31, 38, 69)
- II. Circa management denied the crew appropriate technology, training, and guidance to conduct accurate surveys or recover archaeological information.
  - a. Circa management instructed crew members to use outdated, inaccurate techniques. (23, 27)
  - b. Circa management denied crew members' requests for modern equipment with which to conduct scientifically reliable testing. (23)
  - c. Crew members conducted tests in the wrong place, at the wrong depths, and without sufficient time. (25, 26)
  - d. Circa management assigned crew members duties to handle, wash, and curate artifacts despite lacking the necessary training and despite the absence, in practice, of protocols for handling fragile and culturally sensitive objects in Circa's so-called "lab." As a result, staff were not able to differentiate between type, importance, or condition of the artifacts that came under the lab's control. (57)
  - e. Circa management instructed staff to excavate archaeological features during Phase II testing without training, without supervision, and without context regarding the need to not over-excavate features at the testing stage. (20, 21, 36, 47, 53, 63, 64) Given the lack of a complete feature list in the Phase I/II report, it

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<sup>6</sup> 54 U.S.C. § 306113 (emphasis added); *see also* 36 C.F.R. § 800.9(c).

is unclear how many features Circa excavated in this fashion on the JRWA project.

- III. Circa management lied to state officials and demanded that their staff lie.
  - a. Circa management lied about the presence of a supervisor on site. (32)
  - b. Circa management lied about the qualifications of that absent supervisor. (40)
  - c. Circa management instructed staff to lie about the presence of a supervisor on site. (32)
  - d. Circa management lied about the qualifications of their on-site crew. (35, 36, 37)
- IV. Circa management enlisted untrained construction workers to investigate the portions of the site targeted for construction. (42, 43, 45)
  - a. Circa management sent the least qualified, least trained, least experienced people with inappropriate equipment to the most critical portions of the site, and left them unsupervised. (48)
  - b. Construction workers used inappropriate and destructive equipment that had a greater chance of damaging artifacts and features before they could be revealed and recovered. (46)
- V. Circa's management produced Phase I and II reports and a draft treatment plan that are inaccurate, misleading, unreliable, and contain plagiarism. (25, 27, 28, 29, 56, 57, 61)

### **Imagine What Circa Destroyed and/or *Could* Have Documented**

Point of Fork is the location of Rassawek, the Monacan Indian Nation's historic capital. In 1612, when John Smith drew his Map of Virginia, he recorded an Indian town at the fork of the Rivanna and James rivers called Rassawek. Smith learned that Rassawek was the capital of the Monacan people: all Monacan towns sent their tribute to Rassawek and gathered there for major ceremonies. Archaeological work starting in the 1880s at the Point has affirmed the significance of this landscape. Early Smithsonian investigations after a large flood identified between forty and fifty hearths and at least twenty-five burials in the floodplain.<sup>7</sup>

In the 1980s, when the Columbia gas line was put in, Dr. Daniel Mouer identified several sites on the Point *including the pump station site, 44FV0022*. During a weekend of hurried recovery prior to the completion of construction, Dr. Mouer observed human remains, rare artifacts like turtle shell bowls, and a dense artifact concentration that led him to comment, "There was no place we could walk without the tell-tale signs that one or more substantial village sites had been partially destroyed."<sup>8</sup>

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<sup>7</sup> See Gerard Fowkes, *Archaeological Investigations in James and Potomac Valleys*, Government Printing Office, Washington D.C (1894).

<sup>8</sup> See Daniel Mouer, *A Review of the Archaeology and Ethnohistory of the Monacan Indians* (1983). In *Piedmont Archaeology: Recent Research and Results*, edited by J. Mark Wittkofski and Lyle E. Browning, pp. 21-39. Special Publication No. 10 of the Archaeological Society of Virginia.; See also Mouer, *Archaeology at Point of Fork, Fluvanna County, Virginia*, Fluvanna County Historical Society Special Bulletin (1985).

The Council of Virginia Archaeologists in their written comments to the Corps from September 2019 expressed “great concern from Virginia’s professional archaeological community over the proposed JRWA project and its impact to sites of immense significance. These sites, which are part of the sprawling Village of Rassawek, the pre-Colonial Monacan political capital, are exceedingly important due to their exceptional level of preservation, high potential for the presence of burials, and the fact that they are included in the earliest European documentation of the region. We support the Monacan Nation and recognize how valued these places are for the tribe whose ancestral community was centered on this powerful chiefly village.”

It is a testament to how special this place is that one could perform tests as purposefully incompetently as Circa did and still find nine National Register eligible sites in an area only a few acres in size, many of them associated with intense native occupation and activity at the site over thousands of years. Rassawek, and the archaeological region of Point of Fork generally, has considerable potential to provide information of great significance to the region, to the U.S., and to the Monacan Indian Nation. The sensitivity of each of the eligible sites – which include deeply stratified deposits containing fairly unusual feature types for the Virginia Archaic such as postmolds (evidence of historic structures, including buried posts and other structural supports) and burned floors – must be understood as sites that Virginia archaeologists have only rarely been able to excavate, particularly in this region of the state.

If unqualified, untrained, and unsupervised workers found this amount of resources at Rassawek, just imagine what they destroyed and/or could have documented.

### **No Circumstances Justify Excusing This Abuse of Section 106**

Section 110(k) is not mealy-mouthed about its instructions. It makes clear that the agency “*will not*” grant a permit when the applicant has acted intentionally to avoid Section 106’s requirements and harmed a site.

For the Corps to decide otherwise, it must consult with the Advisory Council on Historic Preservation and determine that, notwithstanding the applicant’s intentionally destructive actions, JRWA should be awarded a permit anyway.<sup>9</sup> What evidence does the Corps have that JRWA’s actions warrant such an exception? None. JRWA has shown no evidence that its actual intent was to help the Corps fulfill its Section 106 obligations under federal law, either by doing legitimate study of the site, or by meaningfully exploring alternative sites for its project, or by earnestly and honestly engaging with interested Native American tribes. Consider that:

- As demonstrated in Exhibit B,<sup>10</sup> JRWA has long embraced the counsel of its engineering consulting firm, Timmons, who advised that gamesmanship with the permitting of this project would allow them to construct the water pump station while destroying highly significant historic properties.
- Circa’s own staff and former collaborators, as indicated by Mr. Mai’s brave disclosures and the complaints lodged with VDHR by Mr. Dan Hayes, former geoarchaeologist for the

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<sup>9</sup> 54 U.S.C. § 306113; *see also* 36 C.F.R. § 800.9(c).

<sup>10</sup> Memorandum from Timmons to JRWA (Dec. 16, 2015) (disclosed in response to FOIA request).

project, are deeply concerned about the quality and intentions of the work performed so far at the site.

- JRWA persists in defending Tyrer and insists she will remain on their project team, despite the overwhelming evidence that has come to light that her investigations at Point of Fork were purposefully inappropriate and deceptive. For nearly a year the Monacan Indian Nation has, in good faith, tried to convey to JRWA through its counsel that the evidence was strong and growing that Circa was endangering the site and, by implication, their project, only to be ignored. JRWA has also ignored clear evidence of plagiarism, calling pages copied from Dr. Jessica Herlich's dissertation without attribution "inadvertent misattribution." JRWA downplayed Tyrer's violations of the anticipatory burial permit and VDHR's findings that Tyrer falsified her resume, and instead insinuated that VDHR staff who discovered her lies acted inappropriately.
- In short, continued attempts by JRWA to suggest that the project is not affecting major Monacan archaeological sites are deeply disingenuous and illustrate the continuing lack of seriousness with which the project proponent approaches these resources.
- Even now, JRWA has served VDHR with a notice of appeal, attached as Exhibit C, in which JRWA states its intention to appeal VDHR's determination that Tyrer does not meet the Secretary of the Interior's Professional Qualification Standards and that her work should have to be reviewed by a qualified professional.
- Incredibly, notwithstanding all available evidence, JRWA also disputes that the site at Point of Fork is the location of the historic Monacan capital at Rassawek, and shockingly disputes that project will "directly affect" the Monacan Indian Nation at all, even as it pursues a burial permit to excavate Monacan ancestors.<sup>11</sup> The Nation is left speechless at this clear evidence of bad faith dealings.

At every stage of this process, this permit applicant has communicated through words and actions that they are not interested in supporting the Corps' compliance with the NHPA. Indeed, this permit applicant engaged a consultant to anticipatorily harm a cultural site to minimize or destroy evidence of the site's relevance to thwart the Section 106 process.

**Even if The Corps Ignores All of These Circumstances and Still Considers JRWA Eligible to Seek a Permit for Its Pump Station, The Corps May No Longer Permit Construction at This Location**

The Phase I and II testing performed by Circa at Point of Fork produced "results" that are wholly unreliable, as indicated by Mr. Mai's declaration. The testing impacted many aspects of the site, including with heavy machinery, for naught. JRWA's only path now is to attempt to persuade the Corps to ignore Section 110(k) and allow JRWA to start all over again with testing. It would be highly inappropriate to reward this egregious abuse of the process by granting JRWA a second bite at the apple, even if they subsequently hire a competent archaeologist who agrees to do appropriate investigation. VDHR guidance clearly states, "Testing that destroys large portions of a site prevents the consideration of other site treatment alternatives and shall be avoided at the

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<sup>11</sup> Exhibit C.

Phase II level. In the context of the 106 process, excessive testing at the Phase II level may result in a finding of Adverse Effect and sanctions to the responsible agency.”<sup>12</sup>

Should the Corps seek to permit second round Phase I and Phase II testing at the current location on Point of Fork, the Monacan Indian Nation will have no choice to but to seek interventions by the courts and sanctions of the Corps.

Thus, JRWA has put the Corps in the position of being forced to deny the permit: the Corps cannot rely on the deeply flawed Phase I and II investigations to make decisions in compliance with Section 106, and the Corps cannot require new Phase I and II investigations because doing so would itself adversely affect the site. Congress enacted Section 110(k) in response to just these types of situations.

## Conclusion

In conclusion, by means of this letter, the Corps is on notice that the provisions of Section 110(k) have been triggered. To comply with Section 110(k), the Corps must now do the following:

- (1) The Corps must formally notify the Advisory Council on Historic Preservation that anticipatory demolition has occurred, and “provide documentation specifying the circumstances under which the adverse effects to the historic property occurred,” 36 C.F.R. § 800.9(c)(2);
- (2) The Corps must seek the views of the State Historic Preservation Officer, the Tribes, and “other parties known to be interested in the undertaking,” *id.*; and
- (3) In consultation with the ACHP and the Tribes, determine whether special circumstances may justify granting the permits, notwithstanding the applicant’s destruction of cultural resources. *Id.*

The Monacan Indian Nation looks forward to consulting with the Corps as your agency complies with each stage of the process.

Sincerely,



Marion Werkheiser  
Attorney at Law  
Counsel for the Monacan Indian Nation

Cc: John Eddins, Program Analyst, Advisory Council on Historic Preservation  
Julie Langan, Director, Virginia Department of Historic Resources

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<sup>12</sup> VDHR 2017 at 51.

Anticipatory Demolition

Oct. 21, 2019

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Edward J. Passarelli, Deputy Chief, Natural Resources Section, ENRD, US Department  
of Justice

Tom Walker, Chief, Regulatory Branch, US Army Corps of Engineers, Norfolk District



EXHIBIT A:  
SWORN DECLARATION OF ERIC MAI

## **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 1/8<sup>th</sup> 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 16<sup>th</sup> 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)

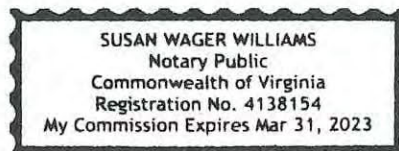




EXHIBIT B:  
MEMORANDUM FROM TIMMONS TO JRWA, DECEMBER 16, 2015

## **ALTERNATE INTAKE AND PUMP STATION SITE**

### **PRELIMINARY Evaluation of the Potential Cost and Schedule Implications**

Prepared by Timmons Group - Dec 16, 2015

Below is a PRELIMINARY evaluation of the potential cost and schedule implications to relocating the JRWA intake further upstream as proposed by Fluvanna County. Please note this is a limited review based upon a limited timeline.

#### **Specific Due Diligence to evaluate the Fluvanna proposed intake:**

Below is an approximate schedule to perform the additional due diligence to evaluate the feasibility of the proposed Fluvanna site:

1. Bathymetric & Topographic Survey: 4-6 weeks from Notice to Proceed (NTP). We need to establish survey control on the river bank in order to perform the bathymetric survey and river conditions need to be optimal to complete the work.
2. Geotechnical Investigation: 4-6 weeks from NTP
3. Wetlands Delineation & COE Confirmation: 2-3 months (dependent upon COE schedule to confirm wetlands)
4. Preliminary Engineering & Construction Cost Pricing: 4-6 weeks following receipt of bathymetric survey, wetlands & geotechnical information
5. *Total timeline for evaluation of the site: 3-4 months from NTP. Assuming NTP early Jan, then this would be completed in Mar/Apr 2016.*
6. *Recommended budget: \$100,000 to \$120,000 based upon previous work.*

#### **COE Permit Risks**

Currently the proposed pump station and intake have less than 0.1 acres of PERMANENT wetland impacts (0.09 acres permanent impacts as proposed). This is critical because it allows the COE to utilize a Nationwide Permit, which would be an administrative permit and require little or no public involvement other than public notifications. If we were to impact any additional wetlands with the new PS site, or have to increase the impacts in the river due to the underwater topography (i.e., push the intake further out into the river), it could force the permanent impacts to exceed 0.1 acres. This would most likely put this into an "individual permit" category which would require extensive public involvement such as public hearings.

### Additional Pipeline Costs:

We evaluated 3 potential pipeline routes (graphic will be forthcoming). Following are the order of magnitude additional costs just for the pipeline:

Alternate	Length of Add'l Pipeline	Order of Magnitude Probable Add'l Costs	Add'l Property Owners to Cross	Comments*
1	10,000	\$3.5 million	3	Along CSX ROW on adjacent properties to Colonial Gas
2	16,300	\$5.4 million	12	Along Bremo / Point of Fork Road to Colonial Gas
3	15,900	\$6.3 million	14	Along Bremo / Rte 6 to Colonial Gas

\* Please note - construction cost along an existing road is further increased due to traffic maintenance and safety issues.

### Pump Station Impacts:

Based upon a preliminary review of the pipeline routes, it appears that the pumps will need to be increased from 350 HP to 400 HP due to extra length of pipeline. This will increase electrical equipment and generator costs, etc. Order of magnitude increase could range from \$1 to \$1.5 million to include redesign and additional construction costs (we would need to study further to determine exact numbers).

### DEQ Permitting Implications – Major Modification to the Permit:

- Based upon initial conversations with DEQ, moving the intake to this location (approximately 2.2 miles upstream) would represent change in hydrologic characteristics for the intake location.
- As such, this will require another Major Modification for the permit (what JRWA just went through to relocate the recently issued permit).
- Moving the intake upstream about 250' to the Hammond Property would be considered a Minor Modification, which would be administrative in nature and require no additional public involvement, just a simple issuance of a letter by DEQ noting the change.
- Scott Kudlas (who signed the permit) noted that moving it to the adjacent property approximately 250' upstream was "a slam dunk" for DEQ to approve with little or no issue.
- However, moving it a significant distance upstream (such that it changes the hydrologic characteristics of the intake location) would give DEQ some heartburn because both DEQ and JRWA would essentially be starting from square one again.
- Furthermore, this opens the permit back up to public comment / scrutiny once again and would the City of Richmond and Henrico another opportunity to scrutinize the permit.
- A Major Modification would require the JRWA to submit another \$25,000 fee to DEQ for review of the application.

- *A Minor Modification would require the JRWA to submit a \$5,000 fee to DEQ for review of the application.*

#### **Schedule & Costs Implications for relocating the intake:**

- Given this will require a Major Modification to the DEQ permit, it means that we will start the permitting process all over again.
- It took approximately 20 months to acquire the most recently issued permit and we would anticipate a similar timeline.
- *We would recommend the JRWA budget approximately 18-24 months to complete this task.*
- To date, Timmons Group costs have far exceeded \$100,000 to assist JRWA with acquiring the current permit.
- *We would recommend the JRWA budget \$125,000 for costs to relocate the permit IN ADDITION to the other costs (bathymetric survey, preliminary engineering, geotech, environmental, etc.) associated with relocating the pump station and intake, which are approximately \$120,000.*
- *We would recommend a total \$250,000 budget.*

#### **Additional Easement Acquisition Costs:**

- Depending upon the route chosen by Fluvanna / JRWA, we would need to acquire anywhere from 3 to 14 additional easements.
- *At approximately \$5,000 per easement, this would equate to \$15,000 to \$70,000 in additional costs, not to mention the associated timeline for acquisition.*

#### **Long-term Operations Costs:**

Given the anticipated increase in motor HP, this will in turn require a higher electrical costs for pumping the water to Ferncliff. It is difficult to calculate the total increase on an annual basis without further evaluation, but based upon an initial review of the base rates, *the pumping costs could increase anywhere from 20-30% on an annual basis.*

#### **Construction at the Rte 6 bridge:**

It has been noted that there currently is construction going on at the Rte 6 bridge near Columbia. Going this route will still require an independent easement and extensive coordination with VDOT regarding construction.

#### **Interest Rate Increase:**

- I attended the VRA Board meeting on December 8, 2015 in Richmond. The VRA's financial advisor put up a graphic showing how the bond issuance rates were starting to trend upwards towards the end of 2015.

- While there are no guarantees on rates until the bonds are sold, it appears to be common belief that rates are trending upwards and any delay in financing could result in higher rates for both the JRWA and Louisa County.
- *The US Federal Reserve is meeting today to discuss interest rate increases.*

### **Materials & Labor Costs Increase:**

While we enjoyed a somewhat flat construction market during the recession, it appears that construction costs are consistently rising again.

Per the attached Construction Costs Index, construction costs are steadily increasing since 2010, with the last 12-months (Q4 2014 thru Q3 2015) seeing an increase of approximately 4.4% and the last three years of approximately 4% per year.

### **Other Considerations:**

While we have attempted to quantify the mechanics, logistics, schedule and approximate costs for moving the intake structure upstream, we believe Fluvanna and the JRWA also need to take the following items into consideration:

1. Cobbs Creek Intake: The proposed Fluvanna intake location is upstream of the Cobbs Creek reservoir intake. One of the advantages to locating in Columbia was the future ability of JRWA to work with Henrico County to purchase capacity in the reservoir should Louisa or JRWA choose to do so.
2. Dominion WWTP / Coal Ash discharge into the James River: There was significant public concern regarding Dominion's plans to discharge into the James River and a potential "mixing zone" in the James River. This would move the intake 2.2 miles closer to that discharge. Currently the JRWA withdrawal permit issued would have legal precedence over any permit issued by DEQ for the Dominion Coal Ash discharge. Should the JRWA request a Major Modification, then the Dominion discharge permit could have legal precedence (i.e. the relocated JRWA permit would be "in queue" after the Dominion permit, thereby forcing the JRWA to adhere to the Dominion permit, vs. Dominion needing to adhere to the JRWA permit currently issued).
3. DEQ Relationship and Efforts on behalf of JRWA: Given the extensive permitting process the JRWA just went through with DEQ (both time and costs) and the fact that DEQ issued an extensive permit, permit construction limitations, and justification for the withdrawal (a total of 74 pages), it would appear any attempt to move the proposed intake to a location that would change the hydrologic characteristics could make the permit that was just issued invalid. Given the time, effort and involvement by DEQ as well as other agencies, such as engaging the AG's office to defend DEQ's position, DEQ could perceive Fluvanna or the JRWA's desire to move it further upstream as disingenuous and the most recent permit issuance as a "waste of everyone's time".



4. Relationships with other Regulatory Agencies: Impact to relationships with the other review agencies, such as VMRC and COE who have already put significant time and effort into working with our team for the current permit relocation.
5. Ability to construct within Historically Sensitive Areas: While we respect the historical significance and sensitivity of Point of Fork Farm and other properties of historical significance, much like wetlands, there are laws and regulations in place that allow for this type of construction to take place in these areas that help protect and preserve these properties. We can list several examples of past and current projects that have been constructed in areas of historical significance. A very relevant example is a steel recycling plant constructed on the Petersburg National Battlefield in Dinwiddie County.
6. Practical aspect of the above ground impacts: Constructing a 2,400 SF footprint, 35' tall pump station is no different than constructing a similar size 2 story house on a lot on the James River in terms of above ground property impacts.

### **Summary & Conclusion:**

Based upon our PRELIMINARY evaluation of relocating the intake approximately 2.2 miles upstream, following is our summary & conclusion:

1. Increased capital costs for additional pipeline and potential upgrades to the pump station, could range from approximately \$5 million upwards to \$8 million in 2015 Construction Numbers.
2. JRWA could see an increase in annual pumping costs of 20-30%.
3. A Major Modification to the permit will be required and could take approximately 18-24 months to complete and require a \$25,000 DEQ application review fee in addition to approximately \$250,000 in costs associated with permit reapplication, due diligence and preliminary design for the new intake.
4. Construction costs are increasing approximately 4% per year based upon most recent 3 years and any delay could see a substantial increase in costs (i.e. 4% of \$10 million is \$400,000), so delays could see that number increase.
5. There are significant permitting risks associated with DEQ, VMRC and COE, not to mention potential damage to the relationships with regulatory agency staff.

In our professional opinion, we do not believe it is wise or prudent for the JRWA to consider moving the intake to the proposed Fluvanna location. As such, our recommendation would be for the JRWA to move the pump station and intake onto the adjacent Hammond Property and adjust the pipeline routing accordingly.

EXHIBIT C:  
JRWA NOTICE OF APPEAL

## **NOTICE OF APPEAL**

### **DENIAL OF PERMIT FOR APPLICATION FOR ARCHAEOLOGICAL EXCAVATION OF HUMAN REMAINS AT THE POINT OF FORK IN FLUVANNA COUNTY**

Pursuant to Virginia Code § 2.2-4026 and Rule 2A:2 of the Rules of the Supreme Court of Virginia, the James River Water Authority (“Appellant”), by counsel, hereby gives notice of its intent to appeal the agency actions of the Virginia Department of Historic Resources. Specifically, Appellant intends to appeal the following agency case decisions by the Virginia Department of Historic Resources:

1. Denial of a permit for the Appellant’s application for Archaeological Excavation of Human Remains at the Point of Fork in Fluvanna County (DHR File No. 2015-0984) (hereinafter, “Appellant’s Application”);
2. Decision that the archaeological consultant associated with Appellant’s Application does not meet the requirements established by the Secretary of the Interior and promulgated through 36 C.F.R. § 61 as the Professional Qualifications Standards for Archaeology, and incorporated into the Department of Historic Resources’ regulations at 17VAC5-20-40(C);
3. Decision that a research design and data recovery plan must be reviewed and revised by a qualified archaeological consultant to meet standards of the Department of Historic Resources;
4. Decision that a research design and data recovery plan must be reviewed and revised by a qualified archaeological consultant to meet the approval of the Monacan Indian Nation;
5. Decision that Appellant’s Application will “directly affect” the Monacan Indian Nation;
6. Decision that 17VAC5-20-40(A)(3) requires Appellant to obtain permission for access from third-party “owners” of properties to which Appellant holds a utility easement; and

7. Decision that an area through which the project forming the basis of Appellant's Application is planned to pass is associated with Rassawek, a reported historical settlement of the Monacan Indian Nation.

#### **RULE 2A:2 INFORMATION**

In accordance with Rule 2A:2, the Appellant further states as follows:

1. The identity and address of Appellant are:

James River Water Authority  
132 Main Street  
Palmyra, Virginia 22963

2. Counsel for Appellants are:

Justin W. Curtis (VSB No. 76641)  
Paul T. Nyffeler (VSB No. 77144)  
AquaLaw PLC  
6 South 5th Street  
Richmond, Virginia 23219

3. The identities and addresses of the other parties to this appeal are:


Virginia Department of Historic Resources  
c/o Julie V. Langan, Director  
2801 Kensington Avenue  
Richmond, Virginia 23221

4. To Appellants' knowledge, counsel for the other parties to this appeal is:

The Honorable Mark R. Herring  
Attorney General of Virginia  
Office of the Attorney General  
202 North Ninth Street  
Richmond, Virginia 23219

5. This appeal will be taken to the Circuit Court for the County of Fluvanna.

Respectfully submitted,



---

Justin W. Curtis (VSB No. 76641)

Paul T. Nyffeler (VSB No. 77144)

AquaLaw PLC

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Richmond, Virginia 23219

(804) 716-9021 tel

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Justin@aqualaw.com

pnyffeler@aqualaw.com

October 4, 2019



**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of October, 2019, a true copy of the foregoing Notice of Appeal was delivered by hand and also sent by certified mail to:

Virginia Department of Historic Resources  
c/o Julie V. Langan, Director  
2801 Kensington Avenue  
Richmond, Virginia 23221

  
\_\_\_\_\_  
Justin W. Curtis

## **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 1/8<sup>th</sup> 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 16<sup>th</sup> 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

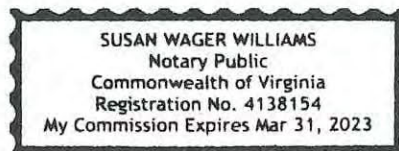
10/16/2019

Signature of Notarial Officer

Notary Registration Number: 4138154

My Commission Expires: March 31, 2023

(Seal)





**Remarks of Marion F. Werkheiser, Managing Partner, Cultural Heritage Partners, PLLC,  
and Legal Counsel to the Monacan Indian Nation  
at the James River Water Authority Public Meeting  
Spring Creek Golf Course  
August 13, 2019**

Good morning. My name is Marion Werkheiser, and I am managing attorney of Cultural Heritage Partners, the law firm that represents the Monacan Indian Nation. I'm joined by my colleagues attorney Greg Werkheiser and archaeologist Dr. Ellen Chapman. I'm also joined by Chief Kenneth Branham of the Monacan Indian Nation, and I'd like to thank Chief Robert Gray of the Pamunkey Indian Tribe and Chief Frank Adams of the Upper Mattaponi Tribe for attending.

Today I'd like to explain to the taxpayers of Fluvanna and Louisa Counties how JRWA finds itself in this situation—it is a direct result of six major errors in judgment made by you, the members of the Water Authority.

It has become clear that you will attempt to pit the taxpayers of your county against the interests of those who believe that Rassawek is too important to destroy. Those taxpayers should understand that when the bill comes due for the additional money it costs to move this project, those extra dollars are the result of bad choices that YOU made—not the fault of Native Americans or others who are simply exercising their right to oppose the destruction of their history and the disturbance of their ancestors.

In 2015, you were told by Preservation Virginia, the Department of Historic Resources, and prominent archaeologists that you could not choose a worse location along the James River on which to site your project. In fact the project was so unpopular with your taxpayers that the Fluvanna Board of Supervisors voted against a permit for the project twice.

Mistake #1:

You ignored these clear, early indicators that you should find a more suitable site.

Mistake #2:

Federal law requires the Army Corps of Engineers to consult with community groups and impacted Tribes on the design of the project. You did not begin engaging with the Monacan tribe until 2017, a year after you had already purchased the land on which you propose to locate the pump station. To pretend now that you are surprised by their objections is disingenuous.

Mistake #3:

You played games with the permitting system. Your consultant, the Timmons Group, told you that despite there being a hugely important historic site that will be destroyed by your project, they could help you limit public input on the project. By hiding from the public, you are now putting the burden of your mistake back on the taxpayers and on native peoples.

#### Mistake #4:

You decided to take the risk of building a water treatment plant before you ever had a permit to pump water to the plant. You assured the Army Corps of Engineers that there were multiple viable locations for the pump station when you secured a permit for the treatment plant. Now you say Rassawek is the only location—were you lying to the Army Corps then, or are you lying to us now?

#### Mistake #5:

If you are going to disturb an important historic site with your project, federal law requires you to set forth a plan for how you will attempt to avoid, minimize, or mitigate the harms to that site. To do this right requires hiring a qualified cultural resource management firm, but to save money, you chose to hire a vastly underqualified consultant because they were the lowest bid. And as we have all learned, your consultant has repeatedly violated the terms of their permits, has copied the work of scholars and passed it off as their own, and has misrepresented who is actually on their project team. Clearly you do not take your own responsibilities under federal law seriously.

#### Mistake #6:

Once again you are putting the cart before the horse by approving development that you expect to rely on this water source before you have approval to build it. You are bootstrapping yourself into a crisis of your own making.

Be honest with your constituents about what you have done to create this problem and stop attacking the tribes for speaking up to defend their ancestors' burials and their heritage. Be assured that we will be taking that message directly to your constituents in the weeks ahead. The sooner you recognize that this dog won't hunt and move the location, the better. Save Rassawek.

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**Remarks of Marion F. Werkheiser, Managing Partner, Cultural Heritage Partners, PLLC,  
and Legal Counsel to the Monacan Indian Nation  
at the Army Corps of Engineers Consulting Party Meeting  
Regarding the James River Water Authority's Proposed Construction of a Water Pump  
Station on Rassawek, the Historic Capital of the Monacan Indian Nation  
August 9, 2019**

Good morning. My name is Marion Werkheiser, and my law firm represents the Monacan Indian Nation, a federally recognized sovereign nation.

The Nation is deeply disappointed that the Army Corps of Engineers is failing to meet its legal responsibilities and seems prepared to sanction the disinterment of Monacan ancestors and the destruction of Rassawek, the Monacans' most important historic town.

Indeed, the Corps has called us all here today to move forward with this profoundly misguided project without fully analyzing alternative locations, including a "no action" alternative, as required by law.

Instead of directing the Water Authority to move its project to a more appropriate location, the Corps instead plans to entrust the excavation of one of the most important places in all of Virginia history – and the handling of sensitive human remains—to unethical and unqualified consultants.

The Monacan Indian Nation unequivocally opposes this project and will refuse to sign any Memorandum of Agreement that would allow the destruction of Rassawek.

Rassawek was mapped by Captain John Smith in 1612 at the confluence of the James and Rivanna Rivers. In the 1880s, and again in the 1930s, the Smithsonian Institution documented 40-50 hearths at Rassawek and numerous Indian burials. In 1980, celebrated archaeologist Dan Mouer observed burials at the site and recorded their location with the Department of Historic Resources. We have known for 400 years that Rassawek is located at Point of Fork, and the Water Authority has been on notice since they first conceived of locating their project that they could not have chosen a worse location for their pump station—indeed, DHR, Preservation Virginia, and Dr. Mouer all told them that so back in 2015. Therefore the James River Water Authority's claims that they are surprised to learn "in the 11<sup>th</sup> hour" of objections to their plans are absurd and disingenuous. They literally had 400 years notice that this was a precious historical resource and five year's notice that the state's own experts thought locating it here was a bad idea.

Yet here we are. The Water Authority continues to pursue this project, hoping that locating the project on top of Rassawek will be less expensive than other available alternatives. The Corps, having illegally segmented the review of this project into two separate permitting actions, now stubbornly proceeds with a permitting approval, hoping they can get away with a sloppy job because, frankly, they usually do. Today you will hear the Water Authority present a manufactured crisis designed to bring a sense of urgency to approving this project. They will tell you that all the alternatives that they originally considered to cost only \$2-5 million more than

Point of Fork will suddenly cost tens of millions more. They will tell you there is only one place they can put this project. By building the water treatment plant first without getting approval for their pump station location, they really *may* have constrained their options. But that is JRWA's and the Corps's own fault for illegally segmenting the project review. The Monacan Indian Nation should not have to pay for that costly mistake of law, and a court may well find that the entire project must start over from scratch, and that the water treatment plant must be moved because the permitting process was wrong from the start.

Lest anyone think I am exaggerating - look at what the Corps did at Surry-Skiffes Creek. In that case, a federal court is considering ordering Dominion to remove tens of millions of dollars' worth of electric transmission towers they built in the James River because the Corps - this same Corps district - failed to follow the same legal requirements at issue in this case. The Corps should not repeat past mistakes and should stop this process and require an individual permit, and not allow JRWA to try to shoehorn a last-minute cursory alternatives analysis to put lipstick on this pig.

Today you will hear the Corps say that they are trying to make the best of a bad situation, and that JRWA's consultant has agreed to make improvements to the Treatment Plan. None of us should put faith in JRWA's consultant. They have proven themselves not worthy of our trust. First, their draft treatment plan proved that they are completely lacking in expertise to undertake an excavation of a site like Rassawek. In addition to being unqualified, they have proven to be unethical. First, they have violated the terms of their anticipatory burial permit multiple times, resulting in a complaint letter from Virginia's Department of Historic Resources. Second, significant portions of the Treatment Plan were copied, word for word, from the dissertation of Jessica Herlich, a doctoral student of Professor Martin Gallivan. In addition, Dan Hayes submitted a letter to the Corps explaining that Circa used his name without his permission and that he never saw the Treatment Plan on which he is listed as an author.

The Corps' refusal to date to order the James River Water Authority to engage an appropriate consultant to evaluate the harms to a site of this extraordinary magnitude and sensitivity shows just how seriously the Corps is taking its obligations to evaluate harms to Virginia's historic and cultural resources.

I would like all of us to be on the same page about what happens next. Today the Corps will tell you that the Nation cannot stop this project. They will tell you that even if the Nation and all the consulting parties decline to sign this Memorandum of Agreement, they can still approve the project. They will tell you that you have no option but to make the best of a bad situation and play along and try to make the proposed MOA and treatment plan better. They will tell you their hands are tied because Section 106 is just a process—and it does not guarantee a specific outcome. Then, in the coming weeks, they will circulate a final MOA and ask you to sign it. Then, regardless of your refusal to sign, they will approve permits for this project. And they will hope that we will all swallow that bitter pill and move on.

But the Monacan Indian Nation will not move on. We will continue to protest this project in every available forum. We will petition every state agency to rescind approvals for the project. If DHR approves the burial permit, we will challenge it. After the Corps approves this permit, we



will file a lawsuit to stop construction of the project. Then we will sue the Corps for violations of the National Environmental Policy Act, the National Historic Preservation Act, and abrogation of their federal trust responsibility to the Tribe. We will have court hearings, we will wait for court decisions, and we will all file appeals, for at least the next five years.

I want all of you here today to know that we are in this for the long haul.

So, to JRWA, I ask you: is the Point of Forks location still the least expensive option when you factor in at least five years of litigation and delay?

To the Corps, do you want to be the poster child for failed tribal consultation, protested by the public and tribes from across the country?

And I would ask to the imagined future breweries of Zion Crossroads, what are customers going to think when they learn you dug up Indian burials to pipe in the water for their beer?

In closing, Rassawek is a priceless historic resource for the Commonwealth. It is shocking that anyone would go along with plans to destroy the site and traumatize the tribe by disinterring burials because a federal agency decided to do some favors for a developer who got terrible advice from its consultants.

Chief Branham now wishes to address the group on the topic of the planned disturbance of Monacan ancestors.

# # #



July 23, 2019

Julie Langan, Director  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, VA 23221

**Re: Monacan Indian Nation's Objection to the James River Water Authority's Application for the Removal and Temporary Curation of Human Remains Located at Point of Fork, Fluvanna County, Virginia, DHR File No. 2015-0984.**

Dear Director Langan:

My law firm represents the Monacan Indian Nation ("the Nation"), a federally recognized sovereign tribe, regarding the James River Water Authority's ("JRWA") planned water pipeline and pump station at Point of Fork, Virginia. The Nation requests that the Virginia Department of Historic Resources ("DHR") deny JRWA's Application for the Removal and Temporary Curation of Human Remains, DHR File No. 2015-0984, dated March 22, 2019.<sup>1</sup> **It is critical to note at the outset that under no circumstances will the Nation support the issuance of a burial permit to JRWA for this project.**

#### **I. Virginia Law Requires Denial of the Burial Permit.**

Virginia law empowers DHR to issue or deny permits for the archaeological removal of human remains. Virginia's Administrative Code states at 17VAC5-20-60(B) that the Director shall "give priority to comments and recommendations made by individuals and parties most closely connected with the human burials subject to the application." It goes on to state:

In making a decision on the permit application, the Director shall consider the following:

1. The level of threat facing the human skeletal remains and associated cultural resources.
2. The appropriateness of the goals, objectives, research, design, and qualifications of the applicants to complete the proposed research in a scientific fashion. The director shall consider the U.S. Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, set out at 48 FR 44716 (September 29, 1983), in determining the appropriateness of the proposed research and in evaluating the qualifications of the applicants.

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<sup>1</sup> DHR has the power to deny burial permits based on several enumerated considerations laid out in Va. Code §10.1-2305 and expanded upon in 17VAC5-20-60, as discussed herein.

3. Comments received from the public.
4. The appropriateness of the proposed disposition of remains upon completion of the research. The director may specify a required disposition as a condition of granting the permit.
5. The performance of the applicant on any prior permitted investigation.
6. The applicability of other federal, state and local laws and regulations.

17VAC5-20-60(C). The regulations also state that “Failure to adequately meet all conditions in a previous permit shall be grounds for denial of any subsequent permit applications.” 17VAC5-20-60(D).

Application of the six considerations enumerated in 17VAC5-20-60(C) – especially when coupled with the fact that the Nation, the party most closely connected with the burials, stridently opposes this project – requires DHR to deny the burial permit on multiple grounds:

1. **Level of Threat.** The human remains at the sites are not currently at risk or under threat – except those posed by the proposed project. JRWA grossly downplays the threat the project poses to Monacan burials, stating merely that the “possibility of finding human remains is moderate” while admitting that the site is difficult to protect from looting. To the contrary, the Nation knows that human remains are buried on this site. Burials have been located there numerous times; for example, in the 1880s, Gerard Fowke of the Smithsonian Institution identified 25 Indian burials uncovered by flooding, and in 1980, construction of a gas line in the area uncovered additional burials. Exposing this known burial site and its associated cultural objects by constructing a pump station will threaten the human skeletal remains and associated cultural resources, and will create significant risks that could be avoided entirely.
2. **Appropriateness of the goals, objectives, research, design, and qualifications of the applicants to complete the proposed research in a scientific fashion.** JRWA has hired a consulting firm, Circa~ Cultural Resource Management, LLC, to conduct archaeological testing and an abbreviated archaeological excavation at Rassawek. Circa~’s initial plan failed to cite any archaeological work performed in the area in the last 30 years, or to sufficiently describe Rassawek or its importance to Monacan and Virginia history. As discussed in the Nation’s recent comments regarding the draft Memorandum of Agreement, Treatment Plan, and Monitoring Plan circulated by the Army Corps of Engineers (MOA), Circa~’s plan to excavate the impacted sites involves considerable use of construction machinery and does not commit to excavating all features and layers that may be destroyed. Circa~ proposes to screen only around 5% of the part of Rassawek being destroyed by the project, meaning that isolated human remains are likely to be missed. Multiple senior archaeologists have expressed concern to the Nation, JRWA, and DHR that three or four highly stratified floodplain deposits will not be adequately excavated under Circa~’s approach.

Circa~ also violated its anticipatory burial almost as soon as DHR issued it. As reported in DHR’s October 17, 2017, letter to JRWA, a DHR representative visited the project location on two occasions the week after the agency issued the permit. The DHR representative

reported that Circa~ failed to meet certain permit conditions during his visits, and that the archaeologists responsible for the field investigations were not directly supervising the work.

The Nation also notes that the Principal Investigator on the project, Carole Tyrer, is not a Registered Professional Archaeologist. Her failure to register means that she is not subject to grievance procedures within the profession, and DHR's denial of the burial permit is the only way to achieve some accountability for her failure to meet professional standards. Inexplicably, the current permit application proposes to waive Secretary of Interior qualifications for the Principal Investigator, citing "extraordinary circumstances" (17 VAC Section 5-20-40(D) which are not listed or detailed. Given the cultural and spiritual sensitivity of the project location and Circa~'s previous disregard of burial permit requirements, the Nation is profoundly concerned about the quality of Circa~'s work and JRWA's failure to commit enough funding to achieve proper results. It is reasonable for DHR to require that anyone responsible in the future for disinterment of Monacan remains, when unavoidable, abide by the highest professional standards and hold a membership in the Register of Professional Archaeologists (RPA).

Circa~'s violations of the anticipatory burial permit, paired with the applicant's stated desire to sidestep research design and professional qualification requirements, provide ample grounds for DHR to deny the requested permit.

3. **Public Comment.** The Nation notes that more than 1,300 individuals and organizations to date have signed a letter to the Army Corps and Governor Northam opposing the project and requesting that DHR deny the burial permit. Hundreds of these signatories are professional archaeologists and preservationists concerned about the excavation of burials and potential damage to the sites. The Nation's opposition to this burial permit is shared by the six other federally recognized Indian tribes in Virginia, the Alliance of Colonial Era Tribes, and the Inter-Tribal Women's Circle. Multiple non-tribal organizations have likewise requested that DHR deny the burial permit, including the Council of Virginia Archaeologists, the City of Charlottesville Human Rights Commission, Preservation Virginia, and the Piedmont Chapter of the Sierra Club. We enclose herewith a letter requesting that DHR deny the burial permit, along with signatures and public comments.

The Nation believes that by requesting that DHR waive the public notice requirement, JRWA seeks to avoid this broad public opposition to disturbing Monacan burials. JRWA should be required to post public notice that they intend to disturb Monacan ancestors, and taxpayers should be made aware that their government is conducting such a shameful act.

4. **Appropriateness of the proposed disposition of remains upon completion of the research.** JRWA has not proposed any particular disposition of remains, stating in the application only that it "intends to work with the Monacan Indian Nation to develop a protocol to be implemented in the event any Native American remains are discovered during construction of the project." This proposal is neither sufficient nor appropriate. JRWA has demonstrated a lack of willingness to cooperate with the Nation in good faith in other aspects of the permitting process (see comment letters to the Army Corps of Engineers dated November 27, 2018, December 21, 2018, and June 5, 2019), and the Nation cannot be



compelled to cooperate with JRWA to disturb and disinter its ancestors against its will. Accordingly, DHR must deny the permit.

5. **The performance of the applicant on any prior permitted investigation.** As noted above (para. 2), Circa~ violated the anticipatory burial permit almost as soon as it was issued, thus establishing that it cannot be trusted to comply with the terms of any future burial permit. Circa~'s blatant violations are grounds for DHR's denial of the permit application.
6. **The applicability of other federal, state and local laws and regulations.** DHR has consulted with the Army Corps regarding the proposed project. As a result, DHR should be fully aware of the Nation's concerns about the Corps using the wrong permitting process (a Nationwide permit rather than an Individual permit, and illegally segmenting the project) and the Corps's failure to consider alternatives that would not disturb Monacan burials. DHR should not issue a burial permit as a result of such a flawed process. To issue a burial permit would be perceived as approval of the Corps's process, which has been inconsistent with federal law, and which the Nation reserves the right to challenge in court.

The Nation also notes that JRWA did not submit with its application notarized statements from landowners granting permission to remove human remains from their property and to conduct research on those remains, as required under 17VAC5-20-40(A)(4). The Nation understands that certain landowners do not wish to cooperate with this permit and are likely to refuse to sign it.

If DHR does not deny this permit application, in its current state and with the current applicants, it is unclear what permit ever would be sufficiently out of compliance with Virginia law and regulations to warrant denial.

## **II. The Balance of Equities Demands Denial of the Burial Permit.**

### **A. Disturbing the Monacans' Ancestors Should Be A Last Resort.**

Disturbing human remains should never be a developer's first resort, yet JRWA has offered no alternatives to disturbing the Monacans' ancestors – despite JRWA's admission that it could move the proposed pump station to any of at least three other locations. JRWA has known since at early as 2015 that the Point of Fork site is archaeologically, historically, and spiritually sensitive, but JRWA did not reach out to the Nation until June 2017. By that point, JRWA had finalized site plans and purchased the land for the future pump station, even though it knew that the project would likely disinter Monacan ancestral remains.

Though JRWA is well-aware that this project will destroy Monacan remains, it has yet to explain to the Nation why it must disturb these burials. Disturbing these graves should not be tolerated except for the most compelling reasons, which JRWA does not have.

**B. Repatriation Is A Traumatic Experience the Nation Should Not be Forced to Endure.**

JRWA has no understanding of the deep and unavoidable trauma that the Nation will suffer as a result of repatriation of its ancestors' remains. Tribes often have their ancestors' bones returned in cardboard boxes, having been handled unceremoniously by strangers. Careful treatment and rehabilitation of these remains is something that drains the Nation of emotional, financial, and mental resources and attention. The Nation has already had to endure several somber and traumatizing repatriation ceremonies in the past, and it does not wish to experience that again – especially when JRWA has the ability to avoid these issues by relocating the pump station.

**C. JRWA Cannot Promise to Return All Monacan Cultural and Human Remains to the Nation.**

JRWA does not commit to using thorough screening techniques and proposes to leave most features outside of the planned excavation trenches unexcavated. As a result, JRWA cannot claim to be providing the Nation with all human remains from the sites. Instead, it is highly likely that some remains of Monacan ancestors will be churned-up in fill and discarded as trash on a project site or wherever the fill is deposited. This outcome is unacceptable to the Nation, and should be unacceptable to the Commonwealth of Virginia and to the Army Corps, which has federal trust responsibilities to the Nation.

In addition, the Nation previously expressed to the Corps how important it is to the tribe to be able to preserve and store cultural archaeological remains at their tribal museum in Amherst, close to the majority of their tribal members. JRWA has stated that they will *try* to negotiate with landowners so that any artifacts found as a result of the excavation *might* be given to the Monacans for permanent curation. JRWA refuses to promise this outcome, however, and its negotiations on this front do not seem to be going well. Even if JRWA can come to an agreement with landowners, the Nation fears that JRWA's inadequate planning will result in the haphazard and disrespectful treatment of human remains.

**D. Procedures for the Careful Recovery of Human Remains at Site 44FV0269 are Unclear.**

The burial permit application states that the permit will cover “Sites 44FV0022, 44FV0024, 44FV0268, *and, if necessary, 44FV0269*” (emphasis added). The Corps recently determined that 44FV0269 is not eligible for the National Register, although DHR has not yet concurred with this determination due to substantial report deficiencies.

If 44FV0269 is not slated for data recovery, what will the procedures be for identifying and protecting human remains? Regardless of a site's National Register status, the Nation has a strong interest in the respectful treatment and systematic recovery of human remains from any Monacan site. Construction monitoring alone will lead to poor outcomes for recovery of any human remains on that site, and it is likely that JRWA simply plans to destroy that site if it is not legally required to excavate. DHR should require data recovery at 44FV0269 as a condition of any permit, to ensure that any Monacan ancestors on the site are recovered.

### **III. Should DHR Issue the Burial Permit Despite the Above, Conditions of the Permit Must Provide Adequate Care and Mitigation for the Removal of Monacan Ancestors.**

If DHR declines to exercise its authority to deny the burial permit, despite the overwhelming reasons to do so, various conditions must be attached to such a permit, as discussed below. The Nation reserves its rights to challenge any burial permit issued to JRWA regardless of whether these conditions are attached.

- 1. The burial permit should not be approved until basic issues of mitigation, site excavation methodology, treatment of human remains, curation, and inventory are appropriately resolved and finalized in a Memorandum of Agreement, Treatment Plan, and Monitoring Plan.** The Nation has profound concerns that the project proponent is pushing to have agreement documents finalized without providing adequate and detailed commitments regarding human remains and archaeological recovery. The Nation is concerned that 14 months after the submission of the Draft Phase I/Phase II report for this project, which had significant deficiencies, no consulting parties have been provided with a revised or final version of the report. The Nation is also concerned that the Corps may be moving towards concluding Section 106 consultation despite persistent concerns regarding archaeological methodology. The Nation asks DHR, as the state historic preservation office, to continue to press the Corps regarding the lack of clarity and commitments in these documents. Complying with the finalized agreements and providing final reports should be a condition of the burial permit.
- 2. The archaeological resources consultant used for the excavation and human remains recovery should be chosen with concurrence from the Monacan Indian Nation.** Monacan burials will be identified and recovered through archaeological methods, and the Nation must have confidence in the archaeologists doing this critical work. There is no way to separate the excavation of human remains from the wider archaeological investigation; many remains are likely to be recovered in bundled contexts or found as isolated bone from previous disturbances. The current archaeological recovery methods (as the Nation discussed in its June 5, 2019 comments to the Corps and in a July 10, 2019 meeting with DHR staff), are insufficient to preserve and recover all human remains. The Nation strongly objects to Circa~ conducting any further work on such significant and sensitive sites.
- 3. Before issuing the burial permit, DHR should consult with the three North Carolina tribes that also share Eastern Siouan background.** The Sappony Tribe, the Occaneechi Band of the Saponi Nation, and the Haliwa-Saponi Indian Tribe have an ancestral affiliation with the site of Rassawek and should be consulted on this burial permit. The Nation and other Eastern Siouan tribes who descend from the Monacan Confederacy are the parties most connected with the human burials, and these tribes may have additional perspectives that DHR should consider.
- 4. Before receiving a burial permit, JRWA should provide a surety bond as requested in the Nation's June 5, 2019 comments.** The bond amount should be determined by the archaeological consultant's estimate of the funds needed to ensure completion of site analysis

and report completion, as well as funds to cover all of the costs of repatriation and reburial in the event the project is abandoned.

**5. The permit should ensure the careful and respectful recovery of human remains from the project area, which include:**

- a. Assembly of a peer review process for excavation and human remains recovery on the project, as recommended in guidance from the President's Advisory Council on Historic Preservation.
- b. Geospatial recording of all sites excavated using a total station and geospatial analysis in ArcGIS or equivalent software, to ensure accuracy of site data for future analysis.
- c. Development (in conjunction with the spiritual preferences of the Monacan Indian Nation) of methodologies for human remains recovery, curation, and inventory by a trained osteologist meeting the Secretary of Interior standards and with experience in recovering prehistoric human skeletal remains in Virginia or the Mid-Atlantic.
- d. Screening of 100% of cultural layers encountered during data recovery through a 1/8<sup>th</sup> inch screen or smaller.
- e. Screening of 100% of non-burial feature fill encountered through a 1/16<sup>th</sup> inch screen or using a water flotation tank.
- f. Recovery of 100% of burial feature fill pending further negotiations with the Nation.
- g. Commitments that during site monitoring, a monitor shall have responsibility for only one piece of equipment operating at a single time.
- h. Greater description of requirements and guidance regarding how features discovered via monitoring should be identified, assessed, and recovered, in conjunction with peer review panel.
- i. Principal Investigators at the site, for both the excavation elements and the osteological recovery, should be Secretary of Interior qualified and hold memberships in the Register of Professional Archaeologists.
- j. Overnight security at the site throughout the entire excavation to ensure that human remains are not looted.

**6. JRWA should provide the Nation with the financial resources to pay for the reburials that will be required for the remains.** The budget for reburials includes the cost of funeral services to prepare the human remains, transfer and transportation of the bones, construction equipment to excavate grave shafts, feasting ceremonies associated with a reburial event, cost of items and containers used to reinter the remains, any associated headstone, plaque, or landscaping needed, and provisions for the perpetual care of the reburial sites. Attached is a budget description of what would be needed, which estimates the costs to total \$305,000. (See Appendix A, enclosed herewith.)

\* \* \*

For the reasons stated herein, under no circumstances will the Nation support the issuance of a burial permit to JRWA for this project and the Nation strongly urges DHR to deny JRWA's application, as required by applicable laws and regulations. The Nation welcomes further consultation with DHR as your office considers these issues. Please feel free to reach out to me with any questions or additional information requests.

Sincerely,



Marion F. Werkheiser  
Attorney at Law

Enclosures

cc: The Honorable Matt Strickler, Secretary of Natural Resources  
The Honorable Kelly Thomasson, Secretary of the Commonwealth  
Office of U.S. Senator Tim Kaine  
Office of U.S. Senator Mark Warner  
Nekole Alligood, NAGPRA Officer, The Delaware Nation  
Chief Robert Gray, Pamunkey Indian Tribe  
Executive Director Dante Desiderio, Sappony Tribe  
Chief B. Ogletree Richardson, Haliwa Saponi Indian Tribe  
Chairperson William Hayes, Occaneechi Band of Saponi Nation  
Chief Anne Richardson, Rappahannock Tribe  
Chief Frank Adams, Upper Mattaponi Indian Tribe  
Chief Gerald Stewart, Eastern Chickahominy Indian Tribe  
Chief Stephen Adkins, Chickahominy Tribe  
Chief Samuel Bass, Nansemond Indian Tribe  
Joe Hines, Principal, Timmons Group  
Carol Tyrer, President, Circa~ Cultural Resource Management, LLC  
Steve Nichols, Fluvanna County Administrator  
Greg Krystyniak, Faulconer Construction  
Christian Goodwin, Louisa County Administrator



## Appendix A: Anticipated Repatriation and Reburial Costs

<b>Equipment Cost</b>		<b>\$15,000</b>
<b>Perpetual Care of Site</b>		<b>\$100,000</b>
<b>Transfer and Transportation of Bones</b>		<b>\$2500 plus \$4.00 per mile</b>
<b>Individual Prep Supplies Total</b>		\$250 per Individual/ Approximately 150 individuals
<i>Sage</i>		
<i>Cedar</i>		
<i>Tobacco</i>		
<i>Eagle Feather</i>		
<i>Red Cloth</i>		
<b>Total</b>		<b>\$37,500</b>
<b>Staff to Prepare Remains</b>		Minimum 50 people for approximately 2 days
<i>Time/Labor</i>		\$150/day per person for a minimum of 50 people
<i>Hotel Costs</i>		\$99/day for minimum of 10 people
<i>Food Costs</i>		\$61/day at Federal Per Diem Rate for Lynchburg Va. Min 50 people
<i>Travel Reimbursement</i>		0.545 per mile for all travel. Min 50 people
<b>Total</b>		<b>Approximately \$250 - \$350 per person per day/ \$25,000 to \$35,000 total</b>
<b>Staff/Spiritual Leader for On-site Monitoring</b>		On-site Monitoring anytime Remains are found (estimate of 60 days)
<i>Time/Labor</i>		\$200/day for Spiritual Leader and Assistant (estimate of 60 days)
<i>Hotel Costs</i>		\$99/day for 2 people
<i>Food Costs</i>		\$61/day at Federal Per Diem Rate for 2 people
<i>Travel Reimbursement</i>		0.545 per mile for all travel for 2 people
<i>On-site Monitoring professional</i>		\$25/hr for the duration of the project (est. \$45,000 to \$ 55,000)
<b>Total</b>		<b>\$90,000</b>
<b>Feast Cost</b>		Minimum of 500 people in attendance
<i>Time/Labor</i>		\$150/day minimum of 20 people for 2 days (\$6,000 total)
<i>Supplies (non food items)</i>		\$5,000
<i>Food items</i>		\$10,000
<i>Facilities Cost</i>		\$2,500
<b>Total</b>		<b>\$23,500</b>
<b>Approx. Total</b>		<b>305,000</b>

<https://www.dailymail.com/opinion/opinion-commentary-major-monacan-site-imperiled-by-progress/article9cb50670-945d-11e9-bccd-4be9947e42b4.html>

## Opinion/Commentary: Major Monacan site imperiled by 'progress'

Pamela Thompson  
Jun 23, 2019



John Smith's famous map of Virginia shows the Monacan town of Rassawek, the site of which is now slated for a pump station. Rassawek can be found at the top left of the map, between the Powhatan sketch and the banner proclaiming "Virginia."

Library of Congress

In 1612 when John Smith drew his Map of Virginia, he recorded an Indian town at the fork of the Rivanna and James rivers, called Rassawek. Smith learned that Rassawek was the capital of the Monacan people: All Monacan towns sent their tribute to Rassawek and gathered there for major ceremonies.

That spot where the rivers meet, now known as Point of Forks, is one of the most concentrated archaeological districts in Virginia. The history of the Monacan people over 200 generations is written in this soil and landscape. Rassawek is a tangible connection to our ancestors, the vast majority of whom did not survive the arrival of the English and many of whom we believe are buried there.

Despite repeated warnings of the importance of Rassawek by historians, tribal leaders, and concerned citizens, the James River Water Authority and Fluvanna and Louisa counties plan to destroy our pre-Colonial capital and burial grounds to build a water pumping facility.

Their plan is tragic and unnecessary: Alternative locations exist, but the authority has picked Point of Forks for several reasons — including, it says, because it will be cheaper to build the pump station there.

But the alternatives do not erase irreplaceable Indian history to accomplish speculative development goals such as attracting IT companies or call centers.

Rassawek was a large town, with a longhouse of 60 feet and at least a dozen roundhouses. Our ancestors lived and died there, performed rituals and practiced community, and the artifacts they left behind reveal important stories to Native and non-Native people alike. A carbon-dated feature at Rassawek indicates occupation as early as 5,340 years ago; that's about 200 generations before John Smith.

We are deeply troubled that JRWA expects to disturb our ancestors' resting places: It already has received permits that give its permission to store these bones when they are found and is in the process of applying for permits to excavate burials. But our experience is that when Indian burials are dug up by contractors, they are returned to us — if at all — in cardboard banker's boxes.

Our ancestors deserve to rest in peace, and our living community does not deserve to again endure the emotional trauma of holding funerals and reburial ceremonies.

At a time when the National Park Service is working with advice from eastern Virginia tribes to interpret the capital of the Powhatan Confederacy, Werowocomoco, for visitors from across the U.S., we can't help but wonder why another federal agency — the U.S. Army Corps of Engineers — would issue a permit to JRWA that would have the ultimate effect of destroying the Monacan capital.

Surely if taxpayers become aware of JRWA's plans, they will join us in encouraging the authority to do the only reasonable — and right — thing: Save Rassawek. Move the pump station.

Pamela Thompson is acting chief of the Monacan Indian Nation. The Monacan Indian Nation is a federally recognized American Indian tribe based in Amherst County. It is the largest tribal community in the commonwealth, with more than 2,400 members.

#### References:

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June 5, 2019

Steven VanderPloeg  
Environmental Scientist  
US Army Corps of Engineers, Norfolk District Western Virginia Regulatory Section  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236

Re: Comments of the Monacan Indian Nation on the Revised Memorandum of Agreement (MOA) and Treatment Plan for Architectural Resources 032-0036 and 032-5124, and Archeological Sites 44FV0022, 44FV0024, and 44FV0268, associated with the James River Water Supply Pump Station and Pipeline Alignment

Dear Mr. VanderPloeg:

This letter responds to the materials distributed by your office on May 6, 2019, including the draft Memorandum of Agreement and Treatment Plan, for the James River Water Supply Project. We appreciate the Corps providing the consulting parties thirty (30) days to respond to this latest round of information, over the objections of the James River Water Authority (JRWA). In addition, the Monacan Indian Nation (Nation) appreciated the opportunity to engage in government-to-government consultation with you and your colleagues on May 20.

The Nation's concerns can be summarized as follows:

- 1) The Corps should not permit the destruction of Rassawek, the Nation's historic capital, and the disturbance of Monacan ancestors.
- 2) The Corps should not grant authority for this project to proceed under Nationwide Permit 12 and instead should require an individual permit application, which will allow the Corps to receive additional information regarding possible alternatives that would avoid or minimize impacts to Rassawek.
- 3) Should the Corps approve this project as currently designed, there are profound problems with the proposed Memorandum of Agreement, Treatment Plan, and Monitoring Plan that must be addressed.

**1) The Corps Should Not Permit the Destruction of Rassawek**

The Nation is stridently opposed to siting a two-story pump station at Point of Fork, the site of Rassawek, the Nation's historic capital.

In 1612, when John Smith drew his Map of Virginia, he recorded an Indian town at the fork of the Rivanna and James rivers called Rassawek. Smith learned that Rassawek was the capital of the Monacan people: all Monacan towns sent their tribute to Rassawek and gathered there for major ceremonies. Rassawek was a large town, with a longhouse of sixty feet, and at least a dozen

roundhouses. A carbon-dated feature at Rassawek indicates occupation as early as 5,340 years ago, about 200 generations before John Smith.

That spot where the rivers meet, now known as Point of Forks, is one of the most concentrated archaeological districts in Virginia. The history of over two hundred generations of the Monacan people is written in this soil and landscape. Rassawek provides the Monacans a tangible connection to their ancestors, the vast majority of whom did not survive the arrival of the English, and many of whom are buried there. The Monacans' ancestors lived and died there, performed rituals, and met as a community, and the artifacts they left behind reveal important stories to Native and non-Native people alike.

Despite repeated warnings about the importance of Rassawek by historians, tribal leaders, and concerned citizens, JRWA plans to destroy the Nation's pre-colonial capital and burial grounds to build a water pumping facility. This plan is tragic and unnecessary—JRWA admits that there are alternative locations for the pump station that would still meet the water and sewer needs of the Zion Crossroads development. JRWA's only explanation for choosing this location is that it believes this location may save money over alternatives that do not erase irreplaceable Indian history.

The Nation is deeply troubled that JRWA would disturb their ancestors' resting places and has already obtained anticipatory burial permits from the state. When Indian burials are dug up by contractors, they are returned to the Nation—if at all—in cardboard banker's boxes. Monacan ancestors deserve to rest in peace, and their living community does not deserve to endure, once again, the emotional trauma of holding funerals and reburial ceremonies.

At a time when the National Park Service is working with advice from eastern Virginia tribes to interpret the capital of the Powhatan Confederacy, Werowocomoco, for visitors from across the United States, the Nation cannot help but wonder why the Corps would issue a permit to JRWA to destroy the Monacan capital. Surely the public interest requires JRWA and the Corps to do the only reasonable—and right—thing: move the pump station and save Rassawek.

## **2) The Corps Should Require an Individual Permit**

The Corps should require an individual permit application, which will allow the Corps to receive additional information regarding alternatives to avoid or minimize impacts to Rassawek, as well as to the two other historic districts and 3-4 National Register eligible sites that will be adversely affected if the pump station is built in its currently proposed location.<sup>1</sup>

Requiring an individual permit application will provide the Corps with additional information with which to make its decision, including information regarding feasible alternatives to building on top of Rassawek. A full analysis of possible alternative site locations is necessary to determine

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<sup>1</sup> The Corps's District Engineer has discretionary authority to require an individual permit when a proposed activity may be contrary to the public interest. *See* 33 CFR 330.1(d) ("If the DE finds that the proposed activity would have more than minimal individual or cumulative net adverse effects on the environment or otherwise may be contrary to the public interest, he shall modify the NWP authorization to reduce or eliminate those adverse effects, or he shall instruct the prospective permittee to apply for a regional general permit or an individual permit.")

whether impacts to Rassawek may be avoided or minimized. An individual permit would also require an evaluation of the project under environmental justice criteria, which will raise additional concerns regarding the project's appropriateness and illustrate that it is not in the public interest.

Furthermore, the Corps is permitting the James River Water Supply Project using two separate nationwide permits, segmenting its review. According to verbal representations made at the October 31, 2018 consulting parties meeting, the Corps permitted the water pipeline separately *because there were multiple possible site locations for the pump station*. The Corps claimed in signing off on the Louisa pipeline that the pipeline could be useful even if the pump station were not constructed. Indeed, if the Point of Forks location had been the only possible site location available for the pump station, then the Corps's segmenting of this "single and complete project" where "pieces cannot function independently" would have violated its own regulations.<sup>2</sup> JRWA now argues in its January 2019 letter that Point of Forks is the only site available. Either JRWA misled the Corps in the past or is misleading the Corps now. A robust analysis of alternatives and consideration of cumulative effects will bring needed clarity to the Corps as it meets its legal responsibilities in permitting this project.

In addition to exercising discretionary authority to require an individual permit, the Corps should require an individual permit because the JRWA project does not meet the general conditions of Nationwide Permit 12 for the following reasons:

- a) NWP 12 only applies if "the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States." This project plans to remove 4,500,000 to 11,000,000 gallons of water from a water of the United States **each day**.
- b) NWP 12's definition of "utility lines" does not include activities that drain a water of the U.S., such as a water intake that intends to drain 4,500,000 to 11,000,000 gallons of water from a water of the U.S. each day.
- c) General condition 7 states that "no activity may occur in proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization." In this case, JRWA is proposing to construct a public water supply intake where there currently is none.
- d) General condition 17 states that the NWP may not be used when there are more than "minimal adverse effects" on tribal rights. The disturbance of ancestors and the destruction of the Nation's historic capital cause more than minimal adverse effects on the tribe's rights. In addition, tribal members described to the Corps at the May 20 meeting the emotional, logistical, and financial impact of repatriation of human remains on the tribe, and how disturbance of Monacan ancestors through construction projects places a considerable and unique burden on the Monacan community.

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<sup>2</sup> JRWA argues that the project was lawfully segmented because the County of Louisa was the applicant for the water pipeline, while JRWA applied for the pump station. This argument is specious at best; Corps regulations clearly provide that permits should apply to "the total project proposed or accomplished by one owner/developer **or association of owners/developers**." 33 CFR 330.2(i) (emphasis added). JRWA is an association of developers pursuing the same objective.

This project is also deeply controversial and, as such, demands further scrutiny from the Corps. All consulting parties have expressed intense concern over this project, with multiple parties asking that the project be moved to another site where fewer tribal and historical resources will be damaged.<sup>3</sup>

Additional information will also assist the Corps in addressing longstanding and consistent concerns from consulting parties and the State Historic Preservation Officer (SHPO). Recent comments from the SHPO regarding the revised Treatment Plan and the Phase II report for the site 44FL0269 demonstrate that JRWA continues to submit substandard work and ignore legitimate and reasonable concerns regarding site methodology in such a historically significant and archaeologically complex area.

The Corps's policy is to "protect natural and cultural resources when possible."<sup>4</sup> Additional information will confirm that JRWA can complete its project at a different location to allow for the protection of cultural resources.

### **3) The Memorandum of Agreement and Treatment Plan are Fundamentally Flawed**

Should the Corps misguidedly determine to permit this project, there are profound issues with the proposed Memorandum of Agreement (MOA), Treatment Plan, and Monitoring Plan that must be addressed. Even if these issues are addressed, the Nation reserves the right to refuse to sign the agreements and to continue protesting the authorization of this project.

The MOA, Treatment Plan, and Monitoring Plan are fundamentally flawed in the following ways:

- a) The draft MOA fails to resolve adverse effects and allows the Section 106 process to be concluded before the Corps has been assured of basic issues of mitigation, site excavation methodology, treatment of human remains, and curation.
- b) The MOA provides no protections for cultural resources should JRWA abandon the project.
- c) The MOA's stipulations on the treatment of human remains are inadequate.
- d) The Treatment Plan is severely limited in scope and does not meet the threshold level of effort required for sites of this significance and information potential.
- e) The Treatment Plan remains ambiguous or inadequate regarding identification of cultural strata, excavation methods, sampling strategies, and what proportion of the affected archaeological sites will be excavated by hand.
- f) The Monitoring Plan does not have sufficient information regarding how work would be conducted or sufficient commitments to avoid the loss of important cultural information, artifacts, or human remains.

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<sup>3</sup> E.g., "I am not sure that the locality could have chosen a more archaeologically/historically/culturally significant and sensitive site of all [of the area of the James River along Fluvanna County]," Preservation Virginia statement to DHR in 2015.

<sup>4</sup> U.S. Army Corps of Engineers (USACE) Update on Compliance with Policies and Directives of President Obama's Memorandum on Tribal Consultation, 5 Nov 2009; available at [https://www.usace.army.mil/Portals/2/docs/civilworks/tribal/obamamemo\\_usaceupdate\\_25july.pdf](https://www.usace.army.mil/Portals/2/docs/civilworks/tribal/obamamemo_usaceupdate_25july.pdf)

- g) The quality of submitted cultural resource reports continues to fail to meet applicable standards.
- h) Proposed mitigation is not sufficient to resolve the adverse effects of this project, and the project proponent mischaracterizes the Nation as financially motivated instead of engaging substantively with their concerns.
- a) **The draft MOA fails to resolve adverse effects and allows the Section 106 process to be concluded before the Corps has been assured of basic issues of mitigation, site excavation methodology, treatment of human remains, and curation.**

The Section 106 process requires the Corps to identify historic properties that may be affected by a project, assess adverse effects, and seek to resolve those adverse effects, through avoidance, minimization, or by mitigation. A MOA that resolves adverse effects governs the entire undertaking and all its parts. *See* 36 CFR 800(c). Yet JRWA is asking the Corps to adopt a MOA that neither resolves adverse effects nor governs the entire undertaking. JRWA is asking the Corps to short-circuit that process by agreeing to a MOA that merely establishes a timeline for the resolution of effects to be decided in a treatment plan completed up to twelve months in the future. *See* Stipulation I(A). This approach neglects the agency's responsibility to seek to resolve adverse effects prior to concluding the Section 106 process. It kicks the can down the road, undermining the purpose of tribal consultation and denying consulting parties sufficient information upon which to make a decision whether to be bound by the agreement.<sup>5</sup> This project is not one where adverse effects cannot be determined until some unknown point in the future; the adverse effects are known now. Resolution of those effects, including through data recovery methodology and a plan for treating human remains, must be decided before the Corps can execute a MOA for this undertaking.<sup>6</sup>

Stipulation I(F) states that the "Permittee has, and continues to, evaluate opportunities to further minimize the area of disturbance necessary to complete the Project... Should the Permittee substantially reduce the area of construction-related excavation within the boundaries of an archaeological site, it may propose a modification of the approved treatment plan." If the Permittee believes there are still opportunities to minimize adverse effects, the Corps should require the Permittee to complete that analysis prior to the execution of this MOA.

Moreover, Stipulation II calls for incomplete cultural resources review on 44FV0269. The Corps should require JRWA to provide sufficient information such that SHPO can evaluate the eligibility of Site 44FV0269, and enable the parties to consult on how to resolve adverse effects prior to the conclusion of the Section 106 process. That resolution of effects should be in the body of the MOA, not in a future treatment plan.

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<sup>5</sup> "Consulting parties" is not adequately defined and yet is referenced throughout the MOA. Consulting parties should be defined to include invited signatories and concurring parties, as well as parties who are consulting but who have not signed or concurred.

<sup>6</sup> JRWA argues in its January 11, 2019 cover letter that "To the extent that further discussion of additional mitigation is warranted, JRWA believes the appropriate object of those discussions is the treatment plan and the appropriate time is after the MOA has been executed." Such belief is contrary to the letter and spirit of the Section 106 process, which requires agencies to seek to resolve adverse effects prior to authorizing an undertaking.



In addition, the MOA's stipulations still do not require JRWA to transfer ownership of Monacan objects to the Nation or to pay for their permanent curation. Burying "maybes" in the Treatment Plan is not sufficient—the Corps should demand assurances and promises in the legally binding MOA that artifacts, human remains, and associated grave goods will be transferred to the Monacans for permanent curation.

**b) The MOA provides no protections for cultural resources should JRWA abandon the project.**

The Corps should remove the line in Stipulation I(C): "Nothing in this Agreement prohibits construction activities from proceeding (1) in areas outside the boundaries of any resource or site covered by the treatment plan or (2) within the boundaries of any such resource or site if data recovery for that respective resource or site has been completed." The Corps should not give JRWA's consultant free reign to decide when data recovery has been completed. In addition, if the Corps decides to retain Stipulation I(D), which would allow JRWA to proceed with construction activities at the site after the management summary has been accepted but before the technical report has been submitted, the Corps should require JRWA to post a surety bond in amounts sufficient to pay for all research, analysis, drafting of the technical report, and curation obligations in perpetuity. The Corps should ensure that even if JRWA abandons the project for any reason, the data recovered from the project will be preserved and interpreted.

Similarly, the Corps should remove Stipulation XII(C): "If the Permittee decides it will not proceed with the project, it shall so notify the Corps, the SHPO, and the other consulting parties and this Agreement shall become null and void." The Nation is concerned that the Permittee could abandon the project if costs exceed their budget and subsequently neglect to follow through on their commitments in the MOA.

**c) The MOA's stipulations on the treatment of human remains are inadequate.**

The MOA's Stipulation X on Human Remains is insufficient. According to the Virginia Department of Historic Resources (DHR), the Counties of Fluvanna and Louisa are classified as "museums" that must comply with the Native American Graves Protection and Repatriation Act (NAGPRA). Thus, if and when human remains are uncovered on the excavation, the Counties must initiate NAGPRA consultations to determine appropriate disposition of the remains. How will the Corps's responsibilities pursuant to this MOA be reconciled with the Counties' NAGPRA obligations? Which agency will have decision making authority for disposition of remains?

The draft MOA seems to punt these questions to a burial permit that has not yet been issued. Again, the Corps cannot conclude the Section 106 process and execute this memorandum when significant issues remain unresolved and undecided. The terms of the burial permit should be finalized prior to executing the MOA and compliance with that burial permit should be legally required by the Corps in addition to DHR. We note that JRWA has already violated the requirements of its anticipatory burial permit. During preliminary archaeological testing, DHR visited the site on at least two separate occasions and found that the principal investigator *required by the anticipatory burial permit to be on site at all times* was not there when work was being conducted. There should be enumerated consequences in the MOA if JRWA fails to comply with the burial permit.

In addition, the Nation will be requesting that contrary to JRWA's request, DHR not waive the public notice requirements of the burial permit. If JRWA intends to disturb Monacan ancestors, they should not be relieved of public scrutiny of their actions.

**d) The Treatment Plan is severely limited in scope and does not meet the threshold level of effort required for sites of this significance and information potential.**

The Nation reiterates the importance of Point of Fork/Rassawek as the Monacan capital, as a place where Monacan ancestors are buried, and as an important archaeological location with considerable research potential. The depth and stratification of archaeological deposits in the area are unique and create high archaeological sensitivity. Dr. L. Daniel Mouer made this point in a 2014 letter he wrote to members of JRWA and to DHR, and which was also sent to Corps regulatory staff. Dr. Mouer notes (emphasis added):

These are not the sort of archaeological resources that can be appropriately studied hurriedly if discovered during or just prior to imminent construction. Very similar locations along the Roanoke River in the outer Piedmont of North Carolina were studied by Dr. Joffre Coe of the University of North Carolina back in the 1950s and early 1960s, and deep, complex sites were found. *Detailed long term studies of sites of this sort are crucial for our understanding of thousands of years of prehistory in our region here in the James Valley.*

In recent communications with the Nation's counsel, Mouer reiterated this point, commenting that "prehistoric site resources in that confined space [at Point of Forks], which has been repeatedly flooded by the Rivanna and James together, offer the very best hope of our ever studying deep sequences of prehistoric occupation similar to the locations studied many decades ago by Joffre Coe on Gaston Island and similar areas along the Roanoke River."

Rassawek, and the archaeological region of Point of Fork generally, has considerable potential to provide information of great significance to the region and to the U.S. and the Monacan Indian Nation. The sensitivity of each of the eligible sites – which include deeply stratified deposits containing fairly unusual feature types for the Virginia Archaic such as postmolds (evidence of historic structures, including buried posts and other structural supports) and burned floors – must be understood as sites that Virginia archaeologists have only rarely been able to excavate, particularly in this region of the state.

One of the sites planned for data recovery, 44FV0268, has been characterized in the Treatment Plan as a deeply buried, stratified Archaic Period site. (The age and length of occupation are still undetermined, but the testing did recover a Morrow Mountain point dating to 4500-4000 BC.) Of the five trenches placed on the site, all but one contained native artifacts, and several found substantial features: circular pit/basins with fire-cracked rock and other indications of burned earth, and at least two postmolds in different areas. The postmolds are significant because they might be indicative of habitation or temporary protective or activity structures, which are very rare to find from the Archaic Period in this area. One of the pit features was cored to determine its depth, and was found to be over three feet deep, and several of the pit features contained "relatively-large

inclusions of charred organics,” also unusual to find and with immense potential for scientific testing and analysis. The features were found in the center of the site, on the adjacent terrace, and on the terrace slope at both shallow and deep parts of the site.

Fundamentally, the Treatment Plan for the sites is based around perpendicular linear trenches positioned to identify long profiles across the sections of the sites impacted by the project. Site 44FV0022 (Rassawek) includes the excavation of five perpendicular trenches, shaped almost exactly to the limits of disturbance of the water intake and pump station. As the draft Phase I/Phase II report notes, “the site probably extends to the east and west across the Rivanna River floodplain.” Partial data recovery is common in cultural resource management because project proponents resist excavating in parts of the site not directly affected by their project, project proponents generally do not have ownership or easements over the entire site, and because greater data recovery creates a greater impact on National Register eligibility than needed. In practice, though, once this project is in place, it is unlikely that Rassawek will be further investigated during the lifetimes of the Monacan citizens who currently consider it their responsibility to protect future generations and their cultural heritage. The loss of what could be – a long-term investigation over years and with the context of deep scholarship and greater resources – needs to be acknowledged by the Corps and appropriately mitigated by the project proponent. This potential loss is a key reason why the Nation, senior archaeological scholars, and other parties are so concerned about the use of the location for a pump station by an entity that seems to have inadequate financial resources or commitment to providing the site with a positive outcome. The proposed investigations of arbitrary sections of each site affected by the project do not allow for true delineations of site boundaries or characterizations of the sites beyond the permit area.

The Corps should review this information carefully, consult with regional experts, and consider whether a single episode of mechanically assisted (and largely unscreened) data recovery of this type is sufficient to mitigate this sort of site. The Nation contends that it is not. If Rassawek and these other highly sensitive sites are to be investigated, the Nation contends that the sites meet the criteria under the *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*, written by the Advisory Council on Historic Preservation (and referenced in the project MOA and in DHR’s *Guidelines for Conducting Historic Resources Survey in Virginia*) for guidance point #10: “Large, unusual, or complex projects should provide for special oversight, including professional peer review.” In recognizing the substantial significance of this region and its prime archaeological conditions, the Nation requests professional peer review as part of this project if it moves to data recovery.

**e) The Treatment Plan remains ambiguous or inadequate regarding identification of cultural strata, excavation methods, sampling strategies, and what proportion of the affected archaeological sites will be excavated by hand.**

The Nation appreciates that the Treatment Plan now contains adequate background literature and historic and archaeological contextualization as a result of the Nation’s comments and those of DHR last fall. The Nation hopes that this contextualization has been incorporated into a revised Phase I/Phase II report for the project and is used to inform analysis moving forward. However, the Nation still has concerns regarding the sufficiency of the proposed methods for data recovery

at sites 44FV0022, 44FV0024, and 44FV0268 (and potentially, should further work be necessary, 44FV0269).

A key issue, noted by DHR, is that there is still a considerable lack of clarity regarding what is committed to in terms of excavation depth in some areas and in terms of how features and buried living surfaces will be identified. We agree, and defer to DHR's comments on issues of excavation depth commitments. In terms of mechanical identification and other aspects of the data recovery, we make additional observations.

In the testing planned for the three deeply stratified sites (44FV0022 (Rassawek), 44FV0024, and 44FV0268), the methods propose to trench across the project area as the primary method of data recovery. In each of these trenches, 3x3 foot test units will be excavated in arbitrary 10-cm levels to sample 10% of the exposed strata, using 1/4-inch screening mesh. Any features discovered will be fully excavated and fully screened with 1/8-inch mesh and sampled for flotation. The disposition of any area outside of these trenches will presumably be covered by the separate Monitoring Plan. While the Monitoring Plan mandates excavation of human burials and funerary features, it is not clear what other archaeological features would be counted as Significant Features "that, in the monitor's expert judgment, are likely to provide important historical or cultural information."

The Nation has consulted several prominent Virginia archaeologists with relevant experience, and has the following concerns about the planned methodology for the data recovery:

- The Nation desires an explanation for why open plan excavation by hand (perhaps with occasional overburden removal or deep testing assisted by heavy machinery) is not being proposed for these sites. The Nation has concerns regarding the sole use of mechanical equipment to identify and expose cultural layers for feature excavation, if that is what is being proposed, and would like to see more details regarding how trenches will be "incrementally" excavated. The Nation would like to see greater information regarding excavation methods and tools being proposed, and contends that occupation layers should generally be recovered by hand excavation using implements like shovels and trowels. Trowels are only mentioned in the Treatment Plan as a tool for sorting through clay soil during screening and for cleaning profile walls, and shovels are similarly only referenced for wall cleaning. The Nation would also like to see more discussion of how safety setbacks will be dug around trenches in a way that allows for systematic excavation of features that may be uncovered during the process. Identifying appropriate methods for how to excavate such deep sites in a sensitive, thorough, and efficient way is another reason why peer review is needed for this project.
- The excavation proposes to only screen 10% of the area proposed for trench excavation, which is itself less than 50% of the site volume of Rassawek that would be destroyed by this project. It appears that less than 5% of the total Rassawek site sediment will be screened, and unless the sediment is recovered in a feature, the screening will be done using 1/4-inch mesh. The Nation does not object to the unscreened, mechanical removal of alluvial, culturally sterile deposits. However, environmental and artifactual recovery of only 5% of a site is also associated with worse analysis outcomes (O'Neil 1993).

Additionally, screening using quarter-inch mesh is associated with considerable loss of small and micro artifacts such as glass beads (indicative of early European trade); rolled copper beads; awls and microdrills, and other small but significant objects (e.g. Lapham 2001; Johnson, Pritchard, and Poplin 2016). Screening at this mesh size is also associated with a 60-90% loss of some categories of faunal (animal) and human bone, especially for small species and infant bones (e.g. Pokines and De La Paz 2016; Zohar and Belmaker 2005; Quitmyer 2004). Given the descriptions of previous investigations at the site, flooding episodes, and the Columbia gas line impacts, recovery of isolated human bone outside of feature contexts seems likely and these methods seem unlikely to recover them. Given the significance of Rassawek as a high-status Monacan town, prestige items such as European glass beads (previously recovered at Monacan towns much further to the interior) and other small but highly important artifacts also seems plausible. The Nation requests that the Treatment Plan be adjusted to screen 100% of the strata identified as cultural layers excavated in these trenches. It also requests that all screening be done using 1/8-inch mesh or smaller, especially on the floodplain sediments mostly comprised of silts, loams, and sands that are less challenging to screen. Material from feature fill should either be saved for flotation or should be water screened through 1/16<sup>th</sup>-inch mesh. While this approach is beyond minimum requirements set by DHR for data recovery in Virginia, the Nation believes it is appropriate given the specific circumstances, and welcomes further discussion with DHR, the Corps, and peer review experts regarding how best to minimize loss of important artifacts and the bones of Monacan ancestors.

- It is unclear from the Treatment Plan how a unique and large feature, such as a longhouse, series of pits, burned surface, line of postmolds, or other expansive feature, would be excavated if part of it was recovered in one of these trenches (as they have already been during Phase II investigations). Will the trench be expanded to permit comprehensive mapping and excavation of the features? Given that the Phase II trenches were generally only dug down to a large feature and then stopped, we cannot be sure how densely features are packed on top of or adjacent to each other, and it may be more informative to open up a greater section of the site in open plan excavation to fully investigate how these features relate to one another. The Nation would like to see the Treatment Plan contain more commitments to mapping the relationship of features to one another at the site, which is in question due to the excavation strategy and current language included in the Monitoring Plan (see below). This is another reason that professional peer review is important for the sites – excavating these sorts of floodplain sites is challenging, and it is likely that open plan excavation would recover vastly more information of higher quality. Receiving information about these issues from independent experts may be important to assist the Corps in meeting its responsibilities under Section 106.
- The Nation would also like to understand better why there are no excavations planned to the east of the line marked “probable edge of historic river edge,” as there is one positive shovel test pit in that area and there was no deep testing trench put in that area. One of the two Deep Test Cores in that location, DTC13, is described as containing a possible buried surface 6 feet below the ground surface. The Nation was unable to find information in the Phase I/Phase II report or the Treatment Plan regarding how this river edge was identified



and what period it dates to. If there are earlier deposits containing potential cultural material dating to when the river channel was narrower, they should be investigated.

- The Treatment Plan does not provide any indication regarding the number of weeks or months planned for each excavation, the number of man-hours allotted, or how the staffing for the project is going to be arranged. Even if such information is not included in the Treatment Plan, given the sensitivity of the site and previous concerns regarding the presence on site of principal investigators and other elements, the Nation would like to be provided with information allowing them to assess the budget and comprehensiveness of this investigation. It is also important for the Corps, DHR, and the ACHP to understand these questions, in order to make an informed decision regarding whether the project as designed meets the ACHP guidance point #8: “The Federal Agency Official should ensure that adequate time and money to carry out all aspects of the plan are provided, and should ensure that all parties consulted in the development of the plan are kept informed of the status of its implementation.”
- f) The Monitoring Plan does not have sufficient information regarding how work would be conducted or sufficient commitments to avoid the loss of important cultural information, artifacts, or human remains.**

Given the previous points regarding the difference between a single-episode excavation and a longer-term research project, the Nation has concerns regarding information, artifacts, and human remains that might be lost as a result of the monitoring period on the site following data recovery. These concerns include:

- It is unclear what types of features beyond burial features would be counted as Significant Features that would justify stopping construction, as the Monitoring Plan largely leaves this up to the particular monitor’s discretion. The Nation would like to see specific feature types included in this list, and a set of guiding principles that might be used in making this determination for unanticipated or ambiguous discoveries. Such guiding principles should take into account the types of information that might be gathered from a particular feature, the potential of the feature to shed additional information regarding site loci or activity areas not investigated as part of trenching, and the feature’s likelihood of containing artifacts that might be of interest to the Nation. Even if features are not considered significant enough for partial excavation, the Monitoring Plan should commit to mapping them and to recovering sediment for potential screening or flotation.
- Even if a feature is identified as a “Significant Feature,” the Monitoring Plan currently states that such non-burial features only exposed partially in trench walls will only be excavated in a partial fashion unless they are “at a sufficiently shallow depth that it is possible to do so without significantly expanding the excavated area around the feature.” It is not clear what sort of construction activity will be occurring as trenches on Rassawek, as the construction plans provided illustrate a large gradually sloping basin that will be constructed for the intake pipe and pump station footprint rather than trenches. Regardless, the Monitoring Plan should provide greater assurances that work on the site will prioritize recovery of information from significant features, and the Corps should consider ways the

agreement documents could be revised so that recovery of information relies less on monitoring procedures.

- It is not clear from the Monitoring Plan how many monitors will be present on the sites, how many pieces of equipment each monitor will be responsible for observing, and how many sites a single monitor will be responsible for at once. The Nation requests that the Monitoring Plan require that there be at least one archaeological monitor for every piece of heavy machinery operating at any given time on a given site, so that monitors do not miss important features uncovered while they are observing another area. The Nation also requests that the Monitoring Plan be revised to make clear that if construction is happening in a given day on multiple locations, that a monitor be given sufficient time to travel to each site before work begins.
- The Nation requests that the Monitoring Plan include an explicit provision that if ground-disturbing construction activities are performed on an area of a site without an archaeological monitor present, that the Corps, VDHR, and all consulting parties be informed immediately so that the situation can be assessed and mitigation for the episode considered. The Nation also requests that a system be put in place so that the Nation and any other interested consulting party could be informed of a feature discovery on a daily basis, whether or not the feature is burial-related.

As a result of the importance of the site, during periods when the site is undergoing excavation and monitoring, the Nation would like to have an independent monitor on site to represent their interests and to provide daily updates to the Nation regarding site progress and developments.

**g) The quality of submitted cultural resource reports continues to fail to meet applicable standards.**

During these initial stages of investigation, when members of the Nation have only visited the site once and have not been offered additional access or review, the written materials are the only way of gauging the quality of the cultural resources work done on Rassawek and the other eligible sites and historic districts. The record so far on this project is mixed to poor, especially for initial drafts, which suggests that either JRWA is dramatically under-resourcing their primary archaeological sub-consultant, or that the sub-consultant does not have the capacity for a project of this magnitude. These concerns are based on the following elements of project review:

- The Draft Phase I/Phase II Report had substantial and extensive issues, which the Nation and DHR have discussed in previous comments. Feedback on that draft was issued in summer and November of 2018 and included not only concerns that the report lacked sufficient background context but also that the quantity and type of excavation done at Sites 44FV0024 and 44FV0268 was insufficient to determine the site's eligibility for the National Register of Historic Places (NRHP). Site 44FV0269 was identified as "could be eligible" (not a clear determination), the site boundary was not defined, and the work again was insufficient to determine the site's eligibility. These are fundamental failings, given that Phase II investigations according to DHR's *Guidelines for Conducting Historic Resources Survey in Virginia* (September 2017) are intended to determine site eligibility for the Virginia Landmarks Register and the NRHP, accurately define site boundaries, and provide recommendations for future treatment. In terms of boundary delineation, the site boundaries submitted to V-CRIS for 44FV0022 (Rassawek) are the exact shape of the pump station and water pipeline permit area (see image above) rather than a shape based on site loci, activity areas, natural geographic breaks, or other pertinent factors. More than six months after providing feedback and a year after the report was initially submitted, the Nation has not seen a revised copy of this draft report.



- The initial Treatment Plan for the Phase III investigation also contained substantial issues. In a letter dated September 25, 2018, DHR initially characterized the planned work as "salvage archaeology," and noted that it lacked an adequate research design or clearly defined research questions. DHR stated that there should be careful consideration regarding targeting strata for investigation, which should be based on research objectives, stratigraphic data, and a considered sampling strategy. This current revision attempts to address these criticisms, but as we discuss above, has not been successful in reassuring DHR and the Nation that the full breadth of archaeological strata will be investigated as part of this investigation or that sampling efforts will provide a robust recovery of critical information *and human remains* from the site.
- Most recently, the Nation received comments from DHR dated May 23, 2019 on the draft report for the Phase II investigation conducted at 44FL0269 because the initial Phase II testing was insufficient to determine eligibility for the National Register of Historic Places. The Nation has not yet seen the report in question, but the DHR's comments were stark and indicated that there were so many inconsistencies and mistakes in the draft report that reviewers had been unable to review the report's content. These easily identifiable errors include figures being duplicated, grammatical mistakes, and inconsistencies in the number of soil strata listed in particular units. DHR makes observations that the consultant's conclusions regarding archaeological stratigraphy illustrated in site photographs is incompatible with the descriptions of these profiles in the text.

Revisions and resubmissions of submitted work are not entirely unusual in the DHR project review process, but it is deeply concerning to see the number of critiques, the number of errors, and the initial lack of fundamental elements such as a research design or sufficient data to determine site eligibility. There is currently no reason that the Nation should have faith in the quality of JRWA's work going forward based on this track record. The Nation has been expressing these concerns for almost six months and has not seen much indication of improvement.

**h) Proposed mitigation is not sufficient to resolve the adverse effects of this project, and the project proponent mischaracterizes the Nation as financially motivated instead of engaging substantively with their concerns.**

The Nation is troubled by JRWA's cover letter dated January 11, 2019 and its characterization of the Monacans' participation in this process. JRWA has failed to engage with consulting party concerns and has ignored substantive issues raised in December's round of MOA comments. The cover letter fails to acknowledge that every consulting party who commented in December asked that the project be moved.

The Nation submitted requests for mitigation on this project on September 28, 2018 based on an incomplete understanding of the project. The Nation relied on representations made by JRWA to tribal members that there are no feasible alternatives for siting this project, and the only way to accomplish the purpose of the project—delivering drinking water to Zion's Crossroads—was to impact Rassawek. Since that time, the Nation has learned that JRWA represented to the Corps that the pump station did not have to be built on Rassawek, and that the project could be built in alternate locations. Once the Nation was informed that JRWA had other options to deliver drinking water that would not require the destruction of their heritage, the Nation withdrew its requests for mitigation and has repeatedly called for JRWA to locate its project elsewhere.

Should the Corps decide to allow this project to move forward, the Corps should require robust mitigation befitting the destruction of such a significant site. JRWA argues in its January 11, 2019 cover letter that "To the extent that further discussion of additional mitigation is warranted, JRWA believes the appropriate object of those discussions is the treatment plan and the appropriate time is after the MOA has been executed." To postpone necessary discussion of mitigation until after the MOA has been executed would violate the Administrative Procedures Act and render the Corps non-compliant with Section 106.

The Nation shares below several comments regarding the proposed mitigation. These comments are not meant to be inclusive of all of the Nation's concerns, as the Nation contends that discussion of mitigation is premature pending the development of an Environmental Assessment pursuant to an individual permit application.

**(1) A Monacan 'intern' supervised by the archaeological contractor is not tribal monitoring.**

Interning for a cultural resource management company is not the same as independent tribal monitoring, which is required by some states and some federal agencies (*i.e.*, tribal monitoring is

required under the California Environmental Quality Act, and the U.S. Forest Service collaborates with tribal monitors in Arizona). If this site goes to data recovery, the Nation requests the discretion to retain tribal monitors who can independently represent Monacan interests, keep the tribe apprised about the ongoing excavation, and who would be paid like cultural resources consultants by the project proponent at a fair market rate for their time and expertise. The Nation requests a meeting with the Corps and DHR to determine how best to structure this sort of arrangement, which it understands is uncommon in Virginia but is par for the course in other states.

**(2) Expansion of the public interpretation elements from the Nation's previous comments has been limited.**

The Nation appreciates the inclusion of some elements of tribal review and of the included goal of addressing the erasure of Virginia Indians by Walter Plecker and other actions of the Commonwealth. In its November comments on the MOA, the Nation requested that the project develop and provide presentations and education materials to local schools, fund a DHR highway marker, and submit scholarly materials on Rassawek and the other findings to the Encyclopedia Virginia, an online open access repository with peer review associated with Virginia Humanities. These reasonable suggestions were not incorporated into this version of the MOA. We would like to understand why.

**(3) Because of property rights and the level of mistrust between the project proponent and affected landowners, there is no way of ensuring that the Monacan Indian Nation will be successful in their efforts to curate the objects affected by this project.**

As noted by landowner George Bialkoski on May 7, 2019, JRWA has thus far been unable to come to an agreement with local landowners regarding the dispensation of artifacts recovered as part of these investigations. This is very concerning to the Nation because it is a priority of the Nation to curate these materials at the tribal museum, so that tribal members may view these materials and learn from them. JRWA proposes returning the artifacts as a significant aspect of its mitigation plan—if the Corps cannot be certain that these efforts will be successful, it cannot factor them into a determination of whether adverse effects are resolved.

**Conclusion**

If the pump station is built as planned, Rassawek will be gone forever. The Monacan community will experience renewed collective trauma from the destruction of their heritage and the return of their ancestors in cardboard boxes. Members of the tribe who participated in reburials more than a decade ago still speak of their heartbreak as they opened cardboard boxes to find bits of bone from Monacan children, and the psychological toll of re-assembling baby skeletons to be reburied. The Nation has no desire to be put through that experience again.



The Corps should take the time it needs to conduct a proper and legally defensible permitting review process that takes into account all of the project's impacts.

Sincerely,



Marion Werkheiser  
Attorney at Law  
Counsel for the Monacan Indian Nation

cc: Joe Hines, Principal, Timmons Group  
Carol Tyrer, President, Circa~ Cultural Resource Management, LLC  
Steve Nichols, Fluvanna County Administrator  
Greg Krystyniak, Faulconer Construction  
Christian Goodwin, Louisa County Administrator  
Julie Langan, Director, Virginia Department of Historic Resources  
Greg LaBudde, Virginia Department of Historic Resources  
Roger Kirchen, Virginia Department of Historic Resources  
John Eddins, Advisory Council on Historic Preservation  
Jennifer Frye, Chief of the Western Virginia Regulatory Section, U.S. Army Corps of Engineers  
W. Tom Walker, Chief of Regulatory Branch, U.S. Army Corps of Engineers  
The Honorable Tim Kaine, United States Senate  
The Honorable Mark Warner, United States Senate  
The Honorable Ben Cline, United States House of Representatives

Sources:

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Appendix III:

**OPPOSITION FROM  
TRIBAL,  
ENVIRONMENTAL,  
PRESERVATION,  
AND CULTURAL  
ORGANIZATIONS**



# USET

SOVEREIGNTY PROTECTION FUND

Nashville TN Office  
711 Stewarts Ferry Pike, Ste. 100  
Nashville TN 37214  
P: (615) 872-7900  
F: (615) 872-7417

Washington DC Office  
400 North Capitol St., Ste. 585  
Washington DC 20001  
P: (202) 624-3550  
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## USET SPF Resolution No. 2020 SPF:019

### **URGING THE PRESERVATION OF RASSAWEK, THE HISTORIC CAPITAL CITY OF THE MONACAN INDIAN NATION**


- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty (30) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** the USET SPF Board of Directors unequivocally supports the protection of Native Peoples' sacred places, sacred objects, and ancestors, and is unconditionally opposed to their desecration or dispossession and to any adverse impact, damage, endangerment, injury or threat to them, and
- WHEREAS,** the James River Water Intake and Pump Station project proposed by the James River Water Authority (JRWA) as authorized by the Boards of Supervisors of Louisa County and Fluvanna County in Virginia is a project subject to review under the requirements of National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA); and
- WHEREAS,** the JRWA project is proposed at Point of Fork, Virginia, recorded on the John Smith Map of 1612 as the Monacan Indian Nation historic capital of Rassawek; and
- WHEREAS,** during the 1880s the Smithsonian Institution documented extensive burials and remains of many building complexes at Rassawek; and
- WHEREAS,** during the 1980s salvage archaeology on the Columbia gas line found human remains and artifacts at Rassawek; and
- WHEREAS,** survey and testing for the JRWA project has identified multiple National Register eligible sites the JRWA project will adversely affect; and
- WHEREAS,** the Council on Virginia Archaeologists has described these archaeological deposits as "sites of immense significance" due to their "exceptional level of preservation, high potential for the presence of burials, and the fact that they are included in the earliest European documentation of the region"; and
- WHEREAS,** the Army Corps of Engineers is the federal agency with jurisdiction and the Monacan Indian Nation is a consulting party and has expressed timely and profound concerns about the project permitting process, cultural resources review, and the lack of consultation regarding alternative project locations; and
- WHEREAS,** other federally recognized Tribal Nations consulting on this project have also expressed concerns regarding the burial permit process and lack of consideration of alternatives; and

*Because there is strength in Unity*


- WHEREAS,** the Advisory Council on Historic Preservation signed on as a consulting party due to “procedural problems and issues of concern to Indian tribes,” and will be a required signatory on the proposed Memorandum of Agreement concluding consultation on the project; and
- WHEREAS,** the Virginia Department of Historic Resources will also be a required signatory on the proposed Memorandum of Agreement and has expressed numerous concerns about the project; and
- WHEREAS,** the Council of Virginia Archaeologists, Preservation Virginia, the Virginia Canals & Navigation Society, and numerous landowners are also consulting parties and have expressed significant concerns about the adverse historical and cultural impacts; and
- WHEREAS,** no consulting parties have expressed support for the siting of the JRWA project on Rassawek; and
- WHEREAS,** a whistleblower has come forward detailing numerous concerns about the qualifications, methods, and ethics of JRWA’s archaeological consultant in their work on Rassawek; and
- WHEREAS,** in accordance with its trust and treaty responsibilities and obligations, the must United States consult in good faith with Tribal Nations in a manner compliant with NEPA and the NHPA; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** USET SPF calls upon the Advisory Council on Historic Preservation to decline to sign any agreement documents concluding consultation on this project; and be it further
- RESOLVED** USET SPF calls upon the Virginia Department of Historic Resources to decline to sign any agreement documents concluding consultation on this project and to deny any requests for permits to disturb human burials; and be it finally
- RESOLVED** USET SPF calls upon the Army Corps of Engineers to find that the proposed project is not in the public interest.

### CERTIFICATION

This resolution was duly passed by the USET SPF Executive Committee, at which a quorum was present, on June 5, 2020.



Chief Kirk E. Francis, Sr., President  
United South and Eastern Tribes  
Sovereignty Protection Fund



Chief Lynn Malerba, Secretary  
United South and Eastern Tribes  
Sovereignty Protection Fund





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**Fwd: Monacan Nation request for support in Protecting Remains**

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**From:** ACET General Secretary <[colonialeratribes@gmail.com](mailto:colonialeratribes@gmail.com)>

**Subject:** Monacan Nation request for support in Protecting Remains

**Date:** July 13, 2019 at 12:17:13 PM EDT

**To:** [tribaloffice@monacannation.com](mailto:tribaloffice@monacannation.com)

**Cc:** [info@culturalheritagepartners.com](mailto:info@culturalheritagepartners.com), "BELVIN, ROGER A CTR USAF AFMC AFLCMC/WLZJ" <[roger.belvin.1.ctr@us.af.mil](mailto:roger.belvin.1.ctr@us.af.mil)>, roger belvin <[belvin66@yahoo.com](mailto:belvin66@yahoo.com)>, Russell Lynn Drysdale <[russellynndrysdale@aol.com](mailto:russellynndrysdale@aol.com)>

Dear Chief Branham,

This is to verify that the ACET Board unanimously voted to support the Monacan Indian Nation in its fight to protect its sacred sites and ancestral remains. The following was submitted through the online comment portal...

The Alliance of Colonial Era Tribes (ACET) is a regional treaty organization of tribal governments on the eastern and southern seacoast of the United States.

ACET stands with the Monacan Indian Nation in affirming that its sacred places and the remains of its ancestors must be protected. Human remains, the bones of Monacan ancestors, have been found multiple times at the Rassawek site. The section 106 process has been disregarded by JRWA in order to ignore the concerns of the tribes. It has been reported to ACET that some sites have already been disturbed. This is a violation of the Monacan right to prior, free, informed consent through official consultation. ACET calls on the JRWA, the government of the State of Virginia, and the federal government to ensure that proper procedures are in place to protect the Monacan Indian Nation's rights in this matter.

--

Grace and Peace,

Rev. John Norwood, PhD (Nanticoke-Lenape)  
General Secretary





13476 King William Road, King William, Virginia 23086

(804) 769-0041

May 6, 2020

Steven A. VanderPloeg  
U.S. Army Corps of Engineers (Norfolk District)  
Western Virginia Regulatory Division  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236  
Email: [Steven.A.Vanderploeg@usace.army.mil](mailto:Steven.A.Vanderploeg@usace.army.mil)

**Re: James River Water Authority | NAO-2014-0708**

Dear Mr. VanderPloeg:

I write to provide comments from the Upper Mattaponi Indian Tribe regarding the James River Water Authority proposal to construct a raw water intake, pump station, and water pipeline on Point of Fork.

The Upper Mattaponi Indian Tribe ("Tribe") is a sovereign indigenous nation with political, geographic, and cultural roots in the Tidewater region of Virginia that date back thousands of years. When the English arrived on this continent, the Mattaponi were a member of the Powhatan Chiefdom, and Mattaponi and Pamunkey people live on some of the oldest extant Indian reservations in the country. In the late nineteenth and twentieth centuries, the community that became the Upper Mattaponi Indian Tribe was recorded as a group of non-reservated Indians living at Adamstown. Our Tribe became state recognized in 1983 by Virginia Joint Resolution 54 and federally recognized by the Thomasina E Jordan Act in 2018, and is centered in King William County.

The Tribe is gravely concerned about the proposal to site a water pumping station on Rassawek, the historic capital of the Monacan Indian Nation. The Tribe supports the Monacan Indian Nation in their request for the Corps to require JRWA to build the project on an alternative that would not disturb the burials of tribal ancestors or destroy Rassawek. The intense impacts on historic properties and cultural resources demand the Corps prepare

an Environmental Impact Statement for this project. In addition, we request that the Corps hold a public hearing to gather additional input on the project.

All Virginia tribes are currently looking to the Corps and this project to understand how the agency is likely to treat our own most sacred and important places if they end up in the cross-hairs of developers. Despite an astonishing demonstration of malfeasance during cultural resources assessment by JRWA, and considerable media and public attention, the Corps has determined to proceed with a public comment process while the Tribes are dealing with a severe emergency. Like most other tribes across the state and nationally, we declared a State of Emergency on March 18, 2020, and our offices are closed. Many Virginia tribes are fully engaged in the response to the COVID-19 pandemic, and broadband access for tribal members is severely limited. While the Governor's Stay-at-Home order remains in effect, it is absurd to refuse to extend the public comment period for this permit application.

The Tribe would also like to remind the Corps of the avoidable mess of the King William reservoir project, which would have constructed a 12 billion-gallon water reservoir, flooded sacred and archaeological sites, destroyed 403 acres of wetlands, and would have endangered our Mattaponi River and the fish species that rely on it. In 2005 your Corps district approved the permit for this project. The resulting years of litigation, appeals, and public outcry caused a tremendous amount of acrimony and bad blood between the tribes and the Corps. By considering an inappropriate project design, minimizing tribal, historical, and environmental impacts, and conducting insufficient analysis, the Corps also delayed the development of a viable project to provide water to the City of Newport News. This project is an opportunity to avoid repeating the mistakes of the past.

Thank you for your consideration of our comments.

Sincerely,



W. Frank Adams  
Chief, Upper Mattaponi Indian Tribe



## PAMUNKEY INDIAN TRIBE

Terry Clouthier  
Cultural Resource  
Director

TRIBAL GOVERNMENT  
*Tribal Office*

1054 Pocahontas Trail  
King William, VA 23086

(804) 843-2109  
FAX (866) 422-3387

THPO File Number: 2020 – 119

Date: 05/06/2020

Steven VanderPloeg  
Environmental Scientist  
US Army Corps of Engineers, Norfolk District  
Western Virginia Regulatory Section  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236

### **RE: NAO-2014-0708 James River Water Authority Rassawek impacts**

Dear Mr. VanderPloeg,

Thank you for contacting the Pamunkey Indian Tribe regarding the proposed undertaking to construct a raw water intake, raw water lines and upgrade an existing access road in Fluvanna County, Virginia. My office offers the following comments regarding the undertaking.

My office wishes to participate as a consulting party for this undertaking.

It is the opinion of my office that the Army Corps of Engineers (ACOE) should conduct public meetings to address concerns regarding this undertaking. There was well over 100 attendees at the March 11, 2020 public meeting held by the James River Water Authority (JRWA) which is considerable considering the limited advance notice of the meeting (1 day), the time of the meeting (9 am on weekday) and the location of the meeting (gated community). Given the circumstances surrounding the COVID-19 pandemic and the shut-down order currently enacted by the Governor of Virginia, it is our recommendation that an extension of the public comment period be enacted until such time as public meetings can be safely and responsibly conducted. Additionally, it is the recommendation of our office that an environmental impact statement be undertaken for the proposed undertaking considering the significant impacts to cultural properties that will be affected if the preferred route is utilized under the permit issued by the ACOE.

### Section 106

Given the questionable nature of one of the earliest archaeological studies conducted at this site for this undertaking, it is my offices recommendation that the studies conducted by Circa and any

further archaeological studies based off of or including those results not be included in the Section 106 process for this undertaking. This recommendation is not solely based on the allegations which came to light by the former employee of Circa who worked at Rassawek but is more predominantly based on work conducted by Circa at another site in Virginia that Circa conducted the archaeological investigations at and their work was severely questionable and deficient. The site I am referring to was investigated by Circa in 2008 as part of a home development proposal at a known site and the majority of the known site was determined by Circa to not contain archaeological material or features. The site was recommended by Circa to be modified in terms of its dimensions with only a small portion of the original site boundary protected and found to contain archaeological material. This determination by Circa would have cleared the majority of the site for the home development and only one proposed house lot would have been protected from development due to the proposed new dimensions for the site. Thankfully, the home development was never developed at that location. A subsequent investigation for a park currently proposed at the site found that there was cultural material in all of the area of the original site dimensions previously assessed and determined by Circa to be negative for cultural materials. The current archaeological investigation for the park placed shovel test pits directly beside previous shovel test pits investigated by Circa and every single one was found to contain cultural materials and every single one investigated by Circa was negative for cultural material. This discrepancy in results at the park site coupled with the allegations made during the Rassawek investigations has resulted in my office deciding to not accept any work conducted by Circa to be sufficient for determining presence or absence of cultural materials or to accept any recommendation made by Circa in terms of a sites significance or eligibility on any proposed undertaking. For this reason, my office does not accept JRWA's response to the claims made by the former Circa employee for justifying the work conducted by Circa as there is an inherent conflict of interest in that the work conducted by Circa diminishes the importance of Rassawek and is therefore the preferred result of the applicant as it justifies its destruction. My office will not accept the recommendations of any archaeological investigations conducted by anyone which diminish the importance of Rassawek based on shovel testing and test unit excavations that does not include relevant discussions with the Monacan Nation pertaining to the continued importance of this site to the Monacan Nation and descendant communities.

The ACOE must acknowledge that the Monacan Nation possesses specialized expertise in assessing the eligibility and significance of historic properties that may possess religious and cultural significance to them consistent with 36CFR800.4 (c) (1) and therefore, that information, possessed only by the Tribe, must be given equal if not greater weight than the archaeological studies conducted at this site in determining significance and potential effects consistent with 36CFR800.4 (d), 800.5 and 800.6.

My office supports the Monacan Nations assertion that additional archaeological investigations at Rassawek for this undertaking by the applicant or contractor would constitute a Section 110 (k) violation of the National Historic Preservation Act (NHPA) as it would be anticipatory demolition as the sites significance does not need further analysis as the specialized expertise of the Monacan Nation has already established the sites significance consistent with 36CFR800.4 (c) (1). There would be no justifiable reason for additional archaeological investigations at Rassawek to determine eligibility or significance as the comments made by the Monacan Nation



have already addressed it. Therefore, any attempts made by the applicant or its contractors to further assess the eligibility or significance of the site can only be viewed as an attempt to circumvent the Section 106 process to artificially create an eligibility determination in favor of their preferred route.

This undertaking and its adverse effects to a significant site is a textbook example of how the ACOE's pre-application permit process fails to account for effects to historic properties in a manner consistent with the Section 106 regulations by not allowing the Tribes to identify its concerns with historic properties that may be affected by the undertaking and advise on the identification and evaluation of sites prior to any impacts at sites consistent with 36CFR800.2 (c) (2) (ii) (A). The ACOE should be conducting its Section 106 archaeological investigations after the Section 106 process has been initiated when the applicant submits its pre-application documents and not by the applicant prior to any consultation with Tribes or other stakeholders by the ACOE. Significant adverse effects to sites as a result of the archaeological investigation would be avoided if the archaeological investigations were conducted after the Section 106 process has been initiated and not as part of the pre-application process. The ACOE should be advising their applicants to not conduct archaeological investigations during the pre-application process in order to avoid the irreversible adverse impacts that occurred at Rassawek and to ensure that Tribal and other stakeholder concerns can be properly addressed.

### Alternatives Analysis

My office supports the Monacan Nations request for an alternative route to be chosen for the proposed undertaking. We would like to thank the Army Corps of Engineers (ACOE) for requiring the alternative analysis review. However, given the circumstances surrounding archaeological investigations at this location which diminished the importance of Rassawek, the Corps should conduct an independent alternative analysis for accountability and not rely solely on the contractors and applicants' analysis due to potential conflicts of interest inherent with such an analysis. The alternative analysis was conducted by the same engineer firm who is contracted by JRWA for the proposed undertaking so they stand to benefit from any favorable analysis which advances this project with the least amount of delays and cost. Not surprisingly, the alternative analysis conducted by the applicant's contractor determined that the preferred route by JRWA would be the best route for the proposed undertaking. This conflict of interest in this alternative analysis should not and must not be ignored by the ACOE.

It has been stated that the applicant could not choose any alternative route due to the inability of the Monacan Nation to select a preferred route. At the March 11, 2020 JRWA meeting, the Chief for the Monacan Nation had stated that at least three of the alternative routes were acceptable. This statement by the Chief seems to be inconsistent with the statement made by JRWA. The primary obstacle to considering alternative routes should not be predicated on a preferred route by the Monacan Nation. A preferred route should be predicated on the fact that the Monacan Nation has consistently stated numerous times that the preferred route by JRWA is unacceptable. An alternative route defined by the perceived inability of the Monacan Nation to select a preferred route is essentially irrelevant when all of the alternative routes would be considered

preferable to the preferred route currently proposed by the JRWA as has been stated by the Monacan Nation.

During the March 11, 2020 public meeting regarding this undertaking, the main consideration discussed for not selecting an alternative route was monetary concerns. Tribal heritage and human remains should not be destroyed in order to save money. The damage done to such sites and burials cannot be conceived in the capitalist terms as was proposed during the public meeting in that it would be acceptable to destroy these sites and disturb the remains as long as it was the cheapest alternative. Additionally, the monetary analysis of an alternative route did not account for the added expense of litigation that will occur by choosing the preferred route or the cost of delays to the project as it winds through the courts. This analysis is not surprising as the beneficiary of such litigation is likely the lawyers for the contractor who conducted the alternative analysis. Once again these statements display an inherent conflict of interest within the alternative analysis conducted by contractors for the applicant. This litigation and delay cost will far exceed the amounts discussed in the alternative analysis and privately by the applicant.

My office rejects the statement allegedly made by lawyers for the JRWA and the counties of Louisa and Fluvanna that the applicants hands were tied in not selecting an alternative route by the inability of the Monacan Nation to select a preferred route as it places the blame on the inability to select an alternative route incorrectly on the Monacan Nation instead of just admitting that there is apparently no intention by the applicant to consider an alternative route due primarily to monetary considerations as was evidenced at the March 11, 2020 public meeting. This statement displays that this whole alternative analysis process is not being conducted in good faith for all concerned parties. This enforces our recommendation to the Army Corps of Engineers that an independent alternative analysis of routes should be undertaken.

My office encourages JRWA and ACOE to collaborate with the Monacan Nation to establish a mutually agreed upon preferred route. This collaboration would be consistent with the regulations at 36CFR800.5 and 36CFR800.6 to address and mitigate adverse effects to such an important site and Executive Order 13175 in addressing the ACOE trust responsibility to consult with Tribal Nations.

It is the opinion of my office that the ACOE should not issue any permit which will affect Rassawek as the costs associated with its destruction cannot be justified.

If you have any questions feel free to email me at [terry.clouthier@pamunkey.org](mailto:terry.clouthier@pamunkey.org).

Sincerely,



## PRESERVATION VIRGINIA

December 21, 2018

Steven Vanderploeg  
Environmental Scientist  
US Army Corps of Engineers, Norfolk District Western Virginia Regulatory Section  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236

RE: JAMES RIVER WATER SUPPLY PUMP STATION AND PIPELINE ALIGNMENT FLUVANNA COUNTY,  
VIRGINIA VDHR NUMBER: 2015-0984

Dear Mr. Vanderploeg:

Following up on my letters of July 27 and September 28, 2018, I respectfully submit the following comments in response to the consulting party meeting held on October 31, 2018 (which I joined by phone, about 30 minutes into the meeting) and the revised Draft Memorandum of Agreement (MOA) and associated treatment plan sent by your office on November 21, 2018.

With regard to the legal treatment of archaeological resources at the site, I defer to and agree with the comments filed on December 20 by Greg LaBudde, Archaeologist, Review and Compliance Division of the Virginia Department of Historic Resources. Regarding the ethical treatment of the archaeological resources negatively affected by the project, I respectfully agree with and refer you to the concerns of the Monacan Indian Nation as expressed in the letter submitted by Cultural Heritage Partners on November 27. For the remainder of this letter, I would like to outline my concerns about the Section 106 consultation process on this project to date.

### Consultation Process

As a consulting party for a previous federal action (a FEMA grant) in the Columbia/Point of Fork area, and having personally participated in past public meetings held by Fluvanna County (on behalf of the James River Water Authority), I have been concerned for more than two years about the lack of public information about this project. It was not until November 2017 that we were recognized as a consulting party, at which point I was surprised to learn of the amount of archaeological investigative work already undertaken at the site in consultation with DHR.

As part of a Section 106 review process, where the stakeholder potentially most impacted by the undertaking is at the table—the Monacan Indian Nation—alternatives that might have avoided this significant site should have been explored. Instead, it would seem that consulting parties were brought into the discussion well after the fact, when the site was already decided upon and requests for comments focused on specific details of minimization of negative impacts and, ultimately, an insufficient approach to mitigation.

Short of avoiding this site so important to the Monacan Indian Nation, the project proponents should be prepared to discuss appropriate levels of mitigation to offset the negative impacts of the siting of the pumping station and the disturbance to elements of National Register-listed historic resources such as the Point of Fork plantation complex (DHR Inventory No. 032-0024), the Rivanna Canal Navigation Historic District (DHR Inventory No. 032-0036), and the James River and Kanawha Canal and Railroad (DHR Inventory No. 032-5124).

## Mitigation

While I defer to the specific wishes of the Monacan Indian Nation when it comes to the disposition and curation of artifacts unearthed by the undertaking, it should be noted that the burden of properly assessing and storing said artifacts should not fall to them. The positioning of the pumping station on this well-known site and the subsequent disturbance of archaeological resources and altering of the setting was not at the behest of the Monacan Indian Nation; with the decision to locate the pumping station here, the permit applicants must acknowledge that the proper treatment of this material is simply an additional “cost of doing business.” The identification of alternate sites may have saved much time and (taxpayer) dollars with this undertaking.

In previous correspondence, I noted that “to the degree that the proposed project passes through and affects canal-related resources, further efforts to mitigate that disturbance may be warranted.” Additional mitigation may be necessary to offset the actual impact to the National Register-listed resources like the slave cabin on the Point of Fork property (near which an access road is proposed to be constructed) and the aforementioned two instances where historic canal building material will be moved and rebuilt. While Louisa and Fluvanna County residents may see an economic benefit from this project sometime in the future, I would argue that the immediate community in which this work will take place will not see any benefit, but rather, a net loss when it comes to the work that will negatively affect the integrity of the area’s already-listed historic resources. In other words, what is the public benefit that is realized with the lessening of the integrity of these character-defining sites? Negative impacts to resources ought to be made up elsewhere, for the good of the community. Such efforts might include funding for master planning for envisioning Columbia as a site for heritage and recreational tourism, which would also benefit Fluvanna County economically.

From an educational and interpretive point of view, the information gathered to date from research and archaeological work should be—with coordination with and permission from the Monacan Indian Nation—shared more transparently with the public. Organizations like the Fluvanna County Historical Society, among others, are important partners for the dissemination of the rich, multi-layered history represented at this site and what it can reveal about pre and post-contact Virginia history.

Thank you for the opportunity once again to offer comments on this project. The disruption to those resources that the proposed infrastructure project will cause deserves close scrutiny and a robust discussion of mitigation efforts and approaches. I look forward to speaking further with the consulting parties.

Sincerely,

Justin A. Sarafin  
Director of Preservation Initiatives & Engagement  
Preservation Virginia

# VIRGINIA CANALS & NAVIGATIONS SOCIETY

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3806 S. Amherst Highway  
Madison Heights, Virginia 24572

21 December 2018

Mr. Steven VanderPloeg  
United States Army Corps of Engineers  
Norfolk District Western Virginia Regulatory Section  
9100 Arboretum Parkway, Suite 235  
Richmond, Virginia 23236

Re: James River Water Authority Project

Dear Mr. VanderPloeg;

I have discussed the referenced project with members of our Board of Directors. We are in agreement that the James River is our nation's founding river and its history predates the arrival of our ancestors.

This site suffered its initial intrusion during the construction of the James River & Kanawha Canal. The subsequent construction of the Richmond & Allegheny Railroad only added to the degradation of the site. Allowing this project to proceed only proves that we have not learned from our previous mistakes.

It seems rather capricious that a project such as the one proposed by the James River Water Authority would even be considered for this location. The site has major historical significance and should be protected for perpetuity. Perhaps a public park would be a more suitable alternative for the site.

The pipeline crossing on the Rivanna River is also an item of concern. The Rivanna is possibly the second most historic river in the nation and every effort should be made to preserve the river's intrinsic beauty, history, and lost sites of archeological importance.

As president of the Virginia Canals & Navigations Society I am requesting that the U.S. Army Corps of Engineers deny the permit for the James River Water Authority project at the proposed location.

Sincerely;

Roger C. Nelson, President  
Virginia Canals & Navigations Society





Preservation  
Virginia

March 5, 2020

Jennifer Frye, Chief  
Western Virginia Regulatory Section  
U.S. Army Corps of Engineers, Norfolk District  
jennifer.s.frye@usace.army.mil

VIA EMAIL

Steven Vanderploeg, Environmental Scientist  
Western Virginia Regulatory Section  
U.S. Army Corps of Engineers, Norfolk District  
steven.a.vanderploeg@usace.army.mil

VIA EMAIL

**Re: James River Water Authority's Proposed Water Supply Project**

Dear Ms. Frye and Mr. Vanderploeg:

The Southern Environmental Law Center and Preservation Virginia are writing to express our concerns with the James River Water Authority's (JRWA) proposed water supply project in Fluvanna County, Virginia. SELC is a non-partisan, non-profit organization headquartered in Charlottesville that works to protect its natural and cultural resources throughout the southeast. Preservation Virginia is the state's leading historic preservation organization, and works to support and promote Virginia's communities and historic places.

The currently proposed water in-take, pump station, and pipeline are likely to have serious impacts on significant historic, cultural, and archaeological resources in the area, including harm to sites associated with Rassawek, the historic capital of the Monacan Indian Nation.<sup>1</sup> As you know, JRWA plans to seek approval of this project from the U.S. Army Corps of Engineers. However, the damage the proposal is likely to cause raises substantial questions about whether granting a permit for this project would be in the public interest, and whether less-damaging alternatives may be available. We urge the Western Virginia Regulatory Section to ensure a comprehensive and thorough review of this proposal, its adverse effects, and potential alternatives in connection with any permit application for this project.

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<sup>1</sup> The Virginia Department of Historic Resources (DHR) has already found that the proposed project would adversely affect the Rivanna Canal Navigation Historic District and the James and Kanawha River Canal and Railroad for the purposes of Section 106 of the National Historic Preservation Act (NHPA). *See*, Letter from Richard W. Kirchen, Dir. of Review and Compliance Div., Va. Dep't of Historic Res., to Jennifer Frye, Chief of the Western Va. Regulatory Section, U.S. Army Corps of Engineers (Jul 27, 2018). JRWA's initial treatment plan prepared for the proposed project also identified four additional archaeological sites that will be adversely affected by the project, although DHR requested more information in order to determine the full scope of effects on these sites. *Id.* *See also*, Circa~ Cultural Res. Mgmt., LLC, *Treatment Plan for Sites 032-0026, 032-5124, 44FV0022, 44FV0024, 44FV0268, and 44FV0269, James River Water Supply Pump Station and Pipeline Alignment, Fluvanna County, Virginia VDHR Number 2015-0984* (Aug. 2018).

## I. Point of Fork's Unique Resources

The area at the confluence of the James and Rivanna Rivers is home to a unique and rich mix of historical, cultural, and archaeological resources that highlight the region's complex and diverse past. Early historical documents, such as John Smith's 1606 map of Virginia,<sup>2</sup> place the Monacan Indian town of Rassawek at Point of Fork. Although it does not appear that English settlers ever visited the site, Rassawek was known as "the principal town of the Monacans, to which all other villages paid tribute."<sup>3</sup> The Smithsonian Institution undertook excavations in the late 1880s after a flood exposed between forty and fifty fireplaces, over twenty-five graves, and a large number of artifacts at the site.<sup>4</sup> Although local knowledge of the site continued, further archaeological investigation did not occur until construction of the Colonial Pipeline in 1980. Unfortunately, archaeological work associated with the pipeline construction took place on an emergency basis; bulldozers had already destroyed much of the prehistoric town that intersected with the pipeline's route and archaeologists only had one weekend to conduct their survey.<sup>5</sup> Despite these limitations, archaeologists uncovered and documented an astounding number of artifacts, including three Indian pits, at the site (DHR No. 44FV0019).<sup>6</sup> Additional disturbances associated with the pipeline construction exposed other clusters of artifacts and human bones along Point of Fork, indicating that the archaeological remains of Rassawek are widespread (e.g., DHR Nos. 44FV0020, 44FV0021, and 44FV0022).<sup>7</sup> In fact, archaeological investigations associated with the proposed water supply project "result[ed] in the identification of three new sites ([DHR Nos.] 44FV0268, 44FV0269, and 44FV0270) and the relocation and expansion of three previously recorded sites ([DHR Nos.] 44FV0022, 44FV0024, 44FV0025)."<sup>8</sup> The Virginia Department of Historic Resources (DHR) has found several of the archaeological sites to be potentially eligible for listing in the National Register of Historic Places.<sup>9</sup>

In addition to the archaeological resources associated with Native American history, there are also extensive resources that correspond to United States' development as a nation at Point of Fork. During the Revolutionary War, Point of Fork was a place of strategic importance and served as one of Virginia's primary military installations with a training ground, barracks, supply depot, and arsenal.<sup>10</sup> The Point of Fork arsenal was raided and destroyed by the Queen's Rangers

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<sup>2</sup> Document Bank of Va., "Captain John Smith, Map of Virginia, circa 1606," (last visited Jan. 23, 2020), <https://edu.lva.virginia.gov/dbva/items/show/53>. "The map is dated 1606; however, Smith did not reach the shores of Virginia until 1607, and he did not publish this map until three years after his return to England in 1609." *Id.*

<sup>3</sup> Samuel R. Cook, MONACANS AND MINERS: NATIVE AMERICANS AND COAL MINING COMMUNITIES IN APPALACHIA 30 (2000).

<sup>4</sup> Gerard Fowke, ARCHEOLOGIC INVESTIGATIONS IN JAMES AND POTOMAC VALLEYS 12-14 (1894).

<sup>5</sup> Daniel L. Mouer, *A Review of the Archaeology and Ethnohistory of the Monacan Indians*, *PIEDMONT ARCHAEOLOGY: RECENT RES. AND RESULTS* 21-39 (1983)).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Letter from Richard W. Kirchen, Dir. of Review and Compliance Div., Va. Dep't of Historic Res., to Jennifer Frye, Chief of the Western Va. Regulatory Section, U.S. Army Corps of Engineers (Jun. 29, 2018).

<sup>9</sup> *Id.*

<sup>10</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Plantation (Aug. 13, 1974), [https://www.dhr.virginia.gov/VLR\\_to\\_transfer/PDFNoms/032-0024\\_Point\\_of\\_Fork\\_Plantation\\_1974\\_Final\\_Nomination.pdf](https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/032-0024_Point_of_Fork_Plantation_1974_Final_Nomination.pdf).

in 1781 "in a move [that coincided] with Tarleton's raid on the legislature at Charlottesville."<sup>11</sup> After it was rebuilt, the arsenal manufactured and repaired arms and equipment—including for the federal army and Virginia militia to use during the Whiskey Rebellion and Fallen Timbers campaign—until 1801.<sup>12</sup> The archaeological site associated with the arsenal is listed in both the Virginia Landmarks Register (DHR No. 032-0026) and the National Register of Historic Places (NPS No. 69000242).

By the 1830s, the Point of Fork Plantation had been built at the site by prominent Richmond businessman William Galt.<sup>13</sup> The plantation was occupied and plundered by Union troops during the Civil War and General Philip Sheridan set up headquarters at the main house.<sup>14</sup> The property was also home to James Galt—William Galt's great-nephew—who served in the Virginia General Assembly for two sessions after he was pardoned by President Johnson.<sup>15</sup> Point of Fork Plantation "ranks among the major examples of plantation architecture in the upper James region" and is listed in both the Virginia Landmarks Register (DHR No. 032-0024) and the National Register of Historic Places (NPS No. 74002116).<sup>16</sup> It is also home to the Point of Fork Servant Quarters (DHR No. 032-0024-0001).

The proposed project also intersects with the area's important navigational history. The Rivanna Canal Navigation Historic District is a four-and-a-half-mile-long canal and lock system along the Rivanna River in this area. Thomas Jefferson started navigational improvements to the Rivanna River in 1763, and the work culminated with the completion of the Rivanna Navigation in 1854.<sup>17</sup> Already listed in the Virginia Landmarks Register (DHR No. 032-0036), DHR has found that the Rivanna Canal Navigation Historic District is also eligible for listing in the National Register of Historic Places. Similarly, the James River and Kanawha Canal and Railroad, which is also located in this area, is listed in the Virginia Landmarks Register (DHR No. 032-5124) and has been found to be eligible for listing in the National Register of Historic Places.

## **II. The Corps' Review**

Due to the significant impacts the proposed water supply project may have on such resources, the Corps is requiring an individual permit for the project under Section 404 of the Clean Water Act. This will also require the Corps to comply with requirements under the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA). Under all three of these statutes, the Corps must thoroughly review available alternatives to the proposed project, which will bring to light serious questions about whether Point of Fork is an appropriate location for a water supply project.

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<sup>11</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Arsenal Nomination Form (Dec. 9, 1968), [https://www.dhr.virginia.gov/VLR\\_to\\_transfer/PDFNoms/032-0026\\_Point\\_of\\_Fork\\_Arsenal\\_Site\\_1969\\_Final\\_Nomination.pdf](https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/032-0026_Point_of_Fork_Arsenal_Site_1969_Final_Nomination.pdf).

<sup>12</sup> *Id.*

<sup>13</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Plantation, *supra* note 10.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *See*, Va. Dept. of Historic Resources Architectural Survey Form, Rivanna Canal Navigation Historic District.

#### A. Clean Water Act Section 404 Permit Review

Under the Corps' Clean Water Act permitting regulations, a comprehensive analysis of whether issuing a permit would be in the “public interest” based on a careful weighing of the proposal’s benefits against its costs and reasonably foreseeable impacts is required.<sup>18</sup> This analysis includes consideration of the potential direct, indirect, and cumulative impacts of the proposed project on historic properties, wetlands and water quality, floodplains and flood hazards, fish and wildlife habitat, economics, and the general public welfare.<sup>19</sup> As the Corps’ regulations state, with regard to historic and cultural values,

evaluation of the general public interest requires that due consideration be given to the effect which the proposed structure or activity may have on values such as those associated with . . . historic properties and National Landmarks, . . . archaeological resources, including Indian religious or cultural sites, and such other areas as may be established under state or federal law for similar and related purposes.<sup>20</sup>

The Corps' review must also consider the public and private need for the proposal, as well as the practicability of reasonable alternative locations for the project.<sup>21</sup> Federal courts have recognized that the public interest must be given “significant consideration” in the review of a Section 404 permit.<sup>22</sup>

The extent and diversity of historical, cultural, and archaeological resources at Point of Fork heighten the need for the Corps' review of the permit application submitted for the proposed water supply project to include careful analysis of the public interest and of possible alternatives. The potentially severe impacts of the project on these resources raise significant questions about the public interest of siting the project in such a historically and culturally important area, and evaluation of these impacts must be a central part of any public interest review for this project.

In addition, under guidelines developed by the U.S. Environmental Protection Agency to implement Section 404(b)(1) of the Clean Water Act, which the Corps must apply in its review of discharge permits,<sup>23</sup> “no discharge of dredged or fill materials shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.”<sup>24</sup> This means the Corps may only grant a Section 404 permit for the “least environmentally damaging practicable alternative” for a proposed project.

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<sup>18</sup> See 33 C.F.R. § 320.4(a)(1).

<sup>19</sup> See *id.* The Corps’ regulations further provide that the appropriate weight and level of analysis to be given to each factor will be determined by its “importance and relevance to the particular proposal.” *Id.* at (a)(3).

<sup>20</sup> *Id.* at (e).

<sup>21</sup> *Id.* at (a)(2).

<sup>22</sup> *Ohio Valley Envtl. Coal. v. Aracoma*, 556 F.3d 177, 191 (4th Cir. 2009).

<sup>23</sup> See 33 C.F.R. § 323.6(a); 33 C.F.R. § 320.4(a).

<sup>24</sup> 40 C.F.R. § 230.10(a); see also *B&B P’ship v. U.S.*, 133 F.3d 913 (4th Cir. 1997); *Precon Devel. Corp. v. U.S. Army Corps Eng’rs*, 658 F. Supp. 2d 752, 767 (E.D. Va. 2009).

## B. National Historic Preservation Act Section 106 Review

The Corp's permitting process for this project also must ensure compliance with Section 106 of the National Historic Preservation Act (NHPA),<sup>25</sup> as outlined in the Corps' "Procedures for the Protection of Historic Properties."<sup>26</sup> Under Section 106, the Corps is required to comprehensively review the potential direct and indirect effects of the proposal on historic resources and seek to avoid or minimize any adverse effects to the greatest extent possible.<sup>27</sup> This review is not limited to historic properties within the permit area; while the analysis must "take into account the effects, if any, of proposed undertakings on historic properties both within and beyond the waters of the U.S.,"<sup>28</sup> it must also "consider the effects of undertakings on any known historic properties that may occur outside the permit area."<sup>29</sup>

The project and its associated infrastructure and impacts will alter the historic setting of the area and may negatively affect the integrity of the area's historic, cultural, and archaeological resources. It is clear that archaeological remnants of Rassawek, the historic capital of the Monacan Indian Nation located at Point of Fork, are widespread. In order to appropriately assess the potential impacts of the project, it is imperative that the Corps analyze the project's impacts to the Rassawek site as a whole, and not just to the portion of archaeological resources that intersect with the permit area. The Corps must also carefully consider impacts to the Point of Fork Plantation and its associated servant quarters, as well as to the Rivanna Canal Navigation Historic District and the James River and Kanawha Canal and Railroad, which will be transected by the project.

Furthermore, it is essential that this review include close coordination and ample input opportunities for DHR, interested stakeholders and organizations, and the public.<sup>30</sup> Preservation Virginia has previously expressed concerns regarding the Section 106 consultation process, especially since consulting parties were brought into the discussion so late in the process.<sup>31</sup> Significant questions have also been raised about the qualifications of JRWA's archaeology expert, as well as previous archaeological work performed at the site. If the Corps determines that this archaeological work has caused anticipatory demolition of the site, it cannot grant a permit to JRWA for the proposed project.<sup>32</sup> For these reasons, we urge the Corps to conduct a

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<sup>25</sup> See 54 U.S.C. § 306108.

<sup>26</sup> 33 C.F.R. Part 325, App. C.

<sup>27</sup> See *id.* at §2(f) (noting that the Corps' historic resource review procedures are "intended to provide for the maximum consideration of historic properties within the time and jurisdictional constraints of the Corps regulatory program").

<sup>28</sup> *Id.* at § 2(a).

<sup>29</sup> *Id.* at §5(f).

<sup>30</sup> See *id.* (also noting that "[w]ithin the time constraints of applicable laws, executive orders, and regulations, the Corps will provide the maximum coordination and comment opportunities to interested parties").

<sup>31</sup> See, Letter from Justin A. Sarafin, Dir. of Preservation Initiatives & Engagement, Preservation Virginia to Steven Vanderploeg, Environmental Scientist, U.S. Army Corps of Engineers (Jun. 29, 2018).

<sup>32</sup> Under Section 110(k) of NHPA, "[e]ach Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of [Section 106 of the NHPA], has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the [Advisory Council on Historic Preservation (ACHP)], determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant." 54 U.S.C. § 306113.



robust and comprehensive Section 106 analysis for the proposed water supply project, and thoroughly explore all options to avoid or minimize any adverse effects.

### C. National Environmental Policy Act Review

The Corps also will have to satisfy the requirements of the National Environmental Policy Act (NEPA) in its review of any Section 404 permit submitted for the proposed project.<sup>33</sup> NEPA requires the Corps to "[r]igorously explore and objectively evaluate all reasonable alternatives" to meet the purpose and need of a proposed action<sup>34</sup> and the Corps cannot predetermine or preordain the results of the analysis.<sup>35</sup> "In determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative."<sup>36</sup> We strongly urge the Corps to ensure that this NEPA process comprehensively reviews the adverse effects of this proposal on the site, as well as any reasonable alternatives.

Given the significant extent and uncertainty of potential impacts of this proposal, the preparation of an environmental impact statement (EIS) will likely be necessary to inform the Corps' decision. NEPA provides that an EIS must be prepared for any major federal action "significantly affecting the quality of the human environment."<sup>37</sup> The proposed water supply project appears to implicate several of the "significance" factors identified in the Council on Environmental Quality's (CEQ) NEPA regulations,<sup>38</sup> which provide for the consideration of both "context" and "intensity," with "intensity" based on a list of several factors, including<sup>39</sup>:

- (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources...;
- (4) The degree to which the effects on the human environment are likely to be highly controversial; and
- (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

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<sup>33</sup> See 33 C.F.R. § 325.2(a)(4) (stating in regards to Department of the Army permits: "The district engineer will follow Appendix B of 33 CFR part 230 for environmental procedures and documentation required by the National Environmental Policy Act of 1969. A decision on a permit application will require either an environmental assessment or an environmental impact statement unless it is included within a categorical exclusion.").

<sup>34</sup> 40 C.F.R. § 1502.14; *see also*, *North Carolina Wildlife Fed'n v. North Carolina Dept. Transp.*, 677 F.3d 596, 602 (4th Cir. 2012); *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 814 (9th Cir. 1999) (noting that "a viable, but unexamined alternative renders [and EIS] inadequate.").

<sup>35</sup> *See*, *Forest Guardians v. U.S. Fish & Wildlife Serv.*, 611 F.3d 692, 714-15 (10th Cir. 2010).

<sup>36</sup> Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* at 2a. (1981) ("Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint using common sense, rather than simply desirable from the standpoint of the applicant.").

<sup>37</sup> 42 U.S.C. 4332(C).

<sup>38</sup> 40 C.F.R. §1508.27.

<sup>39</sup> *Id.* at §1508.27(b).

The proposed location for JRWA's proposed project is rich in historic and cultural resources, many of which are listed in or eligible for listing in the National Register of Historic Places. Furthermore, there is growing public opposition to siting the project at Point of Fork, especially because of its impact on historic, cultural, and archaeological resources. We therefore strongly urge the Corps to require preparation of an EIS for this proposal to ensure adequate review and analysis of the proposed project's adverse effects and available alternatives. As in the case of the Section 404 and Section 106 reviews discussed above, we also urge the Corps to provide ample opportunities for public input and involvement in this NEPA process.

Thank you for your consideration, and we look forward to participating in these reviews in relation to any permit application submitted for this project.

Sincerely,



Trip Pollard  
Senior Attorney  
Southern Environmental Law Center



Elizabeth Kostelny  
Chief Executive Director  
Preservation Virginia



Carroll Courtenay  
Associate Attorney  
Southern Environmental Law Center



# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

Matt Strickler  
*Secretary of Natural Resources*

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan  
*Director*

Tel: (804) 367-2323  
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September 6, 2019

Mr. Eric Dahl, Fluvanna County Administrator  
James River Water Authority  
132 Main Street  
Palmyra, VA 22963

RE: Permit Application for Archaeological Excavation of Human Remains  
Point of Fork, Fluvanna County  
DHR File No. 2015-0984

Dear Mr. Dahl:

This is to advise the James River Water Authority (JRWA) that the Department of Historic Resources (Department) will not be able to issue a permit under the existing application that is in process for the following reasons:

1. It has come to the attention of the Department that the archaeological consultant associated with this project does not meet the requirements established by the Secretary of the Interior and promulgated through 36 CFR 61 as the Professional Qualifications Standards for Archaeology, which are the minimum requirements that must be met under the Virginia Administrative Code (see 17VAC5-20-40). The project must be designed and supervised by a person or persons who meet these qualification standards. We have sent a separate letter to the consultant, a copy of which is enclosed.
2. The failure of the archaeological consultant to meet the above requirements renders the information previously provided regarding the scope of the permit application and associated plans unreliable. The existing research design and data recovery plan must be reviewed and revised by a qualified archaeological consultant to meet both the Department's standards and the approval of the Monacan Indian Nation (Monacan), who are directly affected by this project. We understand that this information was omitted from the original application in deference to the Monacan, but we will not proceed in its absence.
3. JWRA has not obtained landowner permission for access to those portions of the project area not with the legal ownership of JWRA. Although we appreciate and acknowledge the presence of

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Salem, VA 24153  
Tel: (540) 387-5443  
Fax: (540) 387-5446

Northern Region Office  
5357 Main Street  
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Stephens City, VA 22655  
Tel: (540) 868-7029  
Fax: (540) 868-7033

Eastern Region Office  
2801 Kensington Avenue  
Richmond, VA 23221  
Tel: (804) 367-2323  
Fax: (804) 367-2391

utility easements in favor of JRWA across these properties, the Virginia Administrative Code (see 17VAC5-20-40(A)(3)) specifically requires the permission of the owners.

If you wish, you may resubmit a revised permit application that complies with these requirements.

The existing application also requested a waiver of the public notice requirement, which the Department will not be able to accommodate. The Monacan have specifically requested that notification take place, and we encourage you to proceed in accordance with the Virginia Administrative Code (see 17VAC5-20-50). We will be happy to assist you in developing a notice for publication as required, to assist in finding acceptable locations for physical posting, and to manage any resulting public comment. We further recommend that you plan for a public meeting to allow interested parties to attend and comment directly. We will be happy to assist with this process as well.

We understand that you wish to move forward with permitting as expeditiously as possible, and we hope that you also understand our great caution given the importance of this land area to Virginia's federally-recognized tribes as this area contains multiple archaeological sites likely associated with Rassawek, the ancestral capital of the Monacan. Please do not hesitate to contact me with any questions, thoughts, or concerns about this process

Sincerely,



Julie V. Langan  
Director

c: Carol Tyrer, Circa~  
Joe Hines, Timmons



## Council of Virginia Archaeologists

September 9, 2019

US Army Corps of Engineers  
Norfolk District  
9100 Arboretum Parkway  
Suite 235  
Richmond, VA 23236

Dear Steven VanderPloeg,

On behalf of the Council of Virginia Archaeologists (COVA), I am writing to respectfully submit initial comments on the James River Water Authority (JRWA) project requiring a federal permit and thereby triggering Section 106 of the National Historic Preservation Act.

COVA is the Commonwealth's professional archaeology organization dedicated to the preservation and study of Virginia's archaeological resources. Since 1975, our mission has been to: 1) promote the preservation and study of Virginia's prehistoric and historic archaeological resources; 2) foster public awareness, knowledge, and support for the preservation of Virginia's archaeological resources; 3) facilitate interaction between the communities of professional and avocational archaeologists; and 4) act as an independent professional advisory group for the Virginia Department of Historic Resources. Under this mission, COVA requested consulting party status for the JRWA project in July 2019.

We would like to submit for review the following comments.

- 1) We would like to express great concern from Virginia's professional archaeological community over the proposed JRWA project and its impact to sites of immense significance. These sites, which are part of the sprawling Village of Rassawek, the pre-Colonial Monacan political capital, are exceedingly important due to their exceptional level of preservation, high potential for the presence of burials, and the fact that they are included in the earliest European documentation of the region. We support the Monacan Nation and recognize how valued these places are for the tribe whose ancestral community was centered on this powerful chiefly village. These sites should be avoided at all cost. It is clear that the Adverse Effects of the Pumping Station project go far beyond minimal impacts and, therefore, the project should be processed as an individual permit instead of a nationwide permit. All possible alternatives must be evaluated publicly. We strongly urge the Corps to make this change.



- 2) Should the permit be issued and the project allowed to proceed, we advocate for additional oversight and guidance with regard to data recovery efforts. We know that the Advisory Council on Historic Preservation has suggested that in complex cases special oversight by “peer review” can be an appropriate strategy for moving forward with a project such as this one. We recommend that the treatment plan be revised/redeveloped and that research strategies be overseen by a panel composed of professional archaeologists with expertise in the region and representatives from the Monacan Nation. The panel must have the authority to guide methodology as the project progresses. This is essentially how the Werowocomoco project was developed with the Werowocomoco Research Group (professional Anthropologists) working closely with and guided by an all Native Advisory Board. Modern archaeological methods (and ethically sound research) recognize the valuable role that descendant communities play in planning, undertaking, and interpreting field research projects and we believe that the Monacan must be involved in this project at every stage.
- 3) We believe that the Treatment Plan currently underestimates the complexity of data recovery on deeply stratified floodplain sites. Our understanding is that these sites have the high potential to be incredibly methodologically difficult to properly mitigate, given their depth, complex stratigraphy, and close proximity to the edge of the river and the water table. An archaeological project like this will require an extended timeframe for completion and an appropriate budget to ensure that the sites are properly mitigated. If pushed forward, this project will require that archaeologists work closely with engineers to build, service, and maintain dewatering systems. Stepbacks, trenching, and shoring will have to be planned well in advance in order to protect the archaeologists and allow for the excavation of sensitive archaeological deposits including will add considerably to project costs. If conducting a data recovery becomes absolutely necessary, the work will require experience excavating sites of similar depth and stratigraphic complexity, experience working closely with construction engineers to maintain conditions of site safety, and experience with tribes during complicated and controversial projects.

Thank you for your consideration and the opportunity to comment on this important project.

Sincerely,

The Executive Board of the Council of Virginia Archaeologists

## **R-3s – Resolution Requesting Reconsideration of Water Intake Site to Avoid Monacan Nation Ancestral Village and Grave Sites and to Provide Improved Protection of Graves of Native American and Enslaved People**

**Resolved:** That the 225<sup>th</sup> Annual Convention of the Diocese of Virginia meeting November 14-16, 2019 in Arlington, Virginia, standing with our sisters, brothers, and siblings of the Monacan Nation, a State- and Federally-recognized Indian nation:

1. Request that the James River Water Authority (JRWA), as well as Commonwealth and federal permitting authorities, carefully reconsider the location and routing of the proposed JRWA water intake, pipeline, and treatment plant in Fluvanna County in order to avoid the site of Rassawek, a former capital of the Monacan Indian Nation, land containing the buried remains of many Monacan ancestors; and
2. Request that our Bishop and others representing the Diocese of Virginia before the General Assembly, seek and support improved legal protection against unwarranted disturbance of burial grounds and graves which may not have been adequately recorded in land records, particularly burial grounds of Native American, enslaved people, and paupers; and
3. Direct that the Secretary of the Diocese send a copy of this resolution to the elected leaders of the Monacan Nation, to the Governor of Virginia, the Board of Supervisors of Louisa and Fluvanna Counties, the James River Water Authority and to the District Engineer of the Army Corps of Engineers.

### **Background**

Rassawek in the 1600's was the capital of the Monacan Indian Nation located on the banks of the James River. Captain John Smith mentioned this city along with 4 other Monacan cities in his writings in 1612. This proposed project site, within the Diocese of Virginia, infringes on a historic Native American tribal site where ancestors of the Monacan Nation are buried. Today, all that is left of those ancestors is dust and bones. To disturb this land will disturb the remains of the ancestors. There are other sites along the James River that have been identified as appropriate sites for this water project.

We in our baptismal covenant promise to respect the dignity of every human being. Disturbing the remains of Native American Indian ancestors is not respectful of the dead or their living descendants. This proposed site infringes on a historic Native American tribal site. Those buried there deserve to rest in peace.

The Monacan Nation is the largest of our Virginia tribes and the least known. Their tribal grounds are located in the Diocese of Southwestern Virginia in Amherst County. They worship at St, Paul's Episcopal Church, Bear Mountain adjacent to those tribal grounds. As our sisters and brothers in Christ, we stand with them in protesting the location of this water project on the site of their historic tribal city and its burial grounds.

The Committee on Aging is part of the Tri-Diocesan Council on Aging that puts on the annual Fall Camp held at Shrine Mont the end of October every year. Members of the Monacan Nation have been participants in this event over the years. We are grateful that the late Chief of the Monacan Nation, Sharon Bryant, attended annually Fall Camp before her death and presented several workshops enlightening us about her tribe. The outreach project last year went to help support the culture classes for the youth of the Monacan Nation for making their dance regalia, and learning more about their crafts, stories, language and traditions.

*Submitted by The Rev. Marian K Windel on behalf of the Diocesan Committee on Aging*

**Additional Background: From the Resolutions Committee:**

Federal law extends some protection to the burial grounds and graves of federal recognized Indian nations. This law, the Native American Graves Protection and Repatriation Act, 25 U.S.C. section 3001, *et seq.*, provides for the respectful handling and repatriation of Native American human remains and funerary objects located on federal or tribal lands, and provides some degree of protection against unwarranted disturbance of these burial grounds and human remains. By its terms, that federal law does not apply to Monacan Nation tribal lands, though permitting authorities appear to be extending those procedures to this project, seeking to minimize disturbance of human remains. The website containing many of the reports about this project is at <https://www.fluvannacounty.org/bc-jrwa>

Virginia law governing abandoned cemeteries does not appear to extend any express protection to unrecorded Native American burial grounds, though that law does provide general procedures to follow to avoid such cemeteries in planning and construction and to contact living descendants, to the extent feasible, when the reburial of human remains is required. Virginia Code Ann. Section 57-36. Recent amendments expressly address issues arising from the location of abandoned cemeteries and gravesites of enslaved Virginians, and requires notice to appropriate authorities and recording of such sites in public records in the event such gravesites are located.<sup>1</sup>

Given our history of racial and economic discrimination in Virginia, including discrimination by The Episcopal Church, it is very fitting for this Diocese to address this situation. Thus, the resolution asks us to lead efforts to improve the protections given to the gravesites of Native Americans, enslaved people, poor people, and others whose gravesites went unrecorded in land records, even though these locations are very important to their descendants and to their communities.

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<sup>1</sup> Any locality that has acquired by any means land on which a previously unidentified or abandoned cemetery or gravesite of any Virginian held as a slave at the time of his death is located shall notify the Virginia Department of Historic Resources of the location of such cemetery or gravesite. The Department shall record the location of the cemetery or gravesite. A listing of the locations of all previously unidentified or abandoned cemeteries and gravesites of Virginians held as slaves at the time of their deaths that have been provided to the Department shall be maintained by the Department as a public record.



Preservation  
Virginia

February 3, 2020

James River Water Authority

Fluvanna County Board of Supervisors

Louisa County Board of Supervisors

VIA EMAIL

**Re: The James River Water Authority's James River Water Supply Project**

Dear Chair and Members of the James River Water Authority; Chair and Members of the Fluvanna County Board of Supervisors; and Chair and Members of the Louisa County Board of Supervisors:

The Southern Environmental Law Center and Preservation Virginia are writing to express our concern with the proposed James River Water Supply Project in Fluvanna County at the site known as Point of Fork or Rassawek. While we do not oppose or challenge the counties' need for a new water source, the currently proposed water in-take, pump station, and pipeline are likely to have serious impacts on significant historic, cultural, and archaeological resources in the area, including harm to sites associated with Rassawek, the historic capital of the Monacan Indian Nation.<sup>1</sup> These impacts raise substantial questions about whether the proposed site is the right place for the water supply project. Federal review of the project will require a comprehensive analysis of all reasonable alternatives, and there is a significant risk that the proposed location will not be approved or that any approval will be challenged. There is also growing public opposition to locating the water supply project at the site. In light of all of these factors, we urge the James River Water Authority (JRWA), Fluvanna County, and Louisa County to reevaluate the proposed location for the project, use the development of a robust alternatives analysis as a chance to take a hard look at other sites, and select another site for the proposed project.

**I. Point of Fork's Unique Resources**

The area at the confluence of the James and Rivanna Rivers is home to a unique and rich mix of historical, cultural, and archaeological resources that highlight the region's complex and

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<sup>1</sup> In fact, the Virginia Department of Historic Resources (DHR) has already found that the proposed project would adversely affect the Rivanna Canal Navigation Historic District and the James and Kanawha River Canal and Railroad for the purposes of Section 106 of the National Historic Preservation Act (NHPA). *See* Letter from Richard W. Kirchen, Dir. of Review and Compliance Div., Va. Dep't of Historic Res., to Jennifer Frye, Chief of the Western Va. Regulatory Section, U.S. Army Corps of Engineers (Jul 27, 2018). Although the quality of the archaeological field work is contested, *see* Letter from Cultural Heritage Partners, Counsel of the Monacan Indian Nation, to Steven VanderPloeg, Environmental Scientist, U.S. Army Corps of Engineers (Oct. 21, 2019), JRWA's initial treatment plan prepared for the proposed project also identified four additional archaeological sites that will be adversely affected by the project and DHR requested more information in order to determine the full scope of effects on these sites. Letter from Richard W. Kirchen, Dir. of Review and Compliance Div., Va. Dep't of Historic Res., to Jennifer Frye, Chief of the Western Va. Regulatory Section, U.S. Army Corps of Engineers (Jul 27, 2018); *see also*, Circa~Cultural Res. Mgmt., LLC, *Treatment Plan for Sites 032-0026, 032-5124, 44FV0022, 44FV0024, 44FV0268, and 44FV0269, James River Water Supply Pump Station and Pipeline Alignment, Fluvanna County, Virginia* VDHR Number 2015-0984 (Aug. 2018).

diverse past. Early historical documents, such as John Smith's 1606 map of Virginia,<sup>2</sup> place the Monacan Indian town of Rassawek at Point of Fork. Although it does not appear that English settlers ever visited the site, Rassawek was known as "the principal town of the Monacans, to which all other villages paid tribute."<sup>3</sup> The Smithsonian Institution undertook excavations in the late 1880s after a flood exposed between forty and fifty fireplaces, over twenty-five graves, and a large number of artifacts at the site.<sup>4</sup> Although local knowledge of the site continued, further archaeological investigation did not occur until construction of the Colonial Pipeline in 1980. Unfortunately archaeological work associated with the pipeline construction took place on an emergency basis; bulldozers had already destroyed much of the prehistoric town that intersected with the pipeline's route and archaeologists only had one weekend to conduct their survey.<sup>5</sup> Despite these limitations, archaeologists uncovered and documented an astounding number of artifacts, including three Indian pits, at the site (DHR No. 44FV0019).<sup>6</sup> Additional disturbances associated with the pipeline construction exposed other clusters of artifacts and human bones along Point of Fork, indicating that the archaeological remains of Rassawek are widespread (e.g., DHR Nos. 44FV0020, 44FV0021, and 44FV0022).<sup>7</sup> In fact, archaeological investigations associated with the proposed water supply project "result[ed] in the identification of three new sites ([DHR Nos.] 44FV0268, 44FV0269, and 44FV0270) and the relocation and expansion of three previously recorded sites ([DHR Nos.] 44FV0022, 44FV0024, 44FV0025)."<sup>8</sup> The Virginia Department of Historic Resources (DHR) has found several of the archaeological sites to be potentially eligible for listing in the National Register of Historic Places.<sup>9</sup>

In addition to the archaeological resources associated with Native American history, there are also extensive resources that correspond to United States' development as a nation at Point of Fork. During the Revolutionary War, Point of Fork was a place of strategic importance and served as one of Virginia's primary military installations with a training ground, barracks, supply depot, and arsenal.<sup>10</sup> The Point of Fork arsenal was raided and destroyed by the Queen's Rangers in 1781 "in a move [that coincided] with Tarleton's raid on the legislature at Charlottesville."<sup>11</sup> After it was rebuilt, the arsenal manufactured and repaired arms and equipment—including for the federal army and Virginia militia to use during the Whiskey Rebellion and Fallen Timbers

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<sup>2</sup> Document Bank of Va., "Captain John Smith, Map of Virginia, circa 1606," (last visited Jan. 23, 2020), <https://edu.lva.virginia.gov/dbva/items/show/53>. "The map is dated 1606; however, Smith did not reach the shores of Virginia until 1607, and he did not publish this map until three years after his return to England in 1609." *Id.*

<sup>3</sup> Samuel R. Cook, *MONACANS AND MINERS: NATIVE AMERICANS AND COAL MINING COMMUNITIES IN APPALACHIA* 30 (2000).

<sup>4</sup> Gerard Fowke, *ARCHEOLOGIC INVESTIGATIONS IN JAMES AND POTOMAC VALLEYS* 12-14 (1894).

<sup>5</sup> Daniel L. Mouer, *A Review of the Archaeology and Ethnohistory of the Monacan Indians*, *PIEDMONT ARCHAEOLOGY: RECENT RES. AND RESULTS* 21-39 (1983).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Letter from Richard W. Kirchen, Dir. of Review and Compliance Div., Va. Dep't of Historic Res., to Jennifer Frye, Chief of the Western Va. Regulatory Section, U.S. Army Corps of Engineers (Jun. 29, 2018).

<sup>9</sup> *Id.*

<sup>10</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Plantation (Aug. 13, 1974), [https://www.dhr.virginia.gov/VLR\\_to\\_transfer/PDFNoms/032-0024\\_Point\\_of\\_Fork\\_Plantation\\_1974\\_Final\\_Nomination.pdf](https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/032-0024_Point_of_Fork_Plantation_1974_Final_Nomination.pdf).

<sup>11</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Arsenal Nomination Form (Dec. 9, 1968), [https://www.dhr.virginia.gov/VLR\\_to\\_transfer/PDFNoms/032-0026\\_Point\\_of\\_Fork\\_Arsenal\\_Site\\_1969\\_Final\\_Nomination.pdf](https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/032-0026_Point_of_Fork_Arsenal_Site_1969_Final_Nomination.pdf).



campaign—until 1801.<sup>12</sup> The archaeological site associated with the arsenal is listed in both the Virginia Landmarks Register (DHR No. 032-0026) and the National Register of Historic Places (NPS No. 69000242).

By the 1830s, the Point of Fork Plantation had been built at the site by prominent Richmond businessman William Galt.<sup>13</sup> The plantation was occupied and plundered by Union troops during the Civil War and General Philip Sheridan set up headquarters at the main house.<sup>14</sup> The property was also home to James Galt—William Galt's great-nephew—who served in the Virginia General Assembly for two sessions after he was pardoned by President Johnson.<sup>15</sup> Point of Fork Plantation "ranks among the major examples of plantation architecture in the upper James region" and is listed in both the Virginia Landmarks Register (DHR No. 032-0024) and the National Register of Historic Places (NPS No. 74002116).<sup>16</sup> It is also home to the Point of Fork Servant Quarters (DHR No. 032-0024-0001).

The proposed project also intersects with the area's important navigational history. The Rivanna Canal Navigation Historic District is a four-and-a-half-mile-long canal and lock system along the Rivanna River in this area. Thomas Jefferson started navigational improvements to the Rivanna River in 1763, and the work culminated with the completion of the Rivanna Navigation in 1854.<sup>17</sup> While already listed in the Virginia Landmarks Register (DHR No. 032-0036), DHR has found that the Rivanna Canal Navigation Historic District is also eligible for listing in the National Register of Historic Places. Similarly, the James River and Kanawha Canal and Railroad, which is also located in this area, is listed in the Virginia Landmarks Register (DHR No. 032-5124) and has been found to be eligible for listing in the National Register of Historic Places.

## **II. Federal Review of Alternatives**

Due to the significant impacts the proposed water supply project may have on such resources, the U.S. Army Corps of Engineers (the Corps) is requiring an individual permit for the project under Section 404 of the Clean Water Act. This will also require the Corps to comply with requirements under the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA). Under all three of these statutes, the Corps must thoroughly review available alternatives to the proposed project. This will bring to light serious questions about whether Point of Fork is an appropriate location for a water supply project.

### **a. Clean Water Act Section 404 Permit Review**

The Corps' Clean Water Act permitting regulations require comprehensive analysis of whether issuing a permit would be in the "public interest" based on a careful weighing of the proposal's benefits against its costs and reasonably foreseeable impacts.<sup>18</sup> Among the factors that must be weighed in this analysis are the potential impacts (direct, indirect, and cumulative) on

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<sup>12</sup> *Id.*

<sup>13</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Plantation, *supra* note 10.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> See, Va. Dept. of Historic Resources Architectural Survey Form, Rivanna Canal Navigation Historic District.

<sup>18</sup> See 33 C.F.R. § 320.4(a)(1).

historic properties.<sup>19</sup> This review must also consider the extent of public and private need for the proposal, as well as the practicability of reasonable alternative locations for the project.<sup>20</sup> Federal courts have stated that the public interest must be given "significant consideration" in the review of a Section 404 permit.<sup>21</sup> The Corps' review of a permit application must therefore include careful analysis of the public interest and potential alternatives, particularly given the potentially severe impacts of the project on the area's historical, cultural, and archaeological resources.

b. Section 106 of the National Historic Preservation Act (NHPA) Review

The Clean Water Act permitting process will also require compliance with Section 106 of the NHPA,<sup>22</sup> as outlined in the Corps' "Procedures for the Protection of Historic Properties."<sup>23</sup> Under Section 106, the Corps is required to comprehensively review the potential direct and indirect effects of the proposal on historic resources and seek to avoid or minimize any adverse effects to the greatest extent possible.<sup>24</sup> This review is not limited to historic properties within the permit area; while the Corps must "take into account the effects, if any, of proposed undertakings on historic properties both within and beyond the waters of the U.S.,"<sup>25</sup> they must also "consider the effects of undertakings on any known historic properties that may occur outside the permit area."<sup>26</sup> Under Section 106, the Corps must fully evaluate the proposed project's potential effects on important historic, cultural, and archaeological resources, and opportunities to avoid or minimize any adverse effects must be thoroughly explored.

c. The National Environmental Policy Act (NEPA) Review

Finally, the Corps also will have to meet the requirements of NEPA in its review of the Clean Water Act Section 404 permit.<sup>27</sup> NEPA requires the Corps to "[r]igorously explore and objectively evaluate all reasonable alternatives" to meet the purpose and need of a proposed action,<sup>28</sup> and the Corps cannot predetermine or preordain the results of the analysis.<sup>29</sup> "In determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative."<sup>30</sup>

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<sup>19</sup> See *id.* The Corps' regulations further provide that the appropriate weight and level of analysis to be given to each factor will be determined by its "importance and relevance to the particular proposal." *Id.* at (a)(3).

<sup>20</sup> *Id.* at (a)(2).

<sup>21</sup> *Ohio Valley Envtl. Coal. v. Aracoma*, 556 F.3d 177, 191 (4th Cir. 2009).

<sup>22</sup> See 54 U.S.C. § 306108.

<sup>23</sup> 33 C.F.R. Part 325, App. C.

<sup>24</sup> See *id.* at §2(f) (noting that the Corps' historic resource review procedures are "intended to provide for the maximum consideration of historic properties within the time and jurisdictional constraints of the Corps regulatory program").

<sup>25</sup> *Id.* at § 2(a).

<sup>26</sup> *Id.* at §5(f).

<sup>27</sup> See 33 C.F.R. § 325.2(a)(4) (stating in regards to Department of the Army permits: "The district engineer will follow Appendix B of 33 CFR part 230 for environmental procedures and documentation required by the National Environmental Policy Act of 1969. A decision on a permit application will require either an environmental assessment or an environmental impact statement unless it is included within a categorical exclusion.").

<sup>28</sup> 40 C.F.R. § 1502.14; see also, *North Carolina Wildlife Fed'n v. North Carolina Dept. Transp.*, 677 F.3d 596, 602 (4th Cir. 2012); *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 814 (9th Cir. 1999) (noting that "a viable, but unexamined alternative renders [an EIS] inadequate.").

<sup>29</sup> See, *Forest Guardians v. U.S. Fish & Wildlife Serv.*, 611 F.3d 692, 714-15 (10th Cir. 2010).

<sup>30</sup> Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* at 2a. (1981) ("Reasonable alternatives include those that are practical or feasible from the

### III. JRWA's Alternatives Analysis

It has been clear for some time that the proposed water in-take, pump station, and pipeline are likely to have serious impacts on significant historic, cultural, and archaeological resources, but JRWA is only now thoroughly evaluating alternative locations for the proposed project. In the face of a searching and comprehensive federal review of alternatives, JRWA will be well-served by conducting a robust alternatives analysis that will provide the Corps with accurate information about the proposed project and its alternatives, as well as associated impacts on historical, cultural, and archaeological resources. Although this alternatives analysis is being undertaken quite late in the project development process, it is essential that the assessment remain unbiased towards the existing permitted project. Furthermore, due to the importance of this site to many groups—including the Monacan Indian Nation—JRWA and the counties should engage with the public and stakeholders in developing alternatives.

However, based on what is already known about Point of Fork, the diversity and density of historical, cultural, and archaeological resources makes this a truly special place—and one that is not suited for a water supply project. Public opposition to the project at Point of Fork highlights that this is an important site that is inappropriate for this type of infrastructure development. Beyond the federal permitting questions, some of the project's required state permits remain in flux, and there are serious questions about the archaeological work that has been completed at the site thus far. For these reasons, the alternatives analysis currently underway provides JRWA and the counties with an opportunity to reassess its decision to site the water supply project at Point of Fork, and we strongly urge JRWA and the counties to select another site.

Sincerely,



Trip Pollard  
Senior Attorney  
Southern Environmental Law Center



Elizabeth Kostelny  
Chief Executive Director  
Preservation Virginia



Carroll Courtenay  
Associate Attorney  
Southern Environmental Law Center

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technical and economic standpoint using common sense, rather than simply desirable from the standpoint of the applicant.").



Preservation  
Virginia

March 5, 2020

Jennifer Frye, Chief  
Western Virginia Regulatory Section  
U.S. Army Corps of Engineers, Norfolk District  
jennifer.s.frye@usace.army.mil

VIA EMAIL

Steven Vanderploeg, Environmental Scientist  
Western Virginia Regulatory Section  
U.S. Army Corps of Engineers, Norfolk District  
steven.a.vanderploeg@usace.army.mil

VIA EMAIL

**Re: James River Water Authority's Proposed Water Supply Project**

Dear Ms. Frye and Mr. Vanderploeg:

The Southern Environmental Law Center and Preservation Virginia are writing to express our concerns with the James River Water Authority's (JRWA) proposed water supply project in Fluvanna County, Virginia. SELC is a non-partisan, non-profit organization headquartered in Charlottesville that works to protect its natural and cultural resources throughout the southeast. Preservation Virginia is the state's leading historic preservation organization, and works to support and promote Virginia's communities and historic places.

The currently proposed water in-take, pump station, and pipeline are likely to have serious impacts on significant historic, cultural, and archaeological resources in the area, including harm to sites associated with Rassawek, the historic capital of the Monacan Indian Nation.<sup>1</sup> As you know, JRWA plans to seek approval of this project from the U.S. Army Corps of Engineers. However, the damage the proposal is likely to cause raises substantial questions about whether granting a permit for this project would be in the public interest, and whether less-damaging alternatives may be available. We urge the Western Virginia Regulatory Section to ensure a comprehensive and thorough review of this proposal, its adverse effects, and potential alternatives in connection with any permit application for this project.

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<sup>1</sup> The Virginia Department of Historic Resources (DHR) has already found that the proposed project would adversely affect the Rivanna Canal Navigation Historic District and the James and Kanawha River Canal and Railroad for the purposes of Section 106 of the National Historic Preservation Act (NHPA). *See*, Letter from Richard W. Kirchen, Dir. of Review and Compliance Div., Va. Dep't of Historic Res., to Jennifer Frye, Chief of the Western Va. Regulatory Section, U.S. Army Corps of Engineers (Jul 27, 2018). JRWA's initial treatment plan prepared for the proposed project also identified four additional archaeological sites that will be adversely affected by the project, although DHR requested more information in order to determine the full scope of effects on these sites. *Id.* *See also*, Circa~ Cultural Res. Mgmt., LLC, *Treatment Plan for Sites 032-0026, 032-5124, 44FV0022, 44FV0024, 44FV0268, and 44FV0269, James River Water Supply Pump Station and Pipeline Alignment, Fluvanna County, Virginia VDHR Number 2015-0984* (Aug. 2018).

## I. Point of Fork's Unique Resources

The area at the confluence of the James and Rivanna Rivers is home to a unique and rich mix of historical, cultural, and archaeological resources that highlight the region's complex and diverse past. Early historical documents, such as John Smith's 1606 map of Virginia,<sup>2</sup> place the Monacan Indian town of Rassawek at Point of Fork. Although it does not appear that English settlers ever visited the site, Rassawek was known as "the principal town of the Monacans, to which all other villages paid tribute."<sup>3</sup> The Smithsonian Institution undertook excavations in the late 1880s after a flood exposed between forty and fifty fireplaces, over twenty-five graves, and a large number of artifacts at the site.<sup>4</sup> Although local knowledge of the site continued, further archaeological investigation did not occur until construction of the Colonial Pipeline in 1980. Unfortunately, archaeological work associated with the pipeline construction took place on an emergency basis; bulldozers had already destroyed much of the prehistoric town that intersected with the pipeline's route and archaeologists only had one weekend to conduct their survey.<sup>5</sup> Despite these limitations, archaeologists uncovered and documented an astounding number of artifacts, including three Indian pits, at the site (DHR No. 44FV0019).<sup>6</sup> Additional disturbances associated with the pipeline construction exposed other clusters of artifacts and human bones along Point of Fork, indicating that the archaeological remains of Rassawek are widespread (e.g., DHR Nos. 44FV0020, 44FV0021, and 44FV0022).<sup>7</sup> In fact, archaeological investigations associated with the proposed water supply project "result[ed] in the identification of three new sites ([DHR Nos.] 44FV0268, 44FV0269, and 44FV0270) and the relocation and expansion of three previously recorded sites ([DHR Nos.] 44FV0022, 44FV0024, 44FV0025)."<sup>8</sup> The Virginia Department of Historic Resources (DHR) has found several of the archaeological sites to be potentially eligible for listing in the National Register of Historic Places.<sup>9</sup>

In addition to the archaeological resources associated with Native American history, there are also extensive resources that correspond to United States' development as a nation at Point of Fork. During the Revolutionary War, Point of Fork was a place of strategic importance and served as one of Virginia's primary military installations with a training ground, barracks, supply depot, and arsenal.<sup>10</sup> The Point of Fork arsenal was raided and destroyed by the Queen's Rangers

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<sup>2</sup> Document Bank of Va., "Captain John Smith, Map of Virginia, circa 1606," (last visited Jan. 23, 2020), <https://edu.lva.virginia.gov/dbva/items/show/53>. "The map is dated 1606; however, Smith did not reach the shores of Virginia until 1607, and he did not publish this map until three years after his return to England in 1609." *Id.*

<sup>3</sup> Samuel R. Cook, MONACANS AND MINERS: NATIVE AMERICANS AND COAL MINING COMMUNITIES IN APPALACHIA 30 (2000).

<sup>4</sup> Gerard Fowke, ARCHEOLOGIC INVESTIGATIONS IN JAMES AND POTOMAC VALLEYS 12-14 (1894).

<sup>5</sup> Daniel L. Mouer, *A Review of the Archaeology and Ethnohistory of the Monacan Indians*, *PIEDMONT ARCHAEOLOGY: RECENT RES. AND RESULTS* 21-39 (1983)).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Letter from Richard W. Kirchen, Dir. of Review and Compliance Div., Va. Dep't of Historic Res., to Jennifer Frye, Chief of the Western Va. Regulatory Section, U.S. Army Corps of Engineers (Jun. 29, 2018).

<sup>9</sup> *Id.*

<sup>10</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Plantation (Aug. 13, 1974), [https://www.dhr.virginia.gov/VLR\\_to\\_transfer/PDFNoms/032-0024\\_Point\\_of\\_Fork\\_Plantation\\_1974\\_Final\\_Nomination.pdf](https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/032-0024_Point_of_Fork_Plantation_1974_Final_Nomination.pdf).



in 1781 "in a move [that coincided] with Tarleton's raid on the legislature at Charlottesville."<sup>11</sup> After it was rebuilt, the arsenal manufactured and repaired arms and equipment—including for the federal army and Virginia militia to use during the Whiskey Rebellion and Fallen Timbers campaign—until 1801.<sup>12</sup> The archaeological site associated with the arsenal is listed in both the Virginia Landmarks Register (DHR No. 032-0026) and the National Register of Historic Places (NPS No. 69000242).

By the 1830s, the Point of Fork Plantation had been built at the site by prominent Richmond businessman William Galt.<sup>13</sup> The plantation was occupied and plundered by Union troops during the Civil War and General Philip Sheridan set up headquarters at the main house.<sup>14</sup> The property was also home to James Galt—William Galt's great-nephew—who served in the Virginia General Assembly for two sessions after he was pardoned by President Johnson.<sup>15</sup> Point of Fork Plantation "ranks among the major examples of plantation architecture in the upper James region" and is listed in both the Virginia Landmarks Register (DHR No. 032-0024) and the National Register of Historic Places (NPS No. 74002116).<sup>16</sup> It is also home to the Point of Fork Servant Quarters (DHR No. 032-0024-0001).

The proposed project also intersects with the area's important navigational history. The Rivanna Canal Navigation Historic District is a four-and-a-half-mile-long canal and lock system along the Rivanna River in this area. Thomas Jefferson started navigational improvements to the Rivanna River in 1763, and the work culminated with the completion of the Rivanna Navigation in 1854.<sup>17</sup> Already listed in the Virginia Landmarks Register (DHR No. 032-0036), DHR has found that the Rivanna Canal Navigation Historic District is also eligible for listing in the National Register of Historic Places. Similarly, the James River and Kanawha Canal and Railroad, which is also located in this area, is listed in the Virginia Landmarks Register (DHR No. 032-5124) and has been found to be eligible for listing in the National Register of Historic Places.

## **II. The Corps' Review**

Due to the significant impacts the proposed water supply project may have on such resources, the Corps is requiring an individual permit for the project under Section 404 of the Clean Water Act. This will also require the Corps to comply with requirements under the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA). Under all three of these statutes, the Corps must thoroughly review available alternatives to the proposed project, which will bring to light serious questions about whether Point of Fork is an appropriate location for a water supply project.

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<sup>11</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Arsenal Nomination Form (Dec. 9, 1968), [https://www.dhr.virginia.gov/VLR\\_to\\_transfer/PDFNoms/032-0026\\_Point\\_of\\_Fork\\_Arsenal\\_Site\\_1969\\_Final\\_Nomination.pdf](https://www.dhr.virginia.gov/VLR_to_transfer/PDFNoms/032-0026_Point_of_Fork_Arsenal_Site_1969_Final_Nomination.pdf).

<sup>12</sup> *Id.*

<sup>13</sup> Nat'l Register of Historic Places Inventory Nomination Form, Point of Fork Plantation, *supra* note 10.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *See*, Va. Dept. of Historic Resources Architectural Survey Form, Rivanna Canal Navigation Historic District.

#### A. Clean Water Act Section 404 Permit Review

Under the Corps' Clean Water Act permitting regulations, a comprehensive analysis of whether issuing a permit would be in the “public interest” based on a careful weighing of the proposal’s benefits against its costs and reasonably foreseeable impacts is required.<sup>18</sup> This analysis includes consideration of the potential direct, indirect, and cumulative impacts of the proposed project on historic properties, wetlands and water quality, floodplains and flood hazards, fish and wildlife habitat, economics, and the general public welfare.<sup>19</sup> As the Corps’ regulations state, with regard to historic and cultural values,

evaluation of the general public interest requires that due consideration be given to the effect which the proposed structure or activity may have on values such as those associated with . . . historic properties and National Landmarks, . . . archaeological resources, including Indian religious or cultural sites, and such other areas as may be established under state or federal law for similar and related purposes.<sup>20</sup>

The Corps' review must also consider the public and private need for the proposal, as well as the practicability of reasonable alternative locations for the project.<sup>21</sup> Federal courts have recognized that the public interest must be given “significant consideration” in the review of a Section 404 permit.<sup>22</sup>

The extent and diversity of historical, cultural, and archaeological resources at Point of Fork heighten the need for the Corps' review of the permit application submitted for the proposed water supply project to include careful analysis of the public interest and of possible alternatives. The potentially severe impacts of the project on these resources raise significant questions about the public interest of siting the project in such a historically and culturally important area, and evaluation of these impacts must be a central part of any public interest review for this project.

In addition, under guidelines developed by the U.S. Environmental Protection Agency to implement Section 404(b)(1) of the Clean Water Act, which the Corps must apply in its review of discharge permits,<sup>23</sup> “no discharge of dredged or fill materials shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.”<sup>24</sup> This means the Corps may only grant a Section 404 permit for the “least environmentally damaging practicable alternative” for a proposed project.

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<sup>18</sup> See 33 C.F.R. § 320.4(a)(1).

<sup>19</sup> See *id.* The Corps’ regulations further provide that the appropriate weight and level of analysis to be given to each factor will be determined by its “importance and relevance to the particular proposal.” *Id.* at (a)(3).

<sup>20</sup> *Id.* at (e).

<sup>21</sup> *Id.* at (a)(2).

<sup>22</sup> *Ohio Valley Envtl. Coal. v. Aracoma*, 556 F.3d 177, 191 (4th Cir. 2009).

<sup>23</sup> See 33 C.F.R. § 323.6(a); 33 C.F.R. § 320.4(a).

<sup>24</sup> 40 C.F.R. § 230.10(a); see also *B&B P’ship v. U.S.*, 133 F.3d 913 (4th Cir. 1997); *Precon Devel. Corp. v. U.S. Army Corps Eng’rs*, 658 F. Supp. 2d 752, 767 (E.D. Va. 2009).

## B. National Historic Preservation Act Section 106 Review

The Corp's permitting process for this project also must ensure compliance with Section 106 of the National Historic Preservation Act (NHPA),<sup>25</sup> as outlined in the Corps' "Procedures for the Protection of Historic Properties."<sup>26</sup> Under Section 106, the Corps is required to comprehensively review the potential direct and indirect effects of the proposal on historic resources and seek to avoid or minimize any adverse effects to the greatest extent possible.<sup>27</sup> This review is not limited to historic properties within the permit area; while the analysis must "take into account the effects, if any, of proposed undertakings on historic properties both within and beyond the waters of the U.S.,"<sup>28</sup> it must also "consider the effects of undertakings on any known historic properties that may occur outside the permit area."<sup>29</sup>

The project and its associated infrastructure and impacts will alter the historic setting of the area and may negatively affect the integrity of the area's historic, cultural, and archaeological resources. It is clear that archaeological remnants of Rassawek, the historic capital of the Monacan Indian Nation located at Point of Fork, are widespread. In order to appropriately assess the potential impacts of the project, it is imperative that the Corps analyze the project's impacts to the Rassawek site as a whole, and not just to the portion of archaeological resources that intersect with the permit area. The Corps must also carefully consider impacts to the Point of Fork Plantation and its associated servant quarters, as well as to the Rivanna Canal Navigation Historic District and the James River and Kanawha Canal and Railroad, which will be transected by the project.

Furthermore, it is essential that this review include close coordination and ample input opportunities for DHR, interested stakeholders and organizations, and the public.<sup>30</sup> Preservation Virginia has previously expressed concerns regarding the Section 106 consultation process, especially since consulting parties were brought into the discussion so late in the process.<sup>31</sup> Significant questions have also been raised about the qualifications of JRWA's archaeology expert, as well as previous archaeological work performed at the site. If the Corps determines that this archaeological work has caused anticipatory demolition of the site, it cannot grant a permit to JRWA for the proposed project.<sup>32</sup> For these reasons, we urge the Corps to conduct a

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<sup>25</sup> See 54 U.S.C. § 306108.

<sup>26</sup> 33 C.F.R. Part 325, App. C.

<sup>27</sup> See *id.* at §2(f) (noting that the Corps' historic resource review procedures are "intended to provide for the maximum consideration of historic properties within the time and jurisdictional constraints of the Corps regulatory program").

<sup>28</sup> *Id.* at § 2(a).

<sup>29</sup> *Id.* at §5(f).

<sup>30</sup> See *id.* (also noting that "[w]ithin the time constraints of applicable laws, executive orders, and regulations, the Corps will provide the maximum coordination and comment opportunities to interested parties").

<sup>31</sup> See, Letter from Justin A. Sarafin, Dir. of Preservation Initiatives & Engagement, Preservation Virginia to Steven Vanderploeg, Environmental Scientist, U.S. Army Corps of Engineers (Jun. 29, 2018).

<sup>32</sup> Under Section 110(k) of NHPA, "[e]ach Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant that, with intent to avoid the requirements of [Section 106 of the NHPA], has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed the significant adverse effect to occur, unless the agency, after consultation with the [Advisory Council on Historic Preservation (ACHP)], determines that circumstances justify granting the assistance despite the adverse effect created or permitted by the applicant." 54 U.S.C. § 306113.

robust and comprehensive Section 106 analysis for the proposed water supply project, and thoroughly explore all options to avoid or minimize any adverse effects.

### C. National Environmental Policy Act Review

The Corps also will have to satisfy the requirements of the National Environmental Policy Act (NEPA) in its review of any Section 404 permit submitted for the proposed project.<sup>33</sup> NEPA requires the Corps to "[r]igorously explore and objectively evaluate all reasonable alternatives" to meet the purpose and need of a proposed action<sup>34</sup> and the Corps cannot predetermine or preordain the results of the analysis.<sup>35</sup> "In determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative."<sup>36</sup> We strongly urge the Corps to ensure that this NEPA process comprehensively reviews the adverse effects of this proposal on the site, as well as any reasonable alternatives.

Given the significant extent and uncertainty of potential impacts of this proposal, the preparation of an environmental impact statement (EIS) will likely be necessary to inform the Corps' decision. NEPA provides that an EIS must be prepared for any major federal action "significantly affecting the quality of the human environment."<sup>37</sup> The proposed water supply project appears to implicate several of the "significance" factors identified in the Council on Environmental Quality's (CEQ) NEPA regulations,<sup>38</sup> which provide for the consideration of both "context" and "intensity," with "intensity" based on a list of several factors, including<sup>39</sup>:

- (3) Unique characteristics of the geographic area such as proximity to historic or cultural resources...;
- (4) The degree to which the effects on the human environment are likely to be highly controversial; and
- (8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources.

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<sup>33</sup> See 33 C.F.R. § 325.2(a)(4) (stating in regards to Department of the Army permits: "The district engineer will follow Appendix B of 33 CFR part 230 for environmental procedures and documentation required by the National Environmental Policy Act of 1969. A decision on a permit application will require either an environmental assessment or an environmental impact statement unless it is included within a categorical exclusion.").

<sup>34</sup> 40 C.F.R. § 1502.14; *see also*, *North Carolina Wildlife Fed'n v. North Carolina Dept. Transp.*, 677 F.3d 596, 602 (4th Cir. 2012); *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 814 (9th Cir. 1999) (noting that "a viable, but unexamined alternative renders [and EIS] inadequate.").

<sup>35</sup> *See*, *Forest Guardians v. U.S. Fish & Wildlife Serv.*, 611 F.3d 692, 714-15 (10th Cir. 2010).

<sup>36</sup> Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* at 2a. (1981) ("Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint using common sense, rather than simply desirable from the standpoint of the applicant.").

<sup>37</sup> 42 U.S.C. 4332(C).

<sup>38</sup> 40 C.F.R. §1508.27.

<sup>39</sup> *Id.* at §1508.27(b).

The proposed location for JRWA's proposed project is rich in historic and cultural resources, many of which are listed in or eligible for listing in the National Register of Historic Places. Furthermore, there is growing public opposition to siting the project at Point of Fork, especially because of its impact on historic, cultural, and archaeological resources. We therefore strongly urge the Corps to require preparation of an EIS for this proposal to ensure adequate review and analysis of the proposed project's adverse effects and available alternatives. As in the case of the Section 404 and Section 106 reviews discussed above, we also urge the Corps to provide ample opportunities for public input and involvement in this NEPA process.

Thank you for your consideration, and we look forward to participating in these reviews in relation to any permit application submitted for this project.

Sincerely,



Trip Pollard  
Senior Attorney  
Southern Environmental Law Center



Elizabeth Kostelny  
Chief Executive Director  
Preservation Virginia



Carroll Courtenay  
Associate Attorney  
Southern Environmental Law Center



June 4, 2020

Steven VanderPloeg  
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VIA EMAIL

**Re: Public Comment for Application Number NAO-2014-00708**

Dear Mr. VanderPloeg:

On behalf of the Southern Environmental Law Center and Preservation Virginia, we submit the following comments to the U.S. Army Corps of Engineers' Norfolk District on application number NAO-2014-00708, submitted by the James River Water Authority (JRWA) for a Clean Water Act (CWA) Section 404 permit authorizing the construction of a raw water intake and pipeline to withdraw water from the James River in Fluvanna County and transport it to Louisa County for treatment and ultimate use by both localities.<sup>1</sup> The water in-take and pump station are proposed to be located at a site known as Point of Fork or Rassawek, a historically and culturally significant site that Preservation Virginia recently listed as one of Virginia's most endangered historic places due to the proposed project.<sup>2</sup> Preservation Virginia is the state's leading historic preservation organization, and works to support and promote Virginia's communities and historic places. The Southern Environmental Law Center is a non-profit organization headquartered in Charlottesville that works to protect natural and cultural resources throughout the southeast.

While JRWA originally applied for a nationwide permit, we support the Norfolk District's determination that an individual permit must be prepared due to "concerns and uncertainty regarding the proposed project's impacts to historic properties" and the need to provide further analysis to inform the public interest evaluation required as part of the project's CWA Section 404 permit review.<sup>3</sup> Available information about these impacts and the existence of reasonable alternatives suggest that this application is not in the public interest and should be denied. If the Norfolk District does not deny the application at this point based on the available information, it must ensure that these impacts are further reviewed before any other decision is made by preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA), as well as by conducting a thorough review under Section 106 of the National Historic Preservation Act (NHPA). We also urge you to schedule a public hearing to ensure adequate opportunity for the public to voice their substantial concerns with this application.

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<sup>1</sup> Norfolk District, Public Notice, Application NAO-2014-00708 (Apr. 7, 2020).

<sup>2</sup> Preservation Virginia, *Most Endangered Historic Places* (last visited May 21, 2010), <https://preservationvirginia.org/our-work/most-endangered-historic-places/>.

<sup>3</sup> Letter from William T. Walker, Norfolk District, to Christian Goodwin, Louisa County Administrator, and Eric Dahl, Fluvanna County Administrator (Sept. 10, 2019).



**I. The Corps should deny the Section 404 permit application because issuing such a permit would not be in the public interest, especially since reasonable practicable alternatives exist.**

**A. The proposed project is not in the public interest.**

The Corps' Public Interest Guidelines for evaluating Section 404 permits under the CWA require a comprehensive analysis of whether the proposal would be in the "public interest" based on a balancing of the project's benefits against its costs and reasonably foreseeable impacts.<sup>4</sup> This review requires the assessment of potential direct, indirect, and cumulative impacts of the project, including the proposal's impact on wetlands and water quality, floodplains and flood hazards, fish and wildlife habitat, economics, the general public welfare, and historic properties.<sup>5</sup> In addition, the Corps' regulations provide that the appropriate weight and level of analysis to be given to each factor will be determined by its "importance and relevance to the particular proposal."<sup>6</sup> With regard to historic, cultural, scenic, and recreational values, the Corps' regulations pertaining to public interest review further require that

due consideration be given to the effect which the proposed structure or activity may have on values such as those associated with . . . historic properties and National Landmarks, . . . archaeological resources, including Indian religious or cultural sites, and other such areas as may be established under federal or state law for similar and related purposes.<sup>7</sup>

Federal courts have recognized that the public interest must be given "significant consideration" in the review of a Section 404 permit,<sup>8</sup> and the Corps cannot grant a Section 404 permit if the project is found to be "contrary to the public interest."<sup>9</sup>

While we do not take a position on the need for a new water supply for Fluvanna and Louisa counties at this time, the proposed project will seriously harm highly significant historic properties and cultural resources and substantially diminish the historic and cultural values of the area. The Corps should give special weight to these impacts, as the project's proposed location—a site known as Rassawek or Point of Fork—is truly unique.

As we have noted in previous letters to the Norfolk District,<sup>10</sup> Rassawek is the historic capital of the Monacan Indian Nation,<sup>11</sup> a federally recognized tribe, and numerous

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<sup>4</sup> 33 C.F.R. § 320.4(a)(1).

<sup>5</sup> *See id.*

<sup>6</sup> 33 C.F.R. § 320.4(a)(3).

<sup>7</sup> 33 C.F.R. § 320.4(e).

<sup>8</sup> *Ohio Valley Envtl. Coal. v. Aracoma*, 556 F.3d 177, 191 (4th Cir. 2009).

<sup>9</sup> 33 C.F.R. § 320.4(a)(1).

<sup>10</sup> *See*, letter from Trip Pollard & Carroll Courtenay, SELC, and Elizabeth Kostelny, Preservation Virginia, to Jennifer Frye & Steven VanderPloeg, Norfolk District (Mar. 5, 2020); letter from Trip Pollard & Carroll Courtenay, SELC, and Elizabeth Kostelny, Preservation Virginia, to Steven VanderPloeg, Norfolk District (Apr. 12, 2020).

<sup>11</sup> Although it does not appear that European settlers ever visited the site, early maps, including John Smith's 1606 map of Virginia, place the Monacan town of Rassawek at Point of Fork. Document Bank of Va., "Capital John Smith, Map of Virginia, circa 1606" (last visited Jan. 23, 2020), <https://edu.lva.virginia.gov/dbva/items/show/53>. "The map is dated 1606; however, Smith did not reach the shores of Virginia until 1607, and he did not publish this map until three years after this return to England in 1609." *Id.* Rassawek with known as "the principal town of the

archaeological and potential burial sites associated with Native American settlement have been documented at the site.<sup>12</sup> Limited archaeological investigations associated with the construction of the Colonial Pipeline in 1980 uncovered numerous artifacts at the site, as well as other clusters of artifacts and human bones that suggest the Native American settlement may be widespread.<sup>13</sup> In fact, archaeological investigations associated with the current proposal have "result[ed] in the identification of three new sites . . . and the relocation and expansion of three previously recorded sites."<sup>14</sup> The Virginia Department of Historic Resources (DHR) has found several of the archaeological sites to be potentially eligible for listing in the National Register of Historic Places.<sup>15</sup> Furthermore, the site holds immense cultural importance to the Monacan Indian Nation.

Beyond resources associated with the site's Native American history, the Rassawek/Point of Fork area contains historic resources from the Revolutionary War and Civil War periods that are listed in the National Register of Historic Places and the Virginia Landmarks Register.<sup>16</sup> Additionally, the proposed project will intersect with the area's important navigational history, since the project would cross both the Rivanna Canal Navigation Historic District and the James River and Kanawha Canal and Railroad, which are both listed in the Virginia Landmarks Register and are eligible for listing in the National Register of Historic Places.<sup>17</sup>

The Director of DHR has called Rassawek a "highly significant site" and has noted that "[d]ocumenting and preserving Native American sites is a priority for our department because it was an important part of Virginia history and it is not well understood or documented."<sup>18</sup> The protection of an area with such a diverse and dense mix of historic, cultural, and archaeological resources is extremely important to the public's understanding and appreciation of our shared history. There will be direct impacts to highly significant historic and archaeological resources in the path of the proposed project,<sup>19</sup> and the indirect and cumulative impacts of the project will

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Monacans, to which all other villages paid tribute." Samuel R. Cook, *MONACANS AND MINERS: NATIVE AMERICANS AND COAL MINING COMMUNITIES IN APPALACHIA* 30 (2000).

<sup>12</sup> Gerard Fowke, *ARCHAEOLOGIC INVESTIGATIONS IN JAMES AND POTOMAC VALLEYS* 12-14 (1894); Daniel L. Mouer, *A Review of the Archaeology and Ethnohistory of the Monacan Indians*, *PIEDMONT ARCHAEOLOGY: RECENT RES. AND RESULTS* 21-39 (1983).

<sup>13</sup> Daniel L. Mouer, *A Review of the Archaeology and Ethnohistory of the Monacan Indians*, *PIEDMONT ARCHAEOLOGY: RECENT RES. AND RESULTS* 21-39 (1983).

<sup>14</sup> Letter from Richard W. Kirchen, DHR, to Jennifer Frye, Norfolk District (Jun. 29, 2018).

<sup>15</sup> *Id.*

<sup>16</sup> The archaeological site associated with the Point of Fork arsenal, which was active during the Revolutionary War, is listed in both the Virginia Landmarks Register (DHR No. 032-0026) and the National Register of Historic Places (NPS No. 69000242). Point of Fork Plantation, which was built in the 1830s, is listed in both the Virginia Landmarks Register (DHR No. 032-0023) and the National Register of Historic Places (NPS No. 74002116), and it is also home to the Point of Fork Servant Quarters (DHR No. 032-0024-0001).

<sup>17</sup> The Rivanna Canal Navigation Historic District is listed as DHR No. 032-0036 in the Virginia Landmarks Register. The James River and Kanawha Canal and Railroad is listed as DHR No. 032-5124 in the Virginia Landmarks Register.

<sup>18</sup> Gregory S. Schneider, *Virginia's Monacan tribe uses new federal status to take a stand for what could be its long-lost capital*, *THE WASHINGTON POST* (Jan. 5, 2020), [https://www.washingtonpost.com/local/virginia-politics/virginias-monacan-tribe-uses-new-federal-status-to-take-a-stand-for-what-could-be-its-long-lost-capital/2020/01/05/66a6f826-227f-11ea-bed5-880264cc91a9\\_story.html](https://www.washingtonpost.com/local/virginia-politics/virginias-monacan-tribe-uses-new-federal-status-to-take-a-stand-for-what-could-be-its-long-lost-capital/2020/01/05/66a6f826-227f-11ea-bed5-880264cc91a9_story.html).

<sup>19</sup> See, letter from Jennifer S. Fry, Norfolk District, to Richard W. Kirchen, DHR (May 30, 2018) (finding that the proposed project, based on earlier application materials, would adversely affect at least six resources that are listed or eligible for listing in the National Register of Historic Resources).

irrevocably change the setting, and perhaps the integrity, of the site. These impacts are not in the public interest.

B. There are alternatives that will meet the counties' water needs and will minimize impacts to important historic and cultural resources.

The Public Interest Guidelines also require that the Corps evaluate the practicability of reasonable alternative locations for the proposed project.<sup>20</sup> The project's purpose is to provide "a new and reliable raw water supply of sufficient quantity to meet the short and long-term needs of Fluvanna and Louisa Counties for delivery to an agreed-upon T interconnection point."<sup>21</sup> In this case, alternatives exist that would provide an adequate long-term water supply for the two localities<sup>22</sup> while likely minimizing impacts on the significant historic and cultural resources found at Rassawek/Point of Fork. All of the other alternatives examined by JRWA are sited some distance away from the confluence of the James and Rivanna Rivers, where much of the historic and cultural resources impacted by the proposed project are located. Many archaeological remnants associated with Rassawek have been found in the vicinity of this "point" and the Monacan Indian Nation has indicated a willingness to study alternatives that move the project from this location, which they consider to be the "heart" of Rassawek.<sup>23</sup> JRWA has also not assessed opportunities to use horizontal directional drilling in lieu of trench excavation to build the pipeline. This type of construction technique may reduce impacts to historic and cultural resources by allowing the pipeline to be placed under historically and culturally significant resource layers.

Furthermore, the cost differential between the alternatives may not be as large as JRWA estimates. For example, the alternatives analysis prepared by JRWA leaves out consideration of important historic and cultural survey, recovery, and mitigation costs<sup>24</sup>—costs that are likely to be substantial due to the project's currently proposed location in the likely heart of Rassawek. The estimated property acquisition costs for each alternative may also be inflated. JRWA paid substantially more for two of the five easements it acquired for the proposed project, and these outliers greatly increased the default figure used to estimate property acquisition costs for each

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<sup>20</sup> 33 C.F.R. § 320.4(a)(2)(ii). Consideration of practicable alternatives under the Public Interest Guidelines is separate from the requirement established under the Environmental Protection Agency's 404(b)(1) Guidelines, which prohibits the Corps from issuing a Section 404 permit "if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem" (commonly known as the least environmentally damaging practicable alternative, or LEDPA). See 40 C.F.R. § 230.10(a). See also, *Sierra Club v. Van Antwerp*, 709 F.Supp.2d 1254, 1259 (S.D. Fla. 2009).

<sup>21</sup> JRWA, *James River Water Supply Project Supplemental Information Package NAO-2014-0070* 27 (Mar. 2020).

<sup>22</sup> All of the alternatives examined appear to provide a sufficient quantity of water to meet the counties' long-term water supply needs, although additional water treatment may be needed to ensure sufficient quality of water from some of the alternative in-takes. *Id.* at 111-20 (Mar. 2020).

<sup>23</sup> Letter from Greg Werkheiser, Monacan Indian Nation Attorney, to Justin W. Curtis, JRWA Attorney, Frederick W. Payne, Fluvanna County Attorney, Helen E. Phillips, Louisa County Attorney (Mar. 10, 2020).

<sup>24</sup> JRWA, *James River Water Supply Project Supplemental Information Package NAO-2014-0070* 95 (Mar. 2020). As the DHR notes, the analysis of alternatives "does not fully consider the relative significance of the archaeological resources identified at the preferred alternative in comparison to the anticipated resources at the other alternatives" and a "[q]uantitative analysis of the number of sites and acreage that may be impacted by the project fails to wholly grasp this significance." Letter from Richard W. Kirchen, DHR, to Steven VanderPloeg, Norfolk District (May 7, 2020).

alternative.<sup>25</sup> Finally, there appear to be opportunities to co-locate much of the pipeline route with existing road, railway, and utility right-of-ways for many of the alternatives considered. The current alternatives analysis appears to only consider the potential benefits of utility easement co-locations,<sup>26</sup> but the ability to co-locate the project along roads and railroads may further decrease property acquisition costs and also allow much of the pipeline to be sited in previously disturbed or encumbered areas.

In short, granting this permit would not be in the public interest given the proposed project's potentially severe impacts on the unique historic and cultural resources at Rassawek/Point of Fork and the availability of reasonable practicable alternatives that would help minimize such impacts. We therefore urge the Corps to deny this permit.

## **II. To comply with NEPA, the Corps must prepare an EIS for the proposed project.**

### **A. The proposed project will have a significant effect on the environment.**

If the Corps does not deny the permit due to its failure to meet the requirements of Section 404 based on the information available, then it must satisfy the requirements of NEPA in any further review of the permit application.<sup>27</sup> NEPA is "designed to prevent agencies from acting on incomplete information and to ensure that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast."<sup>28</sup> To this end, NEPA obligates the Corps to prepare an EIS if "*any* significant environmental impacts might result" from a project permitted by the Corps.<sup>29</sup>

To evaluate whether a potential impact is "significant," the Corps must analyze both the context in which the proposed action would take place and the intensity of its impact.<sup>30</sup> The "context" requirement "means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality."<sup>31</sup> "Considering context is critical because the significance of an action can vary based on the setting and surrounding circumstances."<sup>32</sup> As described above, due to the numerous historic and cultural resources found in the area, Rassawek/Point of Fork is a place of local and national historical significance. Additionally, Rassawek is a place of importance to all citizens of the Monacan Indian Nation as the Nation's former capital. The Monacan's territory once

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<sup>25</sup> JRWA acquired two easements at a cost of \$86,416 per acre and \$22,352 per acre. The other three easements were obtained for \$7,698 per acre, \$2,274 per acre, and \$1,536 per acre. JRWA, *James River Water Supply Project Supplemental Information Package NAO-2014-0070* App. H-9-4 (Mar. 2020).

<sup>26</sup> *See id.* at 123, tbl. 22.

<sup>27</sup> *See* 33 C.F.R. § 325.2(a)(4) (In reviewing Department of Army permits, "[t]he district engineer will follow Appendix B of 33 CFR part 230 for environmental procedures and documentation required by the National Environmental Policy Act of 1969. A decision on a permit application will require either an environmental assessment or an environmental impact statement unless it is included within a categorical exclusion.").

<sup>28</sup> *Sierra Club v. U.S. Army Corps of Eng'rs*, 295 F.3d 1209, 1214 (11th Cir. 2002) (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989)) (internal quotation marks omitted).

<sup>29</sup> *Sierra Club v. Peterson*, 717 F.2d 1409, 1415 (D.C. Cir. 1983) (emphasis in original); 42 U.S.C. § 4332(2)(C).

<sup>30</sup> 40 C.F.R. § 1508.27.

<sup>31</sup> *Id.*

<sup>32</sup> *Am. Rivers v. Fed. Energy Regulatory Comm'n*, 895 F.3d 32, 49 (D.C. Cir. 2018); *see also* 40 C.F.R. § 1508.27 ("Significance varies with the setting of the proposed action.").

stretched from the Fall Line in Richmond to the Blue Ridge Mountains, and the Nation currently has over 2,300 citizens.<sup>33</sup>

The second consideration, "intensity," concerns "the severity of impact."<sup>34</sup> NEPA regulations prescribe several factors that can make a project significant, including:

- "Unique characteristics of the geographic area such as proximity to historic or cultural resources . . . ;"
- "The degree to which the action may adversely affect districts, sites, highways, structures or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources;" and
- "The degree to which the effects on the quality of the human environment are likely to be highly controversial."<sup>35</sup>

JRWA's proposal implicates each of these intensity factors. First, it is located in a unique geographic area due to the numerous historic and cultural resources located on the site and nearby. Even the limited and highly constrained archaeological work that has been completed in the area to date has revealed extensive archaeological and cultural resources associated with Native American history; and the list of documented resources has grown with each successive investigation.<sup>36</sup> Furthermore, Rassawek/Point of Fork is home to numerous other resources, with historic sites from the Revolutionary War, Civil War, and the area's navigational history.

Second, the project will adversely affect and/or cause loss or destruction of these very same significant resources, many of which have been deemed eligible for listing in the National Register of Historic Places. For example, the Corps' initial review of the nationwide permit application concluded that the proposed project would adversely affect at least eight resources that are listed in or eligible for listing in the National Register of Historic Resources.<sup>37</sup> These resources include six archaeological sites associated with Native American history, as well as the Rivanna Canal Navigation Historic District and the James River and Kanawha Canal Railroad. Furthermore, JRWA's permit application acknowledges that "[e]xcavation activities necessary to construct the pump station and water main are considered destructive of buried archaeological resources."<sup>38</sup>

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<sup>33</sup> Monacan Indian Nation, *About Us* (last visited Apr. 30, 2020), <https://www.monacannation.com/about-us.html>.

<sup>34</sup> 40 C.F.R. § 1508.27(b).

<sup>35</sup> 40 C.F.R. § 1508.27.

<sup>36</sup> See e.g., letter from Richard W. Kirchen, DHR, to Jennifer Frye, Norfolk District (Jun. 29, 2018) (noting that investigations associated with the proposed project "result[ed] the identification of three new sites . . . and the relocation and expansion of three previously recorded sites.").

<sup>37</sup> Letter from Jennifer S. Fry, Norfolk District, to Richard W. Kirchen, DHR (May 30, 2018).

<sup>38</sup> JRWA, *James River Water Supply Project Supplemental Information Package NAO-2014-0070* 165 (Mar. 2020).

Finally, there is considerable controversy and uncertainty about the extent of the project's impacts, as well as the adequacy of historic and cultural resource studies undertaken so far.<sup>39</sup> For one thing, Rassawek has not been well-studied. However, previous archaeological and anthropological work suggests that the remains of this historic capital are likely extensive.<sup>40</sup> The project would also result in an inter-basin transfer of water between the James River watershed and the York River watershed, and the potential environmental and human impacts of such a transfer have yet to be evaluated.<sup>41</sup>

There is also substantial controversy about the proposal in the ordinary sense of the term. The Monacan Indian Nation and local historical groups are opposed to siting the project at the proposed location.<sup>42</sup> The National Trust for Historic Preservation has also opposed the proposal, as have our organizations. Over 100 members of the public attended the weekday meeting where JRWA voted to proceed with the Corps' Section 404 permit application, and 50 people spoke out in opposition to the project (and none spoke in favor).<sup>43</sup> Additionally, over 2,200 individuals and organizations have signed onto a public letter asking both the Corps and Governor Northam to deny permits for this project. The City of Richmond also has significant concerns about the project related to its water rights.<sup>44</sup>

Considering the unique and sensitive context of the proposed project and the fact that it clearly meets several of the NEPA significance factors, an EIS is warranted if the Corps proceeds with further consideration of this proposal in order to ensure adequate review of this project and the significant impacts it would have on the project area.<sup>45</sup>

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<sup>39</sup> In this context, "highly controversial" means there is "a substantial dispute about the size, nature or effect" of the proposed action. *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998); *Am. Bird Conservancy, Inc. v. FCC*, 516 F.3d 1027, 1033 (D.C. Cir. 2008).

<sup>40</sup> The Smithsonian Institution undertook excavations in the late 1880s after a flood exposed between forty and fifty fireplaces, over twenty-five graves, and a large number of artifacts at the site. Gerard Fowke, *ARCHEOLOGIC INVESTIGATIONS IN JAMES AND POTOMAC VALLEYS 12-14* (1894). Archaeological work associated with the 1980 construction of the Colonial Pipeline uncovered and documented an astounding number of artifacts, including three Indian pits, at the site (DHR No. 44FV0019). Daniel L. Mouer, *A Review of the Archaeology and Ethnohistory of the Monacan Indians*, *PIEDMONT ARCHAEOLOGY: RECENT RES. AND RESULTS* 21-39 (1983). Additional disturbances associated with the pipeline construction exposed other clusters of artifacts and human bones along Point of Fork, indicating that the archaeological remains of Rassawek are widespread (e.g., DHR Nos. 44FV0020, 44FV0021, and 44FV0022). *Id.*

<sup>41</sup> See generally, Wen Zhuang, *Eco-environmental Impact of Inter-basin Water Transfer Projects: A Review*, 23 *ENVTL. SCI. & POLLUTION RES.* 12867-79 (2016).

<sup>42</sup> Letter from Marvin F. Moss, Fluvanna Historical Society, to William T. Walker, Norfolk District (Dec. 14, 2018); Letter from Roger C. Nelson, Va. Canals & Navigation Society, to Steven VanderPloeg, Norfolk District (Dec. 21, 2018).

<sup>43</sup> Allison Warbel, *Despite Opposition, JRWA Still to Pursue Rassawek Site for Water Pump Station*, *THE DAILY PROGRESS* (Mar. 11, 2020), [https://www.dailyprogress.com/news/local/despite-opposition-jrwa-still-to-pursue-rassawek-site-for-water/article\\_6595e519-b6c0-5d14-a689-91453a6caf3b.html](https://www.dailyprogress.com/news/local/despite-opposition-jrwa-still-to-pursue-rassawek-site-for-water/article_6595e519-b6c0-5d14-a689-91453a6caf3b.html).

<sup>44</sup> Letter from Robert C. Steidel, City of Richmond, to Sarah Marsala, DEQ (Nov. 17, 2015); letter from Robert C. Steidel, City of Richmond, to Sarah Marsala, DEQ (Sept. 21, 2015).

<sup>45</sup> See, *Fund for Animals v. Norton*, 281 F. Supp. 2d 209, 235 (D.D.C. 2003) (noting that "the existence of one or more significance factors" can trigger the need for an EIS).



B. An environmental assessment (EA) cannot replace an EIS.

When the significance factors are present, an EA, no matter how lengthy or detailed, can never replace an EIS. That is because "an EA and an EIS serve very different purposes."<sup>46</sup> An EA focuses on determining whether any effects might be significant; an EIS is a complete investigation of what those effects would be. "To treat an EA as if it were an EIS would confuse these different roles, to the point where neither the agency nor those outside it could be certain that the government fully recognized and took proper account of environmental effects in making a decision with a likely significant impact on the environment."<sup>47</sup> "For one thing, those outside the agency have less opportunity to comment on an EA than on an EIS. For another thing, those inside the agency might pay less attention to environmental effects when described in an EA than when described in an EIS."<sup>48</sup>

C. The alternatives analysis required in an EIS will provide important information about the effects of the project on historic and cultural resources.

The alternatives analysis is the heart of NEPA.<sup>49</sup> Under NEPA, agencies are required to "rigorously explore and objectively evaluate all reasonable alternatives to a proposed action" in an EIS,<sup>50</sup> and the alternatives analysis must explore the direct and indirect individual effects of each alternative.<sup>51</sup>

While JRWA has provided some information about the alternatives analyzed as part of its Supplemental Information Package, much still remains unknown about the true impacts of alternatives—including the currently proposed project—on historic and cultural resources. Questions have been raised about the archaeological work undertaken during the survey work for the proposed project, and JRWA's analysis has failed to consider the cultural significance of the "point" of Rassawek to the Monacan Indian Nation. Furthermore, only the proposed project has received much analysis at all. For the other alternatives, only a desktop analysis of sites previously identified in DHR's Virginia Cultural Resources Information System (V-CRIS) database was completed,<sup>52</sup> and DHR has raised concerns that JRWA's alternatives analysis "does not fully consider the relative significance of the archaeological resources identified at the preferred alternative in comparison to the anticipated resources at the other alternatives."<sup>53</sup>

Since the proposed project is the only site that has been formally studied, the comprehensive alternatives analysis required in an EIS will provide more information about the

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<sup>46</sup> *Sierra Club v. Marsh*, 769 F.2d 868, 875 (1st Cir. 1985) (Breyer, J.).

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> 40 C.F.R. § 1502.14.

<sup>50</sup> *Id.*; see also, 23 C.F.R. § 771.123(c) ("The draft EIS must evaluate all reasonable alternatives to the action . . ."); Council on Envtl. Quality, Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations at 2a. (1981) ("In determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out a particular alternative. Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant.").

<sup>51</sup> 40 C.F.R. § 1502.16.

<sup>52</sup> JRWA, *James River Water Supply Project Supplemental Information Package NAO-2014-0070* 143 (Mar. 2020).

<sup>53</sup> Letter from Richard W. Kirchen, DHR, to Steven VanderPloeg, Norfolk District (May 7, 2020).

impacts of each of the alternatives on historic and cultural resources in the area, and allow for a more accurate comparison between the alternatives. This will help ensure that both public officials and members of the public understand the full environmental consequences of the project.

### **III. Review under Section 106 of the NHPA requires review of impacts to resources outside the proposed project's footprint.**

We also reiterate our earlier calls for a thorough review of the proposed project under Section 106 of the NHPA.<sup>54</sup> It is clear that the archaeological remnants of Rassawek are extensive, and it is imperative that the Corps analyze the proposal's impacts to the Rassawek site as a whole and not just the portion of archaeological resources that intersect with the permit area. The Corps' procedures for implementing Section 106 note that the analysis must "take into account the effects, if any, of proposed undertakings on historic properties both within and beyond the waters of the U.S.," and must "consider the effects of undertakings on any known historic properties that may occur outside the permit area."<sup>55</sup> This comprehensive review must take into account potential direct and indirect effects of the proposed project, and the Corps must seek to avoid or minimize any adverse effects to the greatest extent possible.<sup>56</sup>

As discussed above, Rassawek/Point of Fork is home to a number of resources listed in both the National Register of Historic Place and the Virginia Landmarks Register, and the diversity and density of historic and cultural resources in the area make is a truly unique place. The Corps must take a hard look at how the project's direct and indirect impacts will alter the historic setting of the area, especially since these impacts have the potential to negatively affect the integrity of Rassawek/Point of Fork's historic, cultural, and archaeological resources.

### **IV. Request for Public Hearing**

Finally, we request that the Corps schedule a public hearing for this application.<sup>57</sup> As discussed above, this project is extremely controversial and has the potential to substantially impact important historic, cultural, and archaeological resources. Moreover, as we wrote in our previous request for an extension to the public comment period, the COVID-19 pandemic has severely hampered the public's ability to participate in the review of this application.<sup>58</sup> Ideally, an in-person public hearing scheduled after the conclusion of Virginia's safer-in-place order will give the public an opportunity to learn more about this project and to raise their concerns directly with the Corps, in addition to hearing the concerns raised by others. We recognize, however, that decisions to hold an in-person public hearing may need to be revisited as more information about the Commonwealth's reopening becomes available. No matter the format of the public hearing,

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<sup>54</sup> See, letter from Trip Pollard & Carroll Courtenay, SELC, and Elizabeth Kostelny, Preservation Virginia, to Jennifer Frye & Steven VanderPloeg, Norfolk District (Mar. 5, 2020).

<sup>55</sup> 33 C.F.R. Part 325, App. C. §§ 2(a), 5(f).

<sup>56</sup> See, 33 C.F.R. Part 325, App. C., §2(f) (noting that the Corps' historic resource review procedures are "intended to provide for the maximum consideration of historic properties within the time and jurisdictional constraints of the Corps regulatory program").

<sup>57</sup> 33 CFR § 327.4.

<sup>58</sup> Letter from Trip Pollard & Carroll Courtenay, SELC, and Elizabeth Kostelny, Preservation Virginia, to Steven VanderPloeg, Norfolk District (Apr. 12, 2020).

we urge the Corps to ensure that members of the public have an adequate and equitable opportunity to participate in the public hearing process.

## **V. Conclusion**

We appreciate the Norfolk District's thoughtful review of this application. Based on current information available about the proposal, the project's impacts to historic and cultural resources demonstrate that this project is not in the public interest, especially since viable alternative locations exist. For these reasons, we urge the Corps to deny the permit. If the Corps does not deny the permit at this point, to comply with the CWA, NEPA, and the NHPA it is imperative that the Corps undertake a thorough study of the project's impacts on the environment and historic and cultural resources, including by preparing an EIS for the project and by holding a public hearing.

Thank you for your consideration, and please contact us if you have any questions or would like to discuss any of the issues raised in this letter.

Sincerely,



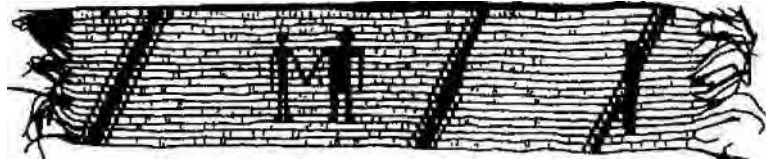
Trip Pollard  
Senior Attorney  
Southern Environmental Law Center



Elizabeth Kostelny  
Chief Executive Officer  
Preservation Virginia



Carroll Courtenay  
Associate Attorney  
Southern Environmental Law Center



## Indian Affairs Committee

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Baltimore Yearly Meeting • 17100 Quaker Lane • Sandy Spring, MD 20860 • (301)774-7663

April 10, 2020

The Indian Affairs Committee stands with the Monacan Nation in opposing construction of a proposed water intake and pipeline in an area known as Point of Fork. This James River Water Authority project would destroy an ancestral village which is known through oral traditions, written histories, and confirmed through initial, cursory archeological investigations. Field-studies for the proposed project identified numerous artifacts, some of which date to pre-historic times, and even to 1,200 BEC (before present era).

Damage to physical and intangible values of disadvantaged people, like the Monacan Nation, is environmental injustice. It happens often when the powerful take advantage of others. Increased costs have been cited as reasons for not locating the water facilities in places that do not damage Monacan sites. Monetary cost-savings and anticipated benefits to people who live at some distance from the location of the facilities does not help those most affected by the damage the project brings. What are the costs of unknown history, lost forever?

When we think of the history of Virginia attempting to eliminate our indigenous people through census manipulation, eugenics, and segregation, we need to stand up and say No More. We value Native peoples, their histories, their rich cultures that they generously share with those of us who are not indigenous—and we value the places of their ancestors.

Don't allow the pumping facility, the pipeline, or other development to disturb the Monacan sites without their support.

Yours in peace,

Susan Marcus  
Co-clerk,  
Indian Affairs Committee  
Baltimore Yearly Meeting



**National Trust for  
Historic Preservation**  
*Save the past. Enrich the future.*

May 7, 2020

Mr. Steven VanderPloeg  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236  
[steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)

**Re: Application Number NAO-2014-00708 - Request for  
Extension on Public Comment Period, Public Hearing, and  
Environmental Impact Statement**

To Mr. VanderPloeg:

On April 7, 2020, the Norfolk District of the U.S. Army Corps of Engineers published notice of an application by the James River Water Authority (JRWA) for a discharge permit to construct a water in-take and pump station (Project) along the James River in Fluvanna County, at a site known as Point of Fork or Rassawek (Application Number NAO-2014-00708). The public notice allowed only 30 days for public comment, failed to schedule a public hearing, and indicated that the Corps intends to proceed to review this permit request without preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA). On May 7, 2020, the Corps filed a notice extending the time for comment for an additional thirty days through June 7, 2020. The National Trust for Historic Preservation is concerned that the Project will cause adverse effects to cultural, historic, and natural resources and we respectfully request that the Corps further extend the comment period, make plans to hold a public meeting, and prepare an EIS.

The National Trust is a private, nonprofit organization chartered by Congress in 1949 to facilitate public participation in the preservation of our nation's heritage, and to further the historic preservation policy of the United States. Congress intended the Trust "to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings." In fulfilling this role, the National Trust strives to protect a cultural legacy that is as diverse as the nation itself so all of us can take pride in our part of the American story.

The site selected by the JRWA for the water pumping station is the likely site of Rassawek, the capital of the federally recognized Monacan Nation. The location of Rassawek at the confluence of the James and Rivanna rivers was recorded by John Smith in his 1606 map of Virginia.<sup>1</sup> Rassawek was the principal

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<sup>1</sup> "Captain John Smith, Map of Virginia, circa 1606," *Document Bank of Virginia*, accessed May 5, 2020, <https://edu.lva.virginia.gov/dbva/items/show/53>.

town of the Monacans. Prior archeological investigations have unearthed human burials at the site believed to be Monacan ancestors, which provide a tangible connection between contemporary Monacans and their collective past.<sup>2</sup> Moreover, the Virginia Department of Historic Resources has determined that the site proposed for development contains several archeological sites eligible for listing in the National Register of Historic Places, making it an important source of historical information.<sup>3</sup> In sum, Rassawek is not an appropriate place to build the Project. Alternative sites should be fully explored that balance the need to provide water resources to the local community with the need to preserve this significant historic place.

### **Inadequate Public Notice**

Upon review of the materials initially posted on the Corps' website for the Project, we discovered that a large portion of the materials submitted to support the permit application were not available online for public review. For example, the Table of Contents for the "James River Water Supply Project Supplemental Information Package" prepared by JRWA's consultants the Timmons Group, and filed to support the permit application, indicated that multiple appendices, numbered through Appendix M-1-2, are a part of this report. However, the information posted on the Corps' website abruptly stopped at the cover page for Appendix C-2-2. When the Corps issued its notice on May 7, 2020 extending the comment period, the missing information was updated and posted online. The newly posted information includes approximately 2,000 additional pages. Given the volume of additional material provided for public review, a thirty-day extension is insufficient time to allow the public to fully evaluate and comment on the Project. The Corps should extend the comment period for at least sixty days, through July 7, 2020, to allow adequate time for the public to evaluate the materials.

### **Extension of Time and Public Meeting**

Due to the current COVID-19 public health crisis in Virginia and the United States, Governor Ralph Northam has issued a series of executive orders responding to the health emergency. This includes Executive Order 55, issued on March 30, 2020, requiring all Virginia citizens to stay at home until June 10, 2020. Under these circumstances, it is not legal or safe to convene an in-person public meeting prior to the current comment deadline of June 7, 2020.

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<sup>2</sup> Letter from Trip Pollard and Carroll Courtenay of Southern Environmental Law Center, with Elizabeth Kostelny of Preservation Virginia to Stephen VanderPloeg and Jennifer Frye, Western Virginia Regulatory Section, U.S. Army Corps of Engineers (March 5, 2020).

<sup>3</sup> Letter from Roger W. Kirchen of Virginia Department of Historic Resources to Jennifer Frye, Western Virginia Regulatory Section, U.S. Army Corps of Engineers (June 29, 2018).



However, a public meeting in this situation is certainly warranted. Public meetings ensure that all interested members of the public have an opportunity to engage with the federal agencies making decisions that impact cultural and environmental resources in their local communities. Permit applications and planning documents can be dense and complex. Here, a meeting would allow the public to ask questions to better understand the Project, as well as to better understand the process that the Corps will use to make a permitting decision.

There is clear evidence of public concern and interest in this Project to justify convening a public meeting. At the meeting held by JRWA in early March to vote on proceeding with this permit application, over 100 citizens participated.<sup>4</sup> The regulations governing NEPA provide that: “Agencies shall...[h]old or sponsor public hearings or public meetings whenever appropriate[.]” 40 C.F.R. § 1506.6(c)(1). Criteria includes whether there is “substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.” *Id.* In this instance, there is substantial public interest, as demonstrated by the number of participants in the JRWA meeting, and substantial controversy, as discussed more fully below.

We respectfully request that the comment deadline be extended to allow time for a public meeting to be held prior to the expiration of the comment period. Given the current timing for Governor Northam’s order to expire on June 10, 2020, at least a sixty-day extension from the original deadline of May 7, 2020 is needed. This would allow time for an in-person meeting to be held, if conditions improve such that a meeting could be held safely, or for the Corps to develop plans for virtual public outreach. If the Corps decides to engage in a virtual public engagement process, then we urge the agency to carefully consider ways to ensure full participation is available. This includes paying special attention to ensure that people without broadband internet access are afforded an opportunity to meaningfully participate.

### **Preparation of an EIS is Required**

The National Environmental Policy Act is intended to “help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment,” and to “insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.” 40 C.F.R. § 1500.1(b)-(c). To meet these goals, NEPA requires federal agencies to carefully identify, comprehensively evaluate, disclose to the public, and thoroughly investigate reasonable alternatives to their proposed actions.

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<sup>4</sup> Allison Warbel, *Despite Opposition, JRWA Still to Pursue Rassawek Site for Water Pump Station*, THE DAILY PROGRESS (Mar. 11, 2020), [https://www.dailyprogress.com/news/local/despite-opposition-jrwa-still-to-pursuerassawek-site-for-water/article\\_6595e519-b6c0-5d14-a689-91453a6caf3b.html](https://www.dailyprogress.com/news/local/despite-opposition-jrwa-still-to-pursuerassawek-site-for-water/article_6595e519-b6c0-5d14-a689-91453a6caf3b.html).

Most importantly, federal agencies must prepare a comprehensive EIS, that considers alternatives, discloses impacts, and guides federal decision-making, for federal actions with potentially significant impacts. 42 U.S.C. § 4332(2)(C).

The Corps must consider the context and intensity factors under NEPA's regulations in determining whether the preparation of an EIS is required for any given permit application. Both factors weigh heavily in favor of preparing an EIS in this situation. Here, the setting of the proposed action contains multiple sites listed in or determined eligible for listing in the National Register of Historic Places, including Rivanna Canal Navigation Historic District, the James and Kanawha River Canal Railroad, and at least five known archaeological sites.<sup>5</sup> The area is also an extremely significant cultural site to the Monacan Indian Nation. The sensitivity of the Project's context weighs in favor of preparing an EIS. 40 C.F.R. § 1508.27(a).

The regulations governing NEPA include ten intensity factors that an agency must consider when determining whether to prepare an EIS. *Id.* § 1508.27(b). An EIS is required if these factors *may* be present, *even if the agency believes that on balance the proposed action will be beneficial.* *Id.* The Project satisfies at least three of NEPA's intensity factors. The Project would cause adverse effects to properties that are listed in or eligible for listing in the National Register of Historic Places, *Id.* § 1508.27(b)(8); impact "[u]nique characteristics of the geographic area" such as "historic or cultural resources," *Id.* § 1508.27(b)(3); and, would cause "effects on the quality of the human environment [that] are likely to be highly controversial." *Id.* § 1508.27(b)(4).

The public controversy factor deserves special attention in this situation. Courts have found actions to be "highly controversial" where large numbers of public commenters dispute the lead agency's conclusions; where public agencies and officials express concerns; and where experts have challenged the lead agency's methodology and conclusions.<sup>6</sup> While this is the Corps' first public comment period for the Project, previous opportunities for public comment have produced large numbers of participants. Virginia's Department of Historic Resources (DHR) has also expressed significant concerns regarding flaws in the identification of historic resources for the Project, including disqualifying JRWA's consultant, which resulted in JRWA filing a state lawsuit challenging the agency's decision.<sup>7</sup> Certainly, under these circumstances, the Project qualifies as "highly controversial."

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<sup>5</sup> *James River Water Supply Project Supplemental Information Package*, Timmons Group, March 18, 2020, pg. 163, available at:

<https://usace.contentdm.oclc.org/utils/getfile/collection/p16021coll7/id/14202>

<sup>6</sup> See generally, *Nat'l Parks Conservation Ass'n v. Semonite*, 916 F.3d 1075 (D.C. Cir. 2019).

<sup>7</sup> Letter from DHR to JRWA disqualifying consultant and declining to issue state permit (Sept. 26, 2019). See also *James River Water Auth. v. Virginia Dept. of Historic Resources*, No. 19-CL-702 (Va. Cir. Ct. filed Nov. 4, 2019).

Additionally, there are multiple potential alternative locations available to develop the Project. A full analysis of cultural and environmental resource impacts of various alternatives should be included in the Corps' EIS. We understand that to date the cultural resource identification efforts for the various alternatives have been limited primarily to a desktop analysis of previously identified sites included in DHR's V-CRIS database. This is insufficient to analyze and compare the impacts of various proposed alternatives.<sup>8</sup> Additionally, special attention should be given to the Forsyth alternative, which has emerged as a realistic option, deserving of close analysis, which could avoid harm to Rassawek.<sup>9</sup>

Given the public controversy and the existence of project alternatives that have not yet been fully evaluated, failure to prepare an EIS for this Project is likely to result in litigation. We are aware of a press report citing the Surry-Skiffes Creek Project and noting that "just because you have a challenge to a permit does not necessarily mean construction stops."<sup>10</sup> This misses the lesson of that case entirely. There, the Corps did not prepare an EIS prior to permitting the project and was subsequently ordered to do so by the D.C. Circuit Court of Appeals after the project was already put into service. After-the-fact NEPA review processes, such as what is now occurring with the transmission line across the James River near Jamestown, are complex, time consuming, costly to the federal agency and the project applicant, and create uncertainties in terms of final outcomes. NEPA review is intended to be completed before decisions are made so that the types of cultural and natural resource harms caused by the Surry-Skiffes Creek project can be avoided. Preparing an EIS for this Project now will ensure that the Corps has full information available before a permit decision is made. An EIS will lead to better federal decision-making and support the public interest.

## **Conclusion**

Based on the significance of the anticipated adverse effects to cultural resources an EIS should be prepared to fully consider alternatives to the proposed Project. Additionally, given the unprecedented situation caused by the coronavirus pandemic, we further request that the Corps extend the public comment period

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<sup>8</sup> Letter from DHR to the Corps, dated May 7, 2020, describing cultural resource identification efforts and expressing concern that these efforts do not "fully consider the relative significance of the archaeological resources identified at the preferred alternative [Rassawek] in comparison to the anticipated resources at the other alternatives."

<sup>9</sup> The Forsyth alternative appears to have a willing seller of land that could meet the Project's purpose and need, while avoiding adverse impacts to historic resources. Letter from Cultural Heritage Partners to JWRA, dated March 10, 2020, available at:

[http://www.culturalheritagepartners.com/wp-content/uploads/2020/03/CHPLettertoJWRA\\_ForsythAlternative\\_3\\_10\\_2020.pdf](http://www.culturalheritagepartners.com/wp-content/uploads/2020/03/CHPLettertoJWRA_ForsythAlternative_3_10_2020.pdf).

<sup>10</sup> Allison Warbel, *Consultants Recommend Keeping Pump Station at Rassawek*, THE DAILY PROGRESS (Feb. 25, 2020), [https://www.dailyprogress.com/news/local/consultants-recommend-keeping-pump-station-at-rassawek/article\\_f0067342-332c-597f-9bf7-b691f9f8e99f.html](https://www.dailyprogress.com/news/local/consultants-recommend-keeping-pump-station-at-rassawek/article_f0067342-332c-597f-9bf7-b691f9f8e99f.html).

for at least an additional sixty days and conduct a public hearing. We appreciate the opportunity to comment and thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharee Will", with a horizontal line extending to the right.

Sharee Williamson  
Associate General Counsel

A handwritten signature in black ink, appearing to read "Kendra Parzen", with a horizontal line extending to the right.

Kendra Parzen  
Field Officer

EXPLORE, ENJOY, AND PROTECT THE PLANET

<http://www.sierraclub.org/>

## Virginia Chapter (<http://www.sierraclub.org/virginia>)



Home (<http://www.sierraclub.org/virginia>)

# Save Rassawek: Tell The Army Corps Of Engineers To Protect The Monacan Nation Capital From A Proposed Pump Station

Despite repeated warnings of the importance of Rassawek to the Monacan nation by historians, tribal leaders, and concerned citizens, the James River Water Authority along with Fluvanna and Louisa counties plan to destroy the pre-Colonial Monacan capital and burial grounds to build a water pumping facility.

Human remains, the bones of Monacan ancestors, have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburial of their ancestors.

Alternative locations exist, but the authority has picked this sacred land for several reasons — including, it says, because it will be cheaper to build the pump station there. Minimal cost savings should never be placed above the preservation of history and respect of native culture.

Tell the Army Corps of Engineers that the pump station should go to an alternative site where the water intake and pump station project does not destroy this irreplaceable history.

# 188

**SIGNATURES OF 250 GOAL**

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2

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276  
SHARES





**From:** Friends of Buckingham nfo@friendsofbuckinghamva.org  
**Subject:** Fwd: Rassawek vs JRWA permit application  
**Date:** June 7, 2020 at 12:12 PM  
**To:** jessica@curaheritagepartners.com  
**Cc:** Chad Oba chado108@me.com, Heidi Dhivya Berthoud heidi1008@gmail.com

FB

----- Forwarded message -----

**From:** Friends of Buckingham <nfo@friendsofbuckinghamva.org>  
**Date:** Sun, Jun 7, 2020 at 12:08 PM  
**Subject:** Rassawek vs JRWA permit application  
**To:** <[steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)>

Hello Steven Vanderploeg,

Friends of Buckingham has been on the frontlines of fighting the Atlantic Coast Pipeline for 6 years now. We have jumped through all of the permitting hoops and are very disillusioned by this system that rewards polluting, disruptive industry over community, history, culture, clean air, water & land. We are all too familiar with the self-serving ways of the privileged few, and just how environmental justice works. We have watched as Dominion ignored and erased the history, the culture and the demographics of the 83% predominantly African American community of Union Hill, site of a [1 of 3] proposed 57,000 hp compressor station. We have watched Dominion come in at the 11th hour, bribing and fracturing our community, hoping to win cooperation, and silence about their highly destructive, polluting industry. We also watched as they bribed Native tribes along the route, to win their silence.

JRWA may not be bribing for silence, but it has done a very inept, deeply flawed and blundering assessment of the project, ignoring its impacts on an important ancient Native heritage site. We have already broken every treaty, stolen their lands, their spirits. Why allow one more desecration of Native heritage? This history belongs to all of us! The JRWA has alternatives that it can consider. It's not like its being denied access to the James River - which, frankly, should be considered, as increasing numbers of communities are draining this natural resource to support our insatiable demand for unsustainable growth.

An EIS should of course be done. And why not a cumulative PEIS for the entire watershed? Should that not also be your job, to look at the overall impacts of all projects on our precious water? Why do we not have the systems in place to do wise planning for all - for the Commonwealth? The system has long been broken. But you can do your part to stop these senseless projects one at a time.

It is not acceptable that this project should run through the city of Rassawek, let alone the gravesites. Please hold a public hearing and really listen to the majority of the public, who say no to this project. Please deny this permit. Thank you.

--

Heidi Dhivya Berthoud

Secretary Friends of Buckingham  
[@FriendsOfBuck1](#)

[info@friendsofbuckinghamva.org](mailto:info@friendsofbuckinghamva.org)  
<http://www.friendsofbuckinghamva.org/>  
<https://www.facebook.com/ProtectBuckingham>

Friends of Buckingham has a Joint Plan of Work with Virginia Organizing, a 501(c)3 non-profit group that accepts grants and donations on behalf of Friends of Buckingham.

**Tax deductible donations** must be made payable to:

Virginia Organizing  
with Friends of Buckingham in the memo line

Mail to:  
Friends of Buckingham  
PO Box 61  
Buckingham VA 23921

OR: Donate online: <http://www.friendsofbuckinghamva.org/donate/>

OR: PO Box 61 in Swananda Hall

--

Heidi Dhivya Berthoud

Secretary Friends of Buckingham

@FriendsofBuck1

[info@friendsofbuckinghamva.org](mailto:info@friendsofbuckinghamva.org)  
<http://www.friendsofbuckinghamva.org/>  
<https://www.facebook.com/ProtectBuckingham>

Friends of Buckingham has a Joint Plan of Work with Virginia Organizing, a 501(c)3 non-profit group that accepts grants and donations on behalf of Friends of Buckingham.

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Virginia Organizing  
with Friends of Buckingham in the memo line

Mail to:  
Friends of Buckingham  
PO Box 61  
Buckingham VA 23921

OR: Donate online: <http://www.friendsofbuckinghamva.org/donate/>

OR: PO Box 61 in Swananda Hall



**From:** Susan Marcus akuma dreams@gmail.com  
**Subject:** Fwd: Statement from oca Quakers: Protect Rassawek  
**Date:** May 6, 2020 at 5:01 PM  
**To:** Jessica Krauss jessica@culturalheritagepartners.com, Ellen Chapman ellen@culturalheritagepartners.com

SM

We are done

----- Forwarded message -----

**From:** Marcy Seitel <fr endmarcy@gmail.com>  
**Date:** Wed, May 6, 2020 at 4:57 PM  
**Subject:** Fwd: Statement from oca Quakers: Protect Rassawek  
**To:** Susan Marcus <akumadreams@gmail.com>  
**Cc:** Ken Stockbridge <ymcerk@bym-rsf.org>, Ned Stowe <nedstowe@bym-rsf.org>

----- Forwarded message -----

**From:** Marcy Seitel <fr endmarcy@gmail.com>  
**Date:** Wed, May 6, 2020 at 4:55 PM  
**Subject:** Statement from oca Quakers: Protect Rassawek  
**To:** <steven.a.vanderploeg@usace.army.mil>

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

Dear Steven VanderPloeg,

The Baltimore Yearly Meeting (BYM) of the Religious Society of Friends (Quakers) opposes using the historic Rassawek site for a pumping station. I am sending with this letter a minute that our Yearly Meeting passed to state the importance of this matter to Friends (Quakers), copied for you below. BYM is a regional organization of 50 Friends Meetings in Virginia, Maryland, the District of Columbia, central Pennsylvania, and parts of West Virginia. Although our Yearly Meeting marks its beginning from 1672, the Monacans and other indigenous peoples were here before us. We seek to learn from and live peacefully with all cultures and to deny the heritage of none. The planned construction of a pumping station at an ancient cultural site is not warranted.

Like many other faith groups, Quakers care deeply about Native concerns. We advocate for equality and justice, and this action on the part of Fluvanna and Louisa County supervisors and the James River Water Authority is plainly unjust. Like Americans of European descent, the remains of family and community members is very important, sacred, to the Monacan people. Fair treatment to all of our country's peoples is important to us as Friends. We think it is likely that if this were a colonial cemetery, no one would have suggested disturbing it. None of us would want to have the skeletons of our family members boxed and shipped to us for reburial. That could be one of the consequences for Monacans if the decision goes against them.

We are asking you to stop the plans for the water pump station, and preserve the Rassawek site of the Monacan people.

I send this letter with wishes for good health and calm in this time of the pandemic.

Sincerely yours,

Marcy Baker Seitel  
Clerk of Interim Meeting  
Baltimore Yearly Meeting (Quakers)  
17100 Quaker Lane  
Sandy Spring, Maryland 20860-1267

**Baltimore Yearly Meeting of the Religious Society of Friends (Quakers)  
Minute of support of protection of Rassawek site of the Monacan people:**

Rassawek is a historic place, former capital of the Monacan Indian Nation, and held sacred by them. Baltimore Yearly Meeting supports the Monacan Nation in seeking to protect its sacred heritage, from development or other disturbance. Rassawek has been shown on maps dating to at least 1612, by John Smith, so the location of the place and its significance has been well-documented and should be known to anyone interested in disturbing the site.

The James River Water Authority has invested in infrastructure that requires a water intake, which they prefer to locate on the Rassawek site. Despite known archeological resources, including burials, found there, the Water Authority has sought to proceed with its plans to destroy the site over the protests and pleas by the original inhabitants and by the Virginia tribes that had testified in support of the Monacan Nation.

Baltimore Yearly Meeting supports the Monacan Indian Nation in seeking to protect both their cultural heritage and the final resting place of their ancestors. We believe the Water Authority has other alternatives and should not develop the Rassawek site. We call on County Supervisors from Fluvanna and Louisa and the administrators of the James River Water Authority to discontinue efforts to further disturb Rassawek.

**From:** Sally Thomas WRITEINSAL@ao .com  
**Subject:** James River Water Authority application  
**Date:** May 5, 2020 at 2:09 PM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cultura heritagepartners.com

---

ST

Dear Mr. Vanderp oeg,

I write as the current president of the Lewis and Clark Exploratory Center of Virginia. The board unanimously agreed that we should speak up in opposition to the James River Water Authority's request for an individual permit from the Army Corps of Engineers to construct the river water project on top of Rassawek. As students of our nation's history, we know that our Virginian's historical treatment of the Monacan Indian Nation is a story that rebounds to our shame. Surely we can aim to be better, to be respectful of the ancestral home, captives, of the river past. We request that the Army Corps of Engineers require the JRWA to find an alternative that does not destroy Rassawek.

Yours,

Sally H. Thomas



**From:** Donna Shaunesey shaunesey@hotmail.com  
**Subject:** Requesting a public hearing for the Rassawek project  
**Date:** Apr 28, 2020 at 3:49 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com, engr1950@gmail.com

---

DS

Dear Mr. Vanderploeg: As the Chair of the Piedmont Group of the Virginia Chapter of the Sierra Club, I respectfully request that the Army Corps of Engineers schedule a public hearing on the James River Water Authority's application for an individual permit to construct a water project at Point of Fork.

Member of our group spoke at the JRWA's March meeting in opposition to this project. There are viable, affordable alternatives to providing water without destroying this historic Native American site. The Monacan Indians deserve our respect, as do their ancestors. We would not consider destroying a colonial burial ground or historic site. We are confident that a robust analysis under the National Environmental Policy Act will reveal the utility of alternate sites and the unsuitability of the currently proposed site.

Thank you for your kind attention to this important matter,

Donna Shaunesey  
Chair, Piedmont Group  
Virginia Sierra Club

**From:** Preservation Piedmont preservat on piedmont@gmail.com  
**Subject:** Preservation Piedmont Opposes Destruction of Rassawek  
**Date:** Apr 23, 2020 at 2:17 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@curaheritagepartners.com

PP

Dear Mr. Vanderploeg,

Attached please find a letter from Preservation Piedmont opposing the construction of a pump at Rassawek. On behalf of our Board and members, we appreciate your consideration of this matter.

Sincerely,

Liz Russell, President  
Preservation Piedmont

To support the work of Preservation Piedmont or to renew annual membership online, visit:  
[www.preservation-piedmont.org](http://www.preservation-piedmont.org)

Preservation Piedmont | P.O. Box 2803 | Charlottesville, VA | 22902

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[Follow us on Instagram!](#)



Open Office  
Meeting Tracking  
Reply Form

conduct appropriate archeological study to help us learn more about our history.

Sincerely,



Liz Russell, President  
Preservation Piedmont

cc: [jessica@culturalheritagepartners.com](mailto:jessica@culturalheritagepartners.com)

---

Preservation Piedmont is a 501(c)(3) non-profit organization. All funds received are used to support the organization's mission. For more information, please contact the Executive Director at 404.525.1234 or visit our website at [www.preservationpiedmont.org](http://www.preservationpiedmont.org).

From: **Brendan Burke** genda e1855@gma .com  
Subject: Rassawek etter from ASV-MHC  
Date: June 7, 2020 at 8:10 AM  
To: jess ca@cultural heritagepartners.com

BB

Good morning Jennifer,

Please find attached comments submitted by our organization to the USACE regarding Rassawek. Thanks and have a great weekend!

-Brendan Burke



June 6, 2020

Mr. Steven Vanderploeg  
USACE – Norfolk District  
803 Front Street  
Norfolk, Virginia 23510

Re: Opposition to NAO-2014-0708 Rassawek Pumping Station

Dear Mr. Vanderploeg,

I write you in opposition of permit application NAO-2014-0708, a pumping station sought by the James River Water Authority. This pumping station is poorly sited and would destroy the town of Rassawek, a hamlet documented by John Smith as lying at the confluence of the James and Maury Rivers. Insufficient documentation and survey have occurred to date, a situation addressed by the Virginia Department of Historic Resources in the revocation of permitting ability of the contracted cultural resources consultant. That alone should signal the need to pause and reevaluate.

The project, as proposed, is not in the public's broadest interest. Consumers of water in the Zion's Crossroads area, if aware that their water source obliterated a native town site and likely human remains located therein, would find the James River Water Authority's decision in bad taste. Rassawek deserves to be preserved in place, and not bulldozed for a water pump. Its cultural history and archaeological value is an important part of national, Virginia, and tribal history.

The intensity of this project demands the preparation of an EIS to properly address all impacts of this intensive undertaking. As part, a public hearing should be scheduled to allow the descendant community, archaeological/historical experts, and the community in general speak to the project.

There are acceptable alternative sites for a pumping station. The decision to site the pumping station at Rassawek and decisions by the JWRA to preemptively locate infrastructure at the Rassawek site prior to permitting have not gone unnoticed by the community. Now is the time to put a pause on the underhanded progress of the JWRA and bring the matter into the light of day. Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brendan Burke".

P. Brendan Burke  
President ASV-MHC

Archaeological Society of Virginia – Maritime Heritage Chapter

9943 Cheathams Rd. Amelia, Virginia 23002

# VIRGINIA CANALS & NAVIGATIONS SOCIETY

---

3806 S. Amherst Highway  
Madison Heights, Virginia 24572

21 December 2018

Mr. Steven VanderPloeg  
United States Army Corps of Engineers  
Norfolk District Western Virginia Regulatory Section  
9100 Arboretum Parkway, Suite 235  
Richmond, Virginia 23236

Re: James River Water Authority Project

Dear Mr. VanderPloeg;

I have discussed the referenced project with members of our Board of Directors. We are in agreement that the James River is our nation's founding river and its history predates the arrival of our ancestors.

This site suffered its initial intrusion during the construction of the James River & Kanawha Canal. The subsequent construction of the Richmond & Allegheny Railroad only added to the degradation of the site. Allowing this project to proceed only proves that we have not learned from our previous mistakes.

It seems rather capricious that a project such as the one proposed by the James River Water Authority would even be considered for this location. The site has major historical significance and should be protected for perpetuity. Perhaps a public park would be a more suitable alternative for the site.

The pipeline crossing on the Rivanna River is also an item of concern. The Rivanna is possibly the second most historic river in the nation and every effort should be made to preserve the river's intrinsic beauty, history, and lost sites of archeological importance.

As president of the Virginia Canals & Navigations Society I am requesting that the U.S. Army Corps of Engineers deny the permit for the James River Water Authority project at the proposed location.

Sincerely;

Roger C. Nelson, President  
Virginia Canals & Navigations Society



Appendix IV:

**OPPOSITION FROM  
COMMUNITY**

L. Daniel Mouer, Ph.D.  
600 W 30<sup>th</sup> Street  
Richmond Va. 23225

(804) 233-2825  
[danmouer@fastmail.fm](mailto:danmouer@fastmail.fm)

11/09/2014

To: County Administrator and Board of Supervisors,  
Fluvanna County, Virginia and County Administrator,  
Louisa County, Virginia

cc: Roger Kirchen, Virginia Department of Historic Resources

Re: James River Water Project

Dear Sirs and Madam,

I have recently learned of the development of a water treatment and pumping station proposed to be located at the confluence of the James and Rivanna Rivers. I am a retired professor of anthropology and archaeology from Virginia Commonwealth University, former director of the VCU Archaeological Research Center. I devoted much of my early research and my doctoral dissertation to studying the prehistoric Native American occupations along the James in the Outer Piedmont region. My James River Survey research project lasted primarily between 1978-1983, and it revealed that the James floodplain and adjacent terraces in this region are potentially very rich in unstudied archaeological sites.

As we know from early historical documents such as John Smith's history of Virginia, published in 1618, Point of Fork is the likely location of the Monacan Indian town known as Rassawomeake or Rassawek. It is almost certain that there are also numerous earlier habitations at and surrounding the Point dating back thousands of years. While I was working on a collection of sites dating from approximately 3-4,000 years old on Elk Island just downstream, I noticed construction activities associated with the Colonial Pipeline at Point of Fork. By the time my students and I got to the site to take a look, there had already been very substantial damage to a major late prehistoric town or village site in the right of way of the pipeline. I had neither the time nor the authority to conduct a detailed study, but was able only to determine that the site dated generally to sometime in the Late Woodland period, ca. 900-1600 a.d.

There is no doubt that this was but one part of a single archaeological site: a

site that had been well buried by flood deposits. Point of Fork is in a perfect situation to gather deposition from normal seasonal flooding. My own testing on adjacent areas just below the Point revealed the presence of stratified archaeological occupation zones. I am convinced that the floodplain and lower terraces in this area are potential treasure troves of highly significant archaeological remains sealed below potentially deep flood deposits. These are not the sort of archaeological resources that can be appropriately studied hurriedly if discovered during or just prior to imminent construction. Very similar locations along the Roanoke River in the outer Piedmont of North Carolina were studied by Dr. Joffre Coe of the University of North Carolina back in the 1950s and early 1960s, and deep, complex sites were found. Detailed long-term studies of sites of this sort are crucial for our understanding of thousands of years of prehistory in our region here in the James Valley.

Of course, I don't need to tell any of you about the well-known historic sites at Point of Fork, with its state arsenal remains and the plantation home and grounds, deservedly listed in the National Register of Historic Places. While the standing structures are on higher ground than would be *directly* impacted by the proposed water facility, the project could certainly have undesirable effects to the pristine setting of these sites. There could also be remains of related structures on the shoreline, underwater, and on the frequent floodplain. Any planning for construction at Point of Fork must necessarily involve extensive archaeological and historic sites survey and impact assessment. Floodplain archaeological testing must not be superficial, but should be adequate to plumb the depths for potential buried occupation surfaces that could be thousands of years old. Sites located by such survey could result in relocation of the project or the requirement of long-term, complex archaeological excavations. Therefore, these preliminary studies should be conducted as early as possible.

I am writing this not out of any personal involvement beyond my lifelong professional interest in the vast and largely unstudied archaeological resources along the James and Rivanna floodplains. I feel it is highly likely that the proposed water treatment and pumping facilities and associated pipelines could impact critical archaeological remains if construction takes place anywhere on the floodplain on or just below Point of Fork. I encourage you to consider such impacts early in the planning process and with a realistic understanding how they could eventually effect the timing, the cost, and even the viability of the James River Water Project.

Sincerely,

**Fluvanna Historical Society**

**PO Box 8**

**Palmyra, VA 22963**

December 14, 2018

Mr. William T. Walker  
Chief, Regulatory Branch  
US Army Corps of Engineers  
Norfolk District  
Norfolk, Virginia

Dear Mr. Walker:

I am writing in my capacity as President of the Fluvanna Historical Society, the non-profit organization with the broad mission of protecting, preserving and interpreting Fluvanna's rich historical, cultural and archaeological legacy. This letter is in response to the request for public comment on the recently circulated Memo of Agreement regarding the James River Water Authority's Project in and around Columbia, Virginia.

It is not necessary to recite the importance of the permitting site to the history not only of Fluvanna County but the entire region. On or near the proposed site are Rassawek, the traditional village center for the Monacan native American nation, the Virginia arsenal dating from the revolutionary period, the Point of Fork plantation and manor house as well as the Rivanna Canal Navigation Historic District and the James and Kanawha River Canal and Railroad Historic District. One could hardly imagine a location in Fluvanna County with a richer mix of historic importance than this one. The Society was asked by the Fluvanna County administration many years ago if we thought this was an appropriate site for the water line and its related infrastructure. Our response was to urge the intake to be located elsewhere. Our Society's mission requires us to state our reservations about the current location.


I would like to quote from the draft MOA. It states, "The Corps is required to take into account the effects of federally-permitted undertakings on properties included in or eligible for inclusion in the National Register of Historic Places prior to the issue of a permit for an undertaking and to consult with the Virginia State Historic Preservation Office." Although the Corps has made an attempt by this MOA to mitigate the impact of disturbance on this site, the most historic in our county, we feel that it falls short.

In light of these reservations, the Fluvanna Historical Society will decline to sign the MOA as a concurring partner.

While recognizing the importance of modern infrastructure for the future of Fluvanna County and its citizens, we could only wish that the JRWA project did not have such a potentially adverse effect on our historical assets, which we have been asked by our members, to protect and preserve.

With best regards,

Sincerely yours,

A handwritten signature in black ink, reading "Marvin Moss". The signature is written in a cursive style with a large, stylized "M" at the beginning and a long, horizontal flourish at the end.

Marvin F. Moss  
President

<https://www.dailymail.com/opinion/opinion-commentary-major-monacan-site-imperiled-by-progress/article9cb50670-945d-11e9-bccd-4be9947e42b4.html>

## Opinion/Commentary: Major Monacan site imperiled by 'progress'

Pamela Thompson  
Jun 23, 2019



John Smith's famous map of Virginia shows the Monacan town of Rassawek, the site of which is now slated for a pump station. Rassawek can be found at the top left of the map, between the Powhatan sketch and the banner proclaiming "Virginia."

Library of Congress



In 1612 when John Smith drew his Map of Virginia, he recorded an Indian town at the fork of the Rivanna and James rivers, called Rassawek. Smith learned that Rassawek was the capital of the Monacan people: All Monacan towns sent their tribute to Rassawek and gathered there for major ceremonies.

That spot where the rivers meet, now known as Point of Forks, is one of the most concentrated archaeological districts in Virginia. The history of the Monacan people over 200 generations is written in this soil and landscape. Rassawek is a tangible connection to our ancestors, the vast majority of whom did not survive the arrival of the English and many of whom we believe are buried there.

Despite repeated warnings of the importance of Rassawek by historians, tribal leaders, and concerned citizens, the James River Water Authority and Fluvanna and Louisa counties plan to destroy our pre-Colonial capital and burial grounds to build a water pumping facility.

Their plan is tragic and unnecessary: Alternative locations exist, but the authority has picked Point of Forks for several reasons — including, it says, because it will be cheaper to build the pump station there.

But the alternatives do not erase irreplaceable Indian history to accomplish speculative development goals such as attracting IT companies or call centers.

Rassawek was a large town, with a longhouse of 60 feet and at least a dozen roundhouses. Our ancestors lived and died there, performed rituals and practiced community, and the artifacts they left behind reveal important stories to Native and non-Native people alike. A carbon-dated feature at Rassawek indicates occupation as early as 5,340 years ago; that's about 200 generations before John Smith.

We are deeply troubled that JRWA expects to disturb our ancestors' resting places: It already has received permits that give its permission to store these bones when they are found and is in the process of applying for permits to excavate burials. But our experience is that when Indian burials are dug up by contractors, they are returned to us — if at all — in cardboard banker's boxes.

Our ancestors deserve to rest in peace, and our living community does not deserve to again endure the emotional trauma of holding funerals and reburial ceremonies.

At a time when the National Park Service is working with advice from eastern Virginia tribes to interpret the capital of the Powhatan Confederacy, Werowocomoco, for visitors from across the U.S., we can't help but wonder why another federal agency — the U.S. Army Corps of Engineers — would issue a permit to JRWA that would have the ultimate effect of destroying the Monacan capital.

Surely if taxpayers become aware of JRWA's plans, they will join us in encouraging the authority to do the only reasonable — and right — thing: Save Rassawek. Move the pump station.

Pamela Thompson is acting chief of the Monacan Indian Nation. The Monacan Indian Nation is a federally recognized American Indian tribe based in Amherst County. It is the largest tribal community in the commonwealth, with more than 2,400 members.

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## **Opinion/Letter: Save, study important Monacan site**

Letter to the Editor  
June 1, 2019

I am writing in reference to the proposed construction by the James River Water Authority of a water pumping station at Point of Fork, the confluence of the Rivanna and James rivers.

I write as a retired anthropologist, archaeologist and professor who devoted most of his professional career to discovering, exploring, and attempting to protect crucial historical and cultural resources of the James River drainage.

While conducting the research for my doctoral dissertation in the late 1970s and early 1980s, I conducted archaeological survey and testing of numerous prehistoric and protohistoric sites in the area around the confluence of the Rivanna and James, as well as the nearby confluence of the Willis River and the James. In my opinion, this area comprises one of the most important — potentially critical — archaeological districts in the commonwealth for the potential contributions to knowledge of the indigenous peoples of the Piedmont James River drainage.

I ask all of those who understand the need to defend the heritage of Native Virginians to join the Monacan Nation and cultural resource professionals in petitioning the governor of Virginia and the command of the U.S. Army Corps of Engineers to stop this project now and find alternative, less destructive alternatives to this pumping station and its attendant pipelines and construction impacts.

That the James River Water Authority might be required to recover “artifacts” or human remains uncovered during construction is wholly inadequate to mitigating the impacts of this proposed construction. Deeply buried, extensive sites dating back hundreds and thousands of years require excavation procedures possible only through multi-year, open-area excavation — potentially costing as much as or more than the actual project construction budget.

The Monacan people and all citizens of the commonwealth deserve to have these major archaeological sites preserved and properly studied and interpreted for the public benefit.

L. Daniel Mouer

Richmond

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<https://www.dailypprogress.com/opinion/opinion-letter-respecting-the-monacan-nation/article/25f29d3c-3253-5c10-9a21-36e9d7b89639.htm>

## **Opinion/Letter: Respecting the Monacan nation**

Letter to the Editor  
June 11, 2019

Many of us were moved by the op-ed written by Pamela Thompson of the Monacan Indian Nation (“Major Monacan site imperiled by ‘progress,’” The Daily Progress, June 23) about the proposed construction of a water pumping station at the Point of Forks in Fluvanna County.

This station will take water from the James River to be transported by pipeline for growth in Fluvanna and Louisa counties. The location chosen for this facility, at the confluence of the Rivanna and James rivers, is an important archeological site that deserves protection.

As the pre-Colonial capital of the Monacan people, Rassawek should be preserved for its historical significance and the spiritual value it holds for Native American people. Burial sites deserve respect and should be left undisturbed whenever possible.

We should all urge Gov. Ralph Northam (804-786-2211) to intervene and insist that the James River Water Authority find another location for its pumping station.

Economic development is no excuse for disturbing the resting places of Monacan ancestors and destroying an archeological site dating back more than 5,000 years.

John A. Cruickshank

Albemarle County

John A. Cruickshank is community outreach coordinator for the Piedmont Group of the Sierra Club.

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## Opinion/Editorial: Monacan site should be saved, but can it be?

The Daily Progress  
Aug 13, 2019

Opinion/Letter:  
Reasons to rescue  
Rassawek

The James River Water Authority is under fire for choosing a historically significant Native American site — as its former capitol, the most significant to the Monacan nation — as the location for a new water pumping station.

The site is Rassawek to the Monacans and known as Point of Forks on modern maps. The site is important to the JRWA for probably the same reason it was important to the Monacans: It sits at a strategic location at the confluence of the James and Rivanna rivers.

The pumping project already has received two permits from state agencies and is awaiting two more permits from state and federal agencies.

But its obliteration of the remains of a major Monacan town and disturbance of gravesites is opposed by the tribe and some preservationists.

If it can be done, the site should be saved.

It likely was inhabited as far back as 5,000 years ago. When Capt. John Smith, arrived in Virginia, Rassawek was a fairly large town, worthy of making it onto his 1612 map of the state.

So much of the history and footprint of Virginia's first peoples has been destroyed. It's tragic that yet another site is targeted by bulldozers.

But if you're like us, you're probably wondering: Why now? Why, after Fluvanna and Louisa counties have been pursuing a joint water project since 2003, are we only recently discovering the drawbacks of the site they eventually selected?

The Monacans have an answer to that.

Marion Werkheiser, the tribe's attorney in its fight against the project, says that the JRWA reached out to the Monacan nation

only after it had picked the site and purchased the land.

At that point, she proposed, it seemed as if the tribe was being offered an essentially limited opportunity to salvage a few artifacts and any bones that might be uncovered from graves.

Additionally, Ms. Werkheiser said, the tribe initially did not want to take its opposition public for fear of alerting looters to Rassawek's location.

However, as plans for the pump station marched forward, they concluded that it was better to risk desecration by grave robbers than to lose the site entirely.

The Monacans argue that other sites for the pump station were considered. But Point of Forks is the least expensive option.

We can't fault the JRWA for preferring the least expensive site. Its principal duties are to provide water to its constituents and to save as much taxpayer money as possible.

A variety of state and federal laws and regulations require that it also pay attention to such matters as environmental protection and mitigation of loss at historic sites. But these are not its primary functions.

Whether the process is too far advanced to be greatly altered is an open question. Opponents are hoping that the importance of the site will cause the Army Corps of Engineers to deny a permit under terms of the National Historic Preservation Act.



They also have called on Gov. Ralph Northam to intervene, although this is not an issue that lies within the governor's usual jurisdiction.

But because Rassawek is such an important site, it is indeed distressing that its significance was not taken into greater consideration at an earlier stage of the process.

If something can be done to save Rassawek, it should be done.

<https://www.dailypprogress.com/opinion/opinion-letter-reasons-to-rescue-rassawek/article/1805c98f-50cd-5064-a11e-cacc77ed2cbf.htm>

## Opinion/Letter: Reasons to rescue Rassawek

Letter to the Editor

Aug 17, 2019



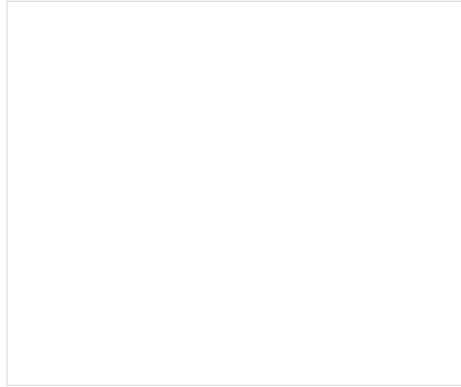
Monacan tribe  
pushes against  
water project

Opinion/Editorial:  
Monacan site  
should be saved,  
but can it be?

Thank you, Daily Progress, for the recent articles and editorials covering the pumping station controversy at Rassawek/Point of Fork.

For those unfamiliar with the topic, Rassawek was the capital of the Monacan Indian Nation several centuries ago. Located at the confluence of the Rivanna and James rivers, the site still bears traces of the civilization that occupied it: pottery, cracked quartz, graves.

The James River Water Authority has targeted this site because it is the cheapest option for a water intake and pumping station. While the desire to save taxpayer dollars is understandable, it should be outweighed by Rassawek's historic and modern significance, especially to Monacan residents of the area today.



In the light of this issue, my privilege as a settler of European descent is palpable. Imagine the impossibility of a permit being under review to build a pumping station or similar construction at Jamestown or at Monticello.

Some people might argue that the remnants of the Monacans' height of power are so subtle and represent so little of what once was that we as a community should be content to let the JWRA make use of its burial permits and construction plans to irreparably damage what is left of Rassawek. But imagine the consternation and horror that would rise up if a project were proposed, God forbid, on a site significant to the long-defunct Confederate States of America!

I am simply trying to point out the double standard applied to sites of historical value in this country.

Of course, nearly everywhere has history and so we must make some sacrifices to provide for the living. But that statement

cannot stand on its own, as a pure and unbiased truth, until we move beyond a system in which it seems that every sacrifice is Rassawek; is Union Hill; is the homes, history, graves of those who have been oppressed — and yet is never a threat to white comfort.

If you are interested in advocating for construction of the pumping station to be moved to an alternative location, I urge you to sign the “Letter Supporting the Monacan Indian Nation,” found on its website, or to contact Gov. Ralph Northam directly.

Meridith Frazee

Charlottesville

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Chiropractors Baffled: Simple Stretch Relieves Years of Back Pain (Watch)

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## Opinion/Letter: Governor should support Monacans

Letter to the Editor

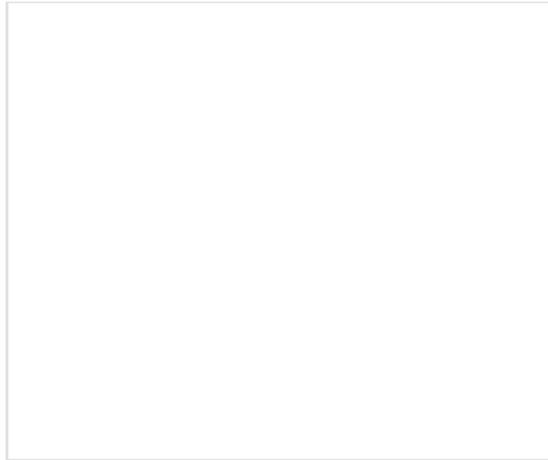
Aug 19, 2019

The site of Rassawek, important to the Monacan Nation, is proposed to be destroyed by a pump station built by the James River Water Authority for Fluvanna and Louisa counties.

Up to now, the Monacans' plight has been largely invisible. Now they're asking for help from the public and from the governor.

Fortunately, the siting of the pump station requires environmental and historic review under federal law, including by the U.S. Army Corps of Engineers, which has some jurisdiction in this case. The National Environmental Policy Act requires that all alternatives and all environmental impacts for each alternative be considered. Since the authority decided in advance to purchase the site, the current study is unlikely to be a serious review of the alternatives and the environmental consequences, including historic preservation.





Unless the authority board changes its mind, the only way to negate a decision — assuming the Corps of Engineers makes a final decision in favor of the current site — is to challenge the permit in court.

In addition to the Monacans and other citizens who might have “legal standing” to bring such a suit, the governor of the state where the action occurs has the authority to demand a second look. In this case, Gov. Ralph Northam could decide to object to any permit issuance for a pump station located in Rassawek, an area where native artifacts, including human remains, are buried. This would require the Corps at a minimum to take another look at alternatives and the environmental impacts, including impacts on archeology, historic resources and human communities.

In this case, no one appears to be questioning the need for the project, only the location of the intake pump at Rassawek.

Now that the nation has reached out to the public on this issue, I urge others to ask that the governor intervene to save the Rassawek site and also to write to the Corps of Engineers in Norfolk and the Virginia Department of Historic Resources.

This historic site could be reserved for future generations as a natural area where the Monacans with the help of the state could conduct appropriate archeological study to help us learn more about our history.

If this is done and Rassawek saved, future generations will recognize this moment as a turning point in acknowledging all our history.

Kay Slaughter

Charlottesville

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<https://www.dailyprogress.com/opinion/opinion-letter-another-instance-of-racial-injustice/article-ca720f4a-ff05-5507-9bb5-1d156f397030.html>

## Opinion/Letter: Another instance of racial injustice

Letter to the Editor  
Aug 19, 2019

When will we ever learn? The Charlottesville area has just spent the past few months, the past few years, addressing our long history of racism, destruction of communities, and eradication of the cultures of entire populations in the name of progress, capitalism, and increasing the wealth of a few.

Yet, even in the midst of our Unity Days, the local press reports on the potential destruction of an "historically significant Native American site — as its former capitol, the most significant to the Monacan nation" to make way for a new pumping station

(“Monacan site should be saved, but can it be?”, Daily Progress editorial, Aug. 13).

Rassawek is not the only option that the James River Water Authority has for its new site; it’s the least expensive. The JRWA did not even reach out to the local Monacan community before making their plans, according to the Monacan Nation.

Now that the process is underway and several permits have been issued, the Monacan people must fight, at public meetings, in the press, and in the courts, to have a sacred place in their history honored and protected. There’s a bitter irony in here somewhere.

Thank you to the local media for bringing this story to light. I add my voice to those raised in support of the Monacan Nation, and to those asking for the governor to step in before there’s another awful occurrence of racial injustice.

Willow Gale

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## A poem for supervisors who just won't listen

Randy Holladay

Sep 19, 2019

To the Editor:

The following poem was shared at the Sept. 16 Louisa County Board of Supervisors meeting during public comment period, in response to the board's continued pattern of saying one thing but doing another and saying "We want your input but really aren't listening or changing our minds (with the exception of Supervisor Duane Adams)."

For over a year, all we've heard you say

Ain't no how, ain't no way

Residential growth don't pay

Still, y'all approve more everyday!

Then we'll need new schools, then we'll need new roads

Get more cars and more traffic, get more trucks with bigger loads

But, you don't want that, we keep hearing you say

Just want industry to come our way

But, seems to be none soon coming

And, no James River water, Zion bumming

So, who chose Timmons, we still don't know

Just who picked that bad way to go

And, why are we still paying them our money

Their water line research, claimed all was sunny

Wrong at James, why choose for Shannon Hill

Bet they won't help pay on our lawsuit bill

Such bad research, really bad design

And, we're out 40 mill on a dry water line...

But, then...

NO to "government" help on cell tower installation

But, YES, to tax money for industrial land speculation

You say you listen when we share

But, there's still bad cell service everywhere

Keep dodging the questions, shifting the blame

Weather, contractors, not our fault, you claim

But, it is your fault 'cause you are in charge

Again, I thank you, your tasks, they are large

Yet, every meeting the protests grow

And, here's what voters all want to know

Are you listening, are we heard?

With so few protested plans differed

When you went back on your word

With the Shannon Hill purchase, so absurd!

I'll always remember what I was told

In these words, so plain and cold

"We can do what ever we want"

Is what Supervisor [Toni]Williams said to me

That made it all pretty clear to see

Need to keep tabs on where our money's going

That into the wrong pockets it ain't flowing

So, we'll keep watchin'

And, seeeeya soon!

Randy Holladay

Louisa

<https://www.dai yprogress.com/opinion/opinion etter rassawek more reason for outrage/artic e e3b74873 b2dc 5765 a7b1 c5b9b536db9f.htm>

## Opinion/Letter: Rassawek: More reason for outrage

Letter to the Editor  
Oct 8, 2019

### MORE INFORMATION



Archaeological consultant on Fluvanna water project falsified resume, officials say

Re: “Officials: Archaeological consultant on Fluvanna water project falsifies resume,” The Daily Progress, Sept. 29:

I am not sure which is more disturbing: the vigorous defense by the James River Water Authority of its consultant or its apparent failure to verify her credentials for overseeing the disturbance of one of the Monacan Indians’ most important sites as it plans to locate a water intake station there on the James River.

Rassawek is well known. This Indian village was first noted in recorded history by Cap. James Smith as located at the confluence of the Rivanna and the James rivers (approximately at the Town of Columbia). It also is known as Point of Fork, which played a role in the Revolutionary War.

In Virginia, we have systematically worked to destroy Native American or first people’s culture since we landed on these shores more than 400 years ago. Through shady land “deals” and other shameful acts, we have taken over the lands of the first residents of this land. The Monacan still live around here; some are my neighbors and friends.

We can judge the actions of our forefathers through a different lens today, with a greater understanding of what it means to erase a culture. Yet here we are today, with a choice. Do we desecrate the archaeological site and home place of the tribes whose land we took, or do we take a moment to pause, think and then do the right thing? The right thing is to leave this site alone. It likely contains the remains of Monacan people.

Would we run a water main through Oakwood or Riverview cemetery in Charlottesville if it meant digging up the ancestors of Charlottesvilleians? Of course not. We would find that appalling and take every measure to avoid this, even if we had to spend five times more money. Why are Native American burial sites any different?

Now is the time to take a stand for what is right. The citizens of Fluvanna should ask their governments not to run roughshod over the history, dignity and culture of our first residents.

Karen Firehock

Albemarle County

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## Opinion/Editorial: Rassawek dispute ratchets higher

The Daily Progress  
Dec 31, 2019

Monacans ask for  
independent investigation



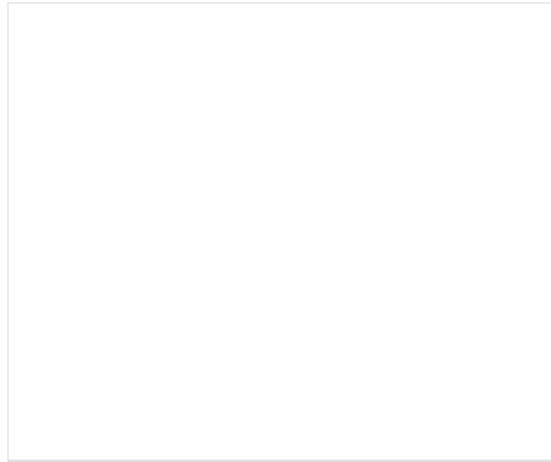
Water authority appeals  
decision on Fluvanna  
project

The question of Rassawek's fate ends the year — the decade — with a pair of actions that raise the stakes.

The fundamental question: Will Rassawek, considered the historic site of the Monacan headquarters, be preserved; or will it be used for a planned water intake and pump station that will help supply water from the James River to the Zion Crossroads development area of Louisa and Fluvanna counties?

One of those actions is over a point of law, the other is more far-reaching: The Monacans say that an independent investigation is needed to determine if the

permitting process for the project has been fairly pursued. And they have a point.



We've said it before: If the site *can* be saved, it *should* be saved.

Rassawek — rechristened Point of Forks on modern maps — is the most important site for the Monacan tribe. Artifacts have been found there; its supporters believe protecting the site could save traces of the historic town and any graves the area might contain.

And haven't we reached a more enlightened level in our understanding in which we believe that minority history should be recognized — not just the accomplishments of the great and powerful?

But the preservation effort comes a little late. A spokeswoman for the tribe has said that they did not want to tip their hand too soon, revealing the location of Rassawek to relic hunters and endangering existing remains, until they had exhausted all other options. That now leaves little time to preserve the site.

Plans for the water project have been in the works for more than two decades. Originally, it was to have served Louisa County only, but Louisa and Fluvanna agreed to cooperate and in 2009 formed the James River Water Authority to serve both jurisdictions. We can understand why they might feel blindsided by the launch of an historic-preservation claim at this stage of the proceedings.

When The Daily Progress last addressed the dispute in this space, we noted that the JRWA was at odds with the Virginia Department of Historic Resources over the department's handling of the JRWA's request for a permit necessary to proceed with its project.

The permit dealt with the important matter of identifying and removing any human remains the JRWA might find at Point of Forks. The Monacans and their attorney, concurrently, were arguing that such permits often fail to respectfully preserve historic remains.

The authority soon accused the DHR of wrongly denying the permit. The department replied that it wasn't denying the permit outright, but rather simply asking for a revised application. The problem, according to the authority: At least one person assigned by a consulting group hired by the JRWA wasn't, in fact, qualified to make recommendations about preserving human remains.

The JRWA objected to that conclusion.

And then a whistleblower claimed that the consulting firm *knew* that its employee was unqualified — adding a whole new level of controversy and legal risk to the dispute.

The JRWA said it would investigate. That was more than two months ago.

More recently, the authority has formally filed an appeal seeking to overturn what it sees as the DHR's rejection of its permit.

And in a letter, the Monacans and their attorney have challenged both Louisa and Fluvanna counties to launch an independent investigation into claims that the permitting process was swayed by an unqualified consultant. The letter even goes so far as to allege that the JRWA, and not just the consulting firm alone, knew of the consultant's inadequacies.

Many of these allegations have yet to be proved. The DHR had flagged the consulting employee's lack of qualifications, but we are aware of no evidence that either the consulting firm or the JRWA knowingly using unqualified personnel.

However, that is irrelevant to a deeper issue.

The authority indeed should conduct an internal review of its own actions and investigate its employment of the consultant — as should any entity caught in such a controversy. But it is not in a position to rule objectively on the results of that investigation.

It faces a conflict of interest: Its own aims in pushing the water project forward rely on the consultant being up to standards. Otherwise, the project may be delayed or derailed.

An independent investigation, by those without a vested interest, is necessary. Without such impartiality, results of any investigation are likely to be adjudged as tainted and unacceptable.

[https://www.dailyprogress.com/opinion/opinion-letter-monacan-site-ought-not-be-destroyed/article\\_f7e22540-59d9-52ba-8f8d-73c22ba56a9f.html](https://www.dailyprogress.com/opinion/opinion-letter-monacan-site-ought-not-be-destroyed/article_f7e22540-59d9-52ba-8f8d-73c22ba56a9f.html)

## Opinion/Letter: Monacan site ought not be destroyed

Letter to the Editor  
Jan 11, 2020

The Monacan Indians have a rich and important history in Central Virginia that must be preserved.

When I taught fourth grade at Stone-Robinson Elementary in Albemarle County, my students were interested to know about the Monacan people, and how they lived along the Rivanna River behind our school.

There are stories yet to be told that can only be understood by careful site preservation and archaeological work at Rassawek, the former capital of the Monacan Nation. The James River Water

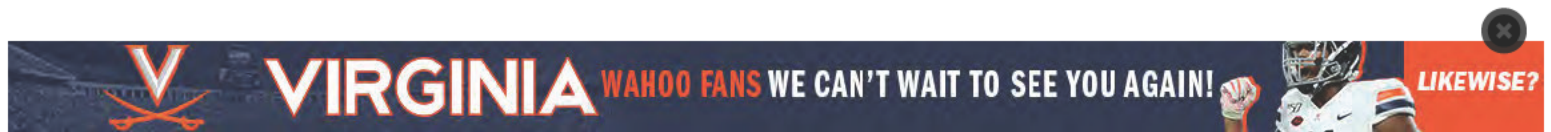
Authority should withdraw its permit request and choose an alternative site for its proposed pump station.

Also, I believe that the land that was designated for the pump station should be set aside as a park to honor the history of the Monacan people. It is shortsighted and unethical to destroy a site with much important cultural, spiritual and historic value. The cost associated with choosing a different location would be a small price to pay to earn back the trust of the community, and to show respect to members of a state and federally recognized Indian nation.

Eileen G. Merritt

Augusta County





### **Transcript of JRWA Public Meeting March 11 2020**

This meeting was held at 9am on March 11, 2020, at the Spring Creek Clubhouse in Zion Crossroads, VA. As you can tell from the recording, despite notice that there would be a large public attendance, there was minimal adjustments to the room to allow for audibility. However, we hope this transcript helps provides insights into the concerns held by the individuals attending the meeting.

Male: Good morning.

Female: Good morning.

Male: [Unintelligible 00:00:07] and we're going to start [unintelligible 00:00:08]. Before the meeting we would ask you to join us in the Pledge of Allegiance to the flag [Pledge of Allegiance]. [unintelligible 00:00:41] authority and [GAI] [unintelligible 00:00:49].

Male: Could you please speak up?

Female: Is there a microphone?

Male: There's not a microphone.

Female: [Unintelligible 00:01:02] so could you please louder than you have been?

Male: Yes, so what we did is we added additional budgets, budget allocations in GAI Consultants and we added that under action items after action item A.

Male: [Unintelligible 00:01:23].

Male: Speak up.

Female: Can't hear anything back here.

Male: Sorry, we normally don't have microphones in this room, so we'll try to speak up. I appreciate your consideration. What we did is just adopted the agenda with that addition.

Male: Okay, good morning. Now we'll open the floor up for public comments. Public comments will be limited to issues that are not the subject of public hearing. [unintelligible 00:01:55] for the public to give input relevant to the issues that concerning the JRWA. Speakers each will have three minutes, and as you approach your three minutes we will give you a timeout. Anyone wishing to address the board will stand, give your name, and home address. Any questions? Any comments from the public? I'm sorry, Ms. Barbara Seay.

Ms. Barbara Seay: How do you do?

Male: Name and address please.

Ms. Barbara Seay: My name is Barbara Seay. I live at Point of Fork and the land in question, Rassawek. I hope you can hear me. I have no prepared remarks. I just want to say that since 1956 my father, Dr. Russell Snead, bought [unintelligible 00:03:03] and since that time I have not felt like. I've owned it. I feel like it owns me and I'm the caretaker of the land. I remain the caretaker of the land my husband, Vincent, and I. And we ask you to be very careful in your comments and in your thinking about what should be done with this hallowed ground. Enough words have been said. Enough information has been put out there that if anybody's truly interested they can follow that in the news media. Gentlemen I know that you are trying to do your due diligence. I ask you and beg you to back another site for this project.

Male: Yeah.

Ms. Barbara Seay: Because this is hallowed ground. It was on John [clapping] [unintelligible 00:04:08] of the Monacan Indians. I don't care what you say and how you try to make us prove exactly where it is. The air, the land, and the water and my husband and I shall continue to be caretakers of this area if you will let us. We promise that to all Fluvanna and to everybody. Find another site. You have it in your ability to do that. Find another site. Thank you [clapping].

Male: We will try to not botch this name. It is Kenneth Branham.

Chief Kenneth Branham: I'm a stand right here so everybody can hear me.

Male: Name and address Mr. Branham.

Chief Branham: I'm Kenneth Branham. I live over in Amherst County. I've been the chief of the Monacans over 18 years now. Can everybody hear me?

Male: Yes.

Female: Yes.

Chief Branham: Because too much been kept a secret here. So I want everything that I say, everybody to hear it. This is the major capital of the Monacan people. It's our history. It's our culture. It's my ancestors. And there are rumors that we're trying to raise the money that the tribe will get for reburial. That is the biggest lie that I have ever heard, and it's so disrespectful for someone to even suggest that. And I am appalled at who have started that. We will not take any amount of money to let you go through there and destroy our ancestors homelands. There are ancestral remains in that area. I had did a major reburial once before and I do not want to do that again. You can move that site.

We found three routes and we going to propose another route today. We're doing your job for you. We don't have a problem with water. Everybody needs water, but you started in 2003. You contacted the Monacans in

2015. If we hadn't received federal recognition two years ago you would probably be building that already on that site. It's time that stuff like that is stopped. You have taken our land. You've taken our religion. You've taken our language and it's time to stop. I don't think you can find a person here that'll agree that that's the right place to put that pump station. You're supposed to be working for these people, do your job and put it somewhere where everybody will be happy with it.

Or at least don't be putting it in the middle of our major city. And that's been on the maps since the first Europeans drew the first map of Virginia. It's Virginia history too folks, not just mine. It's y'all's and the people in Fluvanna County. I would love to come and talk to y'all Board of Supervisors and tell them what this place means to me. I got a shirt on. We've started a website, Save Rassawek. And on the back it's got a quote from the first Monacans that came in contact with you, with Captain John Smith. When they asked why did the shoot arrows at him, he said "because we heard you were a people from beneath the world, to take our world away."

Male: Thank you Mr. Branham [clapping]. [Luis Oyala].

Luis Oyala: Good morning everybody. Good morning members of the water authority. Can everybody hear me?

Female: No.

Luis Oyala: Good morning everybody.

Male: Good morning.

Female: Good morning.

Luis Oyala: My name is Luis Oyala. I am a resident of [unintelligible 00:09:20] in Fluvanna County. I am here to show support for the Monacan Nation and their rightful claim to Rassawek and their demand to the water authority that they reject the proposal to build the pump station and the pipeline through this sacred land. It is all too often that the burdens of pollution, the spoils of colonization are put on the lands of the indigenous. And it is all too often that when the indigenous do the work of trying to mitigate that damage that they are not heard. So I am here to show my unwavering support [unintelligible 00:10:07] and I demand of you that you listen to the alternatives and that you reroute and consider and don't desecrate this sacred land. Thank you [clapping].

Male: [Terry Clouthier].

Terry Clouthier: Good morning everyone. My name is Terry Clouthier. I'm the Cultural Resource Director for the Pamunkey Tribe. My office supports the Monacan Nation's request for an alternative route to be chosen for the proposed undertaking. I'd like to thank the court for requiring the

alternative analysis review. However, given the circumstances surrounding investigations at this location, the court should conduct an independent analysis review for accountability and not rely solely on the contractors [unintelligible 00:11:04] due to potential conflicts of interest inherent with such review. The court must acknowledge that the Monacan nation possesses specialized expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them consistent with 36 CFR 800.4(b)(2)(c).

And therefore that information possessed only by the tribe must be given equal if not greater weight then the archeological study conducted on this site in determining significance and potential consistent with 36800.4(e) and 800.5 and 800.6. My office supports the Monacan nation's assertion that additional studies at this site would constitute a section 110(k) violation of the National Historic Preservation Act as it would be anticipatory demolition as the site significant does not need further analysis. As the specialized expertise of the Monacan nation has already established the significance consistent with 36CFR800.4(b)(2)(c). This undertaking and its likely effects to a significant site is a textbook example of how the Core's use of 36 CFR 325 Appendix C in lieu of the 36 CFR 800 regulations to account for effects to historical properties fails to achieve its desired goal.

The court should not issue any permit which will affect the site despite the results in the vote here today as they would be negligent in mitigating adverse effects to a [unintelligible 00:12:38] site consistent with 36 CFR 800.6. The primary obstacle to considering alternative routes should not be predicated on a preferred route by the Monacan nation. Rather, it should be predicated on the fact that the Monacan nation has consistently stated numerous times that the preferred route by JRWA is unacceptable. A preferred route for the alternative is essentially irrelevant defined in such terms when all of the alternative routes would be considered preferable to the preferred route currently chosen by the JRWA.

My office rejects the statements allegedly made by lawyers for JRWA and the counties of Louisa and Fluvanna that the client's hands were tied by the inability of the Monacan nation to select a preferred route. [telephone ringing] claim on the inability to set an alternative route incorrectly on the Monacan nation and [unintelligible 00:13:39] that this is whole process is not being conducted in good faith for all concerned parties. This enforces our recommendation to the Army Core of Engineers that an independent and alternative analysis of routes should be undertaken. My office encourages JRWA and ACOE to collaborate with the Monacan Nation to establish a preferred route such as the Forsyth alternative.

Male: Mr. Clouthier thank you so much [clapping]. [Walt Heineke].

Walt Heineke: Hi my name is Walt Heineke. I live in Charlesville, Virginia. I work with a group called Indigenous Studies at UVA, but I do not speak for them here today nor do I speak for the university with any comments that I make. I

wanted to say that I'm opposed to any construction at the current planned site and I don't believe that getting water for the community requires the destruction of Monacan cultural heritage or the disturbance of Monacan ancestral remains. I urge the water authority to more seriously consider the Forsyth alternative and in order to do so encourage the water authority to defer its vote today and accept the tribe's offer of good faith collaboration. I also request that the water authority make its alternative analysis public.

This vote is a major decision that risks taxpayer dollars. The public should be able to review the analysis for itself and rather than rely on the limited PowerPoint presentation that you all give, put together and present [it entirely] by the water authority. I'm particularly concerned that the water authority has not in good faith considered the true cost of the proposed site. For example, we know that the calculation for the current site does not take into account any archeological studies, any potential litigation costs that are coming, or any costs associated with project delays. Lastly, these decisions that you make are part of a chain of historical decisions that go back hundreds of years to the 1600s, right? It's not some little bureaucratic decisions that you're making now.

You're reinforcing a chain of decisions that have been made by white settlers in this country for hundreds of years. It's not a little thing that you're doing here. You should have respect. My god, what this country has done to Native American populations for generations of genocide and displacement. My god, you should have respect for what they're asking you to do, to consider thinking about these alternatives that they're asking you to think about. Please think about the history that you're involved with here when you're making this decision. Thank you [clapping].

Male: I can't make out the name, but I will do the address. It's [redacted] in Charlottesville.

Giselle Jouthari: Hello everyone. My name is [Giselle Jouthari] and I reside in Charlottesville. I have a very, very quick note here as professor at the University of Virginia teaching [unintelligible 00:17:18] me and my students have kind of been immersed in the exercise of kind of understanding [unintelligible 00:17:26] historical erasure of Native Americans and, you know, it's not surprising to us that as Mr. Heineke mentioned the kind of erasure of indigenous people by this type of urban infrastructure project by all means is not an isolated event. And this has been going on for over 400 centuries. And in continuation of what Mr. Heineke mentioned I would like to invite you to go back and read the treaties that the Virginia government has made with Native Americans.

Go back and read the treaties which have been misinterpreted and completely broken and the [unintelligible 00:18:13] of such projects is right at the center of these broken treaties. We can't continue like this. Thank you [clapping].

Male: Lisa [Draine].

Lisa Draine: Hi, my name is Lisa Draine. I'm here from Charlottesville and I'm here just to support the Monacan Nation and urge you to find an alternative site so that you're not destroying historical burial grounds. And as again, perpetuating sort of this narrative of white supremacy coming in and destroying indigenous lands. Thank you [clapping].

Male: Nicholas McCarthy.

Nicholas McCarthy: Hey y'all. My name's Nick. I don't really have a prepared remark, but I just want y'all to really consider what y'all are doing. I mean you've heard very articulate and passionate people speak on behalf of the Monacan nation, and I think they've made excellent points. There are alternative sites that you have been considering so far, but there are new alternative sites. And I think that folks have really been going out of their way to show you that there are other ways you can do this. And I'm sort of shocked that you're still going with it as is. I request that you defer the vote, take more time to consider the new alternatives. Because it's just disgusting if you guys go through with this like you've been doing, absolutely disgusting. It's an act of genocide, an act of genocide. It really is. Just because you're not killing people doesn't mean you're not doing something that's an act of genocide. Thank you [clapping].

Male: [Lynn Townsend].

Lynn Townsend: Lynn Townsend on [Goldsboro] Farm. I actually live in Richmond. I hadn't prepared anything, but just listening to the Chief and the other speakers, well done and well said. Anything I would say is redundant. I think the Indians have been displaced, disgraced, and to go forward with this is just furthering more of what's been done to them in the past. And I would hope and pray that you would reconsider where you're going to locate this spot and [unintelligible 00:21:08], and I want to thank everyone that's spoken. It was from the heart. God bless everyone. Thank you [clapping].

Male: [Kylara Miene].

Kylara Miene: I'm Kylara Miene. I live in [unintelligible 00:21:27] Virginia. I [unintelligible 00:21:29]. I feel like I have read in the newspapers a false dichotomy that's been created where people are having a choice between destroying a sacred cultural site and spending more taxpayer money. And I think that we are in this position because we have been lied to and manipulated. We have been lied to by the people performing alleged archeological investigations. The lies are many. We've also been manipulated because we have been put into a position where it will take more taxpayer money to build the infrastructure in one place then another place and this is not the fault of the taxpayers.

This is the taxpayers being blackmailed into choosing a certain outcome that would be advantageous to certain people. It is not what is



advantageous for the most of us. And there is no reason that we should be blackmailed in this way or that we should give up our ethics to do what these people want. Alternative sites must be considered [clapping].

Male: [Kirk Bowers].

Kirk Bowers: Good morning. My name is Kirk Bowers. I'm a licensed professional civil engineer, retired. I speak today as conservation chair of the Piedmont Group/Sierra Club and I represent around 1500 members in the area. The proposed water intake home station pipeline would have serious impacts on significant historic, cultural, and archeological resources in the area including on Rassawek, the historic capitol of the Monacan Indian Nation. In addition the archeological resources associated with the Native American history at this location [where] extensive impacts with resources which are part of the United States, [Monacan] Nation, at the Point of Fork [Arsenal], at the Point of Fork plantation and the [unintelligible 00:23:49].

The project and its impacts will alter the historic settings in the area and negatively affect [unintelligible 00:23:58] the area's historic, cultural, and archeologic resources. An important issue is the Corps of Engineers requiring an individual permit [unintelligible 00:24:09] which requires meeting National Historic Preservation Act requirements and [unintelligible 00:24:15]. I just went through more than five years of managing the pipeline projects with the Sierra Club and [state] and they've had a lot of problems with [unintelligible 00:24:26] takes a long time, cost a lot of money. So I wanted to point that out to y'all. Corps permitting regulations including comprehensive analysis of whether issuing a permit will be [unintelligible 00:24:43].

But I seriously believe the alternative analysis that you all did was not sufficient. You did not really seriously consider alternative sites or routes. From my experience as a civil engineer for over 30 years I have seen this over and over again where cost became a major factor in making a decision. Since taxpayers in part are funding then part of the requirements for consideration cost has to be considered. However, in this case, it is not in the public's best interest to seek the lowest cost as the cost and destruction of historic resources are not measurable. The value of our cultural [unintelligible 00:25:35] and resources simply outweigh the value gained from building a pump station at [unintelligible 00:25:42] Rassawek.

It's also, as I mentioned before, significant risk proposed location will not be approved by federal agencies. You will continue to see litigation also, and I'm going to offer today to bring forward our [unintelligible 00:26:01] law program attorneys to see if they want to jump into this case. So in conclusion, we urge the James River Water Authority to defer its vote, to [unintelligible 00:26:15] to check alternatives to the Rassawek location and seriously consider other alternatives. And one quick note is my family came to this country in 1622. We have a lot invested in this state. This is part of our history too. So we want to make sure it's preserved. Thank you very much for your time [clapping].

Male: [Donna Shaughnessy].

Donna Shaughnessy: Yes, hi. I'm Donna Shaughnessy. I live in Charlottesville. I'm the chair of the Piedmont group of the Sierra Club. And I just want to echo what all the other speakers have said. There should be no desecration of this historic site when there are other feasible options. As a country we have a terrible record of destroying native cultures. It's time for that to stop and it's time that we all just took a deep breath and did the right thing [clapping].

Male: [Julia Griffin].

Julia Griffin: Hi there. My name is Julia Griffin. I live at [redacted] and I'm here to speak in defense of the Monacan capitol city of Rassawek against the Point of Fork location and in favor of the Forsyth alternative. So I don't know if you all have read the sworn testimony of [Eric Mai]. It is horrifying for the water authority to blatantly flaunt the National Historic Conservation Act hiring a deeply unqualified and intentionally negligent contractor, Circa, to conduct an archeological investigation is not just incompetent but obviously malicious. The internal investigation is clearly lacking [unintelligible 00:27:59], and failed to even interview the whistleblower, Eric Mai. The Circa director, Tyrer, herself told the water authority that the possibility of human remains on the site was medium to high.

So I'm highly aware that this board is made up of elected officials. So look around the room. Louisa and Fluvanna Counties are pretty small. If the board approves this permit application, that would be the fastest way to generate grass roots opposition for the members of this board. Imagine what hundred people canvassing for your opponents could do. Thank you [clapping].

Male: [Unintelligible 00:28:46]. What's the name?

Male: [Wade Brue] lives in Richmond on [redacted]—

Male: That's me [laughter].

Greg Werkheiser: My name is [Greg Werkheiser] [laughter]. That's more a comment on my handwriting than anything [laughter]. It's my honor to be the lawyer for the Monacan Indian Nation. And y'all are so impressive that I'm going to do something you've never seen before. As a lawyer I'm going to cede my time back to you and sit down. Thank you [clapping].

Male: In which case I arrived late because of doctor's appointment and I will accept that [seeded] time [laughter]. My [unintelligible 00:29:37] Allen. I'm an enrolled member of the Pascagoula River Choctaw Tribe in Pascagoula Point, Mississippi. I have lived for 33 years on the Monasukapanough village summer camp site out in [unintelligible 00:29:52] Virginia. I am very deeply aware of the history of the Monacans.

I may look like a white skin, but I am a red man at heart. I have canoed the entire James River. I have camped at the Rassawek site. I have felt the vibrations of that place just as I have felt them and you gentlemen are free to come out on [unintelligible 00:30:18] Rd and feel them in the huge buffalo meadows of the Monasukapanough town, the second largest town.

The town that [unintelligible 00:30:27] put on the map and it's called Charlottesville, Virginia today. You can come out and feel those vibrations. You mean have spirit bodies. You're able to go down and stand in Rassawek and breath and feel and stop this nonsense. Please, you know better than this. Nathaniel Bacon started a revolution back in the 1600s. He made inroads into this gigantic Monacan Nation that owned half, that occupied half of what we call Virginia today. And he genocided them with illnesses, sicknesses like this coronavirus that we're worried about. There is a sickness onboard right now and it sounds like it's called by the elected water board virus and gentlemen I want to ask you to quarantine your own spirits, [elder] yourselves as the Quakers say and move to an alternative site. Thank you [clapping].

Male: [Kay Ferguson].

Kay Ferguson: I'm Kay Ferguson. I'm with [Artemis] in Virginia and clearly the route through this sacred site is the wrong thing to do, immoral thing to do. But I just want to talk about it for a minute in terms of money. Like if you push through this you're running a risk of costing the taxpayer extensive court costs, long delays and the likelihood that you will still have to pay the extra money that you're claiming is needed for the alternative route. So I know your job is to get water to people that's clean and safe with the least amount of fuss and the least amount of money. Well clearly this isn't the least amount of fuss [laughter] [clapping]. It's the money either and the other thing is the economy of the Commonwealth of Virginia is hugely involved with tourism.

It's one of the sources of wealth and growth that we have that actually doesn't actually poison our water and it has many benefits. So I'm here to tell you that increasingly current audience of Virginia tourism and even more with the future audience for Virginia tourism, interest in these stories. Interest in the story of the indigenous people that we have not fully ever heard that we have silenced and in some cases destroyed will be a big draw. And also in the future some of your big tourism sites on the coast are going to be lost to rising sea. So here you have this opportunity for an inland site, close to Monticello and then you're going to alienate the very people who have the wisdom to help you develop that into something that's rich and provides income and good vibrations for this region.

No, that's not [unintelligible 00:34:06]. That's giving up a great opportunity which has real [mathematical] value. And as far as the [sacred] thing and the right thing, that math doesn't get done now, but it does get done on the Judgement Day [clapping].

Male: [Sue Marcus].

Sue Marcus: Hello again. My name is Sue Marcus. I am Fairfax, Virginia but I'm representing a regional Quaker group, the Baltimore Yearly Meeting, and I'm [unintelligible 00:34:48]. We range from Pennsylvania to the North Carolina border. I have prepared more which I will give you, but I'm going to select some parts of that. I'd like a show of hands, how many of us in this room would like to see the evaluations that the water authority conducted on other sites other than Rassawek? I don't know that those have been public. Okay, so that's one point. Also I'd like to note that if Rassawek had contained the graves of [unintelligible 00:35:34] or early slaves, or our families would they be disturbed?

Female: No.

Male: No.

Sue Marcus: Another issue, on the water authority's website because I was looking last night, it says that the Army Core of Engineers is presently engaging in consultation with Virginia Historic Preservation, interested tribes of the consulting parties. And it goes on, this is quote, given the historical context and sensitive archeological nature of this project, the James River Water Authority is making every effort to be respectful of and sensitive to everyone's input during this project. Aside from the fact that I'm not sure about the sensitivity and respect, I've actually spoken with ACE directly. Contacted them in [unintelligible 00:36:29] and they said they have no consultation at all going on right now. They are out of it until there's [a] request for permit.

So I find that information on the website to be at least misleading. I would also wonder whether you really believe that honestly you have been sensitively and respectfully engaging the tribe. As a former federal agency tribal liaison on national level, and I've dealt with tribes. The chief of the tribe is equivalent frankly to the president of the country. They were the head and sovereign government. And I heard today that Chief Branham was not treated as a chief and I find that offensive. He is the head of the government above you. He has at least [clapping] [unintelligible 00:37:39] can talk, but they can talk, the chief can talk to anyone he'd like. So I personally find that offensive as well. So I ask that you delay the vote [clapping].

Male: [Jeff Hantman].

Jeff Hantman: I'm Jeff Hantman. I'm from Charlottesville and recently retired from the University of Virginia Department of Anthropology. I'll be quick because you've all said things that I second. I wanted to respond to a statement written by the JRWA attorney and representing the James River Water Authority's position less than a few weeks old. And I think it's a justification for proceeding with excavation, stated careful excavation at Rassawek. But it doesn't hold up. The language is completely deceptive in

my mind and to save time I'll be specific to word choice. "No known Monacan burials will be disturbed" [laughter]. Of course not, because the Monacan people as you all know, it's not for lecture, did not use headstones, did not leave a marker.

Any burials encountered will be a disturbance of that burial. But that's okay because the statement from the association says really assertions that burials will be disturbed are speculation. Now no one in the science of archeology, and I'll represent that side for a moment, we don't use that term. We don't speculate. We look at 100, 120 or more years of knowledge gained through the Smithsonian's work, through amateur archeological societies, through the [unintelligible 00:39:52] many of you know at VCU. We don't speculate. We look at the pattern and the patterns are clear. Monacan burials are associated with chief's villages. They are commonly found in villages and towns along the river. And to say that it's speculative that you might encounter burials as you constantly assert this is just a guess.

You don't know what's happening, it's huge speculation. That's just ignorance, not how archeology proceeds to your consultants, for your own interpretation of your consultant's explanation is deceptive. It's not speculative. It's a pattern, it's a known pattern. It's been published and it should be reflected in your writing. So personally I'm disturbed by that reference of speculation. You don't know, you may encounter human remains. I hope you've listened carefully to a representative from the Pamunkey tribe because there's a lot of laws that are going to protect those remains now. Secondly, there's a concept in the JRWA statement that I can't imagine where this comes from.

But it asserts that there's been prior disturbance to the site that we call Rassawek and there hadn't. But that prior disturbance was used to justify continued disturbing and I find that absurd.

Male: Thank you so much [clapping]. [Julie Verdix].

Julie Verdix: Pass.

Male: [Aaron Hackett].

Aaron Hackett: Everyone my name is Aaron Hackett. I live in Charlottesville. And I've been looking into the discussion recently and it seems to me very obvious that at least some further consideration is due after listening to all of these very professional speakers here today. It seems like there's a lot of information that's come to light just recently and at the very least further consideration of these very important facts is due. So I implore you all to look into what has been presented to talk to these people and receive their perspective and indeed their hard facts. And proceed with logic, so thank you [clapping].

Male: [Jess Vegas].

Jess Vegas: Good morning. I'm Jess Vegas with World Peace Love Liberty through Standardsville, VA and I sincerely ask you to reconsider the location of this water pump. Look at this room. This is a room full of uncertain faces and every body hair on my body is standing up because I can feel this energy. This would be a tragic mistake. I mean if this was any other gravesite or this was a colonial gravesite or even a gravesite of a Baptist church we wouldn't even be considering this. I mean look at this room, please, take these thoughts into consideration sincerely. This is a matter of respect for the land that was built on conquest and the future and what we define. We're making history. We define the future, so please take that into consideration. And leave something that's respectable. Thank you for your time [clapping].

Male: [Miranda Elliott Rader].

Miranda Elliott Rader: Good morning gentlemen. My name is Miranda Elliott Rader. I live in Charlottesville, VA and I'm here to speak because I think this issue affects all of us in the whole region, not just Fluvanna and Louisa Counties. I encourage you to listen to what the Monacan Nation is asking you to do and it affects all of us. It's a historical resource for everybody in the whole region. I raised kids in this area [unintelligible 00:44:41] and you have the opportunity right now to make a very important decision to preserve that historical site. And to spend a little extra time now to work with the Monacan nation, to follow the site that they recommend. They've been doing a lot of work for you.

I think the current recommendation from your lawyers is the Forsyth alternative and even though it might seem like it's not quite the bottom line right now. You should build what they recommend and not [unintelligible 00:45:14]. Thank you [clapping].

Male: [Winston Barham].

Winston Barham: Greeting friends. I'm Winston Barham. I live at [redacted] here in Zion Crossroads in Louisa County. I have [unintelligible 00:45:37] for three years. I draw my water from the aquifers underneath us and my tax bill bottom line funds the work that you do. I hereby pledge whatever it takes to protect this cultural resource that is in question. [We] would not build on a civil war battlefield. We would not bulldoze a churchyard cemetery. A couple weeks ago I took the Jamestown Ferry which makes a [unintelligible 00:46:04] and turns right near the historic site of Jamestown which has been lovingly protected for many years by the public interest of Virginia.

Rassawek is much older and I argue is much more culturally significant and it deserves at least the same amount of respect that we afforded to these other cultural sites [unintelligible 00:46:27]. Thank you [clapping].

Male: [Suzie Bee], Suzie?

Female: Morris?

Male: Is that? OK. [unintelligible 00:46:49] Suzie.

Suzie Morris: I'm Suzie Morris. I live at [redacted], Palmyra, VA. And I followed this water situation which has been going on now for 20 to 24 years. It started back in the last 1990s and I know when it started it up again, the question I asked Joe Hines from Timmons was "When did you choose Point of Fork?" Oh that's been the number one choice since 1996. I never saw it in anything when I looked and read Timmons' reports in the late 1990s. I never saw Point of Fork as such mentioned. I will not repeat all the things which have been said today which I totally agree with. Things such as the secrets which have been kept for a time, the lack of transparency, the lack of trust and consideration for the taxpayers of these counties.

Supposedly after the late 1990s, this died down as [unintelligible 00:48:17]. But it continued I'm sure to be bubbling under the surface and it's been trickling under the table. The real dilemma began in October of 2013 with the interjurisdictional agreement that was passed by the James River Water Authority. Progress is fine, but progress should be transparent. It should be open. It should be honest, and the people should really be listened to. I feel that if these boards had listened to the citizens originally, had been open long before we were given any public hearings. That they would never have selected Rassawek in Point of Fork. It would've been a total catastrophe, a total mistake.

But unfortunately things are done for progress, in the name of progress nowadays and you forget things which are ethical, things which are considerate and give to government by the people and of the people and for the people a chance. I wonder how much has been spent already and how much time has been lost in all the stop gates and all the bumps that all this progress supposedly for water has gone through. There are environmental concerns there. There are archeological concerns. There are human concerns. There are historical concerns and these things all matter. Instead of asking why don't the Monacans show, tell us exactly and prove that Rassawek is there and where it is, why don't we ask the James River Water Authority to prove that it's not there [clapping] archeological digs and so forth. Give the people credit [clapping].

Male: [Millie Brasel].

Millie Brasel: Hi. My name is Millie Brasel and I'm a resident of Louisa County. I oppose construction of the water intake facility at the planned site. Hubris has led us to this point, but it's not too late to make the right decision. I urge you to collaborate with the Monacan nation and fully explore the Forsyth alternative. Casting a vote to move ahead the planned site will not only threaten an area sacred to the Monacan nation, but also lead to years of delays and litigation potentially costing Louisa and Fluvanna residents millions more dollars, billions more dollars. As a Louisa County taxpayer I



ask you to avoid yet another ill-advised decision. Please collaborate transparently and in good faith with the Monacan nation by exploring an alternative site [clapping].

Male: [David Nisma].

David Nisma: I am [a descendant of] white settlers. Our ancestors raped and murdered the ancestors of native peoples. Our ancestors committed genocide against them. Our ancestors sold their lands. We stand on stolen land. We live on stolen land. We reap the rewards of our ancestors' violence. Then you, the James River Water Authority continue their legacy. Your hand ringing and excuses do not [unintelligible 00:52:04] this. Your manipulations are designed to force this pump station to be built on top of Rassawek. Stop [clapping].

Male: [unintelligible 00:52:18].

Male: Pass.

Male: [Amy Hamburger].

Amy Hamburger: I'll make it brief. I live in Louisa.

Male: Name please and addresses.

Amy Hamburger: Amy Hamburger, [redacted], Louisa, VA. I support what everyone said and the Monacan Nation. And I just keep hearing over and over again in the brilliant ways that people are speaking from their hearts that there's a moment of a choice here. There is a choice to keep pushing forward and coming up against the opposition over and over again or to admit the mistake and to change. There's a chance right now to do things differently for you, and I hope you take it. Thank you [clapping].

Male: [Edwin Frost].

Edwin Frost: My name Edwin Frost. I live in Louisa County in the Shannon Hill area. I'm here to oppose the construction of the pumping station at Rassawek. I'm here to support Monacan Nation and Chief Branham and I'm going to continue to do everything I can to oppose and stop the pumping station from being built. I think there's a lot of people here who feel similarly. I think it's going to be impossible to get that pumping station built in that setting. I know that I'm going to do everything I can to stop it and I think a lot of people feel the same [clapping]. And then the other thing I wanted to say is y'all have made a mistake and there's a chance to stop that and change course and recognize that it's a mistake and do something different.

And I really urge you to do that instead of, you know, the other path is to just double down on the mistake and then the denial and the confusion. And I ask you to not do that. I ask you to take the path of recognizing and

owning up to the mistake that's been made and doing better. I think we're all challenged to do that. And you, the water authority is facing a big challenge to do that right now and I hope you [unintelligible 00:55:00] that challenge [clapping].

Male: [Carroll Courtenay] with the Southern Environmental Law Center.

Carroll Courtenay: Hi.

Male: I'm sorry.

Carroll Courtenay: That's alright. I'm Carroll Courtenay from the Southern Environmental Law Center. SELC is a nonprofit, nonpartisan organization headquartered in Charlottesville that works to protect natural and cultural resources throughout Virginia and [southeast]. SELC does not challenge the counties need for a new water source, but we are opposed to [unintelligible 00:55:34] the James River water supply problem [unintelligible 00:55:36]. Quite simply this is the wrong place for the pump. The area and the confluence of the James [unintelligible 00:55:42] rich mix of historical, cultural, and archeological resources. These resources highlight the regions complex and diverse past. Point of Fork, as you've heard is the location of Rassawek [unintelligible 00:55:55].

In addition to the Native American resources there are [unintelligible 00:56:01] resources. Point of Fork is an important site in revolutionary and civil war history as well as in the area of important [unintelligible 00:56:08] history. The density and diversity of resources and [noise] make it an ill-suited site for the water supply project. This area should be protected, not destroyed. The alternative analysis process offers the water authority the opportunity to reassess the location of the project. Among other things, preliminary information about the alternative analysis has revealed a potential alternate location for the project that has the initial support of the Monacan Indian nation and landowners. For all of these reasons we strongly urge the authority to use this process to select another site for the water supply project [clapping].

Male: [Ellie Gale]?

Ellie Gale: Hello. My name is Ellie Gale, longtime resident of Virginia on the water very close to Jamestown and Williamsburg. My registered voting address is Charlottesville, [redacted] and I live at the Center for Healthy Living and I speak on behalf of them and the class contemporary indigenous worlds at the University of Virginia who unanimously recently doing projects have all agreed that Indian nations and indigenous peoples have not been allowed to fully express their culture. Which is a relationship to the environment that they have their [unintelligible 00:57:39] on. Their relationship to their ancestors for whom they live and themselves for whom they live, and the next seven generations for whom they live.

And they are acting on behalf of them and we, all of us here are also acting on behalf of them. I request the James River Water Authority defer its vote today in favor of a more respectful way of handling the situation which is to speak with this Monacan nation and speak with their elders who they believe to respect them and respect this [unintelligible 00:58:18] relationship and this culture and instead defer vote so they can collaborate with them. Alternative sites are clearly there. There are clearly ancestors and bodies that are very important, dead people, people who lived who were oppressed, who were killed because of our lack of handling this nation with respect and treating them as people.

And you have the option to change that today. Many other facts have been stated so I'll just speak as a woman and a Virginia resident, long time. I want to have a family in Virginia. Many others do also. I've grown up in a high school in Mathews County, VA where there's a lot of taxpayer dollars by second homes and a lot of people buying first home where they can't afford to buy the nicer second homes that are above sea level and I've had to not be able to go to school many times because the water levels have risen to the point of covering the roads. So as my family exists in the next 15 years or so and sea levels have already risen much more by then, it's supposed to be three feet in the next century.

So a little bit above three feet is going to cover our roads. We won't be able to go to as many tourist destinations and many other people either, so wanted to cite Jay Ferguson's remarks in that regard. So thank you and god bless [clapping].

Male: [Mary Kranz]. Am I pronouncing it right?

Mary Kranz: Hello, this is Mary Kranz. I've lived in Louisa for almost 50 years and you guys represent me and thank you. I do appreciate that you have worked on this long and hard and I'm sure this is entirely frustrating, but I'm sorry you're in this position that you are. There's a magnet on my refrigerator that says that when you dig a hole too deep sometimes the only way out is to keep on digging. I wanted you to hear that. Every time an obstacle comes by it seems you can say you can get around this just keep going. When Timmons notified you several years ago that the Department of Historic Resources was [unintelligible 01:01:15] on this you thought you could get around it on and on, and on and on.

And it's just really time to stop digging and to find another route. Yes, it'll cost money, but it'll be worse if you keep [unintelligible 01:01:32]. Appreciate your time. Hope you make the right choice [clapping].

Male: [Sally Thomas].

Sally Thomas: Gentleman I have –

Male: Name please ma'am.

Sally Thomas: I'm sorry. Sally Thomas and I'm a resident of [Charlottesville]. So I actually have sat similar to where you're sitting today, and I appreciate your [unintelligible 01:02:20]. I also want to tell you a short story of [when I was on the Board of Supervisors].

Female: Speak up [unintelligible 01:02:27].

Sally Thomas: A proposal to destroy a [unintelligible 01:02:31] a town second in size to Rassawek to the Monacan's history. And the supervisors told them to stop [unintelligible 01:02:43]. We were at the phase with a room full of angry soccer kids which [unintelligible 01:02:49] [laughter]. And they did not like to [unintelligible 01:02:54]. It's not entirely comparable, but I just want to tell you that of all the things I did in the [Board] one of the things I'm most proud of is saving that village. And you have a chance to be [proud] [clapping].

Male: [Suzanne Keller].

Suzanne Keller: Hi, I'm Suzanne Keller. I'm the [unintelligible 01:03:34]. I bring greetings today from [unintelligible 01:03:39] committee on behalf of the Peace and Social Concerns Committee in solidarity with the Monacan Nation. We ask that you respect the sacred ground at Rassawek and that you defer the vote supporting [unintelligible 01:03:53] [clapping].

Male: [Robin Patton]

Robin Patton: Hi everybody. My name is Robin Patton and I live at [redacted] in Louisa, VA. Guys the public tide is turning on issues related to erasure of cultural history, Native Americans, and other people of color. I stand in agreement with all of the comments that have been made today in support of selecting an alternate site that does not disturb what is a national treasure. I've been watching this train wreck unfold for 25 years. I think I remember that you guys are appointed by board of supervisors members. You're not elected, so I know there is a [unintelligible 01:05:19] that was in place in your respective counties before you started on this mission. So like the other two recent speakers said, you have inherited a difficult position.

There's no doubt, but as Ms. Thomas said you also have inherited an opportunity to do something significant. I was at the first meeting where Louisa County considered rezoning the land that we're on for a 400 house subdivision. I objected then because this location, Zions Crossroads, is at the top of three watersheds. It's difficult to get water here. It's difficult to dispose of wastewater because you have no ability to dilute your discharge, and I'm retired from the Department of [Environmental Quality]. Nobody listened to me then [laughter], and because it's the Louisa way, they have continued to make decision after bad decision throwing good money after bad and spending enormous amounts of taxpayer dollars for something that was originally rezoned for water and sewer to be provided by the developer.

Everybody in this room that pays taxes in Louisa County has poured millions into things that could've been schools, that could've been better roads, that could've been equipment for your fire companies. All of those things. When this issue of uncredentialed professionals appeared, every locality that I have had experience to work with and granted it's been some of the bigger cities down in the southeast Virginia region, would have run screaming from this project. And pointed at the consultants and said my god how did this happen. We are no longer working with these people. We are going to turn and do the right thing. but you didn't do it. Today you can correct and as a public citizen, because I know a lot of these things turn on administrative procedure I would like to object to several situations about this public hearing.

Number one it is within a gated community [clapping]. [Owned by a] benefactor of the project. Number three it is inadequate space. Number four, hearing is difficult and there is no recording for citizens to retrieve later. Five, there's no option to know who you are and what your position is in this process, and I'd like to know who the eyerolling guy is over there [laughter] [clapping]. And six, there's a failure to provide documents essential to the public review process [clapping] [shouting].

Male: [Amanda Welch].

Amanda Welch: My name is Amanda Welch. I live three miles from here in Louisa. I've lived here for 30 years. I was at this meeting [unintelligible 01:09:04]. I agree with everything she said. Stop it [clapping].

Male: [David Copper]. David you live on Ridgeway Dr?

David Copper: Yeah, yeah, yeah. I'm David Copper. I heard so many good things here. Thank you so much. [unintelligible 01:09:45]. To me it just sounds like business as usual. Although I'd like to compliment on your water [unintelligible 01:09:59]. Water is a problem, will always be a problem in this country as it is used and abused by the powers that be. Nothing new here. West coast to the east coast we're constantly raping and destroying people like you and me, business as usual. You know we need to build something, so let's see is there a black neighborhood? Is there a white native American neighborhood that we can build our infrastructure on whatever we need to build? It's happened over and over again from Louisiana to Minnesota and Michigan. It's nothing new.

Female: Union.

David Copper: It's all union built. It's right here. It's happening now and if we don't do something now. If we don't have a change of conscious that we have a chance to do. You have a chance to do that today for whenever you make a decision. This needs to be deferred, and if you don't defer this thing won't be built one way or another [clapping].

Male: Look like [Mack Derry].

Mack Derry: Good morning. My name is Mack Derry. I've lived for more than 40 years on Route 6 in Fluvanna County. It's very near Rassawek. Try to be brief. I urge the board to make a different decision, not build at Rassawek. This meeting is about respect and I don't think we intend to disrespect members of the board. We would like you to make a decision that is more respectful of Monacan tribe, Virginians in general, and make a better decision. Charlottesville built on the Rivanna River. Palmyra built on the Rivanna River. Rassawek [is at the] confluence of two rivers. Zion Crossroads, confluence of two roads. Can't cook your dinner with a road [laughter]. Thank you, please make a different decision [clapping].

Male: [Karen Corcoran].

Karen Corcoran: My name is Karen Corcoran. I'm the owner of the historic property of Boswells Tavern. I'm a taxpayer. I would like to say as a taxpayer I do not want a single dollar of my money to go to the desecration and destruction of cultural and religious sites [snapping]. I think it's a disgrace and an abomination that we consider desecrating this land. There're alternative sites. I'm here to demand the investigation and analysis of the alternatives and I'm here to say to you that Native American history is our American history. It's our human history, and please stand with me in saying no to the board. Please stand [clapping].

Male: Can't read the name, but the address is legible. 720 –

[Gabe Engle]: That's me. My name is Gabe Engle. I live at [redacted] in Crozet. I was born in Fluvanna. I really don't have much to say. There's been just every point and emotion has been covered. I'm just one more person in support of moving the location, deferring the vote. It's time to listen to the Monacan people and clearly pretty much all people right now. Thank you [clapping].

Male: [Suzanne Chambers].

Suzanne Chambers: That's me. Good morning.

Female: Good morning.

Suzanne Chambers: My name is Suzanne Chambers. I live at [redacted] at the foot of Bear Mountain in Amherst County. Come today representing the Amherst County democrats, small but feisty group [laughter] that make a difference. A very feisty group of women in Amherst County. We both unanimously voted to support our friends and neighbors, the Monacan peoples. What you do today affects heritage, history, culture, and most importantly dignity. This is not 1620. It's not 1720. It's not 1820. It's not 1920. It is 2020. This history is sad, and we have, you have a chance to change that. And, you know, I have gone to many public hearings. I get that you have them in the middle of the workday on the weekday.

But I have never, this is the first, pledged allegiance to a golf course [laughter] or attended a public meeting on a private golf course. When [my GPS] asked me to a residents only entrance, I turned around in circles to get in here. The guard flustered because there was 15 members of [unintelligible 01:15:57] trying to get into here. Because the workers [unintelligible 01:16:00]. Told me to follow the car in front of me if I was going to the meeting. That person was going home [laughter]. So I'm in another cul-de-sac [again]. Sir this is not a public forum [snapping]. There would be a flag if it were. There would be respect and it wouldn't be at 8:45 in the morning. Thank you [clapping].

Male: [Abby Strickland].

Abby Strickland: Hi y'all. I'm Abby Strickland. I'm a lifelong Louisa County resident. I'm just here to echo everything everybody else is saying in support of Monacan Nation. I really honestly don't understand why this is even a choice. Every way you look at it, it is a mistake. Listen to us. Listen to the Monacan nation. Have some respect for them. Make a different decision. Defer the vote and be more transparent. Thank you [clapping].

Male: [Zoey Edgecomb].

Zoey Edgecomb: I'm Zoey Edgecomb. I live in Charlottesville on [redacted] which is between [unintelligible 01:17:17] and Louisa and on Lindsay [unintelligible 01:17:20]. My parents still live there so I'm here representing them. They can't be here for health reasons. I am supporting the Monacan Nation and I reiterate the irony of having this meeting here on a weekday on a golf course, one of the most water intensive uses of land [laughter]. And rather than reiterating a lot of what other people have said I just want to say that the Monacan Nation should not have to be paying for the shortsightedness and the failure to live within your means in this county. Like Ms. Patton said, we're at the top of three watersheds. You knew the water wasn't here. There are ways to deal with that. One would be conservation. One would be smart development.

Another one would be offers from developers so that they could be paying. They're making fortunes from this place. Why can't they pay for their own d\*\*\* infrastructure. Excuse my language. That's what I have to say. Thank you [clapping].

Male: [Debra Kushner].

Debra Kushner: I'm Debra Kushner. I live in Stanton, Virginia and I [unintelligible 01:18:44] 100% of the comments that have been made today in opposition to this pumping station. And I just urge the board to consider the meaning of sacred. If not in your own experience, for another culture. And a culture that we have trod upon for very far too long since we came. This proposal is wrong in every way. And I urge you to defer it or outright reject it. Thank you [clapping].



Female: I'll take the rest of Debra's time. My name is [Caroline] and I'm from Keswick. I just wanted to say I can't believe the audacity in telling the Monacan people if you don't want us to build on your site, you tell us where to go. Because that was never the responsibility [snapping]. If that's not [your job] I don't know what your job is [clapping]. [So I'm going] to say this is just another example of environmental racism. We've seen it in [Union Hill] and we've seen it for the past 100 years in various legal precedent to revoke permits that have been founded on environmental racism. And that is what is going to happen if you make this decision today [clapping].

Male: [Graham H]. I can't make out your last name.

Graham Evans: Graham Evans.

Male: Okay.

Graham Evans: Good morning gentlemen. My name is Graham Evans. I live in Charlottesville, VA. I represent [unintelligible 01:20:22] small business needs in the area. And I also represent at least a dozen other people that would be here today if it wasn't held at 9 am [unintelligible 01:20:32]. And I guarantee, who else here has five or ten other people who would be here today if it wasn't a workday.

Female: In, school. They're in school.

Graham Evans: Yeah, a lot more people that would be here with us if they had the opportunity. What I'd like you consider is compassion [unintelligible 01:20:46]. I'm out of ten generations of people who've lived in [unintelligible 01:20:52]. And at this moment I'm thinking about my grandmother, Josephine Evans. She is buried here in Virginia in Red Hill Church. And I want you think about your favorite [grandparent]. What I'm thinking about right now is in another ten generations, we've been here for ten generations. We'll hopefully be here for another ten generations. When I go to visit her grave, it's only been 25 years, but the headstone is starting to wear away.

It's harder to see what was written there. And in another hundred or 200 years that headstone may be gone. And peoples' needs at that time may be to use the land and the church where she's from. We don't know. We can't predict what's going to happen in a hundred years. We are in the position a few hundred years or a few thousand years since this was a [unintelligible 01:21:40]. And I want you to think about your favorite grandparent, somebody who held you when you were a baby. [unintelligible 01:21:46] and I want you to think about them in 200 years and their graves and that sacred place where you visited. And somebody coming in and wanting to tear that out for their [use]. Please take a moment to think, just right in this moment to think about that.

That may happen. It makes me livid with rage when I think about that happening to [Josephine]. I don't know how you feel, but I [unintelligible 01:22:27] change of heart. Please look to the dozens of people that are here and the dozens that couldn't come. Know that there's another alternative will you please [clapping]?

Male: [Earl Evans].

Earl Evans: Good morning.

Female: Good morning.

Earl Evans: Earl Evans, I'm from Hollister, North Carolina, former vice chairman of [Haliwa-Saponi] tribe and a tribal delegate for several tribes [unintelligible 01:23:19]. Thank you gentlemen for having me here this morning. My ancestors were from this place. I'm here in support of the Monacan and their position [unintelligible 01:23:30]. I came to the hearing that you had before and I don't know if you recall, but I brought my children Kaylee who's 12, my son [Dylan] 13, and my niece [Lindsay] who's 10. So in the event that all of this conversation has not convinced you of the right [unintelligible 01:23:55] I thought you'd enjoy hearing what I heard in the backseat on the way back. Because I learn so much from children.

But one of the things that I do with my kids is I take them around to places that their relatives are buried. So that they can remember who they are and how [unintelligible 01:24:16]. Where we live, [unintelligible 01:24:18] now, they know their relatives back for five great generations. So their fifth great grandparent they know exactly where they are, where they're buried. There's no headstones in some places, but they know where they are. Prior to that our ancestors have been various places throughout what's now known [unintelligible 01:24:37]. But the different places we've had to go to because of colonization which [unintelligible 01:24:43].

So with knowing what they heard here and the discussion about Rassawek and going to some of these places that they've also been such as [unintelligible 01:24:55] or other places that we have access to that are in the earth there. Conversation with my daughter, she's the more inquisitive type, always asking questions. You know what harm does it do? The graves are there, why do they have to disturb them? My son, he's very pragmatic, very common sense and Lindsay is the little spitfire. So my daughter's asking all of these questions about why, why, why? And my son says Kaylee it's simple. There's more bigotry, there's more racism. The colonizers are still colonizing [clapping] [snapping].

And then Lindsay she said well, if that's the way they are then, if they're going to do that to people who are alive, people who are dead. Then they'll probably be waiting at the gates of heaven, to kick us out of there too. That was their thoughts on the way back. Children pay attention. This is not just affecting the people who are here today, people who are here now. People like us have to explain to our kids and it's hard to answer that question. If

this is the way they treat our ancestors who are deceased, people who are dead, people who can't harm them. Then what do they think of me a living, breathing person. We're descendants of [unintelligible 01:26:17] created.

That's where our ancestors [unintelligible 01:26:21] came from. We teach our kids that [unintelligible 01:26:25] they're to treat themselves and others with respect and courtesy even in death. So it's hard to translate how that respect and courtesy cannot be provided to the ancestors who are resting peacefully [unintelligible 01:26:42] [clapping].

Male: [Mya Stewart-Silver].

Mya Stewart-Silver: Thank you for your time. Thank you all for your time. I am incredibly touched and inspired by all the work –

Male: Mya can you introduce yourself to the others please?

Mya Stewart Silver: Pardon?

Male: Introduce yourself.

Mya Stewart Silver: Oh I'm [unintelligible 01:27:29]. I'm Maya Stewart Silver. I live in Crozet, Virginia and [unintelligible 01:27:33] resident since [unintelligible 01:27:35]. I am very, very shocked. And I know that this is very common for business as usual. And as Caroline said this is an incredibly [clear] environmental racism issue. And as Jay Ferguson said, this is not going to work out. If you try to make the water pump here it would cost so much in delays and uproar in the community that it's going to need to be rerouted no matter what. This is not going to happen [snapping]. And I really very, very strongly urge that you make the decision now.

I understand this is a hard position you're in to try to save money for the taxpayers and not want to create any more money for them to spend. But there are so many more people who would want to be here like it was stated. And the times are changing and we're at [unintelligible 01:28:51] edge and I just so strongly recommend that you are on the right side of history right now. And that you don't need to go through all the pain that is going to take to reroute in the future and to pull back later. So in the best interest of you, the Monacan Nation, all here, and the rest of this community that's my strong recommendation for we cannot have a water pump here.

I mean I get that this could be the best location. It's just so shocking because I would argue that it's the very worst location [clapping]. I mean the fact that we would murder, kill, steal Native American and Monacan people and then choose a site where it's the ancestral burial grounds of some of those same people is just incredibly outrageous to me. And I can't imagine that now that you've heard a really good alternative site, that you would chose this site. I only can imagine that you would do the right thing,

that you want to go to sleep at night and know that you are taking into consideration the choices that you're making. I know for me ever since I was a child and I heard about the situation that my ancestors had on Native Americans I felt so much responsibility and pain around that.

And I imagine that you will all make the right decision. Thank you very much for your time and for your care.

Male: Thank you [clapping]. [Tom Lever].

Tom Lever: Hi. My name is Tom Lever. I'm a resident of Charlottesville, VA in the Fry's Spring neighborhood. I think I want to be brave today and say that I have worked in past as an assistant project manager on [water pipeline] projects in Fluvanna County and on [unintelligible 01:31:14] County. I am very much in support of the Monacan nation and I guess I want to rate my experience first. You need [to create] good will with your neighbors when you're building in construction. Another thing is that while these projects have a [grave] footprint that they impact initially. From my experience the actual pieces of infrastructure are very modular and very small. And when we relocated up onto [unintelligible 01:31:52] Mountain, for example, at a very high point.

They don't need to be located on burial grounds or next to the river. I guess another point I'd like to make is that one of the projects I had the privilege of working on was the rehabilitation of the Blue Ridge Tunnel as a historical site in Nelson County. Nelson County board of supervisors is strongly supported by their people. And the project is going to be a tourist site. It's going to be a pedestrian walkway and interfaced with Shenandoah National Park. And there are reams of historical data and stories about that location. The history of the tunnel, the fact that it employed slaves unfortunately, and was fairly unjust in its actual creation. But I guess I bring that up to say there's a way to engage with the public to meet your infrastructure water needs and wants and make it something our community can be proud of.

And also to leave a set of documents that is enriching to the community after the fact. I guess this could even be what with all of these wonderful people here, the site eventually could provide a testament to what we've been speaking of here today. Could acknowledge that on an information stand for example. Could be a public interface of some kind, so I guess I'm definitely wanting this project to move and also bringing my perspective that it's easy to move. It's going to be really hard to build this. Please do so, thank you [clapping].

Male: James River Water Authority would like to thank all of you for your comments [unintelligible 01:34:22].

[Randy Holladay]: Could I speak? I'm sorry I didn't sign up.

Male: What's your name?

Randy Holladay: My name is Randy Holladay. I live on [redacted] in Louisa. And I'd like to say to you guys I appreciate your being here. I've been involved in some of Louisa politics for a while and the work of people on boards like this that are trying to do their public duty. I appreciate it. Most of you guys aren't getting paid. I know Christian, you're kind of at work right now. But the rest of you have volunteered for this so I appreciate it. The kind of problem I see though is that you made a good sale. The James River Water Authority when I started seeing that in the newspaper I thought it was a statewide board.

Female: Yep.

Randy Holladay: And I'm wondering did Newton County, Lynchburg City, Richmond, Henrico did they give you the authority to detail what goes on with the James River? Because it certainly goes by there. So the name was a deception from the start by the Louisa County, perhaps Fluvanna too board of supervisors to get what they wanted which was a water line that they've been trying to push through for years and years and years. Because they got this here in a bad place and it's kind of been the board. And again I appreciate your efforts, but the whole board has been kind of a scam and a sham from the get go. Just the name of it, authority, you're not the James River Authority.

There's other people that might be considered that, but it's certainly not you guys, sorry. You've hired a consultant, Timmons, to tell you what you wanted to hear. That's all you hired him for. You've hired him again at Shannon Hill. Don't get me started on that [laughter]. The problem in this century is going to be and already is water. We're going to end up with a lot more salt water and a lot less fresh water. That's what's happening this century. Your grandkids' grandkids are going to have some major issues with water. And sucking it out at one place and pumping it into another watershed is not a real good long-term solution. We are using antiquated systems from the past to build into the future, and it's not going to work for long. It just isn't going to work.

And again, thank everybody for coming. I understand why you have it scheduled here and why you scheduled the time. Because you guys have to take your time out to come here. It does make it difficult for others, but the idea that you're building something on a site that obviously would not be happening if there'd been a civil war battle there is insane. And there are alternatives and please look at them. Other people have done the due diligence that Timmons didn't and that perhaps you didn't to get an alternative site. Let's go with something like that. We need the water, but let's do it in a practical way. thank you again and thank everybody [clapping].

[Renee O'Leary]: My name's Renee O'Leary. I live at Old Raptor Farm, a couple miles up the road in historic Green Springs. There is no moral equivalency between destroying a centuries old landmark and pumping water to Louisa County

so that we can have more [rooftops] and the sprawl that Northern Virginia has. Thank you [clapping].

[Ali Calimonte]: My name is Ali Calimonte. I live at [redacted] in Richmond, VA. And I just want to say that we are in the middle and in the midst of an ecological disaster, manmade ecological disaster. Specifically made by white capitalists. The same white capitalists, white supremacy that colonized Turtle Island, that colonized Monacan land and it is those very same systems of oppression that resulted in colonization that has also resulted in the ecological disaster we're experiencing now. That is because indigenous nations, Monacan nations have been stewarding this land for a time in memorial and they somehow didn't cause massive ecological collapse.

That is on us. That is on white people. That is on white supremacy and so right now when we're talking about addressing climate change. When we're talking about addressing how do we ethically distribute water? How do we ethically distribute resources, we need to be talking at a minimum about giving the land back. Giving land stewardship back to indigenous people [snapping] because they are ultimately the people that know this land. This land is theirs. Anything less than that is white supremacy. If they are saying that this water pump station needs to be moved, then it needs to be moved end of discussion [clapping].

Male: Again, thank you for the comments –

Chief Branham: I got one more thing I would like for y'all to do for everybody here today. Start with this gentleman over here. Would each of you stand up and give us your name? Because I don't know –

Male: Name and address [laughter].

Chief Branham: I don't know the names, and I'd like to start with this gentleman here. If he's one of y'all I don't know.

[Justin Curtis]: You will hear from me in a moment. My name is Justin Curtis and [unintelligible 01:40:28] for the James River Water Authority.

Male: Address?

Brendan Hefty: My name is Brendan Hefty. I'm the general council to the James River Water Authority.

Male: And where do you live? We've all been doing it.

Female: Yeah, we've all been doing it.

Female: Really, [unintelligible 01:40:49]. We all have to do it.

Male: We weren't even allowed to speak without doing it.

Male: You're publicly speaking.

Female: We're not even a real [unintelligible 01:40:57]. It's a public hearing sir.

Male: Unwilling to speak. Write it down.

[George F. Server]: I'm George F. Server. I am representing [Fluvanna] County.

Female: Again, your address.

George F. Server: Fluvanna County.

[DB Watson]: I'm DB Watson Serve as a chair and I represent Louisa County.

Christian Goodwin: My name is Christian Goodwin and I'm a Louisa County administrator. I live in Louisa County, met many of you before. Thank you for being here today.

Mark Dunning: Good morning. I'm really impressed with your turnout. My name is Mark Dunning. I'm on the board. I'm vice chair of the JRWA. I live in [unintelligible 01:41:45] VA.

Eric Dahl: My name is Eric Dahl. I'm a Fluvanna County administrator and I live in Fluvanna County.

Female: You guys have a form for this?

Male: Thank you. Again thank you. We will continue with our board meeting and our [independent] motion to accept [unintelligible 01:42:08] second minutes from our February 25th regular meeting. Do you accept it? All in favor?

Male: Aye.

Male: Aye.

Male: [unintelligible 01:42:25].

Male: Could you speak up?

Male: One bill on [unintelligible 01:42:52]. To the 41,000 previous balance [unintelligible 01:43:12].

Male: That number again?

Male: [Unintelligible 01:43:16].

Male: Just to repeat to make sure that everybody heard this is the consideration of bills that the authority pays on a monthly basis. The three bills



[unintelligible 01:43:28] 9,960 and one to GAI Consultants for \$14,920.02 and one to [Hamburg Holbert] who is our bond counsel for \$1,800.

Male: Thank you.

Male: I will make a motion that we approve the [unintelligible 01:43:41].

Male: I move to second that the bills [unintelligible 01:43:45] and be paid. All if favor?

Male: Aye.

Male: Aye.

Male: No opposed. Special information [unintelligible 01:43:53] action item, any new editions for the budget?

Male: I think actually the [unintelligible 01:44:00] application.

Male: Alright [unintelligible 01:44:03]. Justin.

Justin Curtis: Mr. Chairman, members of board good morning.

Male: Good morning.

Male: In the [unintelligible 01:44:14].

Justin Curtis: So just a quick update on the status of the Core of Engineers permits. [unintelligible 01:44:24]. So just to [unintelligible 01:44:28]. We met here two weeks ago on February 25th. At that time, the project consultant team presented to you the preliminary look at the [unintelligible 01:44:38] analysis. Just to reiterate there were eight different alternative pump station locations along the James River from [unintelligible 01:44:45] all the way down to [unintelligible 01:44:46]. Among those eight pump station sites there were 12 different alternative routes I considered. In reiterating the [unintelligible 01:44:58] logistical constraints for the construction on the [unintelligible 01:45:04]. The consultant looked at ensuring there's an adequate quantity and quality of water to meet the needs of the [unintelligible 01:45:17].

And obviously we did look at cost [unintelligible 01:45:21]. Looking at all the facts and the figures [unintelligible 01:45:32]. So looking at all the facts and laying them out and following the typical process of procedures that you [unintelligible 01:45:38] for analysis. We discussed that [unintelligible 01:45:46]. The end result was that [bill alternative six] which is the current site is the only practical alternative [unintelligible 01:46:01] for that exercise. So again that was provided to you two weeks ago. Now just a couple other updates. [unintelligible 01:46:10] of the revised supplemental information materials and [unintelligible 01:46:16] Core of Engineers [unintelligible 01:46:19]. Those are [background noise].

We are in the [unintelligible 01:46:29]. So we understand there are a lot of eyes looking at this and need to make sure all of our Ts are crossed [unintelligible 01:46:39].

So as I informed the board yesterday the counsel of the Monacan Indian Nation did provide a letter to the chair of [unintelligible 01:46:58] as well as Louisa County [unintelligible 01:47:01]. That letter, I believe you heard a lot about it today, offered discussion on one of the alternatives that [we looked] at which was labeled the Forsyth alternative. More specifically they [unintelligible 01:47:17]. They said they've had communications with the landowner of the pump station site, and they've offered to [unintelligible 01:47:27] discussions about that site. As I said in my email to the board yesterday, my recommendation well let me back up a second. We have had many conversations over the last year and a half with counsel from the Monacan Indian Nation.

The door has always been open. In the last attempt [unintelligible 01:47:49] to discuss these issues with them was [unintelligible 01:47:54]. But I believe my recommendation we should always sit down with them if they're willing to and we should [hear them out] [unintelligible 01:48:03]. As far as the alternatives analysis before the board, we believe that board action would be appropriate. So let me clarify one thing. The recommendation is for the board to approve a new [report] submitting supplemental information materials to the Core of Engineers as soon as soon as that information is [unintelligible 01:48:36]. I assume that'll be in the next few days. There have been a number of requests as you've heard today to defer that decision and not make a decision today. I would suggest to you that there is no reason to do that and here's why. So what the next steps are, so this is supplemental information material.

The Core of Engineers needs to process our existing [unintelligible 01:49:07] as an individual [unintelligible 01:49:10]. The next step is that we'll use that application to verify that it's completed, has all the information that they need to proceed. And then it goes out for public notice. And that actually begins another, there have been many, this is going back to [unintelligible 01:49:28] referenced that this project has been going on for years and years. But that will trigger another round of public review and comment and engagement. So this is the not the end of the process or the final decision. It is preliminary steps along the way and my suggestion [unintelligible 01:49:47] is there's no reason to defer that step at this point.

That doesn't prejudice our ability to continue discussions with the Monacan Indian Nation, but it does advance [unintelligible 01:49:57] this pending permit application as you all know. It has been pending since 2014. We had a number of [unintelligible 01:50:06] and hurdles we work through and this is just one of the steps in the process. So I would suggest move forward with [unintelligible 01:50:14] [hissing]. Those are my recommendations to the board. Myself and some of the [unintelligible

01:50:21] project team are in attendance today [unintelligible 01:50:23] answer your questions.

Male: Okay. Mr. Curtis thank you for being here today. Can you tell us a little bit more about the Forsyth alternative. Do you have a presentation [unintelligible 01:50:42]? And how that alternative had some reasons that it wasn't preferable and wasn't practical [unintelligible 01:50:49]?

Justin Curtis: Yeah, absolutely. So the Forsyth alternative is one of the 12 routing alternatives that the project team reviewed very closely. Again, just referring back that was 1-C in the information [unintelligible 01:51:08] that you have. A couple things are important to realize about that site. The water line route is roughly four times the length for the proposed line [unintelligible 01:51:19]. So we [would] encounter additional costs just by virtue of having [unintelligible 01:51:24].

Female: How much are we talking about?

Justin Curtis: The project team believes that probably it's four miles [unintelligible 01:51:37] and also adds to the cost. That process or that particular route is [coughing] located above utilities. It's mostly in virgin areas, so that presents additional environmental challenges. We are, of course, in this process solely because when [unintelligible 01:51:56] Army Core of Engineers [unintelligible 01:51:58] that particular alternative route would increase our [unintelligible 01:52:03] by a factor of five. So that is an issue [unintelligible 01:52:06] moving forward that we would have to give very serious consideration to [unintelligible 01:52:11] locations. As a matter of cost, the current estimate [unintelligible 01:52:19] about 85% more costly than the proposal.

The letter of course mentioned working with one or two of the landowners and that would certainly potentially bring down some of the costs. But [unintelligible 01:52:37] acquisition costs in the grand scheme would be relatively small. That alternative will add, I believe we've identified 26 separate landowners who would have to negotiate easements from to get the line [unintelligible 01:52:52] through that Forsyth property [unintelligible 01:52:53].

Male: If the board is [unintelligible 01:53:06]. What would that do to the timeline of the project? What would that do as far as looking at proposed [unintelligible 01:53:15] alternative?

Justin Curtis: So deferring this would [unintelligible 01:53:22]. There are [background noise] restrictions [unintelligible 01:53:30]. So there are reasons to try to move forward and try to wrap up permitting [unintelligible 01:53:45] judicially so we don't get ourselves in a situation where [unintelligible 01:53:48]. So it would push back the timeline months, and that would be the only [unintelligible 01:54:00]. Otherwise it wouldn't affect our ability voting. Whether the board defers this today or acts today doesn't affect the ability to consider moving forward [unintelligible 01:54:14].

Male: Just the [unintelligible 01:54:18] change route [unintelligible 01:54:19]?

Justin Curtis: We would have to modify [unintelligible 01:54:25]. We'd have to modify the routes and [unintelligible 01:54:32]. There are a number of alternatives [unintelligible 01:54:34] modify an existing route [unintelligible 01:54:40] potentially modifications or new applications. We of course have [unintelligible 01:54:50] water and also it impacts state water. We also have a permit from the [unintelligible 01:54:59]. Those permit processes would have to be restarted [unintelligible 01:55:09].

Male: Performed an extensive river analysis at the current location. Make sure the flows in that area of the James are sufficient to meet the needs of Fluvanna and Louisa County. So has that analysis been performed at the Forsyth location?

Male: [Are] you referring water quantity or the actual location of the intake?

Male: Quantity.

Male: To my knowledge that has not been. Moving the intake uptake upstream it would shrink your drainage area. It would be a marginal change. I don't think it would be significant. [unintelligible 01:55:48]. You'd have less water [unintelligible 01:55:50]. At the Forsyth property there is one other consideration, that is the [unintelligible 01:55:58]. So there are many potential reasons locations in low flow conditions [unintelligible 01:56:06]. That is an issue if we had to permit this again [unintelligible 01:56:13] quality it'd [unintelligible 01:56:15]. Someone mentioned earlier about the use of the water from the river and who has the rights. So [unintelligible 01:56:25] is the agency on the permit side and they have to evaluate your impact on all the users downstream, all aquatic life, all water [unintelligible 01:56:35], all recreation. So all [unintelligible 01:56:37] downstream [year to year].

Male: Can we simultaneously move forward with the application process as well as consult with Monacan Indian nation on the alternative they're proposing? Is that what I understood you to say earlier?

Justin Curtis: Yes, absolutely. So the application process there is time [unintelligible 01:57:03] portions of review materials. Then there's [unintelligible 01:57:11] call of notice. So there's probably a 30- or longer-day total [grace] period. And there's a [unintelligible 01:57:20] period. [unintelligible 01:57:22] National Historical Preservation Act consultation process. So there are [two other] permitting process [unintelligible 01:57:31].

Male: Thank you [unintelligible 01:57:40]. I'm going to recommend that the board enter a motion to have Mr. Dahl and Mr. [unintelligible 01:58:01] sign a supplement of information and material and have the board

[unintelligible 01:58:06] and to present that to the US Core of Engineers [unintelligible 01:58:11].

Male: I second that.

Male: By [unintelligible 01:58:24] you authorize [background noise]. Also [unintelligible 01:58:35] to continue to discuss with the Monacans counsel so that we'll have better relationships moving forward if that's possible.

Female: Can you just state the motion so we can hear it? We don't know what that was?

Male: We recommend the board action is to authorize Mr. Dahl who is the administrative for Fluvanna County and Mr. [unintelligible 01:59:04] who is the administer for Louisa County to move forward and [unintelligible 01:59:10] authorize Timmons to submit [unintelligible 01:59:13] to the US Core of Engineers in the next [unintelligible 01:59:16].

Female: They are willing to go forward.

Male: Don't do it.

Male: Bulls\*\*\*.

Male: Horse s\*\*\* [hissing].

Female: Can they ignore all of us?

Female: This is such a shame.

Female: Shame.

Male: Shame on all of y'all.

Female: Shame.

Male: Shame.

Female: Travesty.

Female: Shame.

Female: Shame.

Female: Liars.

Female: Shame.

Male: Shame.

Female: May I ask a clarifying question?

Male: You may.

Female: I think I heard that [unintelligible 01:59:44] say that permit would go through and at that point you would engage the public again and my understanding of that is that at that point you could all say no. And that'd be [unintelligible 01:59:58] authority could also say no. So this is not the end.

Male: Nope.

Female: This is part of the process to get to no.

Female: Yes.

Female: That's the way I'm reading this. This is part of the process to get to no. So I think we need to listen to what's being said here.

Male: Thank you ma'am.

Female: Could you repeat that?

Female: [unintelligible 02:00:19] because you're taking this bad solution forward and so when you have to go back and do these other public hearings, you'll have to go back and [unintelligible 02:00:32] by this.

Female: Say no now.

Female: You've got an attorney. [unintelligible 02:00:36] you think about the permitting process that I know are [unintelligible 02:00:41]. You're getting bad advice though.

Male: [unintelligible 02:00:43] to work with the Monacan for an alternate. Everything within your power?

Male: We just mentioned that.

Female: They haven't before. There's no guarantee they will again. They haven't from the very beginning they've done nothing but deal in lies. They've told property owners lies. They've told the Monacans lies. They've printed lies. They're not standing up for the people.

Male: Thank y'all so much. We're very appreciative –

Female: You're not appreciative [snapping].

Male: Respectful then.

Female: No.

Female: And you're not respectful.

Female: Talk to the Monacan people first before you submit the application. Why submit it now.

Female: This has been [unintelligible 02:01:30].

Female: We all told you that's not what we want.

Female: This is going to [end up] getting national focus. I'm telling you.

Female: Did you hear [unintelligible 02:01:37] today.

Female: No, they didn't listen.

Male: They only listened to that fellow over there, the eye rolling guy.

Female: Peace now.

Male: [unintelligible 02:01:44] review our board meeting on the budgetary amendment [unintelligible 02:01:49].

Male: I didn't hear that motion go through.

Female: It did.

Male: It did go through.



[https://www.thecentralvirginian.com/news/editorial/james-river-water-study-lacks-transparency/article\\_7c76b884-6d26-11ea-a1ae-0731e7dc3e9b.html](https://www.thecentralvirginian.com/news/editorial/james-river-water-study-lacks-transparency/article_7c76b884-6d26-11ea-a1ae-0731e7dc3e9b.html)

## James River water study lacks transparency

Beth Croghan

Mar 23, 2020

To the editor:

The scene: A public hearing meeting at Zion Crossroads last Wednesday held by the James River Water Authority (JRWA).

The topic: the proposed water intake and pumping station to be built in Fluvanna County on the site of the historical village of the Monacan Indian Nation known as Rassawek.

I attended this meeting and noted well over 100 people in attendance. Fifty of those attendees were compelled to speak against the placement of this project at Rassawek. These eloquent speakers included University of Virginia professors and students, a retired civil engineer, several non-profit environmental group representatives, concerned citizens and, last, but not least, the chief of the Monacan Nation.

Concerns included destruction of Indian burial sites, lack of site research by a qualified archeologist, and lack of transparency and thoroughness in evaluating alternate sites. The details of the research into alternate sites have not been made public. The Monacan Nation has proposed an alternative site several miles upstream.

The reason cited for pushing through with this site plan was economics. However, various opposition groups plan to mount legal challenges. These legal challenges can only result in a higher cost in the long run as well as long delays. Taxpayers are the financiers of this project, and it is we who will suffer for it.

There is agreement that clean and adequate water supplies are necessary for the region. That is not the argument. The debate is about protecting irreplaceable historic and cultural sites and respecting our nation's native people whom we have abused and disregarded for centuries.

Ongoing disregard was evident at the end of the meeting as the authority voted unanimously to submit the controversial site to the U.S. Army Corps of Engineers as its preferred option.

If the Corps verifies that the application is complete, it will be subjected to a round of public review. Please consider participating in this process and letting your views be known. Your tax money is the funding source for this project, and your values are reflected in the outcome. Consider talking to your representative on the board of supervisors who appointed these authority members to let them know that the taxpayer deserves more transparency and consideration in the delegation of their tax dollars.

Beth Croghan

Trevilians

May 5, 2020

138 The Maine  
Williamsburg, VA 23185

Steven Vanderploeg, Environmental Scientist  
Norfolk District Corps of Engineers  
Western Virginia Regulatory Section  
Richmond Office  
9100 Arboretum Parkway  
Suite 235  
Richmond, VA 23236

Re: CENAO-WR-R NAO-2014-00708 (James River Water Authority)  
Pump Station and Pipeline Alignment  
Fluvanna County, Virginia

Dear Mr. Vanderploeg:

Thank you for requesting comments on the new raw water intake, pump station, raw water lines, and upgrade of an existing access road proposed by the James River Water Authority in the James River and tributaries of the James River near Point of Fork in Fluvanna County. I understand and appreciate the need to provide a new and reliable water supply to Fluvanna and Louisa Counties. The Corps' preliminary review indicates that known properties eligible for inclusion in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. However, the Alternative Analysis included in the Public Notice is less than thorough and does not appropriately consider effects on historic properties. Important questions have arisen about the archaeological surveys conducted to date, and in particular about the effects on sites associated with Rassawek, the historic capital of the Monacan Indian Nation. I strongly recommend that the Corps proceed to prepare an Environmental Impact Statement (EIS) with a comprehensive and thorough review of the proposed actions, the identification of historic properties, the assessment of effects and alternatives considered. The draft EIS should be developed in consultation with appropriate parties, including the Monacan Indian Nation. The regulations governing the Section 106 process state that the agency official shall acknowledge that Indian tribes possess special expertise in assessing the National Register eligibility of historic properties that may possess religious and cultural significance to them (36 CFR § 800.4(c)(1)). I strongly encourage the Corps not to assume that its own archaeologist or contract archaeologists can identify historic properties of significance to Indian tribes when they conduct archaeological surveys or that an archaeological survey is the only survey method deemed sufficient enough to identify properties that may be eligible to the National Register.

**Identification of Historic Properties.** The construction of the water intake and pump station is proposed at Point of Fork located near the community of Columbia at the confluence of the James and Fluvanna Rivers. Point of Fork is regarded by the Monacan Indian Nation as its historic capital, a culturally significant place. The archaeological investigations to date have

identified six archaeological sites within the Corps permit area. Rather than treating each archaeological site as a discrete and independent entity, the Corps should acknowledge Rassawek as place of cultural heritage and adopt a more holistic cultural landscape approach, as presented in the Advisory Council on Historic Preservation's e-learning course, *Early Coordination with Indian Tribes on Infrastructure Projects*.

Further, I strongly encourage the Corps to consider the Advisory Council's guidance on recovery of significant information from archaeological sites. Apparently data recovery has been proposed as the appropriate treatment for the archaeological sites affected by the project. For data recovery to be an appropriate treatment "the archeological site should not possess special significance to another ethnic group or community that historically ascribes cultural or contents" It is my understanding that the Monacan Indian Nation has objected to this option and has recommended avoidance to achieve preservation in place. According to the Monacan's web site, Rassawek is a cultural heritage site and an important part of national, Virginia, and tribal history. Data recovery is acknowledged to be an adverse effect and is appropriate when the archeological site is significant and of value chiefly for the information on prehistory or history it is likely to yield through archeological excavation. The Monacan Indian Nation views the proposed data recovery as destruction of its heritage.

The Advisory Council's guidance further states that sites proposed for data recovery "should not contain or be likely to contain human remains, associated or unassociated funerary objects, sacred objects, or items of cultural patrimony as those terms are defined by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)". Burials have previously been found in that area and experts, such as retired professor of archaeology at the University of Virginia, Dr. Jeffrey Hantman, have said that it is likely that many more burials associated with Rassawek are present. It is my understanding that the Monacan Indian Nation has asked to work with the Corps and the James River Water Authority to find a location for the project that does not disturb the tribe's ancestors.

Under the Virginia Administrative Code (17VACS-20-50) a permit is required for archaeological excavation of human remains. In September of 2019, the Virginia Department of Historic Resources responded to the James River Water Authority's application for a permit and request for a waiver of the state's public notice requirement, denying that request. The Director's response noted that the Monacans have specifically requested that notification take place. A public meeting was encouraged to allow interested parties to attend and comment directly, acknowledging "the great importance of the land area to Virginia's federally recognized tribes as this area contains multiple archaeological sites associated with Rassawek, the ancestral capital of the Monacan."

**Alternatives Analysis.** The Advisory Council's regulations at 36CFRpart800.6 state that "if an adverse effect is found, the agency official shall consult further to resolve the adverse effect. Consultation should continue with the State Historic Preservation Officer and other consulting parties, including Indian tribes, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties. The Council of Environmental Quality provides guidance of what an Environmental Assessment should include: the need for the proposal, alternative courses of action for any proposal which

involves unresolved conflicts concerning alternative uses of available resources, and the environmental impacts of the proposed action and alternatives. The Alternative Analysis included in the public notice does not satisfy the requirements of either Section 106 of the National Historic Preservation Act nor of the National Environmental Policy Act.

According to the Public Notice, the Corps' preliminary assessment indicates that no environmental impact statement should be required. Yet NEPA provides that an EIS must be prepared for any major federal action "significantly affecting the quality of the human environment." The proposed project appears to meet several of the "significance" factors identified in the Council on Environmental Quality's NEPA regulations, which provide for the consideration of both "context" and "intensity." "Intensity" is based on a list of several factors, including:

- The unique characteristics of the geographic area such as proximity to historic or cultural resources...;
- The degree to which the effects on the human environment are likely to be highly Controversial; and
- The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural or historic resources.

The Monacan Indian Nation has recommended the Forsyth Alternative as a reasonable alternative to meet the project's purpose and need, located about 2.3 miles upstream from the confluence of the James and Rivanna Rivers. Apparently the James River Water Authority finds the cost of this alternative unreasonable. However, all of the alternatives considered appear to assume the project will tie into a pipeline the Louisa County Water Authority has already completed from Route 6 in Fluvanna County to a water treatment plant at Ferncliff. Unfortunately consultation did not take place when the property was acquired and those decisions made. This should not preclude the opportunity to comment under Section 106 and NEPA. The Corps should require the James River Water Authority to develop a more thorough and detailed analysis of alternatives in consultation with the Department of Historic Resources, the Monacan Indian Nation and other appropriate consulting parties. According to the Council on Environmental Quality, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations* at 2a. (1981): "Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint using common sense, rather than simply desirable from the standpoint of the applicant".

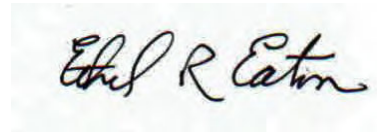
In making its decisions, I also encourage the Corps to consider environmental justice. Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs each federal agency, as defined in the Order, to "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States." The Monacan Indian Nation will suffer the direct effects of the proposed construction on Point of Fork on its cultural heritage. Tribes have an intimate and historical knowledge of place and the Monacan Indian Nation should have been engaged be engaged early to inform planning

and future management. The Monacan Indian Nation holds a breadth and depth of understanding of the landscape to which they are connected. I strongly urge the Corps to ensure that this NEPA process comprehensively reviews the adverse effects of the James River Water Authority's proposal on Rassawek as well as any reasonable alternatives and affords the Monacan Indian Nation a meaningful opportunity to comment.

I strongly urge the Corps to require preparation of an EIS for the James River Water Authority's proposal to ensure a thorough and sufficient review and analysis of the proposed project's adverse effects and reasonable alternatives. I also urge the Corps to continue working with the Department of Historic Resources, the Monacan Indian Nation and other appropriate consulting parties and to the opportunity for public input and involvement as required under both Section 106 and NEPA.

Thank you for your consideration of my letter and I look forward to learning the Corps' decision.

Sincerely,

A handwritten signature in black ink that reads "Ethel R. Eaton". The signature is written in a cursive style with a large, stylized "E" and "A".

Ethel R. Eaton, Ph.D.



Angelo LoMascolo  
Susan P. Barnabeo  
2258 Nolting Road  
Louisa, Virginia 23093

Steven VanderPloeg  
Norfolk District, Corps of Engineers  
9100 Arboretum Parkway, Suite 235  
Richmond, Virginia 23236  
ATTN: Steven VanderPloeg@usace.army.mil

Re: James River Water Authority Application

Dear Mr. VanderPloeg:

We are residents and taxpayers of Louisa County. We retired to Louisa from New York, where we spent our careers practicing corporate law. Both of us retired as General Counsels of large corporations in heavily regulated businesses. Neither of us practiced before your agency, but we did practice under the Federal Administrative Procedure Act (APA), and as a result of Board work since retiring we are familiar with Section 106 proceedings and litigation under the National Historic Preservation Act (NHPA).

The permit application before you represents a trap for the US Army Corps of Engineers (ACOE). Having initially chosen the worst possible site for the intake of the James River Water System (JWRS), the James River Water Authority (JRWA) has persisted in its bullheaded pursuit of this site and the necessary ACOE permit. In doing so, the JRWA, its consultants and its employees have so tainted the situation that if the ACOE grants the permit, the ACOE will be undertaking to defend, in the public forum and in the Courts, the series of mistakes and damaging incidents created by the JRWA.

Our comments below focus on the economic and practical impacts of granting the requested permit. However, this should not be seen as diminishing our concerns about the moral and cultural tragedy that the destruction of Rassawek would represent. Others more qualified than we (including the Monacan Nation, other Native American entities, important archeologists and historians) and the public at large will comment on the moral, historical and cultural implications of this matter, and we share those concerns.

In addition, as a procedural matter, we believe that issues as significant as those presented here should be dealt with in a public hearing, where all interested parties have an opportunity to make their arguments. Although we realize that things cannot grind to a halt during this time of national emergency, there are some protections that should not be sacrificed, and the right to a public hearing is one. We therefore urge you to defer consideration of this matter until such a hearing can be held.

In order to put forth at least some of our arguments against this permit application, we submit the following:

If this permit is granted:

1. The ACOE will, in effect, take possession of the tainted legal situation created by the JRWA. This would waste time, resources and tax dollars for years and could easily result in a legal loss for the ACOE. You would be doing the taxpayers a favor if you were to reject the JRWA application so that the JRWA can get on with developing an alternative site. Our assessment of the legal future of the JRWA matter is included as an attachment to this letter entitled "THE JRWA MESS". We suggest you read it and provide it to ACOE legal counsel responsible for defending ACOE legal challenges for review. Angelo has conveyed the information in the attachment to Louisa and Fluvanna County officials, who have not identified any flaws or inaccuracies.
2. The ACOE's reputation for oppressing Native Americans would be confirmed once again. We're sure you are tired of being reminded of the ACOE's sad record with respect to its treatment of Native Americans, but we are far from alone in believing the ACOE has been strongly and properly criticized for your poor treatment of Native American's historical and cultural claims over many years. This should change! Rassawek presents the opportunity for the ACOE to do the right thing and to begin turning the page.

It should not be assumed that our objection to Rassawek as the intake site means we are against the JRWS. The prompt and successful completion of the JRWS is very important to us and our neighbors, as well as to Louisa County. The current inadequate water system serving Zion Crossroads draws from the Green Springs aquifer, which underlies my farm and those of my neighbors in the Green Springs National Historic Landmark District. The current water system is inadequate to support Zion's growth and will fail sooner or later if the JRWS is not completed, causing severe damage to my community. In addition, Louisa has borrowed and spent \$50 million for the 20 odd miles of pipeline, water treatment facility and distribution system that has already been built.

However, even ignoring the enormous cultural implications of the destruction of Rassawek, it is clear that the length of time it will take to begin construction of the JRWS (using the current intake site for which this permit is being sought) is much too long. The permit will be challenged, leading to further delays. Further, it is likely that as a result of JRWA mistakes, that if the ACOE grants the permit it will lose against challengers of the permit, and the process of finding an alternative site will then have to begin.

This situation is the result of the JRWA picking a site they knew, at the time they chose it, was a sensitive cultural and historical site. The only defense the JRWA has given publicly for choosing Rassawek as the intake site has been the completely inadequate reason that it was the least expensive alternative. From the beginning, the JRWA has stubbornly stuck to its misbegotten choice, as time and money have been wasted. In the process, they have made mistake after mistake, lengthening and complicating the process, and making the future all more

expensive for all involved. They now, having rejected all alternative sites because of cost, come to you hoping the ACOE will accept the cost and blame going forward by approving the permit.

It has been said that the ACOE has never met a development project it didn't like. Even if that has been true in the past, you shouldn't like this one! The JRWA was clearly wrong from the start, and you should not allow the JRWA to pass along their poor choices and mistakes to the ACOE for you to defend. Right now, the public correctly sees the JRWA as the bad actors in this situation. Once the ACOE grants the permit, the burden of the role of bad actor will transfer to the ACOE. You should not allow that to happen!

This is an important project for our area, and granting the JRWA's application under these flawed conditions will only result in additional delay, allowing the project to further founder and causing even more taxpayer dollars to be wasted. We urge the ACOE to save the taxpayers the inevitable cost and delay inherent in the JRWA's position (and save the ACOE the resulting expense and reputational harm) and reject the JRWA permit application.

Sincerely,

Angelo LoMascolo

Susan Barnabeo

## THE JRWA MESS

We took notice of the JRWA/Monacan situation last fall. It captured our interest because of the injustice it appeared our County was inflicting on the Monacan Nation, and because of our interest in regulatory process matters, as we'll explain.

Since that time, by their mismanagement of the permit process, the JRWA has given their challengers facts and evidence that promise to expand challengers' options regarding available legal claims. This promises to greatly lengthen the timeline to project completion as a result of legal challenges and significantly enhance challengers' likelihood of success in reversing the ACOE's grant of a permit, were a permit to be granted.

We believe that if the JRWA can convince the ACOE to grant the permit, all of the burden of the JRWA's poor choice of intake site, and all of their mistakes since, will be transferred to the ACOE and the US taxpayers. If you grant the permit, the social and public pressure of the situation, in addition to the legal burden of defending the tainted legal case the JRWA has created, will fall on the ACOE and US taxpayers

Our view of the situation, which we have shared with Louisa and Fluvanna leaders, is as follows (the facts we've used have come from public records and reporting, and have not been questioned by officials with whom we've discussed this analysis). Our conclusion is simple - because of the long list of events that have befallen the JRWA and self-inflicted mistakes the JRWA has made since last fall, it is likely that on the current path the JRWA will have wasted many years before the water flows through the \$50 million+ water transport and treatment system that Louisa County taxpayers have already built and financed and will be paying for long into the future.

We don't believe Zion Crossroads or the Green Springs aquifer, which supports the current water system, can afford the project delays we foresee. It is no more complicated than that, and it is a conclusion so seemingly obvious that it shouldn't be a point of contention, but for some it continues to be.

When we first became aware of the Monacan cultural claims, last fall, our assessment of the situation was that the JRWA seemed to have chosen a poor site for its intake point. It appeared to us that, even though the JRWA was on a misbegotten, destructive and immoral mission, they were determined and were not going to back down from their poor choice of an intake site. We believed then that the ACOE would probably conduct a facially proper process, as the ACOE tends to do, and grant the permit (as the ACOE tends to do). The Monacan Nation could then be expected to challenge the decision, but fairly quickly they would be likely to lose in the Courts because they wouldn't be able to show that the ACOE had acted "arbitrarily and capriciously" (so broad and vague is your regulatory discretion in these cases) which, as you well know, is the very high standard of proof Courts require in that relatively straightforward and standard situation where disappointed parties challenge agency determinations that are within the

agency's designated purview. Last fall we was not too worried about the Zion water supply or the Green Springs aquifer, even though I hated what we foresaw happening to the Monacan Nation's cultural gem – Rassawek.

At that point, last fall, we would have thought that construction could have been completed in 2024 or 2025 - still too far in the future given projected demands on the Zion water system, but probably manageable with water restrictions, etc. However, in light of the avalanche of negative events since last fall, we now believe that if the ACOE grants the permit, the litigation timeline could run 3 to 5 years beyond our original 2024/2025 timeline, at the end of which the Monacans, in our estimation, have a good chance to prevail and deal the USACOE an embarrassing and very public blow. We have shared this timeline with Louisa officials and they have not corrected it except to say, in so many words, that litigation is unpredictable.

Even if everything were to go perfectly from now on for the JRWA with regard to the current site, we believe it could be 2027, 2028 or later before water flows through the pipeline. It is this costly backup of the timeline that now frightens us and should panic the County. It should also be a serious concern for the ACOE. There have been too many adverse events and mistakes and missteps by JRWA already that have complicated the picture substantially, giving the Monacan Nation more, and potentially more easily winnable, claims, extending the project timeline substantially and actually putting in question the viability of the project as currently planned.

Disqualification by the Virginia Department of Historic Resources (VDHR) of the JRWA archeologist was the first problem we noticed. The disqualification of the archeologist was tangential but critical to the main event (the ACOE permit). In any event, the VDHR permit process is likely to be an expensive and time consuming one for the JRWA since the Monacan Nation will almost certainly challenge and litigate the granting of that time-critical permit, and now they have evidence to use in that challenge, including material and relevant misbehavior (described by a former employer) by the disqualified archeologist, in addition to her alleged lack of credentials.

We believe it is important to the ACOE in its defense of a permit, if one is granted, that the JRWA made a serious error when, rather than accept the inevitable disqualification of the archeologist, the JRWA attacked the VDHR decision in Court, defending the archeologist. We believe this was a tacit adoption of the archeologist's actions (including anticipatory demolition, discussed below). This will undoubtedly complicate the ACOE's job of defending the grant of a permit, if that happens.

The critical path of the project, of course, primarily includes the ACOE permit. It is probably not a coincidence that the ACOE's decision to require a nationwide standard permit so closely followed the VDHR's action. Even if it was a coincidence, the change in permitting standards was not good news for JRWA. The new, more extensive, application will cost more time and money to process, and will inherently involve a longer review process, that will push the timeline out farther.

The JRWA, even though they have been given the opportunity to find alternatives, has made a decision to demand that the ACOE consider the original intake site by filing the 2600 page

application before you. If the ACOE were to reject the JRWA's application, the JRWA would find itself on the wrong side of the "arbitrary and capricious" standard, and would likely lose if it challenges a permit denial.

If the ACOE were to grant the permit, the really bloody and time-consuming Court battles would commence in earnest, with the ACOE defending the record the JRWA has created, burdened by its mistakes and having assumed the public relations burden of the entire situation. Of course, the Monacans would challenge the regulatory decision as having been arbitrary and capricious.

The greater probability of Monacan success lies in the fact that the JRWA has given the Monacans the gift of a better and different claim to bring - anticipatory demolition under the NHPA. The prima facie case for this claim was credibly spelled out in the letter in which Monacan counsel made the anticipatory demolition claim to the ACOE. Given the appearance of a whistleblower, it is pretty certain the Monacans have a good chance to develop even more witnesses and evidence relating to this claim given the number of archeological workers and others who were employed on the site, archeologists being folks who are likely have strong moral consciences about cultural destruction.

Assuming the whistleblowers declaration contained any truth at all, this is where we see the crux in this matter. We see the anticipatory demolition claim as being particularly troublesome for since it is likely to be tried in Court to a preponderance standard, which is much easier to meet and friendlier to the Monacan Nation's cause than the "arbitrary and capricious" standard. This portends a longer timeline and, from what we now see, a possible win for the Monacan Nation. There also are potentially novel NHPA issues involved that could get SCOTUS attention.

The JRWA issued an "investigation report" authored by its counsel, which remarkably gave no credence whatsoever to any of the whistleblower's 20+ very specific allegations. It read to us as a piece of advocacy and seemed to have a scope of investigation almost guaranteed to find a lack of evidence to support the whistleblower's allegations. The ACOE should think carefully whether to give weight to the "investigation".

It is the issue of this potential change in standard of proof from "arbitrary and capricious" to "preponderance" that changed our minds about the case and ultimately led us to believe that not only might the Monacan Nation have a chance to overturn the grant of a ACOE permit, but that the JRWA has given the Monacan Nation a means to expand the areas of litigation and extend the time the whole process will take to complete. This will all be for the ACOE to deal with if it issues a permit.

Please consider the long uncertain slog over unfriendly legal terrain that the ACOE will be accepting if it issues the permit. Also consider the ACOE's reputation!

# Abbey Compton

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1642 Bentana Way, Reston, Virginia 20190 ♦ home 703.435.6178

April 19, 2020

Norfolk District, Corps of Engineers  
ATTN: Steven VanderPloeg  
9100 Arboretum Parkway, Suite 235  
Richmond, Virginia 23236

Dear Mr. VanderPloeg:

In 2003, officials in Fluvana and Louisa counties in central Virginia began calling themselves the James River Water Authority. It is a peculiar moniker given the river is a public resource with 38 counties and 17 cities that lie within its basin.<sup>i</sup>

My family has deep roots in Virginia and has relied on the James and its tributaries to sustain us for 12 generations. Over these past four centuries, my forebearers saw the devastation that happens when the few assume authority over the many and assert their interests without engaging in meaningful consultation with those who would be most impacted. Now, I see it happening.

The Monacan Indian Nation was on this land long before my people arrived and called it Virginia. The Monacans and neighboring native peoples lived, worked and worshiped along the James River and its tributaries for thousands of years. Colonial and Monacan history tell of the ancestral capital of Rassawek.<sup>ii</sup> While disease, displacement and discrimination decimated their numbers, the Monacans survived as a Nation.

The strength and resilience of the Monacans and other Native Nations through broken treaties and loss of land goes largely unrecognized. Almost 90 percent of state-level history standards fail to cover the history of native people post-1900, and most states make no mention of a single Native American in K-12 curriculum.<sup>iii</sup> Fortunately, that is starting to change in Virginia thanks to educators like the late Betsy Wood Stark Barton, who was honored by the Chickahominy Indian Tribe at their annual pow-wow in October as “a true friend to the Virginia Indian Tribes as she tirelessly advocated for accurate inclusion of the history of those tribes within the curriculum of the Virginia Department of Education.”

Unfortunately, educational strides cannot correct for callous indifference. Fluvana and Louisa county officials have been offered every opportunity to learn about the history of Rassawek and engage in meaningful consultation with the Monacan Indian Nation’s leadership to find a way forward. Yet, at every turn, they remain unyielding in their intentions—even over the protests from citizens of their own counties—and dismissive of the Tribe’s concerns even when faced with media inquiries.<sup>iv</sup>

In February, all parties were invited to a radio interview with Kojo Nnamdi. The Tribe’s representatives participated, but the county officials declined and instead sent a statement.<sup>v</sup> In it they claim that the six-foot trench and water pump structure they propose to build across the Monacan’s ancestral land would not destroy it. They go on to reference “many other greater impacts that already exist” as if previous injustices might somehow excuse future injustices. They deny agency to Monacan historians by claiming “no known Monacan burial sites will be disturbed.” However, the most insulting reference in the statement may be their excuse that they “offered to make a sizeable contribution to the Monacan Ancestral Museum so that they will be better able to share what is learned about the site.”



I wonder if any local official in Bedford, Highland County, Loudoun County, Newport News or Northumberland County would have the nerve to offer a donation to the local history museum in exchange for exhuming the remains of my ancestors. Would any local official really expect me to stand idly by while my ancestors' bones were dug-up, boxed and shipped like cargo for reburial elsewhere?

The reality is every bit as gruesome as the hypothetical. Chief Kenneth Branham can tell you about the last time a Monacan burial mound was disturbed, and how he and his people were left to the heartbreaking task of reassembling the skeletons of their ancestors so they could be reburied according to their custom. No family or community should be forced to endure that.

Although it is sad that Fluvana and Louisa county officials were unmoved by Chief Branham's concerns and instead chose to be on the wrong side of history, it is a relief that the Army Corps of Engineers can now be the decision-makers. According to the USACE Tribal Policy Principles, "The head of each executive department and agency shall be responsible for ensuring that the department or agency operates within a government-to-government relationship with federally recognized tribal governments".<sup>vi</sup> As a federally recognized tribal government, the Monacan Indian Nation will at last be afforded the respect they are due.<sup>vii</sup>

I would not presume to speak for the Tribe, but I suspect when you speak with them the alternatives analysis offered by Fluvana and Louisa county officials will come up. Please take the assessment of alternatives offered by the two counties with a large grain of salt. They have demonstrated that they are willing to play fast and loose with science.<sup>viii</sup> Some of their activities may even rise to the level of "anticipatory demolition."

I appreciate the Army Corps' attention to date and that the project was not previously authorized under any of the Corps' Nationwide or Regional General Permits. In looking at the totality of the impacts, I believe you will find this project does not serve the public interest. What does serve the public interest is equality.

If you follow the James River upstream to the Cowpasture River, then further to the Bullpasture River and into Highland County, you can see Clover Creek Presbyterian Church perched on a sunny hillside. My ancestor Capt. David Kincaid Gwin is buried there with a host of other relations. The Daughters of the American Revolution have maintained his headstone, and the church is now on the National Register of Historic Places. The final resting places of the Monacan ancestors deserve the same dignity and reverence.

Warmest regards,



Abbey Compton

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<sup>i</sup> Virginia Department of Environmental Quality, James River Basin Summary, 2015

<sup>iii</sup> Virginia Department of Historic Resources, Marker Online Database

<sup>iii</sup> Reclaiming Native Truth, 2018

<sup>iv</sup> The Daily Progress, Despite opposition, JRWA still to pursue Rassawek site for water pump station, Mar. 11, 2020

<sup>v</sup> The Kojo Nnamdi Show, The Monacan Indian Nation Fights to Keep a Historic Site Untouched, Feb. 20, 2020

<sup>vi</sup> US Army Corps of Engineers, Tribal Policy Principles, Presidential Memorandum, Apr. 29, 1994

<sup>vii</sup> Bureau of Indian Affairs, Tribal Leaders Directory, Monacan Indian Nation

<sup>viii</sup> The Central Virginian, Details of water authority response to alleged wrongdoing, January 16, 2020

May 4, 2020    Subject: NAO-2014-00708

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

Dear Mr. VanderPloeg:

We respectfully request that the Army Corps of Engineers deny the permit requested by the James River Water Authority (JRWA). We believe it is incumbent upon the USACE to hold public hearings on this matter to allow the full range of concerns about this project to be expressed directly to federal authorities.

The JRWA has not acted in good faith, to the Monacan Nation or to the public at large. They have not conducted due diligence. They have not followed the instructions given them by your office.

- Rassawek is a significant cultural site to a federally-recognized Indian tribe. Federal policy requires government-to-government consultations between the Corps of Engineers and the Monacan Nation.

- It has been known since the 1600s, so this location could be avoided—by the JRWA.

- The proposed pumping station's site at Rassawek would destroy a culturally significant Native American site, including burials that are associated with such sites. If this was a colonial, Revolutionary or Civil War site of similar importance, it would not be considered for development.

- The tribe *and* the people who live in the area do not want the intake and pipeline in that location.

- The JRWA bought the property years before discussing it with the tribe or exploring other options.

Tribes require special responsibilities under federal policies. They are sovereign governments and must be dealt with on a government-government basis.

Standing Rock showed that many parties can unite and stay united to support a Native concern. USACE allowed that project to go forward. There have been pipeline leaks and the permitting by the USACE is still being legally contested. The issue of a pumping station on the James River should be easier to resolve. The JRWA has other viable options. Our requests, in order of preference are that the USACE: 1. deny their permit; 2. hold public hearings, 3. require an environment impact statement.

The Monacan Nation and its supporters, like us, count on you to do the right thing. We look forward to watching you do just that.

Wishing you good health,

Kathleen Fox and B. Eli Fishpaw

143 Sunflower Lane, Lexington VA 24450

May 5, 2020

Jennifer Frye, Chief  
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VIA E-MAIL

Steven Vanderploeg, Environmental Scientist  
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VIA E-MAIL

**Re: James River Water Authority's Proposed Water Supply Project**

Dear Ms. Frye and Mr. Vanderploeg:

I am writing to express my concerns as a private citizen of Louisa County and as a professional who has worked with large and small organizations to identify areas of process problems that contribute to inefficiencies and incorrect decisions on the part of those organizations. Adequate information and data are sometimes available, but the management of those organizations are typically focused on cost and schedule without completely understanding the mechanisms of how to process that information in a way to make decisions that are practicable. Typical Good Business Practices have been ignored while the voices of citizens have been effectively muted to prevent any contradiction of the decisions made by the public officials serving on the James River Water Authority (JRWA).

By this time, you have probably received numerous letters and comments about the JRWA and its attempt to continue with the water supply project in Fluvanna County, Virginia. There have been references to federal and state statutes and regulations. There have been pleas by the Monacan Nation and their supporters to leave historical burial grounds undisturbed and prevent further exploitation of diminishing natural cultural resources. There have been reports of unqualified personnel hired by the contractor to provide a false justification for the sustained disturbance of the buried remains and artifacts. All these have failed to change the collective mind of the JRWA in its pursuit of a goal that should have been thought and planned in a fashion better than it has been.

After attending meetings of the JRWA and the Louisa County Board of Supervisors, I have made – what I consider – significant conclusions based on that experience as well as other research I performed. I believe that the Monacan Nation and the citizens of both, Louisa and Fluvanna Counties, have been disadvantaged by the actions of the JRWA, and have been prevented from adequately presenting a

divergent position on behalf of the collective taxpayers. Following are the conclusions based on observations and references to Good Business Practices.

### **Break-Even Point Analysis Is Non-Existent**

With large financial investments, there is a responsibility to monitor expenditures. Typical project management practices track costs, schedule, and availability of resources. A well-run project is also capable of providing, at least, a short-term projection of the expected status of those characteristics. One of the major qualifiers for continued investment is to make a decision based on a pre-determined Break-Even Point where responsible participants are aware that after a certain Level of Effort – in terms of dollars, time, and resources – the Return on Investment becomes strained and further outlay of capital and resources brings no benefit. In fact, it is after the Break-Even Point that an obvious decline in benefits should be the incentive for terminating a project. The JRWA continues on this path without really knowing about a Break-Even Point or knowing what it is. It is only because of the inordinate investment of time and money that JRWA persists in the false perception that a reasonable Return on Investment can be forthcoming. Instead of having a pre-determined standard, the JRWA relies on a variation of the “Gambler’s Fallacy” to pour more taxpayer dollars into a project that others with a healthier perspective can see more clearly. Additionally, by understanding the way contractors negotiate with government entities, the contractor has an incentive to continue the work and is less likely to offer any discouraging information to the JRWA that would jeopardize future contracts. There is an inherent bias that our public officials may – or may not – be aware of. Any awareness of that bias has not been evident by the officials at any of the public meetings.

### **Public Comments Are Not A Substitute For Peer Review**

For technical documents and other significant practices, organizations using Good Business Practices have a review process to validate and verify models based on science, mathematics, statistics, economics, and engineering. The concept of reviews also applies to documents that are generated as reports or recommendations. There have been no reviews posted on the JRWA website to indicate the results of any reviews. This activity is substantially missing and was ignored as part of performance requirements for the contractor under the contract to provide services. The general public is typically unaware of the Good Business Practices concept relating to reviews and pays little attention to these details, which creates a disadvantage when trying to query the JRWA about rationale for decisions that have been made. In public meetings, the JRWA has offered nothing about the basis for any decisions that have been made.

## **Public Doesn't Have A Professional Voice**

On the whole, members of the public are typically do not belong to professions that are equivalent to the make-up of the staff of the contractor providing services to the JRWA. What that means is the public is placed at a disadvantage for the inability to share professional status and the accompanying jargon compared to a contractor. During public meetings, JRWA officials, mistakenly, defer to the contractors that were hired to perform services. Even members of the public who simply ask a reasonable question during a public meeting often receive indirect, rather than direct, responses to those queries. Adding to the confusion is that the responses are made by the public officials, or their staff, who don't have the same level of professional expertise as the contractor. The communication issues are made difficult because there is no common ground or understanding of technical concepts. This may even be intentional to keep questions to a minimum.

## **JRWA Prevents Any Meaningful Discourse**

Another means of keeping questions to a minimum is by limiting the time for public comment. This is certainly intentional, but it is used to shorten the total time of the meeting. The effect is that the information that can be presented to the JRWA is limited by time constraints and the ability of any single individual to present any coherent opposing position or new facts. Three minutes is the typical time allotment for public speaking and is insufficient to make an impact on the minds of the JRWA members. Collectively, the public comments are not coordinated, and if they were, it would still be ineffective. There have been instances where members of the public with relevant professional credentials have spoken and presented written material to convince JRWA members that there may be flaws in the rationale for the decisions, but the appearance is that those individuals are ignored along with the material they prepared and presented. This practice lends itself to abuse of the public with a process that lacks meaningful dialogue.

## **No Direct Questioning Of Contractor**

A significant area for miscommunication is the inability of the public to ask questions directly to the contractor that provides services for JRWA. All communications are between JRWA and the public, or between JRWA and the contractor. There is no communication path for the public and the contractor. All reporting by the contractor at public meetings is to the JRWA without an opportunity for probing questions. Answers to any probing questions are filtered through the JRWA without any assurance that the interpretation is correct or any opportunity for rebuttal questions. The public is again disadvantaged and prevented from obtaining a clear response to resolve important issues that are raised. The propensity for this area of miscommunication is further aggravated by the lack of adequate public access to relevant documents and records. Any relevant documents are identified by the JRWA in such a way that access requires a Freedom of Information Act request, which is mostly an unnecessary burden to the public that requires understanding additional layers of bureaucracy by the uninitiated.



### **Transparency: No Functional Oversight**

Because of the previously mentioned JRWA practices, there is a lack of transparency that can be remedied with adequate oversight. Legislative or administrative procedures offer no solutions to help the public. At county level government there is little understanding of the value for oversight of contractor performance. Also, there is little funding to perform that oversight. The result is that contractors are able to engage in a special relationship with the public officials who give preference to the opinions of the contractor over those expressed by individual members of the public that may have better qualifications. The bias for that preference has been demonstrated more than once.

The magnitude of the proposed JRWA project has a significant impact on the Monacan Nation, and the citizens of Louisa County and Fluvanna County. All of us are taxpayers and want the opportunity to be seriously considered for our points of view, and to be given the rightful respect for those views. The JRWA – with the support of the respective County Board of Supervisors – has denied us the opportunity to have our grievances be heard and acted upon in a manner consistent with our standing as taxpayers, and professionals, who provide the funding for a project that has consistently had problems and increased cost overruns. The Break-Even Point may have been passed some time ago.

Thank you for your consideration and I will gladly offer additional suggestions for improving the processes that the JRWA is lacking.

Sincerely,



Joseph Mikolajczak  
Zion Crossroads VA, 22942  
[joe.mikolajczak@outlook.com](mailto:joe.mikolajczak@outlook.com)  
(410) 707-7040

Norfolk District, Corps of Engineers  
9100 Arboretum Parkway, Suite 235  
Richmond, Virginia 23236  
ATTN: Steven VanderPloeg

Kirk Bowers, PE  
106 George Rogers Road  
Charlottesville, VA 22911

SUBJ: James River Water Authority joint permit application  
CENAO-WR-R NAO-2014-00708

I am writing to express my concern with the proposed James River Water Supply Project in Fluvanna County at the site known as Rassawek, the historic capital of the Monacan Indian Nation. While I do not oppose the counties' need for a new water source, the currently proposed water in-take and pump station site location will have serious impacts on significant historic, cultural, and archaeological resources in the area. These impacts raise serious questions about whether the proposed site is the right place for the water supply project. I urge the JRWA to move the location of the pump station upstream to Build Alternative 1A.

My review of the supplemental application information submitted by Timmons to the COE on March 20, 2020 includes the following comments:

1. The area at the confluence of the James and Rivanna Rivers includes a unique mix of historical, cultural, and archaeological resources that highlight the region's complex and diverse past. Historical documents place several historic resources at the Point of Forks location, including:

- Rassawek, historic capital of the Monacan Indian nation;
- Point of Forks arsenal, one of Virginia's primary military installations during the Revolutionary War;
- Point of Fork Plantation, listed in both the Virginia Landmarks Register and the National Register of Historic Places; and
- Rivanna Canal Navigation Historic District, listed in the Virginia Landmarks Register.

Construction of the Colonial Pipeline in 1980 destroyed much of the prehistoric site that intersected with the pipeline's route. Disturbances associated with pipeline construction exposed numerous clusters of artifacts and human bones at Point of Fork, indicating that the archaeological remains of Rassawek are widespread. Construction of the pump



station at Point of Fork would destroy more remaining Monacan artifacts and historic resources.

The project would have an adverse effect on seven (7) eligible historic resources. Three (3) archeological sites are eligible for listing in the National Register of Historic Places. Their primary significance is in the information they contain. The historical significance of the impacted archeological sites is increased by the location of Rassawek. Further archeological study is required to insure the integrity of the site's historic resources. It is questionable that measures to mitigate the detrimental effect would ever be adequate. Historic resources at this location are timeless and priceless. They are deserving of protection.

2. Three (3) federally protected species have known occurrences and/or the potential to exist within the vicinity of the Project Area. These species include:

- 1) Northern Long-eared Bat (*Myotis septentrionalis*) – Federally Threatened
- 2) Atlantic Pigtoe (*Fusconaia masoni*) - Proposed Federally Threatened
- 3) James Spiny mussel (*Parvaspina collina*) – Federally Endangered

Tree-clearing and land disturbance can temporarily or permanently change habitat for birds, bats, and other species. Instream construction of a water intake structure or water main can temporarily affect aquatic life through direct disturbance, temporary loss of habitat, and increased suspended sediment and turbidity levels. The long-term operation of a water intake structure has the potential to entrap or entrain aquatic species.

Further study is required to determine if protected mussel species will be affected by the proposed Project. Additional coordination with USFWS will be required and mussel surveys of streams with suitable habitat are necessary. Further consultation with USFWS is required for a Biological Opinion and Incidental Take Statements.

3. The cost estimate on page 97 is not **accurate**. Several items need revision as shown below:

- Loan rates for 30 year loans are currently less than 3.25%. The rate shown in the estimate is 3.75%. The difference in rates will significantly reduce total costs.
- The cost estimate for Alternative 1A is \$5,090,000 higher than the preferred alternative. The Major differences in construction costs are due to two miles of additional 24-inch pipeline, upgrading a farm road and train crossing, and adding half mile of power transmission lines. Construction of a 24 inch pipeline with little rock excavation at 6 foot average depth is approximately \$150 per liner foot, or

\$800,000 per mile. For two miles of added pipeline, the costs would be around \$1.6 million, leaving a balance of \$3.5 million for construction of the power line and roadway upgrades. Costs for construction of power line and roadway will be lower than \$3.5 million.

The cost estimate for Build Alternate 1A is too high and needs revision. Revised construction costs and interest rates will decrease the difference in costs between alternative 1A and the preferred site current project total costs.

4. The Project plans to complete the crossing using the cofferdam open-cut method to avoid the challenges presented with using the HDD method. The Rivanna River at the proposed pipeline crossing location has a large drainage area with constant flow volumes. Due to the quantity of water flowing at this location, it is not appropriate to use the open cut method for pipeline trenching. Sediment will flow into the James River from open cut trenching. HDD is required at this location.

5. I urge the JRWA to re-consider Alternative 1A: Forsyth. Build Alternative 1A is approximately 2 miles upstream of the confluence of the James River and Rivanna River on property owned by Forsyth (TM 61 1 6).

JRWA asserts that *any alternative that is more than 25% greater in total project costs than the proposed alternative is impracticable*. Revision of the cost estimates may bring Alternative 1A within the 25% cost differential. Given that the purpose of this project is public water supply to meet future growth demands, it is reasonable for the public to expect cost increases for this vital public service. Alternative 1A was not selected because the cost estimate exceeded the 25% differential.

6. Require that an Environmental Impact Statement be conducted, instead of an Environmental Assessment. The Northern Long Eared Bat and significant historic resources may be impacted by the project.

Finally, I urge the Corps of Engineers to conduct a public hearing to consider this application. The presence of known properties eligible for inclusion or included in the National Register of Historic Places in or near the permit area elevates the significance of this site for public review.

Respectfully,  
*Kirk Bowers*  
Kirk A Bowers, PE  
Charlottesville, VA

*Katherine E Slaughter, Esq.  
1503 Short 18<sup>th</sup> Street  
Charlottesville, VA 22902  
katherineslaughter61@gmail.com*

May 7, 2020

Steven A. Vanderploeg  
[Steven.a.vanderploeg@usace.army.mil](mailto:Steven.a.vanderploeg@usace.army.mil)  
Norfolk, VA

Dear Mr. Vanderploeg:

I write to urge the Norfolk Division of the Corps of Engineers to reject the James River Water Authority's proposed alternative for its pump station located at Rassawek on the grounds that this is not the least environmentally damaging alternative for the project.

Therefore, under the National Environmental Policy Act (NEPA), the National Historical Preservation Act, and the Clean Water Act, this site violates the spirit and the letter of the laws and regulations that require protection of historic resources like other natural resources. Moreover, under the regulations of the Corps of Engineers, the applicant is required to select the least environmentally damaging alternative.

This particular site has long been identified as an important Monacan village where likely there are artifacts, bones and other material important to the history of Virginia, the Monacan Nation, and the United States. John Smith visited Rassawek in 1621, early in Virginia's – and the American nation's – history. The site and its importance has long been noted by the State Department of Historic Resources and its predecessor agency. According to Monacan history, Rassawek had a longhouse of 60 feet and at least a dozen roundhouses. A carbon-dated feature indicated that occupation occurred as early as 4,340 years ago, 200 generations before John Smith.

After Rassawek, and during the colonial period leading up to the American Revolution, this site was an important arsenal; it was destroyed by the British after their failure to find and capture Thomas Jefferson in 1781.

Clearly this site destroying an ancient Native American village important in the history of the tribe and to American history does not classify as the least damaging alternative. It appears, however, that it is the "cheapest alternative".

Therefore, I request that you conduct a full environmental impact statement on the alternatives for the pump station because of the proposed impacts – destruction – of the Rassawek site.

In addition, because under Corps regulations, a hearing is warranted when there is sufficient public interest, I request that the Corps conduct a public hearing at a time when people could make themselves available, which I realize would need to occur after the limitations on gatherings are lifted (or that special accommodations be made).

Sincerely,

Katherine E Slaughter  
1503 Short 18<sup>th</sup> Street  
Charlottesville, VA 22902

**Mountain View Farm**  
Stephen J. Lucas  
14893 Louisa Rd, Louisa, VA 23093  
540-967-1029

Norfolk District, Corps of Engineers  
9100 Arboretum Parkway Suite 235. Richmond, VA 23236.  
ATTN: Steven VanderPloeg), 9100

Subject: CENAO-WR-R NAO-2014-00708,  
James River Water Authority Alternatives

Dear Mr, Vanderploeg,

On page 112 of The Alternatives Analysis provided by the James River Water Authority, Alternative 1 (Forsyth) is rejected. *The report states: " In conclusion, Build Alternative 1 is not practicable on the basis of cost. Although it is not deemed impracticable under any single logistical criterion, it presents several disadvantages that, considered in concert, are sufficient to deem this alternative logistically impracticable. This alternative does not fully satisfy the overall project purpose. Lastly, none of its routing alternatives can be considered the least environmentally damaging. Accordingly, Build Alternative 1 is not the LEDPA."*

This ambiguous claim of "disadvantages considered in concert" is contradicted by the evidence provided by the JRWA. Indeed, with few secondary exceptions (CCR supplemental water supply, distance to electrical power source), the Practicability Criteria Evaluated for Project Alternatives (Figure 21, Page 212) ranks Alternative 1 very closely with Alternative 6. Also of concern is the conclusions are drawn on the basis of presumptions and approximations based on the lack of field investigations. One must conclude that the additional cost anticipated by any alternative other than Alternative 6 has been determined to be impractical regardless of its benefits to natural or historical resources. It is a great disappointment to conclude that the JRWA has decided that the cost of protecting these national treasures is too high.

The crux of the issues surrounding the difference between Alternatives 1 and 6 are the impacts on Native American archaeological sites. This factor is not addressed in Figure 21, is outlined cryptically on Table 32 (page 146) where both sites seem to be nearly identical, but is reproved in section 5.1.10.3 (1) where Alternative 1A is claimed to have the most archaeological sites. Which is correct? It is my understanding the Monacan Nation, who's cultural history is in greatest peril, has endorsed Alternative 1 and is willing to devote resources to fully evaluate the archaeological aspects of Alternative 1. It has been reported that the owners of the

Forsyth property have been contacted and are willing to work with the LCWA to facilitate locating the water intake and associated structures on their property.

In response to the identified issued with the Alternative Analysis and in light of the support for the Forsyth Alternative, **the prudent action is to deny this permit application and require an Environmental Impact Statement based on information from field investigations.** Clearly, an EIS would be more objective and will provide a more comprehensive comparison of Alternatives 1 and 6.

Thank you for the opportunity to submit these observations and for considering them as you make your decisions.

Rind Regards,

Steve

Stephen J. Lucas

From: **Kathy Fox** kathy.fox@rockbridge.net  
Subject: : NAO-2014-00708  
Date: May 5, 2020 at 5:11 PM  
To: Jessica Hertage jessica@culturalheritagepartners.com

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KF

**Dear Jessica, I was encouraged to tell you of the letter I sent on behalf of the Monacan Nation. Thank you for your good work. Kathy**

May 4, 2020 Subject: NAO-2014-00708

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

Dear Mr. VanderPloeg:

We respectfully request that the Army Corps of Engineers deny the permit requested by the James River Water Authority (JRWA). We believe it is incumbent upon the USACE to hold public hearings on this matter to allow the full range of concerns about this project to be expressed directly to federal authorities.

The JRWA has not acted in good faith, to the Monacan Nation or to the public at large. They have not conducted due diligence. They have not followed the instructions given them by your office.

- Rassawek is a significant cultural site to a federally-recognized Indian tribe. Federal policy requires government-to-government consultations between the Corps of Engineers and the Monacan Nation.

- It has been known since the 1600s, so this location could be avoided—by the JRWA.

- The proposed pumping station's site at Rassawek would destroy a culturally significant Native American site, including burials that are associated with such sites. If this was a colonial, Revolutionary or Civil War site of similar importance, it would not be considered for development.

- The tribe *and* the people who live in the area do not want the intake and pipeline in that location.

- The JRWA bought the property years before discussing it with the tribe or exploring other options.

Tribes require special responsibilities under federal policies. They are sovereign governments and must be dealt with on a government-government basis.

Standing Rock showed that many parties can unite and stay united to support a Native concern. USACE allowed that project to go forward. There have been pipeline leaks and the permitting by the USACE is still being legally contested. The issue of a pumping station on the James River should be easier to resolve. The JRWA has other viable options. My requests, in order of preference are that the USACE: 1. deny their permit: 2. hold public



hearings, 3. require an environment impact statement.

The Monacan Nation and its supporters, like us, count on you to do the right thing. We look forward to watching you do just that.

Wishing you good health,

Kathleen Fox and B. Eli Fishpaw

143 Sunflower Lane, Lexington VA 24450



200504 2020  
Letter t...te.docx

**From:** Midelfort, H C E Erik (hem7e) hem7e@vrgna.edu  
**Subject:** a copy of my letter  
**Date:** Apr 15, 2020 at 1:13 PM  
**To:** jessca@curahertagepartners.com

---



I just sent off this letter to the Army Corps of Engineers.  
Erik Midelfort

Dear Army Corps of Engineers,  
Dear Stephen Vanderploeg,

I write to express my opposition to the current plans to construct a water project at Point of Fork, on top of the historic Indian site at Rassawek.

This is a sensitive and sacred site for Indians and one from which all Virginians could learn about the land they occupy. There are other sites that could be used for the purpose (speculative) of supplying water to Zion Crossroads. Even if other sites cost a bit more, I would favor moving the construction because we really must recognize the value of traditional Indian settlements, cemeteries, and in this case the capital of the whole Powhatan Confederacy. If this were a historic site of white English settlers in Virginia, for example, if this were Jamestown, I think everyone would see the point.

Please delay your decision, open this process up to an open meeting, and find another location.

With best wishes,

H. C. Erik Midelfort

H. C. Erik Midelfort  
C. Julian Bishko Professor of History, Emeritus  
University of Virginia  
233 East Jefferson Street  
Charlottesville, VA 22902

434-979-4479 (home landline)  
434-825-5518 (cell)

**From:** Jeffrey Hantman jhantman@gmail.com  
**Subject:** Rassawek letter to COE final  
**Date:** June 6, 2020 at 11:12 AM  
**To:** jessica@curatorshertagepartners.com  
**Cc:** marion@curatorshertagepartners.com

JH

Sent June 6. The focus is archaeology and on the fatal flaw of ignoring regional background research and raising red herrings instead.. I think addressing the ignorance and arrogance that stem from those issues is where my contribution can make some original points.

thanks,  
Jeff



Hantman Jeffrey  
COE J...0.docx



Jeffrey Hantman  
Select...s.docx

**From:** Anshu Sharma anshu.g.sharma@gmail.com  
**Subject:** Comment on James River Water Authority Permit Application  
**Date:** May 3, 2020 at 12:59 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

AS

Hello Mr. Vanderploeg,

I am Anshu Sharma, a registered Virginia Voter at 305 N Center St Ash and VA 23005, and I am writing to express my opposition to the James River Water Authority's permit application to construct a water pumping station near the intersection of the Rivanna and James rivers. Construction at the proposed site threatens the historical Monacan Capital at Rassawek and risks destroying valuable artifacts that record native, tribal, and Virginia history. This cultural destruction is not in the public interest, especially when there are alternative pump sites that would satisfy the water needs of Fuvanna and Louisa counties. I request that the Army Corps of Engineers hold public hearings on the permit application, and I request the Army Corps of Engineers prepare an environmental impact statement to detail the impacts of construction on the site of Rassawek. Thank you for taking the time to consider my comment.

Sincerely,

Anshu Sharma

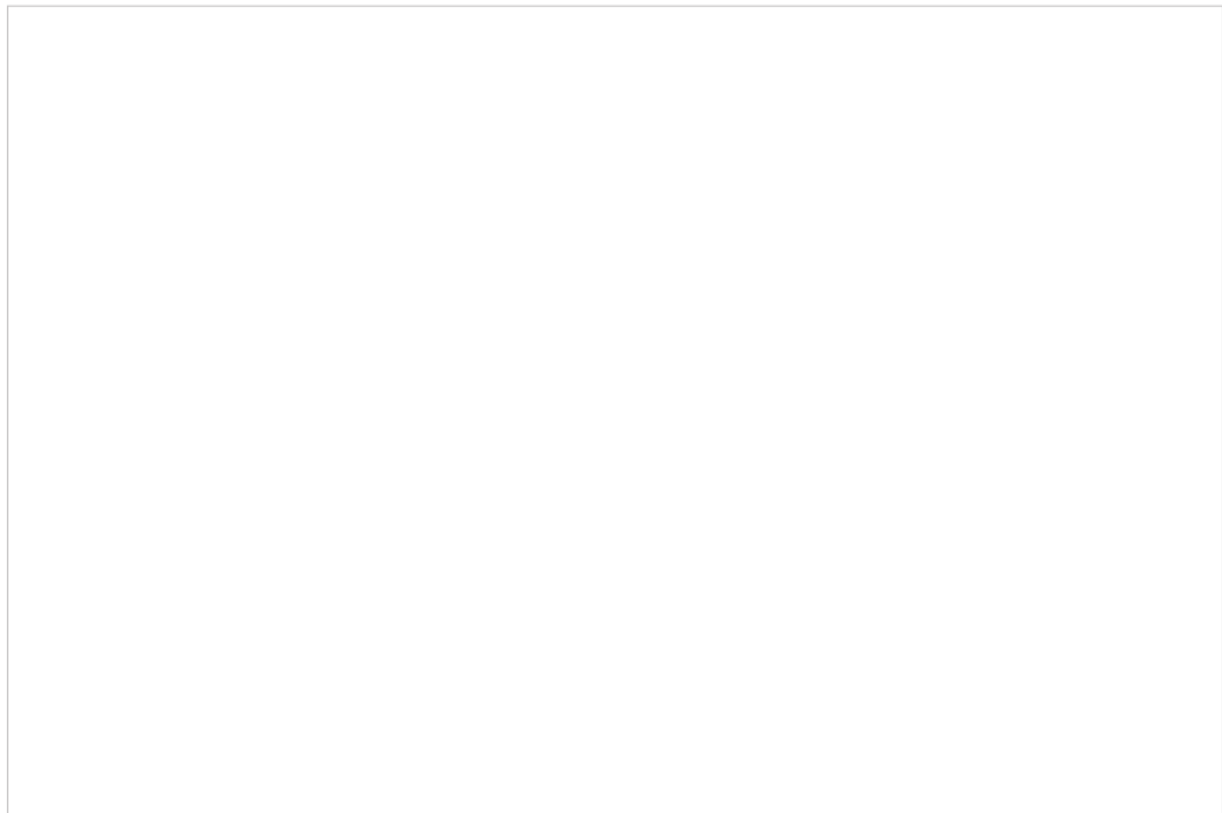
Article consulted: [https://www.washingtonpost.com/local/oca/virginia-politics/virginia-as-monacan-tribe-uses-new-federal-status-to-take-a-stand-for-what-could-be-lost-on-the-ost-capitol/2020/01/05/66a6f826-227f-11ea-bed5-880264cc91a9\\_story.htm#comments-wrapper](https://www.washingtonpost.com/local/oca/virginia-politics/virginia-as-monacan-tribe-uses-new-federal-status-to-take-a-stand-for-what-could-be-lost-on-the-ost-capitol/2020/01/05/66a6f826-227f-11ea-bed5-880264cc91a9_story.htm#comments-wrapper)

**From:** harmonypunx@riseup.net  
**Subject:** Comments on James River Water Authority Application  
**Date:** May 3, 2020 at 4:42 PM  
**To:** steven.a.vanderploeg@usace.army.m

H

Dear Steven,

The photograph I have included is of my husband, who knew little to nothing of his Monacan ancestry until recently. Taken at the Monacan Nation's museum, the photo captures the moment he saw a picture of his great grandparents, who were both Monacan, for the very first time. Besides knowing that he was "Native American," he had no specific attachment or identity to the concept. It meant almost nothing to him. Being able to connect with his tribe and his family has been life changing. He has a greater sense of who he is, and his life carries deeper meaning.



The peoples indigenous to the Americas have been oppressed and dominated by people with tunnel vision and who are overcome by greed, for over 400 years now. The dispersion of the Monacans due to encroachment by Europeans in particular began in the 1600's. The Monacans did not experience the same types of genocide that other tribes encountered, but the busting up of their tribe even into the twentieth century continues to strip people of their identity and heritage today.

The destruction of Rassawek, the ancient central hubbub of Monacan life, will only perpetuate the culture of greed and power. At the same time, the message given to Monacans, Virginia Indians, and native peoples all over the world will once again be that their culture and lives are meaningless. It is absurd to me that Native Americans must continue to fight, beg, and plead for something as reasonable as preserving the Rassawek site.

There appear to be alternative sites where the JRWA would be able to achieve their goals without encroaching on historic treasures. I oppose JRWA's permit application.

goals, without encroaching on historic treasures. I oppose JRWAS permit application; it is simply not in the public's best interest. I request a public hearing on the permit application. I also request that the Corps prepare an environmental impact statement because of the intensity of the possible impacts to Rassawek.

A site like Rassawek, though particularly important to natives, should be equally important to those of us who are not indigenous, as their lives and ours are inextricably woven together. In a day and age where many officials are trying to "make right" the atrocities waged against indigenous peoples, others continue to neglect to act in honorable ways. In your case, treating the Monacan Nation with respect seems to me to be the only choice.

Thank you,

Patricia A. Free

P.O. Box 1344

Talent, OR 97540

541.324.1165

**From:** Nikki Edgecomb vo vo394@gmail.com  
**Subject:** Comments on James River Water Authority Application  
**Date:** May 3, 2020 at 11:20 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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I respectfully request that you reconsider approval of applications to build a new water intake project on top of Rassewek, a Monacan Tribe historic site. By neglecting to choose an alternative to the Rassewek location, the ACE will destroy a very important natural, Virginia, and tribal site. It is imperative that a public hearing on the permit application be scheduled at a time when the public can safely attend to express their concerns about this project. It is also of the utmost importance that a full environmental impact statement be prepared by the ACE, considering the intensity of the proposed impact to the historic Rassewek site. The public, and more importantly, the Monacan Tribe, has a right to be fully informed about this project and its impact on the native people of Virginia.

--

Sincerely,

Nikki Edgecomb



**From:** yhvhre gns@r seup.net  
**Subject:** Comments on James R ver Water Author ty App cat on  
**Date:** May 3, 2020 at 11:06 PM  
**To:** steven.a.vanderp oeg@usace.army.m



He o, Steven

I am Monacan. My fam y had to eave Amherst County n the 1920's because of rac a oppress on, due to the Rac a Integr ty Act. I was ra sed as a wh te person. I have had no connect on to the Monacans unt recent y. In 2018 I made a tr p out to V rg n a, exper enc ng Bear Mounta n cemetery, the Monacan v ng h story exh b t at Natura Br dge, the Monacan museum, my tr be's powwow, and Bear Mounta n schoo and church. It has been cruc a to rea ze my her tage as a descendant of an Amer can Ind an tr be s rea . Be ng Monacan has been a strugg e for my ancestors for hundreds of years, because they endured and taken by force and rac a oppress on.

Though I have been robbed of my nd genous cu ture, and, and nguage, th s cyc e does not have to cont nue. Sav ng Rassawek wou d mean my generat on cou d v s t and ho d spec fic ceremon es of the Monacan Ind an Nat on on the tr be's anc ent cap ta s te. We wou d be ab e to cont nue the work of unearth ng more of our ancestor's un que story wh ch s wa t ng the com ng generat ons, by preserv ng Rassawek. Future generat ons, ke my n ece and nephews w be offered a r cher her tage than I was.

JRWA's perm t app cat on s not n the pub c's nterest, and I oppose t. Rassawek shou d be preserved as an mportant part of nat ona , V rg n a, and tr ba h story. I wou d ke to request that there be a pub c hear ng on the perm t app cat on. I wou d a so ke to request that the Corps prepare an env ronmenta mpact statement because of the ntens ty of the proposed mpacts to Rassawek.

You are be ng presented w th an opportun ty to honor and b ess nd genous peop e: those who have gone before and are bur ed at Rassawek, those v ng now, and those who w come after us. V ages and bur a s tes ke Rassawek are sacred and cruc a to the preservat on of our ancestra pr de.

P ease choose to honor and b ess my peop e by preserv ng what s eft of my nat on's anc ent cap ta , and thus encourage the peacefu coex stence of nd genous peop es and Amer cans.

Ben Free  
PO Box 1344 Ta ent, Oregon 97540  
541.531.5263

**From:** charlotte shristi charotteshrst@gmail.com  
**Subject:** Comments on James River Water Authority Application  
**Date:** Apr 16, 2020 at 10:08 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturaheritagepartners.com

CS

Dear Mr. Vanderpoe,

As a Virginian and an American citizen, I strongly urge you to relocate the proposed Rassawek pump station and pipeline project to a different location. I oppose JRWAs permit application and do not agree that it is not in the public interest.

Instead I strongly believe that Rassawek needs to be preserved as an important part of national, Virginia, and tribal history.

I respectfully request the following:

1. A public hearing on the permit application
2. An environmental impact statement because of the intensity of the proposed impacts to Rassawek

Sincerely and with appreciation,  
Charlotte Shristi

--

*Charlotte Shristi*

[charotteshrst@gmail.com](mailto:charotteshrst@gmail.com)

540 820-7268

*"All life is interrelated. We are all caught in an inescapable network of mutuality,  
tied into a single garment of destiny"* Martin Luther King Jr

**From:** Leslie Middleton mddletones@gmail.com  
**Subject:** Comments on James River Water Authority Application  
**Date:** April 15, 2020 at 10:20 AM  
**To:** steven.a.vanderploeg@usace.army.m

LM

RE: James River Water Authority project must avoid Rassa Creek

Dear Mr. Vanderploeg,

I write to let you know that I do not support the proposed James River Water Authority's project proposed to be built atop Rassa Creek at the confluence of the Rivanna and James River. This project, as proposed, is not in the public interest as it does not honor the role that Rassa Creek has played in our collective history. Nor does it honor its importance in the tribal history of the Monacan Nation.

In addition, I am writing to request that there be a public hearing on this application — not just written comments, and that you extend the time frame for receiving written comments, especially as we are in the midst of this unprecedented pandemic. This is NOT the time to rush through any permit process.

Finally, I am requesting that the Corps prepare an environmental impact statement for this project.

I have paddled the Rivanna and James River many times — and have always felt the deepest respect for Point of Forks where these two rivers are joined. Surely we can honor the importance of this site for more than just a water pumping station for growing communities.

I look forward to hearing that the Corps will take its time and offer due process to all affected by this project.

Thank you,  
Leslie Middleton

Leslie Middleton  
374 Shepherds Ridge Road  
Charlottesville, VA  
434.293.5770 (cell/work)  
[mddletonleslie@gmail.com](mailto:mddletonleslie@gmail.com)

**From:** Brittany Sorrels prncebm6604@marybaldwin.edu  
**Subject:** Comments on James River Water Authority Application  
**Date:** April 14, 2020 at 11:39 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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Sir,

My name is Brittany Sorrels. My address is 332 Montgomery Ave, Staunton, VA 24401. As a citizen of the Monacan Indian Nation, I oppose JRWAs permit application. This action is not in the public interest, and viable alternatives exist that would not threaten this revered location. Rassawek should be preserved as an important part of national, Virginia, and tribal history.

I respectfully request a public hearing on the permit application, preferably at a later date beyond the current date for stay-at-home orders to allow the public the opportunity to speak up without jeopardizing the deeply concerned community. I also would like to see the Corps prepare an environmental impact statement due to the intensity of the proposed impacts to Rassawek.

Thank you for your time. I hope you will take these concerns seriously.

Sincerely,

Brittany Sorrels

**From:** Roberta Patton rwpatton@umn.vrg.na.edu  
**Subject:** Comments on James River Water Authority Application  
**Date:** May 7, 2020 at 1:33 PM  
**To:** steven.a.vanderpoe@usace.army.m

RP

My name is Roberta Patton and I live at 4116 E Jack Jouett Rd in Louisa County Virginia.

I totally oppose the James River Water Authority's application to build a water intake structure in/near Historic Rassawek.

I would also assert this particular process is administratively flawed due to

- public comment period occurring during a global pandemic being further limited by state mandated stay at home orders. This situation favors political structures over individual citizens that do not work within organizational structures or with legal resources.
- JRWA repeatedly corrupting the public participation process by failing to provide adequate and accessible facilities to involve the public in the process. (Including the most recent "public" meeting regarding the decision to go forward with permitting this location – which was held in a gated community, moved at the last minute to another building, did not have enough space for attendees, failed to provide adequate audio and visual support for the people in attendance.)

I have witnessed the mismanagement and irresponsibility of Louisa County with respect to development issues surrounding the "growth area" known as Zion Crossroads. I was a resident of Louisa County when the original rezoning was requested under the name Edgemar and included 400 homes. I spoke against the development at that time explaining, from my perspective as a certified Virginia Planner and Water Resources Engineer (MS UVA Civil Engineering), that the site presented unique water and sewer problems based on its watershed address. I have repeatedly suggested ways to foster economic development in a financially efficient and culturally/environmentally sensitive way.

Nonetheless, Louisa has plowed forward like a bull in a china shop at every opportunity.

Ironically, in my retirement, I am one of three founders of a nonprofit organization that works to preserve, protect, and raise awareness of our hidden history. We focus on women, enslaved workers, and other people of color in our search to fight against erasure of the contributions of these people. The destruction of the unique-in-this-world village of Rassawek represents perhaps the most egregious disregard for history by any locality I have ever witnessed – and remember, I live in central Virginia – home of #Charlottesville and the long shadow of slavery. There are multiple, feasible alternate sites for an intake.

In addition to the cultural failings of this project, the major political players here show a complete disregard for the environmental impacts that will result not only

show a complete disregard for the environmental impacts that will result not only from the intake but for the larger environment. None of their actions with developers have included any water conservation requirements. Louisa has a history of violating discharge regulations and failing to properly document/test water supply regulations. Now they are dragging Fluvanna County down with them.

The James River provides water supply and pollution dilution factors to many cities in Virginia, including the state capital of Richmond. Louisa County representatives repeatedly represent to the public at large that the expense of the JRWA project is justifiable because Louisa "can have all the water from the James" that they want. That, of course, is a destructive view of the proposed withdrawal because of impacts any withdraw can have to downstream users for both withdrawals and discharges. But in this case it is uniquely impactful because the project relies on interbasin transfer – with the withdrawal coming from the James River and the companion sewage treatment plant discharging to the South Anna River in the York Watershed in an impaired section of the receiving stream. The JRWA project results in negative impacts that domino through 2 watersheds.

Finally, the people of Louisa have no way of knowing the economic impacts to the citizens as a result of many years of bad decisions by the County. The County has played a shell game with financing from the Louisa Water Authority budget, County general funds, hidden legal and consultant expenses, multiple entity names being used for permitting processes and using language that implies water from the James River is available and flowing through County pipes as they approve rezoning requests all over the County (see Shannon Hill Industrial Park and Lake Anna).

The Corps of Engineers has the mission of insuring our natural resources and capital projects support a public need and protect the public interests. The Agency is one of the guardrails that should guide responsible government decisions. If you approve this component of this project as submitted, you will be thwarting the Agency's role. You can help these counties by guiding them in sensible and efficient solutions to the problems created by Louisa.

Sincerely,  
Roberta Patton

**From:** Russell Lynn Drysdale russelllynn Drysdale@aol.com  
**Subject:** Comments on James River Water Authority Project From: Russell Lynn Drysdale, Former Council, Monacan Indian Nation  
**Date:** June 4, 2020 at 3:29 PM  
**To:** jessica@culturepartners.com, earl.evans@msn.com

RD

Russ Drysdale <russelllynn Drysdale@gmail.com>

Sat May 6 6:2 PM

to steven a vanderploeg

**To: Commander of the U.S. Army Corps of Engineers:**

From: Russell Lynn Drysdale,  
Former Council, Monacan Indian Nation  
Current enrolled member Monacan Indian Nation\*

Member Saponi Descendants Association \*

On behalf of Myself, and the entities listed above\*,

I request a public hearing on the permit application and have the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

I ask you not to issue permit to allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. If permitted in its current form, this project would destroy the historic Monacan capital of Rassawek, first identified by Captain John Smith in 1612, in addition to several other significant historical and archaeological sites.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at an alternate location and still provide water to Zion Crossroads for speculative economic development. JRWA has argued that locating the project at Point of Fork is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it in its current form.

Human remains, the bones of My Monacan ancestors, have been found multiple times at the Rassawek site. The U.S. Army Corps of Engineers should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process repatriating and reburial of their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians using the excuse of economic progress that may never come to pass. We ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify options for the water intake and pump station project that do not destroy this irreplaceable history.

Some things are non negotiable, not now not ever  
Sincerely,  
Russell Lynn Drysdale

**From:** Eyal HK [eya.handesman@gmail.com](mailto:eya.handesman@gmail.com)  
**Subject:** Comments on JRWA Permit Application  
**Date:** May 17, 2020 at 3:32 AM  
**To:** [steven.a.vanderpoe@usace.army.mil](mailto:steven.a.vanderpoe@usace.army.mil)  
**Bcc:** [jessica@curaheritagepartners.com](mailto:jessica@curaheritagepartners.com)

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Dear Steven VanderPoe,

My name is Eya Handesman Katz and I am a concerned resident in Charlottesville, Virginia writing to you in relation to the James River Water Authority application to do work on the James River. I wholeheartedly and vehemently oppose JRWA's permit application and believe that it is not in the public interest. Rassawek must be preserved because it is an important part of the collective national history, as well as the histories of the Commonwealth of Virginia and of the Monacan Nation. I therefore request that before proceeding with a public hearing on the permit application take place (in safe conditions given the current situation). Lastly, before continuing, I request that the Army Corps of Engineers prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Please take these comments into consideration when making your decisions.

Best,  
Eya



From: **WILLIAM PRINDLE** pr nd es2004@msn.com  
Subject: Comments on the Rassawek JWRA pump ng stat on perm t app cat on  
Date: June 6, 2020 at 12:43 PM  
To: steven.a.vanderp oeg@usace.army.m  
Cc: jess ca@cu tura her tagepartners.com, Mar on Werkhe ser mar on@cu tura her tagepartners.com

WP

Dear Mr. Vanderploeg:

I am writing to file the comments below on the proposed James River Water Authority permit application for a water pumping station that would destroy the historic Monocan capitol site of Rassawek. As a resident of the James River watershed, and as a former landowner and resident of Fluvanna County, I am very concerned about the negative public interest impacts of this proposed project. I therefore oppose JWRA's permit application: not only does it trample on the rights of a federally-recognized tribe that the Corps is required to consult with under federal law, there are other flaws in this project that the Corps should consider. My comments are elaborated in the numbered paragraphs that follow.

1. **Rassawek is part of Monocan tribal and Virginia Commonwealth history, and since the Monocan people are now recognized as a tribe under federal law, Rassawek is part of our national history.** As a white man who has educated himself on the full history of the Americas, I know that my European ancestors unrightfully took land from the Monacans, as well as from the Pequots who lived in my Scottish immigrant ancestor's 1650s New Haven colony site. As I have learned the extent of the wrongful acts my ancestors committed against the peoples they displaced, I have evolved a practice of first naming the people who were here first, and then supporting their claims to recognition and any acts of restoration we can undertake today that provide some measure of truth and reconciliation.
  - In my judgment, unless we as the majority in the current USA take these acts, we will remain out of integrity with our professed values that all people are created equal, and are endowed with the same basic rights. Now that the Monocan people are federally recognized, they are entitled to the same rights as all Americans. One such right is the pursuit of happiness, or as I would phrase it here, the redress of grief. Tribal people, Monocan included, have been subjected to centuries of grief from the imposition of Eurocentric values, systems, and infrastructure. In this context, the destruction of the Monocan capitol at Rassawek would be an addition to the tribe's grief, and a reduction of their happiness. The permit must therefore be denied.
  - I hasten to add that JWRA and its agents have claimed that the proposed site "might not" be the "real" Rassawek. But they have provided no proof that it is NOT the site of Rassawek. In such a case, I submit that the Monocan people should be granted the right to say where Rassawek was. They were here first; and absent any proof to the contrary, their word should be given primacy in this matter.
2. **I request that a public hearing be held on this matter.** Fundamentally, such a hearing is essentially to the truth and reconciliation process I refer to above. The public square, be it in a meeting room or a Zoom call, must be opened to hear the stories of tribal peoples and their specific concerns with this project

hear the stories of tribal peoples and their specific concerns with this project. Apart from that, there are many specific evidentiary and other matters that call for open and public discussion.

3. **This project should be the subject of an Environmental Impact**

**Statement (EIS).** The environmental issues associated with the JWRA permit application require the further analysis and serious consideration that an EIS provides. The EIS should include climate change, watershed, and other issues, as well as specific consideration of alternatives to the proposed project.

- I work in the environmental field, and am experienced on subjects including energy and water efficiency and climate change. My company, for example, produces the quadrennial National Climate Assessment (NCA: (<https://nca2018.globalchange.gov/>)) for the Global Change Research Program (GCRP). While in these comments I do not speak for my employer, or for GCRP, I do exercise my First Amendment rights to apply my expertise on this matter as a citizen addressing issues in the public interest. The NCA contains extensive and explicit analysis and recommendations on future challenges for U.S. water management, including this excerpt:
  - a. *"In response to these challenges, the U.S. Army Corps of Engineers is exploring robustness to a wide range of trends and expected regret as metrics for evaluating flood management strategies,<sup>130-131</sup> including the increased incorporation of natural infrastructure.<sup>132</sup>"* (Chapter 3: Water).
- I ask that the Corp therefore include its own best practices in considering this application, within the wider context of regional water management. More broadly, the EIS should examine the risks associated with climate change, especially those associated with extended drought in the region. Persistent droughts will reduce James River flows, which in turn threaten the ability of the proposed project to meet its proposed supply levels. Moreover, such droughts would put JWRA in competition with upstream and downstream water authorities for scarce water resources. The EIS should consider such risks and identify specific actions to mitigate them, such as water conservation at JWRA customers, storage facilities tied to groundwater as well as surface water sources, and other strategies.
- In conducting the EIS, and in considering this permit application, I ask that the Corp work closely not only with the Virginia Department of Historic Resources, but also with the Department of Environmental Quality's Water Permitting and Water Planning Divisions, so that this project is properly considered within the wider and longer-term contexts that are required for the proposed project.

I will be happy to provide any clarifications or elaborations you may request, and to attend public hearings on this topic.

I wish you well in the complex challenge of addressing this permit application.

Sincerely,

William Prindle  
1468 Delphi Lane  
Charlottesville, VA 22911  
Prindles2004@msn.com

**From:** Anthony Malabad asm6qe@virginia.edu  
**Subject:** Copy of Rassawek letter sent to Steven Vanderploeg  
**Date:** June 4, 2020 at 4:52 PM  
**To:** jessca@curaheritagepartners.com

AM

Hello Jessica,

My name is Anthony Malabad and I am a recent graduate of the University of Virginia and former president of the Native American Student Union organization there. I just sent the following email to Steven Vanderploeg regarding the JRWA permit at Rassawek:

Dear Mr. Vanderploeg,

My name is Anthony Malabad and I am a recent graduate of the University of Virginia with dual degrees in Environmental Science and Global Environments & Sustainability. I am writing to you today concerning the raw water intake station proposed by the James River Water Authority (JRWA) at Point of Fork.

I firmly believe that you should deny the proposed permits to the JRWA. It is not in the public interest for the U.S. Army Corps of Engineers to issue these permits. The proposed station would destroy the historical site of Rassawek, the capital of the Monacan Indian Nation. This site was first identified by Captain John Smith in 1612 and has been confirmed by successive maps and archaeological expeditions.

The proposed station would destroy this area and the final resting places of the Monacans who lived there. This simply cannot happen. This site is an important cultural location not only for the Monacan Indian Nation, but for all Virginians. This site is our history. This site is our culture. This site is the final resting place of numerous people. This site must be preserved.

I ask you, Mr. Vanderploeg, to deny the permits to JRWA, especially in regard to the fact that there are several alternative locations available to the JRWA. The JRWA claims this site is ideal for economic reasons, and this is likely due to their poor archaeological plan for the site. They simply will not treat the site with the sensitivity and significance it deserves.

The JRWA is seeking a burial permit for the human remains on this site. If granted, the JRWA would disinter the bodies and force the Monacan tribe to relocate, repatriate, and rebury them. This would be an undue hardship forced upon the Monacan Indian Nation by the JRWA and thus, JRWA should not be allowed to build at this site.

In conclusion, I urge you not to permit this project, which will further contribute to injustices against Native Virginians. This harm to the Monacan Nation is harm to all Virginians and Americans. Our histories are intertwined. In addition, I request there be a public hearing on the permit application and an environmental impact statement generated. I further ask that the Commonwealth and the Army Corps of Engineers conduct a systematic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your consideration and your work.

Sincerely,

Anthony S. Malabad

2859 Greenway Court

Rockingham, VA 22802

Thank you for your help in fighting for Rassawek. Please let me know what else I can do to help.

Best,

Anthony Malabad

**From:** Aldona Dye a donadye@gmail.com  
**Subject:** Do not destroy Rassawek!  
**Date:** Apr 16, 2020 at 9:41 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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AD

Hello Steven,

My name is Aldona Dye and I am a resident of Charlottesville at 804 Monticello Ave, Charlottesville, VA 22902.

I strongly oppose the James River Water Authority's efforts to construct a water project on Rassawek. This site was the capital of the Monacan Confederacy, and as such deserves protection as an important site of Virginia Indian history. This is not just about whether or not we disturb burials, it's about recognizing and honoring Virginia Indians. Additionally, attorney Rae Ely has indicated in a Civil Week article that the JRWA would lose a legal battle over these lands. The JRWA's efforts would destroy a part of our history that we would not be able to get back, and I encourage them to find an alternative site that does not conflict with important cultural landmarks. This is a win-win solution that would benefit everyone involved.

The JRWA should at the very least hold a public hearing on the permit application, and prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

I hope you take these comments as evidence of the public's care for Virginia history, and our pride in the sacredness of the place where we live. Virginia is a special place with huge historical significance, and I believe that we can still accomplish the goal of providing safe, clean water to Virginia residents while maintaining and celebrating the culture and history that makes Virginia vibrant and unique.

Thank you in advance for reading this comment and recognizing the importance of the Virginia Indians.

Best,

Aldona Dye

**From:** Ashley Brown abrowndowntown@gmail.com  
**Subject:** Comments on James River Water Authority Project  
**Date:** June 6, 2020 at 5:34 PM  
**To:** Steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

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AB

Hello,

My name is Ashley Brown of Hillsborough, NC. I grew up in Virginia and feel a kinship to its land, its rivers and its people. I'm writing today to say that I oppose JRWAs permit application. It's simply not in the public's interest. Rassawek should be preserved as an important part of national, Virginia, and tribal history! I have the following requests

- A public hearing on the permit application
- That the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek

Please consider doing the right thing for this deeply important matter.

In Solidarity with River Protectors,  
Ashley

Sent from my iPhone

**From:** B & C Putnam <h rshputnam@gmail .com>  
**Subject:** Re: Comments on James River Water Authority Project  
**Date:** June 5, 2020 at 7:41 PM  
**To:** Jessica Krauss <jessica@culturalheritagepartners.com>



Here is the text of my email :

I am writing to express my concern about the James River Water Authority's proposed water pump station and pipeline at Point of Fork. If constructed as proposed it would destroy the historic capacity of the Monacan Nation, Rassawek. This site needs to be preserved as an important part of the history of this country and the Monacan Nation. We would never consider destroying a civil war or historic site belonging to white Americans. There are so few precious Native American sites. We have an obligation to address the injustices of the past. This can only happen if we pause and proceed in a thoughtful and deliberate way. There needs to be a public hearing on the permit application so that the voices of the community and other interests can be heard. It can't just be about speculative economic growth. I have requests about pumping water out of the James River to support unbridled growth in a pace that simply can not support it without robbing water and destroying an extremely important cultural and historic site. I also request that the USACE prepare an environmental impact statement to better understand how shipping water out of the James will impact aquatic life. I often canoe on the James River and I do not want to see it negatively impacted.

On Fri, Jun 5, 2020 at 6:46 PM B & C Putnam <h rshputnam@gmail .com> wrote:

Yes, thank you! Wish you the best in your efforts!

On Fri, Jun 5, 2020 at 5:25 PM Jessica Krauss <jessica@culturalheritagepartners.com> wrote:

Hello,

Thank you for reaching out! A couple people have had issues with clicking on the Corps email, but if you copy and paste the following email address, it should work: [Steven.A.Vanderploeg@usace.army.mil](mailto:Steven.A.Vanderploeg@usace.army.mil)

Thank you for reaching out, and for your support of the Monacan Nation!

Best,  
Jessica Krauss

Jessica Krauss  
Associate  
Cultural Heritage Partners, PLLC  
Direct/Text: 610-613-0622  
[www.culturalheritagepartners.com](http://www.culturalheritagepartners.com)

This email is confidential and may be privileged. If you are not the intended recipient, please notify us immediately by replying to this message or sending an email to [jessica@culturalheritagepartners.com](mailto:jessica@culturalheritagepartners.com), and destroy all copies of this message and any attachments. Thank you.

On Jun 5, 2020, at 5:23 PM, B & C Putnam <h rshputnam@gmail .com> wrote:

I would like to send a comment to Steven Vanderploeg, but the link in the email I received did not work. Perhaps this is a temporary problem. Please advise. Thank you!

**From:** Corey Vaughn h2oskjunkie@gmail.com  
**Subject:** Rassawek  
**Date:** May 11, 2020 at 8:55 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessca@culturalheritagepartners.com

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CV

Steven,

My name is Corey Vaughn and I live in Bumpass, Virginia. The reason for my note is to state my opposition for the proposed water intake facility proposed by the James River Water Authority.

The proposed location was the capital of the Monacan Nation and is an important cultural heritage site for Virginia. For hundreds of years, we've been marginalizing the importance of Native sites, and often our own environment at the same time. It would really be nice to see that change.

At a minimum, I would like to see a public hearing on the application and an environmental impact statement by the Corps of Engineers.

Thank you for your consideration.

Corey Vaughn



**From:** Baker, Darlejean (dbc) dbc@virginia.edu  
**Subject:** Rassawek  
**Date:** June 4, 2020 at 11:50 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

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DB

Dear Mr. Vanderpoe:

I oppose JRWA's permit application and think that it is not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and tribal history. Please have a public hearing on the permit application. Also please have an environmental impact statement prepared for this project because of the intensity of the proposed impacts to Rassawek. Rassawek should not be allowed to be destroyed. Virginia native communities deserve better. The Monacans deserve respect, and harm to Monacan sacred sites must be avoided.

Ms. Deej Baker  
501 Druid Ave.  
Charlottesville, Va. 22902

**From:** Derek Miller m er.derek.r@gmail .com  
**Subject:** Saving Rassawek  
**Date:** June 5, 2020 at 8:56 AM  
**To:** jess ca@cu tura her tagepartners.com

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DM

Dear Mr. Vanderploeg,

Thank you for taking comments concerning the James River Water Authority's permit application for construction in Fluvanna County. I write in opposition to the project. Rassawek is a site of national, international, and tribal importance. Its loss or even modification is not in the public interest. The project as is would destroy a key component of Monacan history and identity, and just as importantly, significantly hinder their ability to tell their history both to their next generations but also to the world. Within this current context where we see such powerful and meaningful public voice to address issues of structural oppression, the potential sacrifice of a traditionally oppressed people's sacred site to the construction of an infrastructural project is a step backwards.

I request at minimum a public hearing for the permit and environment impact statement that explicitly discusses the social and cultural impact of this project.

Sincerely,

Derek R. Miller, Ph.D.  
1730 Wilmington Ave.  
Richmond, VA 23227

**From:** Deb T. debtewks@gmail.com  
**Subject:**  
**Date:** May 7, 2020 at 4:19 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com

DT

Hello Mr. Vanderploeg,

I appreciate the important work that the Army Corps of Engineers does for this country and our state, especially during this time of crisis due to the Coronavirus.

I'm writing about another important topic--to strongly request that you choose an alternative to the proposed pump station that does not destroy the Monacan historical site at Rassawek. I do not support this project as it endangers the cultural resources and spiritual foundation of the Monacan people, a people who Virginia as a state has consistently oppressed. We owe it to them to continue to work for their good, as we have done in the past decade by helping them to become a recognized tribe. I've met Chief Kenneth and spent time on Monacan land and this is important not just to the Monacan people, but to non-Native residents of Virginia like me. I request a public hearing on the permit application, and I would like the Army Corps of Engineers to prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Please know that taxpayers and voters do not support this project. Please help to support a historically oppressed people to regain control of their cultural resources, which were not just important in the past but are part of their current spiritual foundation.

Thank you,  
Deb Tewksbury

**From:** ed mcmullen edmac2589@gmail.com  
**Subject:** Comments on James River Water Authority Project  
**Date:** June 4, 2020 at 11:53 AM  
**To:** jessica@curaheritagepartners.com

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EM

Good Afternoon Jessica,

I have attached my comments that I just sent to Mr. Vanderpoe below. Would it be helpful to send emails to Virginia Senators Tim Kaine and Mark Warner? Please let me know if there are others that I can contact.

Thank you,  
Ed

Dear Mr. Vanderpoe,

My name is Edward McMullen. I am writing to express my concern that the Corps is not taking public concern seriously when it comes to the current situation at Rassawek. I oppose JRWA's permit application as the project can be moved to another location where it is less likely to disturb culturally significant sites. I believe that the Corps and JRWA need to consider the interests of the public and especially the native peoples of the Monacan Nation. Rassawek needs to be preserved for future generations as sites similar to it are rare because of logging and destruction. Rassawek is important for the Monacan Tribe, the people of Virginia, and the nation as a whole.

Therefore, the site should be preserved and any archaeological investigation of the site should be done with the permission and close consultation of the Monacan Nation. There should be no work whatsoever carried out on this land without tribal permission and involvement.

There must be a public hearing on the permit application. Furthermore, the Corps should prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek. Please reassure the public that you and others involved in the project are taking this seriously.

Thank you for your time.

Edward McMullen  
8647 Shepherdstown Pike  
Shepherdstown, West Virginia  
25443

**From:** Elaine Taylor backroads1607@gmail.com  
**Subject:** Rassawek  
**Date:** May 29, 2020 at 9:15 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@curaheritagepartners.com

ET

Dear Sir,

I recently retired after serving as the director of the Louisa County Historical Society for ten years and am writing to add my plea to those of the Monacan Indian Nation to require a public hearing on the impact of the permit application to build the James River water intake facility on top of Rassawek. I have read and listened to the arguments on both sides and reviewed the presented documentation.

Obviously, I stand on the side of the Monacans but that is not why I am motivated to write. Today protests are erupting across the nation to say America's 400 years of being black and brown and red people "have no rights which the white man is bound to respect." must end with us, now. (The Dred Scott Decision, 1857). At its core, the contest here is between what is important to the Monacan tribe and what is important to the (mostly) white men on the Louisa and Fuvanna County Boards of Supervisors and the Water Authority they appointed: the sacredness of the land, heritage and the honoring of the ancestors on the one hand, and money (and the land and people that have to be sacrificed to make it) on the other. It always has been that way here.

I don't need to publicly inflame feelings more by bringing into the appeal making right the wrongs of backslapping in Louisa and Fuvanna, although I can give you the dates and names if you want them. And I don't need to bring in the names of Indians wrongly enslaved for generations here, but the stories are real and they are tragic. Nor do I need to remind anyone traveling down I-64 today that they will be greeted by the giant Confederate Flag as they pass the Louisa/Fuvanna line. That flag speaks clearly about the disregard here for the appeals to do away with symbols and systems of racism. But a decision to honor the request on the Monacans, now, in this instance, by withholding the permit and forcing a public hearing for consideration to relocate the intake site would go a long way toward acknowledging some of these historical and continuing harms.

The truth is a small group of white elites has historical domination decisions here is Central Virginia. That truth is not going to be changed by that same group of elites voting against their own interests. It will only be changed by the intervention of an entity with more authority than they have. I implore you and the Army Corps of Engineers to be that authority.

*Elaine Taylor  
1429 Paynes Mill Rd  
Bumpass, VA 23024  
Louisa County Resident*

**From:** Genevieve Everett genceverett@gmail.com  
**Subject:** Opposition to JRWA's permit application for Point of Fork (NAO-2014-0708)  
**Date:** June 6, 2020 at 11:26 PM  
**To:** steven.a.vanderploeg@usace.army.m

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Good evening,

My name is Genevieve and I am writing to share my opposition to James River Water Authority's permit application and to state that the project is not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and Monacan tribal history. I request the following: first, a public hearing on the permit application; second, that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Regards,  
Genevieve Everett  
Northfield, VT

**From:** Heidi Berthoud <heid1008@gmail.com>  
**Subject:** Fwd: Rassawek Vs JRWA permit application  
**Date:** June 7, 2020 at 11:20 AM  
**To:** jessica@culturepartners.com

HB

Thank you!

Beginning forwarded message:

**From:** Heidi Berthoud <heid1008@gmail.com>  
**Subject:** Rassawek Vs JRWA permit application  
**Date:** June 7, 2020 at 11:19:54 AM EDT  
**To:** [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)

Hello Steven Vanderploeg,

I am deeply saddened that yet another Native site is proposed to be ravaged by yet another self interested, myopic group. And its not like the JRWA doesn't have options. It is not acceptable that they have done such a lousy job of planning and development of this project, expecting to be rewarded for the mere asking of a permit. Why would it be acceptable for this to run right through the site of the ancient city and burial grounds. We privileged white folks would never allow that for our communities. This is ALL of our histories that would be desecrated. A public hearing is a must for the permit application - i'm outraged that i even have to ask for that. And of course the Corps should be preparing an EIS. This is an important heritage site that would be very badly impacted.

I hope that you can find a way to take the right, responsible and honorable actions necessary to resolve and dispense with this in a just and proficient manner!  
Enough heartache for all!

Heidi Dhivya Berthoud

@heid1008B

[heid1008@gmail.com](mailto:heid1008@gmail.com)

434 979 9732

366 Wyland Rd  
Buckingham VA 23921

Peace with Justice

**From:** Harold crowder hcrowderjr@gmail.com  
**Subject:** Rassawek  
**Date:** June 4, 2020 at 11:47 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturepartners.com

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HC

To whom it may concern —

- I am opposed JRWA's permit application and it is not in the public interest
- Rassawek should be preserved as an important part of national, Virginia, and tribal history
- I'm requesting a public hearing on the permit application
- I'm requesting that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek

Harold Crowder  
3701 Gill Street  
Chester, Virginia 23831



**From:** Jennifer Aultman jen.aultman@gmail.com  
**Subject:** Rassawek  
**Date:** May 7, 2020 at 6:15 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

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Dear Mr. Vanderpoe,

I am writing to implore you to hold a public hearing on the James River Water Authority's application for a Corps permit to construct a pump station on the site of Rassawek, the ancestral Monacan Indian town in central Virginia. I have been familiar with this site and its extraordinary significance for over 20 years, as an archaeologist who researched Late Wood and Contact Period Monacan settlement in the James River drainage from 1999-2006. I also request that an environmental impact assessment be prepared, due to the expected substantial impact that the project would have on what remains of Rassawek. It is critical to have a neutral, highly qualified third party assess these impacts.

Thank you for your consideration,  
Jennifer Aultman, M.A.

**From:** Joey Hays jhhays@gmail.com  
**Subject:** Protect Rassawek  
**Date:** June 7, 2020 at 11:16 AM  
**To:** jessica@culturepartners.com

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Dear Jessica,

See below my note to Steven. Thank you for your dedication to such a worthy cause.  
I hope they do the right thing.

Best regards,  
Joey

Dear Steven Vanderploeg,

I am writing to oppose JRWA's permit application and declare that it is not in the public interest. Rassawek should be preserved as an important part of our nation, our state and the tribes' history. I am requesting that a public hearing be held on the permit application so that the public may comment on its purpose and its validity. I also as a landscape architect hope that the Corps is preparing an environmental impact statement that acknowledges the intensity of the proposed impacts to Rassawek as a matter of due diligence. Especially in times like these, we need to take time to hear from the members of society, to a public that is truly inclusive, in order to be sure that all interests are considered when making structural decisions such as this one. Thank you for your time and consideration.

Best regards,  
Joey Hays

**From:** Katherine Coleman katherine.coleman101@gmail.com  
**Subject:** Save Rassawek  
**Date:** June 4, 2020 at 11:31 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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KC

To Whom It May Concern,

I strongly oppose the permit application by JRWA. It is against the interest of local people, especially the Monacan nation. Rassawek must be preserved as an important part of history not just our locality, but throughout Virginia and the United States. There must be a public hearing held and an environmental impact statement completed given the impact on this important site.

Katie Coleman  
804 Afton Mountain Road  
Afton, Virginia 22920

--

Katie Coleman  
UVA 2023  
she/her

**From:** Kerry Desjardins kerrydesjardins@yahoo.com  
**Subject:** Opposition to JRWA's permit application for Point of Fork (NAO-2014-0708)  
**Date:** June 7, 2020 at 7:05 AM  
**To:** Steven.a.vanderpoe@usace.army.m

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KD

Good morning,

My name is Kerry Desjardins and I am writing to share my opposition to James River Water Authority's permit application and to state that the project is not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and Monacan tribal history. I request the following: first, a public hearing on the permit application; second, that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

As a federally recognized tribe and the original inhabitants of the Charlottesville/Fauquier/Louisiana region, the Monacan Indian Nation has a long-standing and well-documented ancestral right to these lands and grounds of cultural significance. This is not the first time that the Monacans have fought to protect their land, particularly burial grounds and grave goods. They have demonstrated stewardship over the ancestral sites, including the preservation and reoccupation of the Rappahannock Mound in Albemarle County.

No one can dispute the historical significance of this tribe for Americans, the very same people documented by both Smith and one of our Commonwealth's founders, Thomas Jefferson himself. Rassawek pre-dates Jefferson's Academical Village now a UNESCO World Heritage Site. Surely this ancient village and its modern-day descendants deserve our same reverence and respect.

The indigenous people of Virginia and all of the citizens of the Commonwealth deserve a thorough, systematic review of the area and the right to preserve ancient gravesites. If Virginia is to continue to celebrate its history as the first colony, then it must honor and protect the bones of those upon whom it was forcibly founded.

Regards,

Kerry Desjardins  
Bueмонт, Virginia

**From:** Kailee Kelter ka\_eeke\_ter06@gmail.com  
**Subject:** Comments on James River Water Authority Project  
**Date:** June 4, 2020 at 12:17 PM  
**To:** jessica@culturaheritagepartners.com

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Dear Mr. Vanderp oeg,

My name is Kailee Kelter and I live in Charlottesville, VA. I am writing you to let you know I oppose JRWA's permit application and that it is not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and tribal history. I request a public hearing on the permit application. I request that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek. I hope you will take this into consideration and act accordingly. Thank you for your time.

At the best,

Kailee Kelter

**From:** Lewalta Haney lew@earthlink.net  
**Subject:** RASSAWEK  
**Date:** May 8, 2020 at 3:38 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@curaheritagepartners.com

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I want it to go on record that I oppose the current proposed ACE project of the water intake facility at RASSAWEK. An alternate route should be chosen that would not DESTROY RASSAWEK! Because of the rich history of Virginia, we need to honor and preserve this tribal history. Thank you for your attention to this important decision.

Lewalta Haney  
5761 Courthouse Rd  
Louisa, Va. 23093

Sent from my iPad

**From:** Lindsey ndseymoon@gmail.com  
**Subject:** Comments on James River Water Authority Application  
**Date:** June 6, 2020 at 8:23 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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To the US Army Corps of Engineers,

Thank you for the opportunity to give input on the construction of a water intake facility at Rassawek.

I object very strongly to the James River Water Authority's proposal to build a water intake facility on the Rassawek site. This is not a good use of our public resources. As the site of the former capital of the Monacan nation, Rassawek is a rare and valuable part of tribal, state, and national history, and the impact of the proposed construction would be devastating. I am requesting an environmental impact statement that addresses these concerns. I am also requesting a public hearing on the permit application. Please do not proceed without these two crucial steps.

Sincerely,

Lindsey Hoffman  
138 Town Oaks Road  
Louisa, VA 23093

**From:** L. Staiger staiger@yahoo.com  
**Subject:** Rassawek  
**Date:** June 6, 2020 at 2:19 PM  
**To:** steven vanderp oeg steven.a.vanderp oeg@usace.army.m

LS

Dear Mr. Vanderp oeg,

My name is Linda Staiger; I am a retired surgeon and an artist living in Fuvanna County. I am very involved in community affairs being the recent president of the Fuvanna Leadership Alumni Group. I am very interested in making this community the best it can be, not only considering the well-being of our citizens, but our economic growth and our heritage. I do understand the importance of water for our economic growth, but Rassawek is a culture site that is precious in my view.

I oppose the Jefferson Area Water Authority's permit application to draw water from the James River at the currently planned site. I feel that this site, so important to our heritage as a nation, should be preserved to the fullest extent that it is possible. I cannot express strongly enough the importance of place in appreciating and understanding the history of our nation and for the intertwining of our national history with the history of native American tribes. This location, at the joining of two rivers, each very important to our history is a remarkable place. As a kayaker, I have approached this site from both the James and Rappahannock and can personally attest to its fantastic position in the landscape.

Perhaps you are considering this application from an engineering standpoint, but I urge that you consider these other aspects. Hopefully, you will be open to hearing more from the general public in a public meeting in the near future before making a final decision. Great care should be taken to preserve the site of Rassawek to the fullest extent possible.

--  
L Staiger  
Win every day by connecting to community  
434-962-8463  
StaigerStudio.com  
2949 Ridge Road, Pamunkey, VA 22963





**From:** Lise Stoessel sebsbss@gmail.com  
**Subject:** preserve Rassawek!  
**Date:** June 7, 2020 at 1:06 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@culturepartners.com

LS

I'm writing to urge you to stop JRWA's permit application related to the proposed pipeline terminus at Rassawek. Rassawek is a culturally and historically site of tremendous importance to the first inhabitants of our state and needs to be preserved and respected as such.

It's time to stop shoving indigenous and minority peoples aside in order to advance white-dominant agendas. It's time to honor the other people and cultures that share this land with the rest of us.

Choose an alternative pipeline terminus. This matter should be taken up at a public hearing. The Army Corps of Engineers needs to prepare an environmental impact statement for this project as well.

Sincerely,  
*Lise Stoessel*

[www.sestrykerstoessel.com](http://www.sestrykerstoessel.com)  
[www.facebook.com/vnghappyseparatey](https://www.facebook.com/vnghappyseparatey)  
["Living Happily Ever After - Separate y" available on Amazon.com](https://www.amazon.com/dp/B085LWVH99)

**From:** Marti Martin msm1031@comcast.net  
**Subject:** Comments on James River Water Authority Project  
**Date:** June 4, 2020 at 5:45 PM  
**To:** jessica@culturepartners.com



As you requested, this is a copy of a letter I just sent to Mr. Vanderploeg. Good luck! :)

Dear Mr. VanDerploeg:

My name is Martha Martin, and I reside at 12424 Ruby Red Drive in Fredericksburg, Virginia 22407. I am deeply concerned about the Native American culture and heritage of the Commonwealth, and therefore I oppose JRWA's permit application to build a water pump station on top of Rassawek, the Monacans' capital city (as documented by John Smith in his 1612 map of Virginia). The site is home to sacred burial grounds and irreplaceable Native American artifacts.

It is no secret that the Native peoples of our country have been used and abused since the arrival of the white man, and such abuse continues to this day in the form of inadequate medical care, substandard schools, lack of clean water, and the like. There has never been a good reason for this abuse, and there is certainly no reason to continue such egregious behavior. Rassawek should be preserved as an important part of tribal, state, and national history, not disrespected and destroyed like so many similar sites in the past.

I therefore politely request (1) that a public hearing be held to hear from all those affected by the proposed project, particularly representatives of the Monacan Indian Nation, and (2) that the US Army Corps of Engineers prepare an environmental impact statement that includes an in-depth assessment of the cultural and historic resources that the proposed project would or could affect. In addition, alternative sites for the JRWA project should be found and evaluated so that the project can be moved to a location other than a known Monacan site.

The past two weeks have reminded us that America has long turned its back on citizens of color—African Americans, Hispanics, Asians, and Native Americans. It is long past time to turn our bad behavior around and to respect and honor these people who have contributed so much to who we are as a nation. To JRWA and the Corps, this pumping station might appear to be a small, insignificant project. To the ancestors of the Monacans who once buried their dead at the site, it is far more.

This time, please, do the right thing.

Sincerely,  
Martha Martin

**From:** Meredith McCool mccool.meredith@gmail.com  
**Subject:** Save Rassawek  
**Date:** June 5, 2020 at 12:44 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@curaheritagepartners.com

MM

Dear Steven Vanderpoe,

I write in solidarity with and support of my Monacan Indian Nation neighbors. As you are aware, the James River Water Authority (JRWA) plans to build a water pump station on top of Rassawek, the Monacans' capta city documented by John Smith's 1612 Map of Virginia. In order to save Rassawek for future generations and allow Monacan ancestors to rest in peace, JRWA must move the project to an alternative location. Building the pump station on top of Rassawek will mean that the site will be obliterated and Monacan burials will likely be disturbed. I support the Monacan tribal members who are deeply opposed to conducting another somber and traumatizing reburial when JRWA has other alternatives.

I share the Monacan Nation's concern that the Army Corps of Engineers will allow this flawed project to move forward without complying with federal law. I **do not** support this project and ask JRWA to choose an alternative that does not destroy Rassawek. Please hold a public hearing on the permit application and prepare an environmental impact statement including a robust analysis under the National Environmental Policy Act that will consider alternative sites and assess which site locations create the fewest environmental impacts.

Sincerely,  
Meredith McCool  
Amherst County, VA

**From:** marie pinto mvp6cd@virginia.edu  
**Subject:** Opposition to JRWA's permit application for Point of Fork (NAO-2014-0708)  
**Date:** June 6, 2020 at 3:32 PM  
**To:** steven.a.vanderploeg@usace.army.m

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Good evening,

My name is Marie Pinto and I am writing to share my opposition to James River Water Authority's permit application and to state that the project is not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and Monacan tribal history. I request the following: first, a public hearing on the permit application; second, that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Regards,  
Marie Pinto  
Charlottesville, VA

**From:** michael spence mchae spencejr@gmail.com  
**Subject:** Comments on James River Water Authority Project  
**Date:** June 4, 2020 at 12:21 PM  
**To:** jessica@curaheritagepartners.com

MS

Dear Sir / Ma'am,

I take time to sit and write this communication to show my support for the land, the people, the wind, along with the water that has been flowing past many of our families with our Monacan traditional territories; to include Rassewek, our Chief City.

I would not be amazed to understand that in your eyes this may seem biased, and to a certain extent, agreed. With that said, this issue of a locality that established itself with our traditional homelands now wishes to do anything's power to inflict irreparable harm to our people and cultural traditions by attempting to bring forth false / misleading information, deduced by individuals that did not meet the proper archaeological background to properly conduct such an investigative process. The locality has attempted to convince the public that there is no other option. The attempts to mislead, falsify documentation, to include the Army Corps of Engineers simply shows they recognize the masses of people to get what they perceive to be cost savings when there has been shown that there are other viable options.

I request that Rassewek, historical Chief City of our people, historical yanked to times predating colonialism, as well as, the links of Virginia's own historical beginnings, including the United States as a whole.....Spare Her.....Spare Us.....and stand in opposition to this attempt to Con Virginians, Monacans, Americans, and Governments to allow the removal of such a united history and significant historical area all to save a few dollars.

Respectfully,  
Michael Spence Jr.  
1907 Woods de Ave  
Bedford Va 24523

**From:** ofhs1976 ofhs1976@gmail.com  
**Subject:** Oppos t on to JRWA s perm t app cat on for Po nt of Fork (NAO-2014-0708)  
**Date:** June 5, 2020 at 8:53 PM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cultura her tagepartners.com

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Good even ng,

My name s Nick LaGrasta and I am wr t ng to share my oppos t on to James R ver Water Author ty s perm t app cat on and to state that the project s not n the pub c nterest. Rassawek shou d be preserved as an mportant part of nat ona , V rg n a, and Monacan tr ba h story. I request the fo ow ng: first, a pub c hear ng on the perm t app cat on; second, that the Corps prepare an env ronmenta mpact statement because of the ntens ty of the proposed mpacts to Rassawek.

Regards,  
Nick LaGrasta  
Laure , MD

**From:** Russ Drysdale russel\_lynndrysdale@gmail.com

**Subject:**

**Date:** May 16, 2020 at 6:27 PM

**To:** steven.a.vanderploeg@usace.army.m

**Cc:** jessica@culturepartners.com, Scott Conns sapon360@yahoo.com, Chief Kenneth Branham chiefbranham@ao.com, Teresa Sheldes amredram@hotmail.com

RD

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**To: Commander of the U.S. Army Corps of Engineers:**

From: Russell Lynn Drysdale,  
Former Councilor, Monacan Indian Nation  
Current enrolled member Monacan Indian Nation\*  
Member: Saponi Descendants Association \*

On behalf of Myself, and the entities listed above\*,

I request a public hearing on the permit application and have the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

I ask you not to issue permit to allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. If permitted in its current form, this project would destroy the historic Monacan capital of Rassawek, first identified by Captain John Smith in 1612, in addition to several other significant historical and archaeological sites.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at an alternate location and still provide water to Zion Crossroads for speculative economic development. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it in its current form.

Human remains, the bones of My Monacan ancestors, have been found multiple times at the Rassawek site. the U.S. Army Corps of Engineers should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburying their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians using the excuse of economic progress that may never come to pass. We ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Something are non negotiable, not now not ever  
Sincerely,  
Russell Lynn Drysdale

**From:** Robin Hanes marchhanes@gmail.com  
**Subject:** Rassawek  
**Date:** June 7, 2020 at 12:47 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@curaheritagepartners.com

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He o,

I am writing to plead for the Historic Monacan Indian site that would be destroyed by the proposed Potomac Terminus, where the Rappahannock and James Rivers meet. This is an important burial ground as well as a gathering place for the tribe, with important history, since it equaled Jamestown in its size and importance in the past.

There are alternative routes which the Corps of Engineers can choose. Please pursue any of these options.

Sincerely,

Robin Hanes  
1709 E Market St  
Charlottesville, Va 22902



**From:** rdp10@juno.com  
**Subject:** No: The destruction of Rassawek, the Monacan Nation's Historic Capital.  
**Date:** June 7, 2020 at 1:32 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

---



Hello Steven

I do not support this project. I oppose JRWA's permit application, it is not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and tribal history.

Please choose an alternative pipeline terminus that does not destroy Rassawek. I request a public hearing on the permit application. I request that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek

Ray P

1258 Mason Mill Ct  
Herndon, VA 20170

**From:** Steven L. Johnson [steven.l.johnson@gmail.com](mailto:steven.l.johnson@gmail.com)  
**Subject:** choose an alternative pipeline terminus that does not destroy Rassawek  
**Date:** June 7, 2020 at 12:35 PM  
**To:** [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)  
**Bcc:** [jessica@culturepartners.com](mailto:jessica@culturepartners.com)

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I am writing in opposition to JRWA's permit application. Rassawek is an important part of the history of the tribe, of the USA, and of the Virginia commonwealth. It is not in the public interest to construct at this site.

Because of the intensity of proposed impacts to Rassawek, I request that the corps prepare an environmental impact statement.

Further, I request that you hold a public hearing on the permit application.

Sincerely,

Steven Johnson  
1010 Grove St.  
Charlottesville, VA 22903

**From:** sam mccormick mr.sammy12@gmail.com  
**Subject:** Fwd: Save Rassawek  
**Date:** June 4, 2020 at 1:07 PM  
**To:** jessica@culturepartners.com

SM

Here is a copy of an email I sent to Steven Vanderploeg about JWRA's application for a pump station at Rassawek.

Thank you,  
Sam McCormick

----- Forwarded message -----

**From:** sam mccormick <[mr.sammy12@gmail.com](mailto:mr.sammy12@gmail.com)>  
**Date:** Thu, Jun 4, 2020 at 1:05 PM  
**Subject:** Save Rassawek  
**To:** <[steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)>

Dear Steven Vanderploeg,

My name is Sam McCormick. I am a resident of Albemarle County, VA. I am writing you today to express my opposition to JRWA's permit application for a new water pump station and pipeline at Point of Fork. If permitted in its current form, this project would destroy the historic Monacan capital of Rassawek, in addition to several other significant historical and archaeological sites.

This is NOT in the public interest and if permitted would add to the blatant erasure of indigenous culture and history in Virginia.

Instead, I urge the leadership of the Army Corps of Engineers to conduct a review to identify other potential sites for the water intake station and pump station.

Best,  
Sam McCormick

**From:** Tina Knight t.na.r.knight@gmail.com  
**Subject:** Rassawek  
**Date:** May 11, 2020 at 3:46 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

TK

Dear Steven Vanderploeg and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

I implore you to not grant the permits that would allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. In addition, I request there be a public hearing on the permit application and an environmental impact statement generated.

This project would destroy the historic Monacan capital of Rassawek, first identified to Europeans by Captain John Smith in 1612. Rassawek is an important cultural heritage site of the Monacan Nation, which functioned as national capital at the fork of the James and Rivanna river. But I also want to express as a Virginian that this site is a cultural heritage site of historical importance to all citizens of the Commonwealth and to the heritage of our nation. It is part of our state and national heritage. And, for Monacan people, whose history has been largely denied and erased, the destruction of the site is a serious ethical violation of their ancestors as the pump station and pipeline construction would disturb numerous burials.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at any of several alternate locations and still provide water to Zion Crossroads. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it.

Human remains of Monacan ancestors have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Corps and the Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburial of their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians, violate the sanctity of their history, and violate the resting place of their ancestors under the false belief that our histories are separate rather than intertwined. Harm to Monacan people is harm to us all. I ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your consideration and your work.

Tina R. Knight

**From:** Britaini br ta n carro @hotma .com  
**Subject:** Fw: Comments on water project on Rassawek  
**Date:** Apr 17, 2020 at 12:07 PM  
**To:** jess ca@cu tura her tagepartners.com

---

B

FYI

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**From:** Britaini  
**Sent:** Friday, April 17, 2020 12:07 PM  
**To:** steven.a.vanderploeg@usace.army.mil <steven.a.vanderploeg@usace.army.mil>  
**Subject:** Comments on water project on Rassawek

Mr Vanderploeg,

I am writing to strongly oppose the planned water project on Rassawek and the impact on the Monacan indian reservation and their burial grounds as well as those sites that in the posting were noted as 'known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal'.

I oppose JRWA's permit application and do not believe it is in the public interest. Rather Rassawek should be preserved as an important part of national, Virginia, and tribal history. An extension should be approved to allow at least a virtual public hearing on the permit application. Lastly, it is hard to believe that an environmental impact statement has not been considered and I believe that because of the intensity of the proposed impacts to Rassawek, this should be mandatory.

My interest in this is grounded both in my link to advocacy for Native American communities, a local issue (I am in washington DC) as well as concern for the environment.

**Britaini Carroll**

Member of the National Museum of the American Indian  
Member of the Anacostia Watershed  
Member of the Alliance for the Chesapeake Bay

**From:** Tyquiengco, Marina Amber Eldh mtyquengco@pitt.edu  
**Subject:** Fw: In Support of Rassawek  
**Date:** May 10, 2020 at 7:37 AM  
**To:** jessca@curahertagepartners.com



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**From:** Tyquiengco, Marina Amber Eldh  
**Sent:** Sunday, May 10, 2020 7:36 AM  
**To:** steven.a.vanderploeg@usace.army.mil <steven.a.vanderploeg@usace.army.mil>  
**Subject:** In Support of Rassawek

Dear Steven Vanderploeg and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

I implore you to not grant the permits that would allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. In addition, I request there be a public hearing on the permit application and an environmental impact statement generated.

This project would destroy the historic Monacan capital of Rassawek, first identified to Europeans by Captain John Smith in 1612. Rassawek is an important cultural heritage site of the Monacan Nation, which functioned as national capital at the fork of the James and Rivanna river. But I also want to express as a Virginian that this site is a cultural heritage site of historical importance to all citizens of the Commonwealth and to the heritage of our nation. It is part of our state and national heritage. And, for Monacan people, whose history has been largely denied and erased, the destruction of the site is a serious ethical violation of their ancestors as the pump station and pipeline construction would disturb numerous burials.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at any of several alternate locations and still provide water to Zion Crossroads. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it.

Human remains of Monacan ancestors have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Corps and the Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburying their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians, violate the sanctity of their history, and violate the resting place of their ancestors under the false belief that our histories are separate rather than intertwined. Harm to Monacan people is harm to us all. I ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your consideration and your work.  
Marina Tyquiengco

**From:** Beth Hodsdon bchodsdon@outlook.com  
**Subject:** FW: James River Water Authority (Virginia) permit application  
**Date:** May 2, 2020 at 7:59 AM  
**To:** jessica@curaheritagepartners.com

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BH

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**From:** Beth Hodsdon  
**Sent:** Saturday, May 2, 2020 7:57 AM  
**To:** steven.a.vanderploeg@usace.army.mil  
**Subject:** James River Water Authority (Virginia) permit application

I am writing to oppose the James River Water Authority's application for an individual permit from the Army Corps of Engineers to construct a water project on top of Rassawek, a Native American historical and sacred site. Rassawek should be preserved as an important part of national, Virginia, and tribal history. Alternative sites are available and should be required. I request a public hearing on the permit application. I also request that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts on the Rassawek site. Thank you for your consideration.

Beth Hodsdon

1656 Mint Springs Road, Crozet, VA 22932



**From:** Davis, Brian R. (brd6eq) mudands@virginia.edu  
**Subject:** Fw: Rassawek project  
**Date:** June 5, 2020 at 6:32 AM  
**To:** jessca@curahertagepartners.com

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BD

Brian Davis, PLA, FAAR

Associate Professor, University of Virginia  
Member- [Dredge Research Collaborative](#)  
[www.healthyportfutures.com](http://www.healthyportfutures.com)

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**From:** Davis, Brian R. (brd6eq)

**Sent:** Friday, June 5, 2020 6:32 AM

**To:** steven.a.vanderploeg@usace.army.mil <steven.a.vanderploeg@usace.army.mil>

**Subject:** Rassawek project

Dear Mr Vanderploeg

I am writing to register that I am against the JRWA proposal for the water intake at the Rassawek site. The project is littered with problems, as I'm sure you are aware. I ask that the USACE hold a public hearing and prepare an environmental impact statement that could account equally for cultural and natural resources. While I understand the desire for development on I-64, it is a trivial concern when taking the long view compared to what could be lost.

Thank you,

Brian Davis, PLA, FAAR

Associate Professor, University of Virginia  
Member- [Dredge Research Collaborative](#)  
[www.healthyportfutures.com](http://www.healthyportfutures.com)

**From:** Aren Eschbach <areneschbach@gmail.com>  
**Subject:** Fwd: Comments on James River Water Authority Application  
**Date:** Apr 28, 2020 at 8:22 PM  
**To:** jessica@curaheritagepartners.com

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----- Forwarded message -----

From: **Aren Eschbach** <areneschbach@gmail.com>  
Date: Tue, Apr 28, 2020 at 8:21 PM  
Subject: Comments on James River Water Authority Application  
To: <[steven.a.vanderpoe@usace.army.mil](mailto:steven.a.vanderpoe@usace.army.mil)>

Army Corps of Engineers members,

My name is Karen Eschbach. I am a resident of Louisa County, living at 237 Bakers Branch Rd, Louisa, VA 23093. I am concerned about the actions of the James River Water Authority and about the application for a permit to build a pump station on a native burial ground and heritage site. Rassawek should be preserved as an important part of our history. The JRWA is not acting in the best interests of the people of Virginia, or the people native to this land. People need water. This is true, yet the Louisa and Fuvanna County Boards of Supervisors created the problem of water shortage by supporting a housing development in Zion Crossroads in order to increase profit. They created the JRWA to try to solve the problem, but to fix it, they must destroy indigenous peoples and. They have created a business out of destroying native peoples sovereignty. If you allow the JRWA the permit, you are allowing them and the Louisa and Fuvanna County Boards to profit from stealing native heritage and sacred space. I oppose this permit and ask that you deny it, as it is not in the public interest. There are other solutions which are in the public interest, but this is not one of them. This permit is the sole interest of Boards of Supervisors and the JRWA.

I additionally request a public hearing on the permit application and an environmental impact statement from the Marine Corps because of the intensity of the proposed impacts to Rassawek.

This process is coming at a time when people are unable to voice their concerns due to the threat of COVID-19 outbreak in their communities. Please give an extension to this process so that there is more time for people to give their comments and concerns to you during this stressful time.

Karen Eschbach

**From:** Trew Bennett buckcreekpottery@gmail.com  
**Subject:** Fwd: Comments on James River Water Authority Application  
**Date:** Apr 18, 2020 at 12:25 PM  
**To:** jessica@curaheritagepartners.com

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TB

----- Forwarded message -----

From: **Trew Bennett** <[buckcreekpottery@gmail.com](mailto:buckcreekpottery@gmail.com)>  
Date: Sat, Apr 18, 2020 at 12:23 PM  
Subject: Comments on James River Water Authority Application  
To: <[steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)>

Please support the Monacan Indian Nation and help to preserve the r heritage sites. Please find an alternative that will not harm  
Rassawek.

Sincerely,  
Trew H. Bennett  
829 St. Charles Avenue  
Charlottesville, VA 22902  
434-263-4192

Sent from my iPad

**From:** Gretchen Boeren boerengp@csedu.net  
**Subject:** Fwd: De ay Rassawek Perm t  
**Date:** Apr 15, 2020 at 9:15 AM  
**To:** jess ca@cu tura her tagepartners.com

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GB

----- Forwarded message -----

From: **Gretchen Boeren** <boerengp@csedu.net>  
Date: Wed, Apr 15, 2020 at 9:14 AM  
Subject: De ay Rassawek Perm t  
To: <[steven.a.vanderp.oeg@usace.army.m](mailto:steven.a.vanderp.oeg@usace.army.m)>

Dear Sir:

I'm writing to express my outrage and dismay that the permit system for the JRWA station has not been put on hold.

Not only is it outrageous to consider building ANY type of structure on the historically important Rassawek area but it's outrageous to try to clandestinely move forward in the face of the Governor's stay-at-home/shelter-in-place mandate. There can be no public response / no public meetings or open group discussions in light of the COVID-19 stay-at-home policy. Any current movement by JRWA or the Army Corps of Engineers smacks of an attempt to undermine the very constitutional fiber of the Commonwealth of Virginia.

This is the very perfect time in which to re-vist the entire Rassawek project: to carefully weigh better alternatives than the destruction of a culturally and historically important site.

Thank you for your consideration of the wishes of the citizens of the Commonwealth of Virginia.  
Gretchen Boeren, Educator

*This e-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.*

**From:** Joe Mikolajczak joe.mikolajczak@outlook.com  
**Subject:** FW: James River Water Authority's Proposed Water Supply Project  
**Date:** May 6, 2020 at 4:19 PM  
**To:** jessica@culturalheritagepartners.com

JM

Hello Jessica,

Yesterday I sent a letter to USACE regarding the water supply project and cc'ed Marion. I understand that I should've included you as well. My letter is attached and if you have any questions, please let me know.

Joe Mikolajczak  
(410) 707-7040

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**From:** Joe Mikolajczak  
**Sent:** Tuesday, May 5, 2020 10:31 PM  
**To:** jennifer.s.frye@usace.army.mil; steven.a.vanderploeg@usace.army.mil  
**Cc:** Marion Werkheiser <marion@culturalheritagepartners.com>  
**Subject:** James River Water Authority's Proposed Water Supply Project

Dear Ms. Frye and Mr. Vanderploeg:

Attached is a pdf of a letter I'm submitting to you in support of the Monacan Nation's effort to preserve the integrity of their cultural heritage. If there are any questions or comments about the content, please let me know and I'll answer as quickly and accurately as I can.

Please let me know if there are any other protocols I have to follow to communicate my concerns and comments.

Thank you,  
Joe Mikolajczak  
(410) 707-7040



200505  
Rassa...pdf.pdf

**From:** Michael Pillow mfp\_ow@gmail.com  
**Subject:** Fwd: JRWA Permit & Property Infringement  
**Date:** May 1, 2020 at 1:20 PM  
**To:** jessica@curatourheritagepartners.com

---

MP

Begin forwarded message:

**From:** Michael Pillow <mfp\_ow@gmail.com>  
**Subject:** JRWA Permit & Property Infringement  
**Date:** May 1, 2020 at 1:19:45 PM EDT  
**To:** [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)

Dear Sir:

I oppose the James River Water Authority's permit application relative to Rassawek. This may serve private interests, but scarcely not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and tribal history.

At a minimum, I join others to request a public hearing on the permit application. The Corps of Engineers should also prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Thank you for your time and attention.

Michael Pillow  
310 Grayrock Drive  
Crozet VA 22932

**From:** Vanderploeg, Steven A CIV USARMY CENAO (US) Steven.A.Vanderploeg@usace.army.m  
**Subject:** RE: Fwd: [Non-DoD Source] JRWA Pump ng Stat on  
**Date:** June 5, 2020 at 8:23 AM  
**To:** Jessica Krauss jessica@culturalheritagepartners.com



Jessica,

Not sure why this message didn't come through but please rest assured that other comments on JRWA are steadily coming through. Thanks for sending this though and it has been added to other comments that have been received.

V/R

Steven

Steven Vanderploeg  
US Army Corps of Engineers, Norfolk District  
Cell (804) 397-9836  
Office (804) 323-7071

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**From:** Jessica Krauss <[jessica@culturalheritagepartners.com](mailto:jessica@culturalheritagepartners.com)>  
**Date:** Thursday, Jun 04, 2020, 9:42 PM  
**To:** Vanderploeg, Steven A CIV USARMY CENAO (US) <[Steven.A.Vanderploeg@usace.army.mil](mailto:Steven.A.Vanderploeg@usace.army.mil)>  
**Subject:** [Non-DoD Source] Fwd: JRWA Pumping Station

Dear Steven,

It seems like the below email didn't reach you, and I wanted to forward it along to ensure you received the message, and that it is recorded as part of the public record. Please let me know if there are issues with the public comments being sent to your email.

Thank you,

Jessica Krauss  
Associate  
Cultural Heritage Partners, PLLC  
Direct/Text: 610-613-0622  
Blocked [www.culturalheritagepartners.com](http://www.culturalheritagepartners.com)

This email is confidential and may be privileged. If you are not the intended recipient, please notify us immediately by replying to this message or sending an email to [jessica@culturalheritagepartners.com](mailto:jessica@culturalheritagepartners.com)—and destroy all copies of this message and any attachments. Thank you.

Begin forwarded message:

**From:** Marlon Werkheiser <[marlon@culturalheritagepartners.com](mailto:marlon@culturalheritagepartners.com)>  
**Date:** June 4, 2020 at 9:14:59 PM EDT  
**To:** Jessica Krauss <[jessica@culturalheritagepartners.com](mailto:jessica@culturalheritagepartners.com)>  
**Subject:** Fwd: JRWA Pumping Station

Could you send to Steven and make sure his account is receiving messages

Marlon F. Werkheiser  
Attorney at Law  
Cultural Heritage Partners, PLLC  
Direct/Text: 703.489.6059  
Assistant: Sarah Curtis, [sarah@culturalheritagepartners.com](mailto:sarah@culturalheritagepartners.com), 617.233.8956

This email is confidential and may be privileged. If you are not the intended recipient, please notify us immediately by replying to this message or sending an email to [marlon@culturalheritagepartners.com](mailto:marlon@culturalheritagepartners.com), and destroy all copies of this message and any attachments. Thank you.

Begin forwarded message:

**From:** [raniga.2@gmail.com](mailto:raniga.2@gmail.com)  
**Date:** June 4, 2020 at 8:53:17 PM EDT  
**To:** Marlon Werkheiser <[marlon@culturalheritagepartners.com](mailto:marlon@culturalheritagepartners.com)>  
**Subject:** [Non-DoD Source] Fwd: JRWA Pumping Station

Subject: FW: JRWA Pumping Station

This failed to go through to Steven. RHM

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**From:** ran1gail2@gmail.com <ran1gail2@gmail.com>  
**Sent:** Thursday, June 4, 2020 8:51 PM  
**To:** steven.a.vanderploeg@usace.army.mil.  
**Cc:** Marion Werkheiser <marion@culturalheritagepartners.com>  
**Subject:** JRWA Pumping Station

Ladies/Gentlemen:

I very much oppose the subject station because Rassawek is a part of national, Virginia and tribal history, and is not in the public interest.

Surely another suitable site near the proposed location can be found.

Please do an environmental study on the proposed site.

The site should be acquired for a park with archeological digs and appropriate signs at important locations.

Thank you for your consideration.

Sincerely,

Randolph H Moulton

4845 Guerry Dr

Macon, GA 31210



**From:** Bella Bilello <be\_ab\_e\_o8151@gmail.com>  
**Subject:** Fwd: JWRA Rassawek  
**Date:** June 4, 2020 at 11:29 AM  
**To:** jessca@culturalheritagepartners.com

---

BB

----- Forwarded message -----

From: **Bella Bilello** <[be\\_ab\\_e\\_o8151@gmail.com](mailto:be_ab_e_o8151@gmail.com)>  
Date: Thu, Jun 4, 2020 at 11:27 AM  
Subject: JWRA Rassawek  
To: [steven.a.vanderpoe@usace.army.mil](mailto:steven.a.vanderpoe@usace.army.mil) <[steven.a.vanderpoe@usace.army.mil](mailto:steven.a.vanderpoe@usace.army.mil)>

I am a tribal member of the Monacan Nation. I grew up celebrating my culture in powwows and knowing the importance of preserving native and traditional. It's against the public interest to let the James River Water Authority build upon our capta, Rassawek, and I ask on behalf of tribal members, family and those whose ancestors lived and prospered in Rassawek and the Monacan Nation that you put a permit for a public hearing and a release of the cultural and environmental impacts on Rassawek if the JWRA were to build upon it. It's important to preserve our lands and our culture.

Best Wishes,

Isabella Bilello.

**From:** Rachel Spraker spraker.rae@gmail.com  
**Subject:** Fwd: Letter RE: NAO-2014-0708  
**Date:** May 30, 2020 at 1:13 PM  
**To:** jess ca@cu tura her tagepartners.com

RS

Per the suggestion in the email I received, I am sharing the letter I sent. Thank you for all that you do.

Best,  
Rache

----- Forwarded message -----

**From:** Rachel Spraker <[spraker.rae@gmail.com](mailto:spraker.rae@gmail.com)>  
**Date:** Sat, May 30, 2020 at 1:07 PM  
**Subject:** Letter RE: NAO-2014-0708  
**To:** <[steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)>

Mr. Vanderploeg,

I have lived in Virginia all of my life. My family has lived in Virginia for more than 175 years, and yet my family's story is a story of *settling* this land now called Virginia. The Monacan Indian Nation's story and relationship in this land has echoes over a millennium – their story, is a *creation story*. Rassawek is integrally linked to this story and holds spiritual and cultural knowledge and meaning for the Monacan Indian Nation, and for all of us. The presence of this culturally sensitive site at the location of the permit proposal makes this area ancestral territory and any potential disturbance is a matter over which the Monacan Indian Nation should be engaged in good faith, and decisions over which their sovereignty should be a primary factor. The Monacan Indian Nation has presented expert evidence, government to government, that has been willfully ignored by Fluvanna County officials and the James River Water Authority (JRWA). These entities have consistently ignored evidence and alternatives provided to them by professional, civic, and tribal representatives. These officials have even specifically re-routed the project in question from a previously identified site that would not have had such significant adverse cultural impacts, in contravention to an agreement made with a neighboring county. In all of their dealings, including their use of an unqualified firm to evaluate the impacts of the site location, Fluvanna County officials and the JRWA have acted in bad faith. Their actions perpetuate an unfortunate, and often violent history, entangled in the foundations of the so-called United States. This history has necessitated a complex web of legislation, regulation, and restorative justice efforts. It is just this web of necessary restorative and corrective protections upon which I now ask you to uphold our collective legal and environmental responsibilities.

I oppose the JRWA's permit application, which is not in the public interest. A public hearing on this permit application should be conducted. An environmental impact statement, due to the intensity of the impacts to Rassawek, should be conducted by the Army Corps of Engineers. An alternate location is available. Should the speculative development continue to be deemed necessary for this area, this reasonable, viable, and affordable alternative should be used.

Respectfully,



**From:** Melissa Richards m.richards0312@gmail.com  
**Subject:** Fwd: On behalf of the Monacan Nation  
**Date:** May 11, 2020 at 11:00 PM  
**To:** jessica@curatorshertagepartners.com

MR

To whom it may concern,

I wrote to the army corps of engineers a few days ago, and read I should also send this to you. I do not currently reside in Virginia, but I did live there for four years, still have family there, etc. So I hope this letter aids your cause. Know your people are in my thoughts and prayers often.

Sincerely,  
Melissa Richards

----- Forwarded message -----

**From:** Melissa Richards <m.richards0312@gmail.com>  
**Date:** Tue, May 5, 2020 at 6:26 PM  
**Subject:** On behalf of the Monacan Nation  
**To:** <[steven.a.vanderp.oeg@usace.army.mil](mailto:steven.a.vanderp.oeg@usace.army.mil)>

To whom it may concern,

I am writing this email on behalf of the Monacan Indian Nation in Virginia. As a resident of Rockbridge County for three years, I had the privilege of meeting members of the tribe at the exhibit in the Natural Bridge State Park. On my recent visit, however, have I come to understand the issues that they are currently facing. You see, I have spent the last year studying Native American history in depth with my homeschooled daughter. I know well the long history of removing Indian peoples from the land, stealing from their graves, stripping them of their cultural practices and languages, and many other actions by state and federal governments over the centuries to slowly degrade their culture and their national identity.

The fight over the land at Rassawek presents an unbelievable opportunity for a people to heal. For a people to be reunited with a site that held cultural significance to the nation for nearly ten thousand years. It presents an opportunity for the entire state to learn as much as we can about the first inhabitants of Virginia, and to continue to protect the ancient places where their ancestors were buried. As a homeschooled parent, I know how much I value being able to visit places like Jamestown and Fredericksburg. But not many states can boast an archaeological site with ten thousand years of human history to uncover. It is in the public interest to protect this site, both for the Monacan people and for the public of Virginia at large.

I am therefore writing this letter to say that I oppose the permit to build a water pump project at this site. I especially oppose any forward movement on such a project at a time when the public cannot even come out of their homes to attend a public hearing on the matter. This site has importance for all Virginians, but most importantly for the Monacan Indian Nation, and they deserve the full attention that the public can give to the matter.

Over the last year, I have really come to believe that Native American tribes are the forgotten people of this country, when they should be treated as our national treasure. Being able to reunite a people with their lost history presents an incredible opportunity for healing like no other. I hope and pray that the great State of Virginia will lead the way in our country for treating their Native tribes with the respect and dignity they deserve.

Sincerely,  
Melissa Richards

Current address: 401 N 9th Street, Monmouth Illinois, 61462

(I called Virginia home for 4 years, and have family and friends in the state, and hope to return sometime in the future and call the great state of Virginia home again).

**From:** Tammy Purcell <tdocpurce @gma .com>  
**Subject:** Fwd: Oppose James R ver Water Author ty perm t  
**Date:** May 6, 2020 at 2:07 PM  
**To:** Jess ca Krauss jess ca@cu tura her tagepartners.com

---

TP

Just forward ng my ema to the Army Corps of Eng neers oppos ng the James R ver Water Author ty s perm t.

Thanks,  
Tammy

----- Forwarded message -----

From: **Tammy Purcell** <[tdocpurce @gma .com](mailto:tdocpurce @gma .com)>  
Date: Wed, May 6, 2020 at 2:04 PM  
Subject: Oppose James R ver Water Author ty perm t  
To: <[steven.a.vanderp oeg@usace.army.m](mailto:steven.a.vanderp oeg@usace.army.m)>

Re: NAO-2014-0708

I strongly oppose the Army Corps of Engineers issuing a permit to the James River Water Authority for the construction of a water intake facility at Rassawek, a significant Native American cultural and archeological site.

I do not believe this project is in the public interest and encourage the Corps to hold a public hearing concerning the permit once social distancing guidelines are significantly loosened. In addition, I encourage the Corps to prepare an environmental impact statement because of the intensity of the proposed impact on Rassawek.

I, and many others in my community, strongly believe that Rassawek should be preserved as part of tribal, Virginia and national history.

Sincerely

Tammy Purcell  
3288 Waldrop Church Rd.  
Louisa, VA 23093

**From:** Lois Widmer <w.dmer94@gmail.com>  
**Subject:** Fwd: Opposition to JRWA permit application to take Rassawek  
**Date:** June 6, 2020 at 12:34 PM  
**To:** jessica@curaheritagepartners.com

---

LW

----- Forwarded message -----

From: **Lois Widmer** <[w.dmer94@gmail.com](mailto:w.dmer94@gmail.com)>  
Date: Sat, Jun 6, 2020 at 12:33 PM  
Subject: Opposition to JRWA permit application to take Rassawek  
To: <[steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)>

June 6, 2020

Mr. Steven Vanderploeg  
U.S. Army Corps of Engineers

Dear Mr. Vanderploeg,

I oppose the JRWA's permit application to take Rassawek, which should be protected and preserved as an important site of national, Virginian and tribal history. It is in the best public interest to preserve this site as a significant part of the history of our nation. For too long we have relied only on written history (often inaccurate) created by whites, ignoring or disregarding the oral and physical history of the cultures that are part of our nation.

Please hold public hearings on this permit application and prepare a thorough and objective environmental impact statement that truly considers the issues of environmental and social justice.

I hope by this point and in light of recent protests, you accept and believe that our nation was designed to favor whites – especially white men – of Northern European origins, and even more specifically the landed gentry. Despite the lofty aspirational statements of the Declaration of Independence and the rights stated in our Constitution, we are a nation founded on the principle of white privilege. We whites have cumulatively benefitted from this structure for centuries.

Consider how Native American tribes lost their lands again and again as our government dishonored negotiated treaties. Every time something of value has been discovered on tribal lands – think of Oklahoma oil – Native Americans have been pushed off the land or the rights to what is under that land have been ripped away.

Eminent domain has been used again and again to destroy communities of color. As one historical example, redlining that was legal through the 1960s pushed minority communities into the least desirable areas and denied basic services. Then, as more land is needed, government and corporations turned to these neighborhoods and destroyed them through land grabs in the name of “urban renewal” and “progress” for such projects as shopping centers and highways. Urban renewal for whom? Progress for whom?

It is time to stop this endless taking and seek equitable alternative solutions.

In case the foregoing isn't clear, I vehemently oppose the taking of Rassawek.

Sincerely,

Lois Widmer

Lois Widmer  
816 Altavista Ave  
Charlottesville, VA 22902-6112  
[Lwidmer94@gmail.com](mailto:Lwidmer94@gmail.com)  
617-763-9985 (mobile)

**From:** Grace Tuttle [grace.m.tuttle@gmail.com](mailto:grace.m.tuttle@gmail.com)  
**Subject:** Fwd: Please Take Action to Save Rassawek  
**Date:** May 6, 2020 at 2:28 PM  
**To:** [jessca@curahertagepartners.com](mailto:jessca@curahertagepartners.com)

GT

Hi Jessca,

I have sent the email below. I have a friend who also emailed him. My dad signed various petitions and I have as well. I have sent the material to various friends and family. Is there anything else I can do? I also plan on emailing Louisa and Fluvanna County supervisors. I am moving to Fluvanna County in August so I will be especially invested in this problem.

Thank you,  
Grace Tuttle

----- Forwarded message -----

**From:** Grace Tuttle <[grace.m.tuttle@gmail.com](mailto:grace.m.tuttle@gmail.com)>  
**Date:** Wed, May 6, 2020 at 10:43 AM  
**Subject:** Please Take Action to Save Rassawek  
**To:** <[Steven.A.Vanderploeg@usace.army.mil](mailto:Steven.A.Vanderploeg@usace.army.mil)>

Dear Mr. Vanderploeg,

I am deeply concerned about the plans to destroy the Monacan capital of Rassawek, and likely disturb Monacan ancestors, for the James River Water Authority pump station. This represents a miscarriage of justice and a continuation of many centuries of oppression endured by the native occupants of Virginia. The Army Corps of Engineers should not provide their stamp of approval.

Surely enough has been done to preserve the remaining sites of the Monacan and other tribes. Please do what is right and begin to reverse the trend of destruction of historical sites and disrespect to Native Americans. I write this as the direct descendant of many US Army veterans, as someone that has a deep love for the United States, which means I am willing to humbly recognize its flaws and hope that we can be better people in the future.

I ask that the Corps require an EIS and a public hearing to ensure that all alternatives are considered and all voices are heard. Attached is a letter demonstrating the gravity of this situation to the Monacan Nation.

Respectfully,  
Grace Tuttle



March 5th, 2020

**An Open Letter from the Tribal Chief of the Monacan Indian Nation to Members of the Boards of Supervisors of Fluvanna and Louisa Counties**

Dear Supervisors:

It has come to my attention that several of you are assuring your constituents that the Monacan Indian Nation will capitulate to the destruction of its historic capital at Rassawek on Point of Fork if the James River Water Authority "writes a big enough check to the Indians."

I write publicly to assure you and your constituents that you are misleading them. The Tribe will not accept a financial payment, in any amount, in exchange for agreeing to the destruction of our heritage and the desecration of the burials of our ancestors at Rassawek.

We are not financially wealthy people, but we will not be bought. You will look quite foolish



when you have promised otherwise and are then revealed to have vastly underestimated our resolve to win the fight to save Rassawek.

This battle will continue until your water authority is willing to choose a site that allows access to water without destroying Rassawek. Or until the last available court has rendered its verdict. Or until new members of your Boards of Supervisors are elected who have a different perspective on this issue. But let me repeat; it will not end with a payoff from JRWA to the Tribe.

We are not naïve. We understand that the 400-year record in Virginia of wanton destruction of Native American culture and history is not over. But times are changing, and we're drawing a hard line at destruction of our historic capital and our ancestors' resting place.

We fully expect the fight to last for years. We are ready. So, too, is the large and growing coalition of your neighbors and supportive local, state, federal, and national organizations committed to preserving American history and respecting Native rights and sacred burials.

Respectfully,

Chief Kenneth Branham  
Monacan Indian Nation  
Amherst, Virginia

**From:** Elmer Richeson <emerjamesricheson@gmail.com>  
**Subject:** Fwd: Rassawek and the JRWA Pump Station and Pipeline Placement  
**Date:** May 5, 2020 at 11:36 AM  
**To:** jessca@curaheritagepartners.com

ER

----- Forwarded message -----

From: **Elmer Richeson** <emerjamesricheson@gmail.com>  
Date: Tue, May 5, 2020 at 11:27 AM  
Subject: Rassawek and the JRWA Pump Station and Pipeline Placement  
To: <[steven.a.vanderpoe@usace.army.mil](mailto:steven.a.vanderpoe@usace.army.mil)>

May 4, 2020  
Steven Vanderpoe  
US Army Corps of Engineers, Norfolk District Western Virginia Regulatory Section  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236

Thank you for your patience with another letter about the placement of the JRWA project. My name is Elmer J Richeson and I have deep roots in the James River Area. My oldest European ancestor was buried in the floor of the church in Jamestown, in 1609 and accompanied John Smith on his trip to the falls, to try and meet with the Monacan people. A hundred years later, another Grandparent, "Trader Hughs" moved to the Monacan country to open a trading post with the Powhatan wife at the confluence of Native trails. My Monacan family has been in the region for close to a thousand years. Rassawek was our "Principal Town" and as such was a sacred precinct. With a name of town was a camp where warriors, traders and visitors would stop, meet with a priest and be cleansed of any negative energies. The town they were going to may have been a "Lived in" town or it may have been a ceremonial town where only priests and a few warriors stayed permanently. Rassawek would have had a building to house the Monacan Confederacy Sacred Bundles, war trophies, Religious regalia and objects of power and mystery.

The town would have brought in people from the region for annual ceremonies and celebrations. It would have had a battlefield where villages and clans could bond and gamble and meet a mate. The Chiefs or priests would have given out surplus food in times of need and certainly a sweat lodge near the water. It may also have had a "wood henge" to keep track of the sky. It was a sacred town reserved for special or impressive occasions.

We know this from eyewitness historical accounts of the dozen or so "Principal Towns" that have been dug up ahead of the bulldozer. Imagine if Rassawek were left to future archaeologists with new views and research techniques?

The local residents I've spoken with and pieces I've read from local Historical Societies and the University of Virginia seem to agree with the Monacan Nation that as a Sacred Town and the neighboring Revolutionary War era Armory, the sites of historical significance to the people of Virginia.

I would ask you along with a , to consider an alternate site for the JRWA pump Station and pipeline placement. A Sacred / Historical site is a way better to have, than a sign to say where it was.

My son has reminded me that the population of Native Americans and the political positions are increasing dramatically with each generation and History is written by the survivors and read by the descendants of those who shaped it!

Thank you for your consideration;  
Elmer J Richeson  
"Approaches as a quiet river"  
76 Presford Drive  
Shrewsbury, NY 11967

**From:** Janice Di Marco <zutphendutch@gmail.com>  
**Subject:** Fwd: Rassawek F uvanua County, V rg n a  
**Date:** May 19, 2020 at 8:26 PM  
**To:** jess ca@cu tura her tagepartners.com

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----- Forwarded message -----

From: **Janice Di Marco** <[zutphendutch@gmail.com](mailto:zutphendutch@gmail.com)>  
Date: Tue, May 19, 2020, 8:23 PM  
Subject: Rassawek F uvanua County, V rg n a  
To: <[steven.a.vanderp.oeg@usace.army.m](mailto:steven.a.vanderp.oeg@usace.army.m)>

To whom t may concern,

I hope I am not too ate to express my concerns over the destruct on of Rassawek n favor of a pump ng stat on.

I firm y be eve that our her tage needs to be saved and respected and that an a ternat ve can be found for the pump ng stat on. Other countr es manage to preserve h stor c s tes and prov de for the future and there s no reason to be eve that we aren t capab e of do ng so as we .

S ncere y,

Jan ce D Marco

**From:** kathleen kilpatrick <kathleen.kilpatrick@gmail.com>  
**Subject:** Fwd: Rassawek: NOA-2014-0728  
**Date:** June 4, 2020 at 5:43 PM  
**To:** jessica@curahertagepartners.com

KK

----- Forwarded message -----

From: **kathleen kilpatrick** <kathleen.kilpatrick@gmail.com>  
Date: Thu, Jun 4, 2020 at 5:39 PM  
Subject: Rassawek: NOA-2014-0728  
To: [steven.a.vanderpoe@usace.army.mil](mailto:steven.a.vanderpoe@usace.army.mil) <[steven.a.vanderpoe@usace.army.mil](mailto:steven.a.vanderpoe@usace.army.mil)>

Dear Mr. VanderPloeg;

I am writing to oppose permitting the above referenced project that would adversely effect Rassawek, a site of premier significance in Virginia Indian history and our shared story as Virginians, and, most importantly, to the Monacan people.

My name is Kathleen S. Kilpatrick, and I reside at Red Bank Farm, 1034 Red Bank Lane, Fork Union, Fluvanna County, Virginia, 23055.

Now retired, I have more than 40 years of experience in cultural resources policy and practice at the federal and state levels. My service includes 18 years with the Virginia Department of Historic Resources where I was deputy director for 5 years and director and State Historic Preservation Officer for 13 years under five different governors of both parties. My experience in managing and directing Section 106 review is extensive, stretching back as well to include my prior senior service at the Department of the Interior.

As a professional reviewing this matter, it is obvious that the applicant has failed woefully (and perhaps willfully) to meet either the letter or the spirit of federal law and regulation to consider important historic and cultural resources in shaping this project. Indeed, the long chronology of the project sponsors' actions on the ground and within the community over more than a decade and a half, combined with a review of the very late-in-the-game Section 106 consultation file, provide evidence of "consideration" that is little more than show.

The site, one of great natural beauty that can be seen from the water, has long been recognized, stretching back to John Smith's maps, as the principal seat of the Monacan Tribe. This once mighty Sioux tribe is today one of Virginia's federally recognized tribes. Fluvanna County has itself recognized the site with pride through highway markers and in public educational materials and programs.

In spite of this very public and longtime acknowledgment of the importance of Rassawek, Louisa and Fluvanna counties, working together as the James River Water Authority, propose to place a water intake from the James and a pump station at Rassawek. The water project is intended to support the water needs of hoped for business development in the northern part of the County near Zion Crossroads.

To be clear, as a resident of Fluvanna, I support the goals of the project. I join fellow residents in a strong commitment to preserve open spaces and farmland. This is the number 1 goal of county residents as documented in our comprehensive plan. I know well that this goal cannot be achieved without a shift from the current 93% of our tax revenue coming from residential property taxes. Without businesses and the revenue they bring, ever increasing property taxes threaten farmland with subdivision for residential development, and leave little opportunity for young people and those of modest means to work or even live in Fluvanna.

And yet as important as a project like this is to Fluvanna, in all my years of working professionally with the cultural review process, I have not seen a project more mishandled, each mistake leading inexorably to the next. Working quietly for years, including acquiring land and/or rights of way, the JRWA did not initiate consultation until it had a completed fact, and then had to be told by the Department of Historic Resources to consult with the Monacan.

My reading of the file at DHR appears to document: cluelessness, including to federal environmental law, thanks in great measure to a primary engineering consultant that conveyed to the client that Section 106

considerations were nothing to worry about, and just a paper process in any event to get through; a predetermined site location for the intake and pumping station principally based on its closeness to north-south existing rights of way in order to most cheaply accommodate the pipeline to Zion; weak to the point of anemic and perfunctory alternatives consideration; a reliance on cost as the determining siting factor; little understanding of or care for the importance of Rassawek beyond "bragging rights;" and insensitivity to Native American history, culture, and values, particularly as relates to a place associated with the very identity of the Monacan Tribe and Nation.

Thus, JRWA has continued to move forward along a long-fixed path in spite of deep and growing, and publicly demonstrated, opposition locally as the details and facts emerged. Like me, these citizens are not opposed to a project, but troubled to the point of embarrassment and anger over how it's has been handled.

(The sad affair of the original archaeologist subcontractor and issues surrounding her qualifications, ethics, and the quality of the work on the ground, did not inspire confidence, nor did the inside vetting of these matters.) Likewise, this project has stimulated opposition regionally, statewide, and nationally in Indian County, among a wide array of land and landmark conservationists, and the interest of the media.

Please understand, this is not a process question, however egregiously and baldly the process may have been used for show, to catch up the paperwork to a decision made long ago, and without meaningful consideration of alternatives. There are alternatives aplenty that must be considered in good faith.

I believe that the Corps must deny this permit. The applicant simply has not met its legal obligations, and the Corps, therefore, cannot meet its own legal obligations pursuant to federal law and regulation. The applicant has not provided an adequate basis to justify a public interest decision to despoil Rassawek. Indeed, the burden is high in favor of preserving and honoring a site of this significance and unique associations with a federally recognized tribe.

The Corps has, as well, an important responsibility and opportunity at this time to demonstrate that the agency stands with the integrity of our Nation's laws and their full and fair application and extension to minority communities and their historic and sacred places.

Please deny a permit, and ensure as is the Corps' obligation, that Rassawek and the sovereign Monacan Nation are given the consideration and the treatment they are due.

If I can answer any questions, I am available on 804 840-3519.

Sincerely,

Kathleen S. Kilpatrick

**From:** Craig Impink <craigmpink@comcast.net>  
**Subject:** Fwd: Rassawek  
**Date:** June 4, 2020 at 2:48 PM  
**To:** jessica@curaheritagepartners.com

CI

FYI — Craig

Beginning forwarded message:

**From:** Craig Impink <craigmpink@comcast.net>  
**Subject:** Rassawek  
**Date:** June 4, 2020 at 2:46:34 PM EDT  
**To:** [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)

Dear Mr. Vanderploeg:

I am writing to state my opposition to the James River Water Authority's permit application to build a pumping station at Rassawek. I do not believe that this is in the public interest.

Where my permanent residence is on Amelia Island in Florida, I have a summer home located in Fuvanna County, Virginia, at Lake Monticello (8 Barefoot Lane, Pamunkey, VA 22963), about 17 miles from the site.

As you well know, Rassawek is hallowed ground for the Monacan Nation. The Monacan people were living there for over 5,000 years — roughly 200 generations — before John Smith's arrival. It is the Monacan equivalent to Werowocomoco, the Powhatan capital, which is listed in the National Register of Historic Places.

My Florida home is near Tamucuan Ecological and Historical Preserve — a U.S. National Preserve in Jacksonville, Florida. It comprises 46,000 acres of wetlands, waterways, and other habitats in northeastern Duval County. It was established to preserve the culture of the Tamucua people, as well as the ecology of the area.

It is important that we as a nation preserve — not destroy — places like these. They are an essential part of who we are as Americans.

I believe there should be a public hearing regarding the application, and I request that the Corps prepare an environmental impact statement because of the severity of the impact the proposed project would have on Rassawek.

When places like these are destroyed, we cannot get them back.

Sincerely,

Craig Impink

**From:** Erin Cagney <erincagney@gmail.com>  
**Subject:** Fwd: Requesting public hearing on JRWA permit at Rassawek  
**Date:** May 1, 2020 at 10:21 AM  
**To:** jessica@curaheritagepartners.com

EC

----- Forwarded message -----

From: **Erin Cagney** <erincagney@gmail.com>  
Date: Fri, May 1, 2020 at 10:20 AM  
Subject: Requesting public hearing on JRWA permit at Rassawek  
To: <steven.a.vanderpoe@usace.army.m>

Hello,

As a resident of Virginia and an archaeologist, I strongly oppose JRWA's permit application for a water pump at Forks of the River. I do not believe this is in the public interest. There are other proposed sites that can serve this interest without destroying a culturally heritage site. I urge you to consider the irreparable social and cultural loss that this construction would cause as well as the trauma it would inflict on members of the Monacan Indian Nation.

The archaeological survey done on this site has proven to be insufficient and carried out by an incompetent contractor. Field technicians were left unsupervised, the credentials were falsified, they were instructed to lie about the findings, and the Principal Investigator wasn't even an archaeologist. It is clear that Tyrone's intent on was to write off the site, despite significant findings that would otherwise warrant eligibility for the National Register of Historic Places. It is a disgrace and morally imperative that JRWA hire a legitimate CRM firm to carry out a proper survey of the project area, if they are to continue to pursue the installation of the storage pump here. However, I would urge that they consider moving the water pump to one of the other proposed locations.

The Monacan Indian Nation is a federally recognized Native American tribe, and as such they have the right to decide what happens with their ancestors' remains, even if that means leaving them in place. The Native American Graves Protection and Repatriation Act requires consultation with the tribe when human remains are found. There has been evidence of burials at the proposed project area. NAGPRA should be enforced. The process of disinterment and reburial of human remains is deeply traumatizing, and the Monacan Indian Nation has already had to endure much of this trauma as they sought to repatriate human remains for proper reburial in the past. Please do not make them go through this process again with the remains from Rassawek.

As a researcher, it's completely devastating to think about the loss of this site. While the Powhatan capta, Werewocomoco, is being memorialized and protected as a national park, it's completely baffling that the Monacan capta is being treated as if it were disposable. Rassawek deserves the same respect as Werewocomoco and should be treated as part of national, Virginia, and tribal history.

I would like to request a public hearing on the permit application, even if this has to be a virtual meeting given the current pandemic safety precautions. I would also like to request that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek. Please consider an alternative location for the water pump, as a suitable alternative has been proposed by the Monacan Indian Nation.

Thank you for your careful consideration of this request.

Erin Cagney  
5636 7th Road S  
Arlington, VA 22204  
865-621-5592

**From:** Laura Hahn <ahahn60@gmail.com>  
**Subject:** Fwd: Save Rassawek  
**Date:** May 29, 2020 at 7:01 PM  
**To:** jessica@culturepartners.com

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LH

Sent from my Phone

Beginning forwarded message:

**From:** Laura Hahn <ahahn60@gmail.com>  
**Date:** May 29, 2020 at 6:55:49 PM EDT  
**To:** [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)  
**Subject:** Save Rassawek

I am writing in extreme opposition to the proposed water project which would deface and destroy Rassawek, the sacred Monacan lands. I cannot believe anyone at any time would have considered this a good idea. It is disrespectful and an insult to the Monacan people, their ancestors and the state of Virginia. They were here first! The sacredness of the lands needs to be preserved. Would you dream of proposing this project to cut through historic Williamsburg? I doubt it. You must find another solution to your problem.  
Laura Hahn

Sent from my Phone



**From:** Danny Patton dpatton@restlessweaver.com  
**Subject:** Fwd: Sign On: Letter Supporting the Monacan Indian Nation  
**Date:** May 6, 2020 at 6:34 PM  
**To:** jessica@culturepartners.com

DP

FYI

From: Google Forms  
Sent: Wednesday, May 6, 6:25 PM  
Subject: Sign On: Letter Supporting the Monacan Indian Nation  
To: dpatton@restlessweaver.com

**Thanks for filling out [Sign On: Letter Supporting the Monacan Indian Nation](#)**

Here's what we got from you:

**Sign On: Letter Supporting the Monacan Indian Nation**

[DATE]

Dear Governor Northam and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

On behalf of the undersigned organizations, representing thousands of taxpayers, we ask you not to allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. If permitted in its current form, this project would destroy the historic Monacan capital of Rassawek, first identified by Captain John Smith in 1612, in addition to several other significant historical and archaeological sites.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at an alternate location and still provide water to Zion Crossroads for speculative economic development. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it in its current form.

Human remains, the bones of Monacan ancestors, have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburial of their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

We urge you not to permit this project, which will continue the mistreatment of indigenous Virginians using the excuse of economic progress that may never come to pass. We ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this

irreplaceable history.

Sincerely,

[List of Individuals and Organizations]

Email address \*

dpatton@restlessweaver.com

Are you signing on behalf of an individual or an organization? (please only sign as an organization if you are approved to make public statements on behalf of them) \*

Individual Organization

Name of individual/organization \*

Dan Patton

If you are signing as an individual but have a professional or personal affiliation (i.e. job position, educational background, tribal membership, political title, church membership) you want listed, please provide it here:

Former member of VA Dept of Forestry, Water Quality Task Forces

Do you want to receive occasional email updates about this issue?

Yes No

If you have an expression of support for the Monacan Indian Nation that you would be comfortable having shared publicly, please type it here:

My wife and I have lived in Louisa County for nearly 40 years. We have been watching this slow-motion train wreck for more than half that time. The County was told, at the initial rezoning, that Zion would be a difficult area to develop because it sits at the top of 3 watersheds - James, York and Rappahannock - making water and sewer tricky. But they permitted 400 homes and a golf course with no conservation requirements. Then they increased housing density to 1200, all with drinking water irrigation systems. Then they falsified lab records to VA DEQ, pumped blue line streams dry to water golf course, overpumped aquifer, etc all the while approving more rezonings to increase water demand. After creating a water demand crisis, they forced Fluvanna into their mess. Meanwhile County officers appear in public forums touting they can have "all the water we want from the James". Please don't allow Rasawek, an international treasure, to be destroyed by the repeated incompetence of Louisa County's boondoggle.

[Create your own Google Form](#)

**From:** Mary Stewart mms7w@vrgn.a.edu  
**Subject:** I urge you to deny JRWA's permit that would destroy Rassawek  
**Date:** May 6, 2020 at 11:46 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@curaheritagepartners.com

MS

Mr. Vanderpoe,

I vehemently urge you NOT to grant the permit to the James River Water Authority to construct a water intake and pump stage on top of the Monacan village of Rassawek. Please choose an alternative that does NOT destroy Rassawek.

I attended the JRWA meeting on March 11, and was very moved and impressed to see more than 100 people there, many of whom had had less than 24 hours of notice about the meeting, held on a workday at a private golf course. Each of the many, many citizens who spoke expressed adamantly how wrong this plan is, and that it must not be allowed to go through. An anthropologist who specializes in Monacan history confirmed the strong likelihood that the site contains burial grounds, held sacred by living Monacan people. The confluence of concern by white and indigenous attendees was very powerful and highly informed on the issues at hand. As at least one attendee said, if this site contained a Civil War cemetery, its destruction would not even be under consideration. Many people spoke to the fact that lawsuits are inevitable if the JRWA continues on this track. Rather, JRWA has an opportunity to change course and get on the right side of history.

Not one of the 100+ citizen attendees at the meeting spoke in favor of the project as currently cited.

An adjustment in the plan for the project that fully respects the deep concerns of the Monacan people is the only right decision here.

I urge you to deny this permit outright, but at the very least, it would be particularly egregious to grant this permit without extending the time frame to allow a true opportunity for public comment, given the stay-at-home orders in place, and everyone's concerns about the current pandemic. To grant the permit under these conditions would add even more weight to many citizens' strong sense that this process is driven by the most base kind of expediency rather than responsive to the legitimate, sensitive, and fundamental societal and moral issues involved.

Sincerely,  
Mary Stewart  
Crozet, Va. 22932

**From:** Emma Goehler egoehler@gmail.com  
**Subject:** In opposition to the JRWA permit application  
**Date:** June 4, 2020 at 8:10 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@curaheritagepartners.com

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EG

Dear Mr. Vanderpoe,

My name is Emma Goehler and I am a resident of Charlottesville, VA (212 Maury Ave, 22903) writing to express my opposition to the JRWA permit application. I strongly believe that this is not in the public's best interest—Rassawek is a critically important part of our community as a part of local history, Virginian and national history, and tribal history in the area.

In light of these considerations, I urge you to have a public hearing about this project. I also urge you to prepare an environmental impact statement, since the potential impact of a project of this scope is immense. Lastly, I urge you to consider moving this project to an alternative location that does not destroy Rassawek. I do not support this project and I think it is imperative that the public's voice be heard in this matter.

Regards,  
Emma Goehler.

**From:** Kate Knott nestnghawk@gmail.com  
**Subject:** It's time to take a new approach towards our people of this land!  
**Date:** May 7, 2020 at 8:13 AM  
**To:** jessica@culturepartners.com

---

KK

Dear Mr. Vanderploeg,

I strongly request that you choose an alternative to the proposed pump station that does not destroy the Monacan historical site at Rassawek. I do not support this project as it endangers the cultural resources and spiritual foundation of the Monacan people, a people who Virginia as a state has consistently oppressed. We owe it to them to continue to work for their good, as we have done in the past decade by helping them to become a recognized tribe.

Please know that taxpayers and voters do not support this project. Please help to support a historically oppressed people to regain control of their cultural resources, which were not just important in the past but are part of their current spiritual foundation.

thank you,

Kate Knott

Sent from my Phone

**From:** Eileen Merritt [eenmerritt@gmail.com](mailto:eenmerritt@gmail.com)  
**Subject:** James River Water Authority Application at Rassawek  
**Date:** May 4, 2020 at 8:02 AM  
**To:** [steven.a.vanderpoe@usace.army.mil](mailto:steven.a.vanderpoe@usace.army.mil)  
**Bcc:** [jessca@culturepartners.com](mailto:jessca@culturepartners.com)

EM

Dear Army Corps of Engineers,

I am writing to you in regards to the proposed pump station at the confluence of the James and Rappahannock Rivers. I oppose the permit application at the current site, which would destroy archaeological artifacts and a site with important cultural meaning to the Monacan people.

I understand the importance of providing affordable and clean water to rural communities. However, I feel that there are a variety of options for the pump station that would meet this goal. Cost is an important factor, but it is not the most important factor here.

The Monacan people have been marginalized throughout history, and have not demanded much from our commonwealth or the community. The least we can do is to allow the ancestors to rest in peace along the banks of the river where they remain today, and to preserve the site for future generations to show respect. I know that the precise location of Rassawek is yet to be determined. However, I encourage you to listen carefully to the Monacan people and consider options that they suggest.

Racism and discrimination toward native Americans must stop now. We can show respect to the Monacan people by listening carefully, honoring their history, culture and ancestors, and paying more money to choose a different location. I recognize that this will add cost to the water supply for local people. However, I believe this gives an important message about who and what we value, and that natural and cultural resources come at a cost. The proposed location is not in the public interest if it destroys cultural artifacts and marginalizes one community while privileging the needs of others.

I encourage you to hold a public hearing on the application, and to do a thorough environmental impact review (and make it public) before finalizing the location and moving forward with the permit.

Thanks for considering my perspective.

Sincerely,  
Eileen Merritt  
Lyndhurst, VA

**From:** Tom King tomking106@gmail.com  
**Subject:** James River Water Authority Application: Public Notice CENAO-WR-R NAO-2014-007 08  
**Date:** Apr 15, 2020 at 9:34 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** Red Neeson rneeson@achp.gov, John Eddins jeddins@achp.gov  
**Bcc:** Jessica@curaheritagepartners.com

TK

Dear Mr. Vanderpoe:

I'm writing to comment on the proposal to construct water pumping facilities at Point of Fork in Fuvanna County, Virginia. I do so as an archaeologist and historic preservation specialist with some knowledge of the legal and regulatory basis for your review, particularly under the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA).

There appears to be some confusion and ambiguity about the historic significance of lands within the project's area of potential effects (APE) -- which I do not find even defined in the documentation you have placed online. Your public notice says that the project will not affect any places included on or eligible for the National Register of Historic Places (NRHP), but I -- and I presume you -- have received many expressions of concern from citizens who insist that the project will destroy "Rassawek," the historic capital of the Monacan nation, and other significant archaeological and historic sites. Obviously this question needs to be resolved; Rassawek would certainly be eligible for the NRHP under 36 CFR 60.4(a) if not other criteria; the concerns expressed about it suggest to me that it may be a traditional cultural place for Monacan descendants and those who respect Monacan heritage. You have an unambiguous responsibility under Section 106 of the NHPA and its implementing regulations (36 CFR Part 800) to resolve this question in consultation with affected parties and the State Historic Preservation Officer. If Rassawek (or any other potentially affected district, site, building, structure, or object) is eligible for the NRHP, you have a further responsibility to consult about the project's on-site, and about how to resolve them.

I urge you to undertake compliance with the NHPA Section 106 regulations on this project without delay. Given the level of public concern over the project's cultural and other environmental impacts, and the uncertainties suggested by the disparate views about impacts on historic properties, I also suggest that there is ample evidence for potential significant impact, mandating production and use of an environmental impact statement (EIS) under NEPA.

Sincerely,

Thomas F. King  
Thomas F. King PhD  
410 Windsor Street Silver Spring MD 20910  
01 240 475 0595 [tomking106@gmail.com](mailto:tomking106@gmail.com)  
**Blogs:** <http://crmpius.blogspot.com/> & <http://ameliaearhartarchaeology.blogspot.com/>  
**Books:** [http://www.amazon.com/Thomas-F-King/e/B001U2RWK/ref=la\\_B001U2RWK\\_st?qid=1394198577&rh=n%3A283155%2Cp\\_82%3AB001U2RWK&sort=daterank](http://www.amazon.com/Thomas-F-King/e/B001U2RWK/ref=la_B001U2RWK_st?qid=1394198577&rh=n%3A283155%2Cp_82%3AB001U2RWK&sort=daterank)  
Check my new 2020 CRM textbook at <https://www.berghahnbooks.com/title/KingCultural>

**From:** Rejoice rejoice@acorncommunity.org  
**Subject:** James River Water Authority  
**Date:** May 7, 2020 at 12:04 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com



Hello,

I've been led to believe that you are the person who solicited public comments on the construction of a water pumping station on the ancient Monacan city of Rassawek by the James River Water Authority.

As a citizen of Louisa county, I'm appalled by the decision of my local government officials to discount the cultural and historical significance of a site in pursuit of the cheapest possible location. In doing so, they also discounted the financial costs to taxpayers of litigation, loss of tourism, and repeating work already done.

It's unconscionable that the JRWA built premises to a specific location and then did a financial review to discover that, surprise, the location they built the premises toward is the location that is cheapest for them to build a pumping station. The JRWA should not be rewarded for manipulating the public interest, and the Monacan Nation and the taxpayers of Louisa and Fuvanna counties should not bear the cost of the manipulation.

The JRWA held a "public hearing" in early March in an overflow room of a gated community and private golf course at 9am on a Tuesday with only days of notice. Every single person in the room, except for the JRWA and the lawyer, was opposed to this permit. I want there to be an actual public hearing for this permit application, held during an accessible time and announced well in advance.

I would also like actual information available for the public. The "public hearing" in March had claims of numbers and figures in the cost analysis that were not available to those in attendance. In addition to numbers regarding cost, I would like the public to be well-informed about the impact to a precious cultural site. For this reason, I would request that the Army Corps prepare an environmental impact statement in advance of a public hearing.

Idea, information about the hearing, the proposed sites, the financial information, and the environmental impact would be able to be published or referenced in a local newspaper, such as the Central Virginian, prior to the hearing itself taking place.

Thank you for your consideration,  
Kyara Rejoice Mene  
237 Bakers Branch Rd.  
Louisa, VA 23093  
(410) 474-5254



**From:** Laura-Gray Street leegy83@gmail.com  
**Subject:** James River Water Authority's Proposed Water Supply Project  
**Date:** May 3, 2020 at 9:44 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@curaheritagepartners.com

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LS

Dear Mr. Vanderploeg,

I am writing as an individual citizen to express my deep concern with the James River Water Authority's (JRWA) proposed water supply project in Fluvanna County, Virginia, and to add my voice to the requests for an environmental impact statement (EIS) and for ample and accessible opportunity for public input on the matter.

The Monacan Indian Nation's historic capital of Rassawek is too important for anything less than full study and disclosure by all parties involved in deciding the location of JRWA's proposed raw water intake and pump station. Indeed, the Corps' regulations require due consideration of the effect of such a project on "archeological resources, including Indian religious or cultural sites." Moreover, it should be a given that any permit application of this nature should include public hearings.

In sum, I oppose JRWA's current project, which is not in the public interest, and urge that Rassawek be preserved as a vital part of national, Virginia, and tribal history.

Thank you for your time and attention.

Sincerely,

Laura-Gray Street  
Associate Professor of English, Randolph College

1408 Wakefield Rd.  
Lynchburg, VA 24503

**From:** Stephanie Rinaldi r nald s10@gmail .com  
**Subject:** JRWA and Rassawek  
**Date:** June 4, 2020 at 2:54 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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SR

Mr. Vanderploeg,

I am writing to you from my home on Warminster Church Road in Buckingham, VA--Monacan land--and I'm writing to let you know that I and my family oppose JRWA's permit application to construct their water project on top of Rassawek. We do not believe it is in the public interest. Rassawek should be preserved as an important part of national, Virginia, and tribal history.

Because of the intensity of the proposed impacts to Rassawek, this permit should not be considered without a public hearing, and the Corps should submit an environmental impact statement for public review. Such a statement should also discuss the impact this project will have on the Monacan people and their culture, as Rassawek is an important and historical tribal site.

I trust that you will take these requests seriously and consider the importance and affect your decision in this matter will have on this region.

Thank you for your time,  
Stephanie Rinaldi

**From:** Jonathan Bernstein jon.bernstein15@gmail.com  
**Subject:** JRWA Permit Application Public Comment  
**Date:** April 16, 2020 at 10:26 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

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JB

Mr. Vanderploeg,

I write to oppose the James River Water Authority's permit application to build a water intake and pump station on the site of Rassawek. As a resident of [frequent visitor to] Charlottesville I've come to learn the importance this historic site. This is a major site for our region, for Monacan history, and for the entire United States. Its destruction would be a devastating.

For this reason, the Monacan Indian Nation has been adamant about their opposition to this plan. I support them 100 percent and echo their concerns. These concerns have become even deeper since the report of archaeologist Eric Mai, who has sworn under oath that Circa lied to state officials and intentionally used an unqualified crew and destructive equipment in their preliminary excavation of the site.

This project needs to be halted immediately. At the very least, we deserve a public hearing on the permit application, as soon as one is safe to hold. And we need the Corps to prepare an environmental impact statement on the project's effects.

-Jonathan Bernstein

**From:** Nick Murray n.murray50@gmail.com  
**Subject:** JRWA Permit Application Public Comment  
**Date:** Apr 16, 2020 at 9:50 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturepartners.com

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NM

Nicholas Kelleher-Murray  
411 Altamont St.  
Apt. 1  
Charlottesville, VA 22902

Mr. Vanderploeg,

I write to oppose the James River Water Authority's permit application to build a water intake and pump station on the site of a Rassawek. As a resident of Charlottesville I've come to learn the importance this historic site. This is a major site for our region, for Monacan history, and for the entire United States. Its destruction would be a devastating.

For this reason, the Monacan Indian Nation has been adamant about their opposition to this plan. I support them 100 percent and echo their concerns. These concerns have become even deeper since the report of archaeologist Eric Mai, who has sworn under oath that Circa lied to state officials and intentionally used an unqualified crew and destructive equipment in their preliminary excavation of the site.

This project needs to be halted immediately. At the very least, we deserve a public hearing on the permit application, as soon as one is safe to hold. And we need the Corps to prepare an environmental impact statement on the project's effects.

Thank you,

**From:** Deb Snelson debbesnelson@gmail.com  
**Subject:** JRWA Permit Application  
**Date:** June 4, 2020 at 12:29 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@curaheritagepartners.com

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DS

- I oppose JRWA's permit application - it is not in the public interest
- Rassawek should be preserved as an important part of history -national, Virginia, and tribal
- I believe there should be a public hearing on the permit application
- Please allow the Corps to prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

A careful review of this deeply flawed project is warranted - stop this project now.

Sincerely,  
Debra Snelson  
2637 Caitlin Ct, Richmond, VA 23233

**From:** Miranda E-R m.randa.e-ott.rader@gmail.com  
**Subject:** JRWA Point of Fork project  
**Date:** May 4, 2020 at 2:44 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturepartners.com

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ME

Dear Mr. VanderPoe,

I am writing to ask you to deny the permit for the James River Water Authority's pump station as it is currently written. I also ask that you create a virtual "public hearing" on the permit so that all concerned parties may attend without breaking the stay-at-home order.

I was present at the meeting of the JRWA on March 12th when they voted to send you this permit. I knew little about the issue before then, and I was astonished by the callousness with which the JRWA board members treated members of the Monacan Nation who spoke. They may write that they are treating the Monacan Nation with respect but that was not what I witnessed. I learned that day and from further research that Louisa and Fuvanna counties planned the development at Zions Crossroads in full knowledge that getting water for it would require disrupting historic Monacan sites, and chose to proceed anyway, planning to simply steamroll objections.

Mr. VanderPoe, I think these men are afraid. It is hard for the JRWA to admit that they've made a mistake in pushing for the pump to be sited at Point of Fork/Historic Rassawek. I had a conversation with one of the board members after the meeting, and I said at one point "It almost sounds like you hope the USACE will reject the permit." He was silent, and looked away.

Please, Mr. VanderPoe, prevent this from being built in its proposed location. Because of the poor planning of Zions Crossroads, there is no good solution here. But continuing to blatantly ignore the requests of the Monacan Nation is simply too great an insult, and the loss of historic Rassawek is far too great a "reasonable foreseeable detriment".

Thank you,  
Miranda E-ott-Rader

**From:** Lisa Garlock garlock@gwu.edu  
**Subject:** JRWA project at Point of Fork  
**Date:** May 7, 2020 at 1:38 PM  
**To:** steven.a.vanderploeg@usace.army.m , jessica@curaheritagepartners.com

LG

Dear Steven Vanderploeg and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

I implore you not to grant the permits that would allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. In addition, I request there be a public hearing on the permit application and an environmental impact statement generated.

This project would destroy the historic Monacan capital of Rassawek, first identified to Europeans by Captain John Smith in 1612. Rassawek is an important cultural heritage site of the Monacan Nation, which functioned as national capital at the fork of the James and Rivanna river. But I also want to express that this site is a cultural heritage site of historical importance to all citizens of the Commonwealth and to the heritage of our nation. It is part of our state and national heritage. And, for Monacan people, whose history has been largely denied and *erased*, the destruction of the site is a serious ethical violation of their ancestors. The pump station and pipeline construction would disturb numerous burials.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, *especially when JRWA can construct its project at any of several alternate locations and still provide water to Zion Crossroads*. This project is poorly designed and contrary to the public interest, and the Corps should not permit it.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians, violate the sanctity of their history, and violate the resting place of their ancestors under the false belief that our histories are separate rather than intertwined. Harm to Monacan people is harm to us all. I ask that the leadership of Virginia and the Army Corps conduct a systematic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your consideration.

Lisa Raye Garlock MS, LCPAT, ATR-BC, ATCS  
[garlock@ema.gwu.edu](mailto:garlock@ema.gwu.edu)

"We acknowledge that The George Washington University stands on Piscataway and Nacotchtank land."

**From:** Richard Capron capronphd@hotmail.com  
**Subject:** Justice for the Monacan  
**Date:** Apr 20, 2020 at 8:55 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com

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RC

Dear Mr. Vanderploeg,

I am writing to express my opposition to the granting of a permit to the James River Water Authority which has made application for construction of a facility on land formerly owned by the Monacan tribe. The site of the facility under consideration is former capital of the sovereign tribal territory. Considering the many times that the interests of tribal peoples have been overlooked in the sordid history of US relations with Native Americans, it only seems right that the concerns of the Monacan be respected and protected. Justice demands nothing less.

Lack of transparency on the part of the JRWA in this process has demonstrated a striking lack of concern for historic mistreatment of native culture in the Commonwealth of Virginia. It only seems proper that the JRWA consider alternative sites and weigh the grievances of the Monacan in their decision. I trust that the Army Corps of Engineers will hold the JRWA accountable in their plans.

Respectfully,

Dr. Richard W. Capron  
109 Cohee Lane  
Fairfield, VA 24435



**From:** Alyssa Frye alyssa.frye@gmail.com  
**Subject:**  
**Date:** May 7, 2020 at 3:33 PM  
**To:** jessica@culturepartners.com

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AF

Hello Jessica,

I appreciate the important work that the Army Corps of Engineers does for this country and our state, especially during this time of crisis due to the Coronavirus.

I'm writing about another important topic--to strongly request that you choose an alternative to the proposed pump station that does not destroy the Monacan historical site at Rassawek. I do not support this project as it endangers the cultural resources and spiritual foundation of the Monacan people, a people who Virginia as a state has consistently oppressed. We owe it to them to continue to work for their good, as we have done in the past decade by helping them to become a recognized tribe. This is important not just to the Monacan people, but to non-Native residents of Virginia like me. I request a public hearing on the permit application, and I would like the Army Corps of Engineers to prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Please know that taxpayers and voters do not support this project. Please help to support a historically oppressed people to regain control of their cultural resources, which were not just important in the past but are part of their current spiritual foundation.

thank you,  
Alyssa Frye

**From:** Kaitlin LaGrasta kaitnagrasta@gmail.com  
**Subject:** Letter in opposition of JRWA's permit application  
**Date:** May 6, 2020 at 8:10 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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KL

Good evening,

My name is Kaitlin LaGrasta and I am a current Masters student in Archaeology at Cornell University. I am writing to share my opposition to James River Water Authority's permit application and to state that the project is NOT in the public interest. Rassawek should be preserved as an important part of national, Virginia, and Monacan tribal history. I request the following: first, a public hearing on the permit application; second, that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

I have a Bachelors degree in Anthropology from the University of Virginia and I worked in Louisa County as an educator for two years. My experience working in Louisa County as an educator has helped me to understand that this project is NOT in the best interest of residents of Zions Crossroads. There are many other alternative locations for the project that will AVOID destroying Rassawek. I also have two and a half years of archaeological experience working for a reputable cultural resource management firm in Virginia. I understand that the work that CRWA does not within the accepted compliance practices set forth by the National Historic Preservation Act and moreover, the work they do is illegal and unethical. Proceeding with a permit for JRWA based off of shoddy, illegal archaeological work is disrespectful and promotes violence against the Monacan Nation and the ancestors buried at Rassawek. Moreover, destroying the capita of the Monacan Nation would stand in stark contrast to the reverence of Werowocomoco, the capita of the Powhatan Confederacy, which is currently being preserved in perpetuity under the National Park Service.

I urge you to reconsider the permit application and to seek alternative locations for JRWA's proposed pump station that do not impact Rassawek.

Regards,  
Kaitlin LaGrasta  
902 Dryden Rd Apt 4  
Ithaca, NY 14850

**Mountain View Farm**  
Stephen J. Lucas  
14893 Louisa Rd, Louisa, VA 23093  
540-967-1029

Norfolk District, Corps of Engineers  
9100 Arboretum Parkway Suite 235. Richmond, VA 23236.  
ATTN: Steven VanderPloeg), 9100

Subject: CENAO-WR-R NAO-2014-00708,  
James River Water Authority Alternatives

Dear Mr, Vanderploeg,

On page 112 of The Alternatives Analysis provided by the James River Water Authority, Alternative 1 (Forsyth) is rejected. *The report states: " In conclusion, Build Alternative 1 is not practicable on the basis of cost. Although it is not deemed impracticable under any single logistical criterion, it presents several disadvantages that, considered in concert, are sufficient to deem this alternative logistically impracticable. This alternative does not fully satisfy the overall project purpose. Lastly, none of its routing alternatives can be considered the least environmentally damaging. Accordingly, Build Alternative 1 is not the LEDPA."*

This ambiguous claim of "disadvantages considered in concert" is contradicted by the evidence provided by the JRWA. Indeed, with few secondary exceptions (CCR supplemental water supply, distance to electrical power source), the Practicability Criteria Evaluated for Project Alternatives (Figure 21, Page 212) ranks Alternative 1 very closely with Alternative 6. Also of concern is the conclusions are drawn on the basis of presumptions and approximations based on the lack of field investigations. One must conclude that the additional cost anticipated by any alternative other than Alternative 6 has been determined to be impractical regardless of its benefits to natural or historical resources. It is a great disappointment to conclude that the JRWA has decided that the cost of protecting these national treasures is too high.

The crux of the issues surrounding the difference between Alternatives 1 and 6 are the impacts on Native American archaeological sites. This factor is not addressed in Figure 21, is outlined cryptically on Table 32 (page 146) where both sites seem to be nearly identical, but is reproved in section 5.1.10.3 (1) where Alternative 1A is claimed to have the most archaeological sites. Which is correct? It is my understanding the Monacan Nation, who's cultural history is in greatest peril, has endorsed Alternative 1 and is willing to devote resources to fully evaluate the archaeological aspects of Alternative 1. It has been reported that the owners of the

Forsyth property have been contacted and are willing to work with the LCWA to facilitate locating the water intake and associated structures on their property.

In response to the identified issued with the Alternative Analysis and in light of the support for the Forsyth Alternative, **the prudent action is to deny this permit application and require an Environmental Impact Statement based on information from field investigations.** Clearly, an EIS would be more objective and will provide a more comprehensive comparison of Alternatives 1 and 6.

Thank you for the opportunity to submit these observations and for considering them as you make your decisions.

Rind Regards,

Steve

Stephen J. Lucas

**From:** Tara Winfree tara.w nfree@gma .com  
**Subject:** Monacan Indian Nation  
**Date:** Apr 26, 2020 at 1:56 PM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cu tura her tagepartners.com

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TW

My name is Tara Winfree and I live in Reston, Va. I oppose JRWA's permit application and that it is not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and tribal history. I would like to request a public hearing on the permit application. I would further like to request that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek

With Gratitude,  
Tara Winfree  
703-909-0175

**From:** ngarock@ao.com  
**Subject:** Monacan nations  
**Date:** Apr 20, 2020 at 11:18 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com

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Dear Mr. Vanderploeg,

As a white person of socio-economic, cultural, and racial privilege, I am writing to voice my opposition to James River Water Authority's permit application to construct their water project on top of the Monacan Indian site Rassawek. Rassawek should be preserved as an important cultural site, as well as a part of the history of Virginia and the nation.

The United States has a shameful history of abusing and ignoring treaties with First Nations peoples, including the Monacan Indian tribe. We are now in the time when we are working towards public recognition and restitution for our past actions as a nation, working to dismantle the many aspects of institutional racism which still persist. This is absolutely NOT the time to continue racist policies that discriminate against a people. It is not in the public interest (public includes ALL people) to allow this permit. There should be a public hearing on the permit application, and the Corps should prepare an extensive environmental impact statement because of the intensity of the proposed impacts to Rassawek.

I urge you to stand on the right side of history and oppose the JRWA's permit application.

Sincerely,  
Inga Erickson  
105 Dogwood St.  
Vienna VA 22180

**From:** Abbey Compton abbeycomptonshere@gmail.com  
**Subject:** NAO-2014-0708: Comment opposing permit application  
**Date:** Apr 19, 2020 at 12:31 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** Susan Marcus sakumadreams@gmail.com  
**Bcc:** jessica@culturepartners.com

AC

Dear Mr. Vanderploeg,

I write per public comment instructions provided in NAO-2014-0708 to request the permit application submitted by "James River Water Authority" be denied as it is not in the public interest. A detailed letter expressing my views as a citizen of the Commonwealth of Virginia and the United States is attached. Please expect a hard copy to arrive in the mail.

Rassawek (or "Point of Fork") deserves to be preserved as an important part of our shared history. I request that the Army Corps hold a public hearing on the permit application and that an environmental impact statement be prepared due to the intensity of proposed impacts to Rassawek.

I understand that the Monacan Indian Nation has requested that the Corps extend the public comment period given so many of us are coping with impacts and matters relating to COVID-19. I believe the request is more than reasonable and should be granted.

Many thanks for your consideration on this matter.

Warmest regards,  
Abbey Compton  
1642 Bentana Way  
Reston, VA 20190



NAO-2014-070  
8 Abbe...ton.pdf

**From:** Emily Satterwhite em.y.satterwhite@gmail.com  
**Subject:** NAO-2014-0708  
**Date:** Apr 14, 2020 at 5:43 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com

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ES

Emily Satterwhite  
506 Southgate Drive  
Backsburg, VA, 24060

Dear Army Corps of Engineers - Norfolk District,

I am writing to request that you deny the James River Water Authority's application. The history books will judge harshly the destruction of the historic Monacan capital, Rassawek, a national treasure, without so much as a public hearing under cover of a global pandemic. At the very least, the Corps should require an environmental impact statement to assess potential damage to Rassawek. A water pumping station can be sited elsewhere. The public interest is not solely the pursuit of the cheapest option. The public interest requires honoring Native neighbors, past and present, and creating a new relationship of respect among peoples going forward.

Sincerely,  
Emily Satterwhite

--

Emily Satterwhite, PhD  
Director of Appalachian Studies  
Virginia Tech  
Backsburg, Virginia  
she/her pronouns



**From:** Kirstin De Mello kirstin.demello@gmail.com  
**Subject:** No permit for JRWA's water project on Rassawek  
**Date:** Apr 27, 2020 at 9:20 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

KD

Dear Mr. Vanderploeg,

I am writing to request that you not allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. If permitted in its current form, this project would destroy the historic Monacan capital of Rassawek, first identified by Captain John Smith in 1612, in addition to several other significant historical and archaeological sites.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at an alternate location and still provide water to Zion Crossroads for speculative economic development. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it in its current form.

Human remains, the bones of Monacan ancestors, have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburial of their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians using the excuse of economic progress that may never come to pass. I ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your time.

Sincerely,

Kirstin De Mello

515 Valley Drive SE

Vienna, VA 22180

(703)938-0210

[kirstin.demello@gmail.com](mailto:kirstin.demello@gmail.com)

[jessica@culturalheritagepartners.com](mailto:jessica@culturalheritagepartners.com)

**From:** Jane Lee cj7bm@virginia.edu  
**Subject:** Opposing James River Water Authority permit application  
**Date:** May 8, 2020 at 12:28 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@curaheritagepartners.com



Christine Lee  
1410 Grady Ave Apt 15  
Charlottesville VA 22903

Dear Mr. VanderPloeg,

My name is Christine Lee, and I am writing to request that the Army Corps of Engineers deny the James River Water Authority's permit application for the proposed project at Point of Fork, also known as Rassawek.

I attended the March 11<sup>th</sup> "public" meeting of the JRWA, and what I witnessed that day was both incredibly inspiring and intensely angering. Inspiring because not one of the 100+ people in the audience or the 50 individuals who stood up to speak was in favor of the project, and angering because the JRWA didn't even care to hide their intention to disregard unwelcome comments—it was apparent in the disrespect they showed to Chief Kenneth Branham of the Monacan Nation when he stood to give his testimony to their choice of meeting location in a gated community that stands to directly benefit from the water pipeline.

Please do not move forward in this process without truly open and accessible public hearings. Please conduct an Environmental Impact Statement for this permit application. And above all, please engage with the Monacan Nation in good faith and with the full respect that should accompany government-to-government interactions, unlike the James River Water Authority.

There have been too many instances here in Virginia and across the country when sites sacred and vital to Native American communities and of historical importance to all have been desecrated for the sake of expediency. I sincerely hope Rassawek will not be one of these instances.

Thank you for your consideration,

Christine Lee  
University of Virginia  
Masters of Landscape Architecture candidate '21

**From:** John Broadwater john.d.broadwater@gmail.com  
**Subject:** Oppos t on to JRWA project at Po nt of Fork  
**Date:** June 6, 2020 at 8:56 AM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cu tura her tagepartners.com



Dear Mr. Vanderp oeg,

I oppose the James R ver Water Author ty s app cat on to bu d a pump stat on and p pe ne at Po nt of Fork, Va. The proposed project s not n the pub c nterest and an a ternat ve ocat on shou d be se ected.

Po nt of Forks s the ocat on of Rassawek, the h stor c cap ta of the Monacan Ind an Nat on. That fact a one shou d be suffic ent to deny the project. Th s project wou d not be a owed on Jamestown Is and, s te of the first European cap ta n V rg n a, and the project wou d not be a owed at Werowocomoco, h stor c cap ta of the Powhatan Confederacy. And t shou d not be a owed at Rassawek. When John Sm th first reported on Rassawek n 1612 t was a thr v ng commun ty; ke Jamestown and Werowocomoco, t rema ns an mportant part of V rg n a s h story (w th nat ona and nternat ona s gn ficance) and t must be preserved. The Monacan Ind an Nat on deserves to have the r cap ta and the bones of the r ancestors protected. V rg n a s Ind ans have had so much taken from them over the years and t s now t me to protect them from further osses.

I requesst that you deve op an env ronmenta mpact statement on th s project, and a so ho d a pub c hear ng so that opponents can express the many reasons why th s app cat on shou d be den ed.

Thank you for cons der ng my comments.

S ncere y,

John D. Broadwater

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=====  
John D. Broadwater  
Mar t me Archaeo og st  
W amsburg, V rg n a USA  
Mob e number: 757-645-7836

**From:** sfurong5@verizon.net  
**Subject:** opposition to JRWA's permit application  
**Date:** May 7, 2020 at 2:49 PM  
**To:** steven.a.vanderploeg@usace.army.m

S

Dear Steven Vanderploeg and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

We are asking you to NOT grant the permits that would allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. In addition, We request there be a public hearing on the permit application and an environmental impact statement generated.

This project would destroy the historic Monacan capital of Rassawek an important cultural heritage site of the Monacan Nation, and functioned as a national capital. That alone is enough to deny permits. But in addition, we believe that preservation of this site is of historical importance to all citizens of the great state of Virginia and by extension, the rest of the Nation. And, for Monacan people, whose history has been largely denied and erased, the destruction of the site is a serious ethical violation of their ancestors as the pump station and pipeline construction would disturb numerous burials.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at any of several alternate locations and fulfill its purpose. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. In fact, trimming a project by doing this is a serious ethical breach and really, if you think about it, needs to serve as another reason to deny this permit. This project is poorly designed and contrary to the public interest, and the Corps should not permit it.

Human remains of Monacan ancestors have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Corps and the Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of reburying their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital. One has to wonder would the Corps permit such an action at another cemetery? Like Arlington? Or in some section of a capital, such as Richmond? Of course not....then why here? The unspoken attitude is that these people, this culture does not matter and these people, this culture is secondary to the dominant culture. This is racist and bigoted and is a slippery slope down the ethical slide towards utter callousness, which could once again lead to potential violence and

ethical slide towards utter carelessness, which could once again lead to potential violence and further destruction. Such bigotry does not remain contained: first the Monacans, then after them, who?? We have a long, long history of brutality towards Native Americans as well as other minorities. That history is not over.

We plead with you not to permit this project, which will continue the mistreatment of indigenous Virginians, violate the sanctity of their history, and violate the resting place of their ancestors under the false belief that our histories are separate rather than intertwined. Harm to Monacan people is harm to us all. We ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history. In addition, we ask that a full and complete Environmental Impact Statement be generated as destruction to the land and its resources is also under consideration here.

Thank you for your consideration and your work.

Yours,

Sharon and Park Furlong

133 E. Bristol Road

Feasterville, Pa, 19053

215-322-0492

**From:** Alex Smith alexsmith@cox.net  
**Subject:** Opposition to JRWA's permit application for Point of Fork (NAO-2014-0708)  
**Date:** June 5, 2020 at 9:30 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com

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AS

Good evening,

My name is Alexander Smith, and I am writing to share my opposition to James River Water Authority's permit application and to state that the project is not in the public interest. Rassawek should be preserved as an important part of national, Virginia, and Monacan tribal history. I request the following: first, a public hearing on the permit application; second, that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Regards,  
Alexander Smith  
Cifton, Virginia

**From:** nam abf@ao .com  
**Subject:** Oppos t on to JRWA s Perm t  
**Date:** June 6, 2020 at 12:55 PM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cu tura her tagepartners.com

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Hello,

I am Barbara S. Fink-Oster. I live at 4091 Braxton Road in Chantilly Virginia.

I am writing this to let you know that I have concerns with and am opposing the JRWA's permit application as it currently stands.

It is my understanding that the Monacan negotiated in March, 2020 whereby a nearby landowner agreed to allow access to the river upstream of the James River Water Authority's preferred site for the pumping station. If this alternative is not feasible due to cost, and is really an issue, can another alternative site that does not destroy Rassawek, be used?

Much of the Monacan heritage has already been lost; the colonial settlers and their descendants have replaced place names and diminished the importance of these lands to the Monacan people. It is ironic that Point of Fork was recognized as the historic site of a Revolutionary War skirmish where British forces destroyed a Continental Army supply depot in 1781, but not as a site of the historic capital and sacred site of the Monacan Indian Nation.

It is a shame that our local First Nation lands are still being taken away from the people who should be inheriting them from their ancestors and be protected. It holds important national, Virginia, and tribal history. In addition this area has been flagged as Virginia's Most Endangered Historic Places list for 2020.

SO, I am requesting that:

- A public hearing on the permit application be set up
- The Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek

I realize that this will be a challenge, but I feel it will be worth the effort in the long run.

Respectfully,

Barbara S. Fink-Oster, U.S.A.F Major, Retired  
MSA General Administration  
CISSP

**From:** **Bunny Chidester** bunnychidester@gmail.com  
**Subject:** Please don't destroy Rassawek  
**Date:** May 6, 2020 at 9:27 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@curaheritagepartners.com

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Mr. Vanderpoe,

As a proud citizen of Virginia and a supporter of a kind and generous people, I want you to know that I do not support this project. You must consider alternatives as presented by the Monacan Indian Nation, who deserve your respect and your interest in preserving the Rassawek site.

Please do the right thing and hold a public hearing on the permit application and prepare an environmental impact statement before further action or consideration.

Thank you,  
Bunny Chidester  
Richmond, VA.



From: Maupin, Lauren Denise (ldm3d) dm3d@virginia.edu  
Subject: Please don't destroy Rassawek!  
Date: May 7, 2020 at 12:37 PM  
To: steven.a.vanderploeg@usace.army.m  
Cc: jessica@culturepartners.com

LM

Dear Steven Vanderploeg and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

I implore you to **not grant the permits** that would allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. In addition, I request there be a public hearing on the permit application and an environmental impact statement generated.

This project would destroy the historic Monacan capital of *Rassawek*, first identified to Europeans by Captain John Smith in 1612. Rassawek is an important cultural heritage site of the Monacan Nation, which functioned as national capital at the fork of the James and Rivanna river. But I also want to express as a Virginian that this site is a cultural heritage site of historical importance to all citizens of the Commonwealth and to the heritage of our nation. It is part of our state and national heritage. And, for Monacan people, whose history has been largely denied and erased, the destruction of the site is a serious ethical violation of their ancestors as the pump station and pipeline construction would disturb numerous burials.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at any of several alternate locations and still provide water to Zion Crossroads. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it.

Human remains of Monacan ancestors have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Corps and the Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburial of their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

**I urge you not to permit this project, which will continue the centuries-long mistreatment of indigenous Virginians, violate the sanctity of their history, and violate the resting place of their ancestors under the false belief that our histories are separate rather than intertwined. Harm to Monacan people is harm to us all.** I ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station

systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your consideration and your work.

Lauren

LAUREN MAUPIN  
Manager of Education & Programs  
Kluge-Ruhe Aboriginal Art Collection of UVA  
400 Worrell Drive  
Charlottesville, Virginia 22911 USA  
434-981-0452 (Mondays-Fridays, 9 am-5pm only)  
[kluge-ruhe.org](http://kluge-ruhe.org)

**From:** Amina Stevens amnaanne32247@gmail.com  
**Subject:** Please honor the sacred sites of the indigenous people  
**Date:** May 7, 2020 at 4:29 PM  
**To:** jessica@curaheritagepartners.com, steven.a.vanderploeg@usace.army.m

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AS

| Greetings of peace,

I am writing this letter asking you to consider an appropriate pathway that does not harm the Passawek. There is a long sad tradition in our country of broken promises that disenfranchised the  
Inherent rights of the Native American People. This is a wonderful opportunity to do what is right; acting in an honorable way.

Having a public hearing on the permit application and having the Corps prepare an environmental impact statement would offer integrity and transparency for all people involved.

Please pause. Please consider creating a win-win situation. With a little more effort, this can be accomplished.

Thank you for your consideration,

Anne Elizabeth Stevens

**From:** Dave Norris cv edave@gmail.com  
**Subject:** Please oppose JRWA permit application for Rassawek site  
**Date:** June 4, 2020 at 3:24 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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DN

Good afternoon, my name is Dave Norris and I am the former Mayor of Charlottesville, VA and former Board member for the Rivanna Water and Sewer Authority, serving the City of Charlottesville and Albemarle County. In both of those positions, I frequently had to make difficult decisions about siting public infrastructure. I know that there are a lot of factors to be balanced when making such decisions.

That said, I am very troubled by the James River Water Authority's plans to locate a pump station on the site of the Monacan capital, Rassawek. To me, the factors overwhelmingly argue for reconsideration of the chosen site. The process has been deeply controversial and deeply flawed and we are risking significant desecration of an important cultural heritage site by this proposed action. I therefore beseech you to oppose JRWA's permit application. At a bare minimum, please hold a public hearing and prepare an environmental impact statement before any decision has been made.

Some might say that it's too late to "Save Rassawek," that the process is too far along to shift gears at this point. I firmly disagree. I was involved in several infrastructure projects during my time in office that were even further along than this one in the planning process before they too were ultimately re-tooled to reduce their impact and/or cost. We have time to do this one right. Please insist that this one be done right.

Thank you,

Dave Norris  
111 Chisholm Place  
Charlottesville, VA 22902  
(434) 242-5165  
[cvilledave@gmail.com](mailto:cvilledave@gmail.com)

**From:** John Cruickshank jcrucshank4@gmail.com  
**Subject:** Preserve the Rassawek Cultural Site  
**Date:** Apr 23, 2020 at 2:19 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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JC

Dear Mr. Vanderploeg,

I am writing to urge the Army Corps of Engineers to reject the application of the James River Water Authority to build a pumping station at the site of the Rassawek Village in Fluvanna County, Va.

As a Social Studies educator of many years, I know that there is a lack of emphasis on the history of Native Americans in the Virginia Standards of Learning. This cultural site should be preserved so that it can be studied and used to expand our understanding of the first Virginians. It should also be respected as the burial site of the Monacan ancestors.

I request a public hearing on this proposed project and an environmental impact statement on the impacts it will have on Rassawek and the James River ecosystem.

John A. Cruickshank  
700 Spring Lake Dr.  
Earlysville, VA 22936  
434 973-0373

**From:** Tinny Ross t nny.ross@gma .com  
**Subject:** Project at Po nt of Fork  
**Date:** May 20, 2020 at 2:45 PM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cu tura her tagepartners.com

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TR

Dear Steven Vanderploeg and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

I implore you to not grant the permits that would allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. In addition, I request there be a public hearing on the permit application and an environmental impact statement generated.

This project would destroy the historic Monacan capital of Rassawek, first identified to Europeans by Captain John Smith in 1612. Rassawek is an important cultural heritage site of the Monacan Nation, which functioned as national capital at the fork of the James and Rivanna river. But I also want to express as a Virginian that this site is a cultural heritage site of historical importance to all citizens of the Commonwealth and to the heritage of our nation. It is part of our state and national heritage. And, for Monacan people, whose history has been largely denied and erased, the destruction of the site is a serious ethical violation of their ancestors as the pump station and pipeline construction would disturb numerous burials.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at any of several alternate locations and still provide water to Zion Crossroads. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it.

Human remains of Monacan ancestors have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Corps and the Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburying their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians, violate the sanctity of their history, and violate the resting place of their ancestors

under the false belief that our histories are separate rather than intertwined. Harm to Monacan people is harm to us all. I ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your consideration and your work.

Sent from my Phone

**From:** Martha Smythe marthasmythe45@gmail.com  
**Subject:** Protect Rassawek  
**Date:** May 1, 2020 at 4:59 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

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MS

I am asking you to protect Rassawek, the old capital of the Monacan Nation, from the plans to locate a pump there. The site is also known as the Point of Forks.

As I understand it, the site has been selected because of cost savings. Too many decisions have been made in the past few years based solely on "cost savings" at the expense of national landmarks, public health, the environment and respect for previous residents of this land.

I urge you to prevent that from happening to Rassawek. The disrespect and relocation for the Monacan ancestors would be disrespectful to the tribe today as well as history. And, the undertaking would add cost to the James River Water Authority. Why not just put the pumping station somewhere else that doesn't disturb sacred lands or the properties of other minorities.

Thank you for standing up for justice and respect.

mrs

"Principles before Politics"



**From:** Nathaniel Doherty ntdoherty@gmail.com  
**Subject:** Protect Ressauek  
**Date:** Apr 22, 2020 at 1:03 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@culturepartners.com

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ND

Dear Mr. Vanderploeg,

I am writing to register my desire that U.S. Army Corps of Engineers cease their efforts to assist the James River Water Authority in the destruction of the Monacan Indian Nation's historic capital of Rassauek and the artifacts contained therein. The Monacan Nation has proposed alternate sites for the project and been rebuffed by the JRWA, in spite of the stated preference of the people they serve.

I believe moving forward with this project at the site of Rassauek would be a miscarriage of justice and counter to the spirit of the laws that are meant to protect Native American cultural heritage sites from further destruction. Please consider the alternate site proposed by the Monacan Nation, or any other that does not involve harming Native American heritage sites. I respectfully request that you hold a public hearing on the permit application and prepare an environmental impact statement due to the intensity of disruption proposed for the site of Rassauek.

I am proud of my country, sir, but civil projects like this, which betray the spirit of our laws and add further to the legacy of disrespect towards native nations, make me feel shame.

Sincerely,  
Nathaniel P. Doherty

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Nathaniel P. Doherty, Ph.D.  
Assistant Professor of Literature  
Bard High School Early College Baltimore

**From:** Geoff Cox geoffrey.s.cox@gmail.com  
**Subject:** Public Comment - Rassawek NAO-2014-0708  
**Date:** May 7, 2020 at 12:42 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturepartners.com

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Hello Mr. Vanderpoe,

I appreciate the important work that the Army Corps of Engineers does for this country and our state, especially during this time of crisis due to the Coronavirus.

I'm writing about another important topic--to strongly request that you choose an alternative to the proposed pump station that does not destroy the Monacan historical site at Rassawek.

I do not support this project as it endangers the cultural resources and spiritual foundation of the Monacan people, a people who Virginia as a state has consistently oppressed. We owe it to them to continue to work for their good, as we have done in the past decade by helping them to become a recognized tribe.

I request a public hearing on the permit application, and I would like the Army Corps of Engineers to prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Please know that taxpayers and voters do not support this project. Please help to support a historically oppressed people to regain control of their cultural resources, which were not just important in the past but are part of their current spiritual foundation.

Thank You,  
Geoff Cox

**From:** Kiera Goddu kag5n@virginia.edu  
**Subject:** Public Comment on James River Water Authority Application  
**Date:** May 6, 2020 at 10:46 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com



Mr. Vanderploeg,

My name is Kiera Goddu and I am a current student at the University of Virginia. I write to you in opposition of the James River Water Authority's application for a water project at the confluence of the James and Rappahannock Rivers near Point of Fork. The proposed site is a sacred burial ground for the Monacan Nation, thus building a water pump here would irreparably harm the history and sanctity of this place for Monacan people.

Locating the project on a site of such historical and cultural significance is not in the public interest. Alternatives sites should be considered and there should be a public hearing on this permit application due to the significance of this decision. Finally, the Corps should prepare an environmental impact statement as a result of the potentially severe impacts of the proposed project on such an important site. Thank you for taking these comments into consideration.

At the best,  
Kiera

Kiera Goddu | she, her, hers

[kag5n@virginia.edu](mailto:kag5n@virginia.edu)

University of Virginia College of Arts and Sciences | B.A. Political and Social Thought, B.A. Spanish

President, University Democrats of UVa

Hoos Got Your Back Intern, Office of Health Promotion UVa

**From:** Mark Wittkofski mw.ttkofsk@gmail.com  
**Subject:** Public Comment on JRWA Permit Application  
**Date:** June 4, 2020 at 5:30 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** jessica@curaheritagepartners.com, Elen Chapman elen.chapman@gmail.com

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J. Mark Wittkofski  
8507 Academy Road  
Henrico, VA 23229  
June 4, 2020

Dear Sir,

I am writing to you to express my opposition to the James River Water Authority's (JRWA) permit application to the U.S. Army Corps of Engineers (COE) for a raw water intake facility and pipeline that will both damage and diminish the nationally significant site of Rassawek. Although Fluvanna County pretends to have not known about this site, Captain John Smith in the early years of Jamestown (i.e., 1612) recorded it as the capital village of the Monacan Indians. The site also has been documented in other historic documents and by professional archaeologists for years. This site is one of only a few Native American ancestral capitals known and un-built upon in Virginia.

As I imagine you too, are not a Native American, our understanding of the importance of Rassawek to the Monacan Indian Nation is likely skewed. Perhaps an analogy that would be easier to comprehend would be constructing a raw water intake and pipeline within historic Jamestown, the site of the first permanent English colony in America. That site is a National Historic Landmark, while Rassawek is also a good candidate for a similar honor. In Gloucester County, Werowocomoco, the capital of the Powhatan Indian Nation is listed on the National Register of Historic Places and was placed under easement and recently acquired by the National Park Service to be preserved.

Although the JRWA and its consultants claim there are no feasible alternatives than using this site for its raw water intake, without having done a comprehensive environmental Impact Statement (EIS), this statement appears to be inconclusive. As noted in your NAO-2014-0708 Public Notice published on April 7, 2020, the reasoning for not requiring an EIS for the project that "known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area or would likely be affected by the proposal. Additional information might change any of these findings." This statement is either incorrect or suitably vague and seems contradictory to the intent of Section 106 of the National Historic Preservation Act. As it has been proven by historical documentation and consultation among Native Americans and the Virginia State Historic Preservation Officer, the site of Rassawek is of great national significance and must be protected and impacts avoided. Until proven otherwise, it would seem there exist many prudent and feasible alternatives to using the site of Rassawek for the water intake facility.

Certainly you and your environmental program staff know the requirement of federal historic preservation legislation that has been in effect for more than 50 years. Section 110 of the Act says the lead Federal agency shall (emphasis mine) assume responsibility for the preservation of historic properties, which are owned or controlled by such agency. It states in 110 (2) (C) "that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by the agency actions are given full consideration in planning." Furthermore, as the lead federal agency, the COE shall take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register (16 U.S.C. 470f, Section 106).

In addition to being eligible for inclusion in the National Register as an important archaeological site, Rassawek may qualify as a Traditional Cultural Place (TCP). As you may know, TCPs may be eligible for the National Register under multiple criteria and therefore should not be presumed to be eligible only as archaeological resources (see 23CFR774.11(e)).

It seems that the COE has invited the Monacan Indians to be a part of Section 106 consultation process. However, either the inadequate archaeological study or an unwillingness to take into consideration the Monacans identified religious and cultural significance of the Rassawek site has resulted in a determination by the COE that no properties eligible for the National Register will be affected by this undertaking. That is so wrong on many levels. The Federal guidance provided by 36 CFR Part 800 indicates the COE must take the views of the Native Americans and the public as essential for informed decision making in the Section 106 process (36 CFR Part 800.2). Furthermore, as the COE has determined that No Historic Properties Affected, the agency must provide documentation of this finding (36 CFR Part 800.4). It appears the undertaking, will in fact have an adverse effect on significant historic properties and the COE must develop a plan for resolution of the adverse effects including continued consultation and involvement of the Advisory Council on Historic Preservation (36 CFR Part 800.6). It would seem that a more prudent course of action would be to conduct a comprehensive EIS that fully examines alternatives including the No Build alternative.

It would be a terrible to grant the permit and allow the construction of this facility that is likely to cause irreparable harm to a very important Native American site when other alternatives might better be considered without inflicting such damage. A destroyed past cannot be recreated. The COE must deny this permit and require a comprehensive EIS. The sacred religious and cultural site of Rassawek must be protected!

Sincerely,

J. Mark Wittkofski

**From:** Simkins, Lauren Miller (lms9tt) s mk ns@v rg n a.edu  
**Subject:** Pub c comment to proposed JRWA water supp y system  
**Date:** May 6, 2020 at 9:41 AM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cu tura her tagepartners.com

LS

Dear Mr. VanderPloeg,

In regards to the ecological impacts of a water intake in Fluvanna County at the confluence of the Rivanna and James rivers, I notice that the Fish and Wildlife Service states (letter [here](#)) that no critical habitats are within the area to be impacted by the water intake system. While the endangered James Spinemussel *Pleurobema collina* does not have an established critical habitat, there is an active petition (submitted in January 2015; letter [here](#)) to designate the confluence of the Rivanna and James rivers a critical habitat, including the area of the water intake system.

Simply because there is not a critical habitat designated at the moment does not mean that potential ecological impacts are less for the James Spinemussel. I find it prudent to await a decision for the January 2015 petition – or at least include a status update – regarding the designation of the area as a critical habitat for the James Spinemussel prior to moving forward with the permit application. Furthermore, I want to know the reasoning behind the decision to not require an environmental impacts statement to move forward, which limits the transparency of the potential ecological and environmental impacts associated with the development and operation of a water intake system at the confluence of the Rivanna and James rivers.

I request that the issues of (1) the outstanding permit that could designate the area as a critical habitat and (2) the rationale for not requiring an environmental impacts statement be addressed. Because of these issues, along with the cultural and historical importance of the region to the Monacan Nation, I do not support the project and request that alternate sites be considered for the project if it is to move forward.

I am acting as an individual in raising the above issues, and do not represent my employer.

Best,

**Dr. Lauren Simkins**  
Assistant Professor

Department of Environmental Sciences  
University of Virginia  
Clark Hall 205  
291 McCormick Road  
Charlottesville, VA 22904

+1-434-924-3964 | @icy\_simkins | iceocean.org

**From:** Jan Dix jannayd51@gmail.com  
**Subject:** public hearing about Rassawek  
**Date:** Apr 30, 2020 at 10:01 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturalheritagepartners.com

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Dear Mr. Vanderpoe,


I am writing to express my objection to the water project at Rassawek. This is sacred ground to the Monacan Indians and should not be disturbed for a water project. Imagine having your ancestors dug up and your church desecrated for profit. There are other places to build a water project that do not have an important history. Find an alternative location where artifacts are not destroyed to build a water project.

I request a Public Hearing concerning the application for an individual permit from the James River Water Authority and I request the Corps prepare an Environmental Impact Statement.

Yours truly,

Janet Dix

Charlottesville, VA

**From:** Ethel Eaton ethe.eaton@cox.net   
**Subject:** Public Notice NAO-2014-0708 (James River Water Authority)  
**Date:** May 6, 2020 at 5:32 PM  
**To:** Steven.A.Vanderploeg@usace.army.m  
**Cc:** Julie Langan julie.langan@dhr.virginia.gov, TribalOffice@MonacanNation.com, jessica@culturalheritagepartners.com, ekosteny@preservationvirginia.org, Gustavo Angeles, Sierra Cub Virginian Chapter rep y@emas.serracub.org, eleanor.breen@alexandriava.gov, justin@aquaw.com, fpayne@fluvannacounty.org, HPhips@oussa.org, meason@achp.gov, beers.samantha@epa.gov

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EE

Dear Mr. Vanderploeg,

Thank you for requesting comments on the new raw water intake, pump station, raw water lines, and upgrade of an existing access road proposed by the James River Water Authority in the James River and tributaries of the James River near Point of Fork in Fluvanna County. Please find my comments attached.

Sincerely,

Ethel E. Eaton, Ph. D.



Response to  
Public...8.docx

**From:** Rachael Hulvey [rjhulvey@gmail.com](mailto:rjhulvey@gmail.com)  
**Subject:** Pump station at Rassawek  
**Date:** May 4, 2020 at 5:08 PM  
**To:** [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)  
**Cc:** [jessica@culturepartners.com](mailto:jessica@culturepartners.com)

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RH

Good afternoon,

I live in Fuvanna County, Virginia, and I oppose construction of the James River Water Authority water pump station at Rassawek, a site which holds cultural and archaeological value to the Monacan Indian Nation. I urge you to find an alternative site to build the water pump facility so that the Monacan Nation--and Virginia--doesn't lose Rassawek.

Please have a public hearing on the permit application; I know that everything is more difficult in the time of COVID-19, but that is no reason to rush forward and clandestinely approve of JRWA's pump station.

I also ask that you have a proper environmental impact statement done for the site. After the debacle in which the archaeological consultant who examined the site lied about her resume (which you are probably aware of, but here is [a Daily Progress article about it](#)), it is imperative for you to properly assess what impact this pump station will have on the site.

Thank you for your consideration.

Best,  
Rachael Hulvey



**From:** Erin Campbell er nmaureencampbe @gma .com  
**Subject:** Pump station in Rassawek  
**Date:** May 7, 2020 at 8:04 AM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com

EC

Hello Mr. Vanderploeg,

I appreciate the important work that the Army Corps of Engineers does for this country and our state, especially during this time of crisis due to the Coronavirus.

I'm writing about another important topic--to strongly request that you choose an alternative to the proposed pump station that does not destroy the Monacan historical site at Rassawek. I do not support this project as it endangers the cultural resources and spiritual foundation of the Monacan people, a people who Virginia as a state has consistently oppressed. We owe it to them to continue to work for their good, as we have done in the past decade by helping them to become a recognized tribe. I've met Chief Kenneth and spent time on Monacan land and this is important not just to the Monacan people, but to non-Native residents of Virginia like me. I request a public hearing on the permit application, and I would like the Army Corps of Engineers to prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Please know that taxpayers and voters do not support this project. Please help to support a historically oppressed people to regain control of their cultural resources, which were not just important in the past but are part of their current spiritual foundation.

thank you,  
Erin Campbell

--

Erin (Soupy) Campbell  
Program Coordinator and Instructor  
*The Living Earth School*  
[www.vngearthva.com](http://www.vngearthva.com)  
703.638.3831 (Erin's cell)  
434.823.5531 (summer camp number)

Note that I am not in constant email or phone contact. Please be patient with my responses, which are usually but not always prompt.

**From:** parkerhead@earth.nk.net  
**Subject:** Pumping station in Virginia (Arp7, NAO-2014-0708)  
**Date:** Apr 30, 2020 at 12:18 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com

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Dear Steven A. Vanderploeg,

Army Corps of Engineers,

I am writing to you to protest the proposed location of a water pumping station at Rassawek, Virginia. This burial ground is sacred, just as Revolutionary and Colonial

cemeteries are. Please re-consider this. The Monacan Indian tribe is federally recognised. You are required by law to "consult" with this Monacan nation.

Thank you,

Margaret Julie Finch,

917-613-3788

member 15th St. Friends Meeting, (Quakers)

New York City, NY

**From:** Gwyneth Homer ghomer42@gmail.com  
**Subject:** Rassawek and the James River Water Authority  
**Date:** June 7, 2020 at 5:49 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturepartners.com

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Mr. Vanderpoe,

Our country was built on land that had been inhabited for thousands of years prior by indigenous peoples. These people were not only forced to leave and stripped of their culture, but brutally killed through combat and disease. True reparations cannot be made, and the very least that we can do today is to honor the remains of those who died and to respect the space and heritage of those who live.

The permit requested by the James River Water Authority to build a water pumping station in Rassawek could be built elsewhere and dismisses indigenous peoples as unworthy of our consideration - re-entraining bodies is not the same as leaving them be. In addition, the public may not be aware of the permit application submitted by JRWA and have feedback to offer or questions to ask, both of which could be addressed in a public hearing.

Please consider further the effects of the water pumping station on our environment and on the people who have and still live in Rassawek. Thank you for your time.

Sincerely,  
Gwyneth Homer  
222 Prince Street  
Backsburg, Virginia  
24060

**From:** exmusta@ao .com  
**Subject:** Rassawek Pu b c Hear ng Request  
**Date:** June 4, 2020 at 8:14 PM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** Tr ba Office@monacannat on.com, mjsgr 4evr@ao .com, d str ct22@senate.v rg n a.gov, jess ca@cu tura her tagepartners.com, Deetzke ey@gma .com, twdaycare@ao .com, t co.m nor2@gma .com

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Dear Steven Vanderploeg,

My name is Lex Musta at 1661 Wa kers Ridge Road in Powhatan, VA 23139.

I oppose JRWA's permit application as I strongly believe it is not in the public interest.

Rassawek should be preserved as the preeminent cultural site in Fluvanna County. It is also an important part of national, Virginia and Monacan history.

I request a public hearing on the permit application so this priceless Virginian treasure's value can be weighed against the alternative options for water pumping at a reasonable cost.

I also request the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

The proposed station to take water from the James River to be transported by pipeline for growth in Fluvanna and Louisa counties, should be moved from Rassawek to the other location proposed by the Monacan nation.

Few places in Fluvanna, hold the same potential as a Nationally renowned site as Rassawek. As the pre-Colonial capital of the Monacan people, Rassawek will match Werowocomoco, as a gathering place for all Americans.

Werowocomoco was placed under the permanent protection of the National Park Service in June 2016 as part of the Captain John Smith Chesapeake National Historic Trail.

Could we not imagine, films like this soon being made of Fluvanna county?

## Rassawek: A Monacan Place of Power

<https://www.nps.gov/media/video/view.htm%3Fid%3D999B1E6F-E801-7131-B8A7E76C66D312A7>

Thank you for considering a public hearing and an environmental impact statement to preserve Virginia's priceless heritage,

Lex Musta  
1661 Wa kers Ridge Road  
Powhatan, VA 23139

**From:** Kimberley.Homer homerk@vt.edu  
**Subject:** Rassawek should not be destroyed for a water project that is not in the public interest  
**Date:** June 4, 2020 at 1:36 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturepartners.com



Dear Mr. Vanderploeg,

I am writing to request that the Army Corps of Engineers prepare an environmental impact statement on the damage the JRWA project will wreak on Rassawek, the oldest recognized capital in Virginia. I would also like to request a public hearing on the permit application, however this can be safely accomplished amidst COVID-19. Without a public hearing, public interest cannot possibly be validated. Rassawek should be preserved as a national treasure, not wantonly destroyed like so many other Indigenous lands have been. At our Virginia Tech campus in Blacksburg, where we still use buildings built by enslaved people, we begin every meeting by acknowledging that we dwell on Monacan and Tutelo land. We ask that the Army Corps of Engineers and the Commonwealth of Virginia respect the lands of our ancestors, and find a different, less culturally significant site for this project.

--

Kimberley Homer, M.S.E.E.  
Systems Engineer  
and past chair of Virginia Tech's Commission on Equity, Opportunity and Diversity  
222 Prince Street  
Blacksburg, Virginia 24060  
[homerk@vt.edu](mailto:homerk@vt.edu)

**From:** Brennan Keegan bkeegan@randolphcollege.edu  
**Subject:** Rassawek Site  
**Date:** May 5, 2020 at 7:59 AM  
**To:** steven.a.vanderpoe@usace.army.m

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BK

Dear Mr. Vanderpoe,

I am writing to request a reconsideration of the Corp's decision to use the Rassawek location for the JRWA project and at the very least, a public hearing on the permit application.

Indigenous communities, like the Monacan Nation, rely on locations such as Rassawek to celebrate their history and identity. After years of dispossession, protecting those remaining culturally important places is *at the least* what we can do to honor and recognize the basic human rights of our local Native communities. With recent federal recognition, the Monacan Nation has struggled to reassert their place on the map. Please reconsider erasing another site and signify the Corp's respect and recognition of the Monacan Nation. While a project this scale does not garner the same national attention of projects like the Dakota Access Pipeline, these local conflicts offer an opportunity to choose kindness and respect. Please do so.

Thank you for your time and consideration.

Sincerely,  
Dr. Brennan Keegan

**Brennan Keegan, PhD**  
Religious Studies  
The American Culture Program  
Randolph College

[www.brennakeegan.com](http://www.brennakeegan.com)

**From:** Sue Weiss suewe ss28@gma .com  
**Subject:** Rassawek  
**Date:** May 3, 2020 at 9:43 AM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cu tura her tagepartners.com

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SW

Good morning,

I am writing to state that I oppose JRWA's permit application and that I feel it is not in the public interest. The Rassawek should be preserved as an important part of national, Virginia and tribal history. I request a public hearing on the permit application. I also request that the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

Best regards,  
Sue Weiss  
Crozet, VA

--

Sue Weiss  
434.882.0428

**From:** Anne McKeithen anne.mckeithen@gmail.com  
**Subject:** Rassawek  
**Date:** Apr 15, 2020 at 11:45 AM  
**To:** jessica@curaheritagepartners.com

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copy of my letter to the Army Corps of Engineers:

I oppose JRWA's permit application which is not in the public interest.  
Rassawek should be preserved as an important part of national, Virginia, and tribal history.

I request that you hold a public hearing on the permit application, and that  
the Corps prepare an environmental impact statement. The intensity of the proposed impacts to Rassawek are so great that the public  
should have a chance to speak.

Thank you.

Anne McKeithen  
233 E. Jefferson St.  
Charlottesville VA 22902

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Anne McKeithen  
233 E. Jefferson St.  
Charlottesville VA 22902

434.979.4479 [preferred]  
434.825.9307 [cell]



**From:** Linda Goldstein bgo d57@gmail.com  
**Subject:** Rassawek  
**Date:** May 7, 2020 at 10:10 AM  
**To:** jessca@culturepartners.com

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LG

Dear Jessica,

I just sent the following letter to the army corp of engineers and Gov. Northam:

Dear Steven Vanderpoe,

The traditions around death are sacred to most people, regardless of the culture or faith.

In this context, I am horrified that the James River Water Authority wishes to build a water pumping station on top of the Rassawek. The Monacan people should not have their burial grounds disturbed. It is immoral to consider digging up this holy site.

I know that there are many reasons why it would be convenient to build the station there. It doesn't matter. There are other places where it can and should go.

Please respect the Monacan culture, history, and most importantly the dignity of the deceased. Leave the site alone and deny the James River Water Authority request for a permit to build on top of the Rassawek.

Sincerely,

Linda Goldstein

1009 Birdwood Rd.

Charlottesville, VA 22903

cc: Gov. Ralph Northam

**From:** Ruth Walkup ruthwalkup@gmail.com  
**Subject:** Reconsider site of pump station currently situated on Monacan tribal historic site  
**Date:** May 6, 2020 at 9:54 AM  
**To:** steven.a.vanderpoe@usace.army.m  
**Cc:** marion@curaheritagepartners.com, jessica@curaheritagepartners.com

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RW

Dear Mr. Vanderpoe -

I am a Ph.D. cultural anthropologist and have lived all over the world studying local people and their customs, particularly in areas where donor organizations (like our own government - the one you work for and the one I used to work for) are trying to help. What we have seen over many years, however, is that trying to help often ignores the needs, beliefs, histories, and desires of the local peoples. Our government - with the resources, generosity, and experts that we have - should be able to consider issues greater than only economic ones. This is your job.

For this reason, I urge the US Army Corp of Engineers to NOT build the pumping station at the confluence of the James and Rappahannock Rivers at Rassawek, a site that has historic significance for the Monacan people, and therefore for all the citizens of Virginia. There are other sites that could serve the water needs of the current population (which in itself is short-sighted - water usages need to be reduced, not just accommodated). Please note my opposition to the current proposed site.

Thank you,

Ruth Walkup, Ph.D.  
Greene County, Virginia

**From:** Friedrich, Matthew D (mdf2fy) mdf2fy@virginia.edu  
**Subject:** Regarding JRWA permit application  
**Date:** June 4, 2020 at 11:48 AM  
**To:** Steven.A.Vanderpoe@usace.army.m

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MF

Dear Mr. Vanderpoe,

I am writing you today to express my concern about the JRWA's permit application for a new water intake and pump station on top of Rassawek. My request is that there be a full public hearing on the permit application, and I insist that the Army Corps of Engineers prepare an environmental impact statement because of the demands this project will place on the Rassawek.

It has not been sufficiently demonstrated that this waterway will be in the public's interests, nor has there been sufficient forums given to express public concerns due to the stay-at-home order. Further, I am most concerned that this project will violate the values and land of the Monacan tribe, which is disturbing to the community and history. As a citizen of the state of Virginia, I stand with the Monacan tribe's call to preserve the Rassawek as an important part of the heritage and the place where me and my family currently live.

Thank you for your consideration.

Sincerely,

Matthew D. Friedrich  
University of Virginia  
Department of Politics  
[mdf2fy@virginia.edu](mailto:mdf2fy@virginia.edu)  
he/his

Address: 2631 Anthony Place, Charlottesville VA, 22902

**From:** Livvy Call vvy.ca.5@gmail.com  
**Subject:** Regarding Rassawek  
**Date:** Apr 25, 2020 at 10:06 PM  
**To:** steven.a.vanderpoe@usace.army.m  
**Bcc:** jessica@culturepartners.com

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LC

Good evening Steven,

My name is Livvy Call, and I am a resident of 8954 Cherokee Rd, Richmond, Virginia. I am writing you in support of the Monacan Indian Nation, and fervently oppose the JRWA permit application. My views are not isolated- I am confident that you have received other requests from the public to sustain the preservation of Rassawek.

This site is a critical part of not just the tribal history of Monacan Nation, but also an important part of history for Virginia and the United States. What concerns me is the lack of democratic involvement in making these decisions- shouldn't the public voice be included (particularly the voices of those who hold this site so dear)? We must have a public hearing regarding the permit application. Furthermore, I would like to request that the Corps prepares an environmental impact statement on what the riparian would entail should they carry out the riparian plans for Rassawek.

I would like to leave you with a Cree Indian proverb: "Only when the last tree has died, the last river poisoned, and the last fish has been caught, will we realize that we cannot eat money." Please consider the historical trauma that the sovereign Native American nations have endured for centuries on this land. This particular case of Rassawek serves to deepen this wound, and will create even more distrust and hurt within the Monacan Nation, and the entire Native American community. Please, *please* choose another site.

Thank you for your time and consideration,  
Livvy Call

From: Kimberly kruthabe@gmail.com  
Subject: SAVE HISTORIC RASSAWEK  
Date: June 5, 2020 at 11:00 AM  
To: steven.a.vanderploeg@usace.army.m  
Cc: jessica@curahertagepartners.com

K

Dear Mr. Vanderploeg,

Attached you will find a letter expressing opposition to JRWA's permit.

Thank you for your assistance. Best Regards, Kimberly Abe



2017 NOAA Light Pollution Map [https://www.nasa.gov/sites/default/files/images/712129main\\_8247975848\\_88635d38a1\\_o.jpg](https://www.nasa.gov/sites/default/files/images/712129main_8247975848_88635d38a1_o.jpg)

June 5, 2020

Dear Mr. Vanderploeg,

RE: Save RASSAWEK

I was a local government planning and historic preservation planner for 25 years. I can attest to the fact that 90% of American counties and towns neither document nor preserve Native American historic resources. The cumulative effect of local government decisions in the Chesapeake region is revealed in the light pollution map above. Where there is light has also been the permanent destruction of Native American historical landscapes and the natural environment in which they lived and worshipped.

What little Native American historic preservation America does do, is typically achieved through state and federal government Section 106 reviews. The Rassawek site, as a rare surviving Monacan Native American village, should not be dug up and destroyed to allow a water pump station to be built. Alternative pump station locations need to be considered.

Most nations do not allow new development (hotels, McMansions, water pump stations) to replace sacred and rare surviving archaeological sites like has been done in America, and like that which is proposed at Rassawek.

There must be a public hearing on the permit application. The Corps must prepare an environmental impact statement. Much work is needed done to save and honor what Native American history still remains after 400 years of destruction by European settlers and their descendants.

Sincerely, Kimberly Abe, 537 Tara Court, Culpeper VA 22701

**From:** Annalee Jackson annalee.jackson.18@tfacorps.org  
**Subject:** Save Monacan Capital and Burial Grounds!!  
**Date:** May 7, 2020 at 2:52 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

AJ

Dear Steven Vanderploeg and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

Preserving history, humanity, and ancestral sites should not be taken lightly. Please find a different site for the pump station and pipeline and support Monacan people; this is with the public interest.

I implore you to not grant the permits that would allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. In addition, I request there be a public hearing on the permit application and an environmental impact statement generated.

This project would destroy the historic Monacan capital of Rassawek, first identified to Europeans by Captain John Smith in 1612. Rassawek is an important cultural heritage site of the Monacan Nation, which functioned as national capital at the fork of the James and Rivanna river. But I also want to express as a Virginian that this site is a cultural heritage site of historical importance to all citizens of the Commonwealth and to the heritage of our nation. It is part of our state and national heritage. And, for Monacan people, whose history has been largely denied and erased, the destruction of the site is a serious ethical violation of their ancestors as the pump station and pipeline construction would disturb numerous burials.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at any of several alternate locations and still provide water to Zion Crossroads. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it.

Human remains of Monacan ancestors have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Corps and the Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburial of their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians, violate the sanctity of their history, and violate the resting place of their ancestors under the false belief that our histories are separate rather than intertwined. Harm to Monacan people is harm to us all. I ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your consideration and your work.

Annalee Jackson

**From:** Jernigan, Kasey (kj2wz) kj2wz@virginia.edu  
**Subject:** Save Rassawek, an important Monacan site!  
**Date:** May 7, 2020 at 1:30 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** jessica@culturalheritagepartners.com

KJ

Dear Steven Vanderploeg and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

I implore you to not grant the permits that would allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. In addition, I request there be a public hearing on the permit application and an environmental impact statement generated.

This project would destroy the historic Monacan capital of Rassawek, first identified to Europeans by Captain John Smith in 1612. Rassawek is an important cultural heritage site of the Monacan Nation, which functioned as national capital at the fork of the James and Rivanna river. But I also want to express as a Virginian that this site is a cultural heritage site of historical importance to all citizens of the Commonwealth and to the heritage of our nation. It is part of our state and national heritage. And, for Monacan people, whose history has been largely denied and erased, the destruction of the site is a serious ethical violation of their ancestors as the pump station and pipeline construction would disturb numerous burials.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at any of several alternate locations and still provide water to Zion Crossroads. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it.

Human remains of Monacan ancestors have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Corps and the Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburying their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

I urge you not to permit this project, which will continue the mistreatment of indigenous Virginians, violate the sanctity of their history, and violate the resting place of their ancestors under the false belief that our histories are separate rather than intertwined. Harm to Monacan



people is harm to us all. I ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Thank you for your consideration and your work.

Kasey Jernigan

[I am acting as an individual in raising the above issues, and do not represent my employer.](#)

**From:** Karla Kramer kkwashburn@hotmail.com  
**Subject:** Save Rassawek!  
**Date:** Apr 16, 2020 at 4:02 PM  
**To:** steven.a.vanderploeg@usace.army.m  
**Cc:** Karla Kramer kkwashburn@hotmail.com, jessica@culturepartners.com

---

KK

Dear Mr. Vanderploeg,

My name is Karla Kramer of Silver Spring, Maryland and a full member of the Chickasaw Nation of Oklahoma where I grew up. I co-lead the Native American Employee Resource Group for Accenture LLP, which has 60,000 employees in North America, a company fiercely committed to diversity in all its forms. I am based out of the Accenture Metro DC office in Arlington, Virginia. Please note that the views expressed in this letter are my views, and not necessarily those of my company.

I am writing to express that I oppose JRWA's permit application and it is not in the public interest. Rassawek should be preserved as an important part of tribal history, both nationally and at the state level. I would like to add to the requests you've received for a public hearing on the permit application. Please prepare an environmental impact statement that highlights the impacts on Rassawek.

Please do not silence the tribes. History attempts this over and over again, and we must stand up and protect the history of this land, long before it was colonized, and henceforth.

Thank you for your consideration.

Chokma'shki (thank you in Chickasaw),  
Karla Kramer

**From:** Lynn L444 ynn@verzon.net  
**Subject:** Save Rassawek  
**Date:** May 6, 2020 at 11:58 AM  
**To:** jessca@curatourheritagepartners.com

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Hi Jessica,

My name is Lynn Nagle; I live in Reston, in Northern Virginia. I tried repeatedly to send an email (see below) to Steven Vanderpoege expressing my opposition to the proposed water project at Rassawek. I don't know why but my computer would not send it. If it's feasible at all, can you please send my comments to him? I know it's very close to the deadline to submit comments.

Thank you very much.

Wishing you the best,  
Lynn Nagle

Dear Mr. Vanderpoege,

My name is Lynn Nagle; I live in Reston in Northern Virginia. I am writing to you to express my strong opposition to the construction of a water project at Rassawek.

I am requesting that the Army Corps of Engineers not permit the James River Water Authority to build a pump station and a pipeline project at Rassawek.

Rassawek, the ancestral capital of the Monacan Indian Nation, needs to be preserved; it is a sacred part of the tribal history and a significant part of Virginia and our national history.

I believe it would not serve the public well for the tribal history to be destroyed by the construction of the proposed water project and would not justify the savings in project costs.

My understanding is that there is at least one alternative location for the project to be built where Zion Crossroads would be provided with water.

I am also requesting that a public hearing regarding the permit application submitted by the James River Water Authority be held. Due to the devastating impacts to Rassawek that the proposed water project would likely have, I am also requesting that the Army Corps of Engineers complete an environmental impact statement.

Thank you for your consideration.

Sincerely,  
Lynn Nagle

**From:** Lara Gastinger aragastnger@gmail.com  
**Subject:** Saving Rassawek  
**Date:** June 5, 2020 at 8:54 AM  
**To:** steven.a.vanderpoe@usace.army.m , jessica@curaheritagepartners.com

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LG

Dear Steven,

It has come to my attention that the historic capital of the Monacan Indian Nation is under threat from development by the JRWA.

As a resident of Central Virginia and in these current days of reflecting upon white supremacy in our world, I implore you to reconsider this project and find alternative solutions. The Army Corps needs to provide an environmental impact statement and I request that there be a public hearing on the permit application.

Thank you for your time and for listening to my plea to not make this wrong more so. As you know via history, we have already taken enough land and dignity from Indigenous Peoples and it should not continue anymore.

Best regards,  
Lara Gastinger

Lara Gastinger  
Botanical Art and Illustration  
[instagram.com/aragastnger](https://www.instagram.com/aragastnger)  
[aragastnger@gmail.com](mailto:aragastnger@gmail.com)  
[aracagastinger.com](http://aracagastinger.com)  
434.242.3095

**From:** Rosalie G. Riegler [riegler@SVSU.edu](mailto:riegler@SVSU.edu)  
**Subject:** Shame on you!  
**Date:** May 12, 2020 at 3:11 PM  
**To:** [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)  
**Cc:** [jessica@culturepartners.com](mailto:jessica@culturepartners.com), David Swanson [davidcswanson@gmail.com](mailto:davidcswanson@gmail.com)

---

RR

The military is supposed to protect the citizens of our country. By destroying Rassawek, you are not doing so. Please delay your plans to destroy the ancient native capitol and instead, pledge to investigate the alternative site. I respectfully request a public hearing on the permit application and want to see you prepare an environmental impact statement as well. Listen to the people! There are other ways to supply water to Virginia!

Dr. Rosalie G. Riegler

*[We're in the] world of the present, where everybody is living  
its small, short, surprising,  
miserable, wonderful, blessed, damaged, only life.  
Wendell Berry, Jayber Crow*

**From:** Rob Hoffman hoffmanrbt@gmail.com

**Subject:** Stop destruct ng Sacred sites,...

**Date:** May 6, 2020 at 11:23 PM

**To:** steven.a.vanderp oeg@usace.army.m , Rob Hoffman hoffmanrbt@gmail.com

**Cc:** jess ca@cura her tagepartners.com

RH

Dear Steven, While I'd prefer you were not even planning this project. I feel at this I must ask you to please choose an alternative route that does not destroy Rassawek.

While I disagree with the pipeline project. I also suggest you submit and be required to hold a public hearing on the permit application and have the Corps prepare an environmental impact statement because of the intensity of the proposed impacts to Rassawek.

I have great respect for the all American Native tribes and especially the elders and family members of this tribe. I would appreciate you have the same respect for their tribal land rights.

Warm regards,...

--

Robert Hoffman

**From:** Warren, Jim WarrenJ@w u.edu  
**Subject:** Subject: NAO-2014-00708  
**Date:** Apr 17, 2020 at 1:10 PM  
**To:** steven.a.vanderp oeg@usace.army.m  
**Cc:** jess ca@cu tura her tagepartners.com

JW

Dear Mr. VanderPloeg:

I respectfully request that the Army Corps of Engineers deny the permit requested by the James River Water Authority (JRWA). I believe it is incumbent upon the USACE to hold public hearing on this matter to allow the full range of concerns about this project to be expressed directly to federal authorities.

The JRWA has not acted with due diligence and transparency in its dealings with the Monacan Nation, a federally recognized tribe in Virginia. Rassawek is the historical capital of the Monacan people. It is shown on maps from the 1600s, meaning that it is a known site, known to tribal members and to those came to this land from elsewhere—and their descendants. The JRWA cannot claim that the site they prefer was not known to them as a significant Native American cultural site. Monacan tradition holds that burials are often close to major sites—like Rassawek. The Monacans have already held burials, including those of ancestral children, found in other places. They do not want to face this trauma again, nor should they. The JRWA did not conduct due diligence in selecting this site.

JRWA owes the people of Virginia and the Monacan Nation a full, fair, complete account of the process by which they have chosen this site. They must argue to the Army Corps of Engineers that this permit is necessary and cannot be applied to any other site. The very nature of the Rassawek site makes it unsuitable for the industrial development the JRWA is asking to make.

Please deny the permit requested by JRWA.

Sincerely,

James P. Warren

S. Blount Mason, Jr. Professor of English, *emeritus*  
Washington and Lee University  
(907) 888-2489 (cell)

June 7, 2020

Dear Governor Northam and Commander Patrick Kinsman of the U.S. Army Corps of Engineers:

On behalf of the undersigned organizations, representing thousands of taxpayers, we ask you not to allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. If permitted in its current form, this project would destroy the historic Monacan capital of Rassawek, first identified by Captain John Smith in 1612, in addition to several other significant historical and archaeological sites.

It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at an alternate location and still provide water to Zion Crossroads for speculative economic development. JRWA has argued that locating the project at Point of Forks is the least expensive option, and unfortunately one way the project budget is being trimmed is through proposing archaeological approaches that do not reflect the significance and sensitivity of the site and will result in Monacan history being lost forever. This project is poorly designed and contrary to the public interest, and the Corps should not permit it in its current form.

Human remains, the bones of Monacan ancestors, have been found multiple times at the Rassawek site. JRWA now seeks a legally required burial permit so it can proceed with the disinterment and relocation of Monacan people. The Commonwealth of Virginia should not permit the disturbance of Monacan ancestors and force the tribe to endure the traumatic and somber process of repatriating and reburying their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

We urge you not to permit this project, which will continue the mistreatment of indigenous Virginians using the excuse of economic progress that may never come to pass. We ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Sincerely,

(See attached spreadsheet of signatures)



# Signatures to the Letter to the Army Corps and Governor Northam

List of supporters current as of June 7, 2020

## Organizations Signing

### Name

DE-CONFederate Virginia  
Pamunkey Indian Tribe  
Blacks Run Forest Farm  
Stolen Nation Productions

### Comments

racism  
Indian Nation in opposition to this project.

Mathomank Village Tribe  
Indigenous Voices of Turtle Island

Virginia Pipeline Resisters  
Protect Our Water  
Virginia River Healers  
Office of Human Rights  
[RootsAction.org](https://RootsAction.org)

Piedmont Group of the Sierra Club

All Indigenous peoples sacred burial grounds should be protected and preserved, especially those within the Commonwealth of Virginia. The Mathomank Village Tribe Nation stand and unite in full support of our Monacan Indian Nation regarding this matter and urge the Governor and the US Army Corps of Engineers to leave this final resting place alone. If this was the cemetery of your parents, grandparent, and forefathers located on this site, then, your actions toward this Indigenous Nation would be one of advocacy, compassion, empathy, and respect. I urge you to stop bringing shame on this State by severely impacting the indigenous Powhatan ancestors along the historic James River and remnant descendants still remaining and protecting their land. Rosa Holmes-Turner, Chief, Mathomank Village Tribe

I stand in solidarity with the Monacan Nation.

We stand in solidarity with the Monacan Indian Nation for the preservation of the Monacan capital of Rassawek.

Our hearts are with you. And our hands if you need them, too.

Wesley Memorial United Methodist Church

Renew Rocktown

New River Band of the Catawba Nation

City of Charlottesville Human Rights Commission

Skarure Tuscarora nation

Lewis and Clark Exploratory Center of Virginia Board of Directors

Rappahannock Tribe

The Inter-tribal Women's Circle

Blacks Run Forest Farm

Christians For The Mountains

We support the rightful owners of this land. Do not desecrate sacred land for profit!

Pipelines are colonizing lands and waters like the way Colonizers once did to the native people and their lands. This should not be allowed!

Yes

Each person at the annual meeting of the Lewis and Clark Exploratory Center signed in support of this letter to defend the Monacan heritage and this valued, honored, and critically important site. Some token "artifact" recovery is not adequate.

The government to government relationship the tribes have with the United States and the Trust Responsibility it has for our tribes, cultural and natural resources should be enough to stop these monster corporations and cities from violating those rights under the laws of protection afforded by that Federal Trust Responsibility.

Native American historical sites and tribal lands have been consistently raped, stolen, and disrespected; as have the people, for way too long. Be the catalyst of change and honor the wishes of your Indigenous communities for once!

Support them in educating YOU about their people, their land, and their rich heritage. They have been there far longer than JRWA!

Indigenous peoples' lands need indigenous recognition

Roger C. Nelson, President

Yogaville Environmental Solutions  
Preservation Virginia  
Council of Virginia Archaeologists

Culture Class NC

Alliance of Colonial Era Tribes  
Drysdale Archives

The VC&NS ongoing mission is to conduct research and protect the history of the Commonwealth of Virginia. VC&NS has a current membership of approximately 200 members, and we concur that this project should not be permitted as proposed.

The Commonwealth of Virginia should protect and support the history of the first Virginians and not favor this project as proposed, which serves to benefit only a few and not our first Virginians.

We stand with the Monacan tribe to protest this pipeline project's destruction of the historic Monacan capital of Rassawek, in addition to several other significant historical and archaeological sites.

Every nation deserves access to resources to better its people which in turn always makes each community better

The Alliance of Colonial Era Tribes (ACET) is a regional treaty organization of tribal governments on the eastern and southern seacoast of the United States. ACET stands with the Monacan Indian Nation in affirming that its sacred places and the remains of its ancestors must be protected. Human remains, the bones of Monacan ancestors, have been found multiple times at the Rassawek site. The section 106 process has been disregarded by JRWA in order to ignore the concerns of the tribes. It has been reported to ACET that some sites have already been disturbed. This is a violation of the Monacan right to prior, free, informed consent through official consultation. ACET calls on the JRWA, the government of the State of Virginia, and the federal government to ensure that proper procedures are in place to protect the Monacan Indian Nation's rights in this matter.

This is wrong on so many different levels ,

Nelson County Historical Society

Native Justice Coalition

Protect Our Water

Baltimore Yearly Meeting Indan Affairs Committee

Saponi nation of ohio

DCOSTA ,LLC

Virginia Wilderness Committee

The Future is Feminist

Minority Rights Coalition at the University of Virginia

Virginia Student Environmental Coalition, Charlottesville

RVA Interfaith Climate Justice League

Williamsburg Sunrise Movement

ARTivism Virginia

Ángel Rose Artist Collective

Buckingham: We the People

Indivisible Virginia

Friends of Buckingham

Allied Transformations

Allied Transformation

CoSacred Vallry Healing Arts

Evie Dorroh

The Native Justice Coalition supports the Moncan Indian Nation. Indigenous history matters!

I have a statement I can share

To create technologically forward carreers for all of the Monacan nations people that pay a fair living wage and offers the chidren as well the elders respect, dignity, and proud to be member s of the Monacan Nation

The Virginia Wilderness Committee supports the Monacan Nation's request that this permit be denied. We support Monacan efforts to protect Rassawek and their burial sites. Solidarity from DC!

Enough is enough.

The Monacan Indian Nation deserves justice and support. We recognize and honor that you have protected this land from long before the white man arrived and began destroying the natural environment. We support your right to continue this care.

We must preserve and revere the sacred lands and historic remains of the Monacan Indian Nation.

Government at its best is supposed to be for and by the people, to protect the common wealth. The system has clearly failed to do so here.

Stand tall, we are one

No

Burial mounains  
Loudoun county public schools

Jes Vegas/ World Peace Love Liberty

Preservation Piedmont  
Charlottesville Youth Climate Strike  
Charlottesville Democratic Socialists of America  
Sunrise Movement Williamsburg  
Virginia Student Environmental Coalition, Charlottesville  
K. Edward Lay/Preservation Piedmont Advisory Board

Piedmont Group of the Sierra Club  
Council of Virginia Archaeologists

Stay Together Appalachian Youth Project  
ARTivism Virginia

Sunrise Indy

We MUST protect native/indigenous/ancestral land and water ways. It is CRITICAL that we have respect for the Monacan Nation and Mother Nature. Thank you.

See article from Preservation Piedmont Newsletter, Page 3:  
[https://3e2bc3bc-32e3-4b20-a272-a25abf349c39.filesusr.com/ugd/c85a98\\_8ac8f1aefb8840f8ac94377e079321e6.pdf](https://3e2bc3bc-32e3-4b20-a272-a25abf349c39.filesusr.com/ugd/c85a98_8ac8f1aefb8840f8ac94377e079321e6.pdf)

Don't give up! This is an important issue for all Virginians.

The STAY Project fully supports the Monacan people and their request that their land not be disturbed by the JWRA. Here to help.

Until we fulfill the promises of justice and liberty for the indigenous people of our country, we can claim to be neither free nor just.

Sacred Ground Historical Reclamation Project  
Kanawha Forest Coalition

Lewis and Clark Exploratory Center of Virginia  
Scenic Virginia  
RLEP  
Kluge-Ruhe Aboriginal Art Collection

University Democrats at UVA  
University Democrats at UVA  
Virginia Hop On Tours

SGHRP believes in the right of oppressed peoples to self-determination. Our struggle for recognition and elevation of Shockoe Bottom African American history, specifically the first and second African Burial Grounds (one in the Bottom and the other upon on Shockoe Hill) also involves the desecration of human remains. We must reclaim our sites, long rendered invisible, expand our historical knowledge, and the public's, so that people learn how to do no further harm. I want to convey how sorry I am that your sites of significance are not understood and valued as they should be, as you would have them understood and valued. We stand with you.

As we Americans create a feeling of pride in our history, we so often hide, even from ourselves, the shameful parts of that history. When we have a chance to be better than we were, especially to and with the Monacan Indian Nation, we urge the leadership of Virginia and the Army Corps to do the right and respectful thing -- don't desecrate Rassawek.

The University Democrats at UVA would like to express its unwavering support of the Monacan Nation in their fight to protect their sacred lands and ancestral knowledge. We urge the Governor and the Army Corps of Engineers to listen to and respect the needs of indigenous peoples within the Commonwealth and uphold a moral obligation to preserving the histories and livelihoods of the Monacan Nation.

Protect your lands

Erin Campbell, Program Coordinator for the Living Earth School  
Phi Sigma Pi at UVA

Mind and Life Institute  
Rivanna River Company

Ecovillage Education Institute

Virginia Student Environmental Coalition  
Virginia River Healers  
The Alliance for Appalachia  
New River Band Catawba Nation

I support the Monacan Nation having control over cultural resources such as this sacred site. These sites are not a thing of the past but are integral to the spiritual and cultural foundation of the Monacan people to this day. I support you!

Honoring and deeply respecting indigenous Virginians and their land (yes, THEIR land) must be a high priority for the state.

We have a program, the Center for Healthy Living, which supports good health for all. This pump station would destroy an extremely important cultural site for many people, and it would absolutely be wrong to allow it to exist. There are bodies there, many people believe it to be an important spiritual site, and it is simply wrong.

Students from the Virginia Student Environmental Organization stand with the Monacan Indian Nation and demand that the Commonwealth of VA honor their land, ancestors and sovereignty by not allowing the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork

Dear Governor Ralph Northam, Commissioner William  
Kinsman of the Army Corps of Engineers, leadership at the  
James River Water Authority, the good people of the  
Monacan Indian Nation, and all Citizens of the  
Commonwealth of Virginia,

It has come to our attention that the James River Water  
Authority (JRWA) wishes to proceed with constructing a  
pump station and pipeline project at Point of Fork, Virginia.  
If permitted in its current form, this project would destroy  
the historic Monacan capital of Rassawek, and disturb the  
burial grounds associated with it.

We, as an organization, cannot remain politically neutral on  
this issue. We believe it is critical to our mission, and  
indeed the well-being of future generations, to preserve and  
interpret the cultural resources of indigenous people, and to  
empower those people whenever possible. Our interpretive  
focal area is the Piedmont Ecoregion, and we consider the  
Monacan Indian Nation and their ancestors to be one of the  
most important parts of the past, present, and future of the  
Piedmont. Our mission of advancing biodiversity education  
and conservation in the Piedmont Region is rooted in  
inspiring people to look closer, think deeper, and discover  
the complex relationships that support our region's  
biodiversity through time. Indigenous people are an integral  
part the story of biodiversity through time.

Humans are indeed a cosmopolitan species, and we are  
adapted to survive in nearly every niche of the globe.

We've been spreading around the globe ever since we  
emerged as a species nearly 300,000 years ago. Humans  
were and are Native to the Piedmont. But, our modern  
behaviors are not normal, or natural, in this Piedmont  
landscape. The ecology cannot keep up with the rapid  
changes we impose, and the bits and pieces that remain  
are diminished. The Monacan People are part of a long



Saponi Descendants Association

This site at Point of Fork is sacred to all 36 tribes that make up The Greater Yesa Nation, the Monacans being one of the 36. Any of the capital towns and burial sites that belong to our Peoples are not for sale or use for sacralige or disturbance. There are other locations that would be better for your pump station and pipelines.

Spritsail Enterprises

JRWA must be required to find an alternate location for this project. Virginia's Indians have had so much land taken from them over the years, we must not destroy a site with so much historical, archaeological, and cultural significance.

Individuals Signing  
Name

Affiliation

Comments

Monacan Indian Nation Tribal Member

You absolutely cannot have this with out our tribes input, sincerely (be on the right side of history)

There are multiple sites that would be more culturally accepted that has been recognized. Historical value for the generations should not come before the little savings in modern time. Have we not erased enough history yet?

I worked for years delivering the mail to their office. They have always been the nicest folks to spend time chatting with. As a history buff, I find it hard to believe anyone would want to disrupt their lands.

Michael Spence Monacan

Monacan member

Monacan Indian Nation

Their former USPS mail carrier

I am a member of the Monacan Indian Nation and oppose the removal of our ancestral remains. The State you all call Virginia is our Homeland and the removal of our ancestral remains is against tribal State and Natural law.

Monacan Indian Nation  
Monacan Indian Nation

Tribal membership  
Spouse of and mother of  
Monacan decendents

Please support the Monacan Nation

Monacan Nation  
Ronnie Durie  
Gale Torregrossa

Im native American  
Cheraw of North Carolina

Yes  
Ancestry

Monacan Indian Nation  
Wendilan Annette Essex Morrell  
Enrolled member of Pamunkey Indian Reservation  
Monacan Indian Nation  
Jean Smith  
  
Monacan Indian Nation  
Monacan nation

Deanna Beacham  
Mike Makin

Tribal Member  
Tribal Membership

Monacan Indians  
Ciara Branham and Chayton  
Branham

American Indian advisor  
Archaeologist

Please do not allow this to happen. Our Nation has already endured enough trauma at the hands of men who do not understand or appreciate our culture...How would you feel if someone went and dug your family members from their graves, stored their remains in cardboard boxes, and you were forced to re bury them elsewhere? Would it make you feel good to come to work everyday knowing that you are stepping on someone's relatives remains? Will the money made from this venture keep you warm and help you sleep while my ancestors lie in unrest in unmarked boxes? Tell me...what would you do if someone dug up your grandmother, your daughter, your brother, your father...would you be able to sleep peacefully knowing this has happened? Would it be okay because someone was able to profit from it, or would it break your heart to know that someone was able to do such a horrible thing to your family members without batting an eye? I beg of you, please do not do this. If you make that decision, you will have to live with the choice you made for the rest of your life knowing that you were willing to completely destroy a piece of history for money.  
Do not disturb our ancestors!

The Monacan Nation has always welcomed other Natives and nonNatives alike to their home place to share their hospitality. They are an ancient people whose rights must be respected.

Lindsey Gunter Taylor  
Michele Wilson  
L. Chardé Reid

Thomas Cuthbertson  
Amy Fricano ./ W. Kevin Pape  
Scott Bierly  
Edwin (Ned) Williams

Rebekah Planto  
Dr. (Mr.)  
Fraser D. Neiman  
Ibrook Tower  
Cathrine Davis  
Mary Hartley  
George Bialkowski

Jennifer Aultman  
LeeAnn Monahan  
Margaret Nelson Fowler

Gregory Katz  
Carolyn D Forsyth  
Viola O. Baskerville

Julia A. King

Monacan Nation Cultural  
Foundation Board Member and  
Treasurer

M.A. Anthropology (historical  
archaeology)  
attorney

William & Mary (graduate student)

PhD, College of William & Mary

Former U.Va. graduate student  
who studied ancestral Monacan  
landscapes  
CTUIR-enrolled

Registered professional  
archaeologist (RPA)

Professor of Anthropology, St.  
Mary's College of Maryland

The Monacan Nation and their history have been the victims of “progress” for centuries now. Don’t let the JRWA be the next to destroy artifacts that are a source of information for the tribe and disturb their ancestors buried at Rassawek. The State of Virginia should see the value in all tribal cities not just those of the Powhatan Confederacy.

this historic region deserves preservation.

The Monacan Indian Nation has had to fight especially hard for recognition of iys Virginia homelands. Having worked with those at the tribal office in the early 2000s, I have seen this first hand. Know that people all over the country are with the Nation, pushing for preservation if Monacan heritage.

Sandra Drahms  
Adia Bush

Susan E. Allen  
Carole Nash  
Kay Veith  
M. Ashbrook  
Judith Mickelson

Jessica Walker  
Kay Rea  
Charles Marxen  
Terry Brock

Eli Blumen  
Bethany Bromwell

Sarantis Symeonoglou  
Audrey Williams

Fredrick Lane Thornton  
Michelle Underwood

Robin Ryder  
Craig Pemberton  
W C Henwood

Elizabeth Bollwerk

I am a cultural resource  
professional and advocate for the  
preservation of indigenous  
American archaeological and  
cultural resources

James Madison University

Stay strong.

Colonists have already taken so much, it is our duty to do  
what we can to stop the mistreatment of the Native people  
that lived here first.

Chemical engineer

To continue to treat our fellow Americans culture as  
insignificant would be merely perpetuating the wrongdoings  
of the past.

Washington University, Saint  
Louis

Their cause is a just one

Coharie Indian

Stay strong. Your Native brothers are here to support you.

I am a retired archaeologist. I  
spent many years performing  
survey and register of  
archaeological sites along the  
James River.

Ph.D., Senior Archaeological  
Analyst

Valerie Scura Trovato

MA '16 William & Mary Historical  
Archaeology

It grieves me that the Monacans have to fight for such a basic human right - for ancestral burial grounds to remain intact and historical sites of great importance to be kept free from disturbance. My sincere support for your efforts.

Beth Marschak  
Max Evjen  
Diane Henson

I may only be 1 person, but I hope my voice helps. I study history and it is always heartbreaking when someone tries to destroy something with so much cultural and historic value in the name of progress.

Jennifer Kucharski  
Annalisa Heppner, MA  
Kevin Schwarz  
John P. McCarthy

College student majoring in  
history  
Archaeologist

Heritage is more important than "progress."

Archaeological sites are non-renewable: once they are destroyed the information about the communities who thrived there is gone forever. Virginia must not take its heritage for granted.

Laura J. Galke

Archaeologist, The George  
Washington Foundation  
Ph.D. in Anthropology with a  
specialization in Historical  
Archaeology from the College of  
William and Mary  
Co-owner, Rivanna  
Archaeological Services  
(Charlottesville)

Derek R Miller

Steve Thompson

<p>Mr. J. Mark Wittkofski Reggie Tupponce  David Harvey</p>	<p>Retired Professional Archaeologist Upper Mattaponi Citizen Principal Conservator &amp; Museum Consultant</p>	<p>This is an extremely important and significant historical resource and should be preserved and protected. Clearly, the JRWA has selected the cheapest route for its project. First, the Department of Historic Resources should deny the burial permit. However, should this not be the case and the burial excavation permit is approved, contingencies and requirements should be added that require full-site excavation/mitigation by professional archaeologists under the direction with at least at minimum a Ph.D.degree; osteologist with at least a Ph.D.; professional geomorphologists; trained ethnobotanists; and other specialists as required and necessary. JRWA might realize the expense of mitigation is more than the cost for relocating the proposed pump station and water line to a different location! The Army Corps of Engineers should know better than to allow this desecration!</p>
<p>Nikki Bass Judy Sprouse Jacqueline Paige Carmichael</p>	<p>Nansemond Tribal Councilwoman</p>	<p>Yes</p>
<p>David Custalow Jacob Fortune-Deuber</p>	<p>Enrolled Mattaponi Tribal Member</p>	<p>The Commonwealth of Va. has historically tried to erase the existence of Virginia Indians. The state owes it to Va. Indigenous peoples to preserve what remains of our obliterated history and leave us alone. Wasn't Walter Plecker and the Racial Integrity Act of 1924 enough? Stay away from sacred lands!</p>
<p>Richard W. Bell</p>		<p>The Monacan Peole have a long and proud history. Their ancient capital, Rassawek, and the remains of their ancestors should be protected. Just because this is the cheaper option does not mean it is the right one. If the graves are disturbed and the area destroyed, we have lost a sacred piece of history for future generations.</p>

Marilyn Branham Root	Tribal membership	The Monacan Indian Nation has already had too much taken from them. No more government or state interference.
Native by Criss	Tribal Member Occaneechi Band of Saponi Nation - NC	Yes
Monacan Indian Tribe	Monacan Indian	
Tonya N Tyree		
Meghan Fortune		
Arianna Johns	Monacan Nation Tribal member	
	Member of The Monacan Indian Nation	Let our ancestors Rest In Peace. Do not disturb these sacred grounds any longer. Do the right thing, stop trespassing on our lands.
Johnny Johns	Elementary Teacher	
Tyler Croson		My husband was a Monacan Indian. He passed away April 15, 2019. I will not let his heritage be erased.
Yvonne Beverly		
Hannah Brown	Upper Mattaponi member	
	Assistant Public Defender, Member of the Upper Mattaponi Tribe	
Morgan Faulkner	Medical assistant, pharmacy technician, tribal member	
Contessa Sancho		Historical sites must be protected!
Allison DeDecker		
Al Long		
Kelsey Shields		Good luck! Fuck the feds!
	Monacan Indian Nation Tribal Member	
Jeffrey R. Beverly	Tribal member	
Monacan indian nation		
Donald Haynes		
Dovie Thomason	Indigenous. Artist/educator/writer	
Steven Beverly	Tribal member	
Mrs.		Yes
Joseph Twohawks	Tribal membership	
Sandra Knuckles		
Brenda McKinney	Upper Mattaponi Member	

Donna Staggs  
David Howdyshell  
Shirley Scarberry

Tribal membership

The Commonwealth of Virginia tried to steal the identity of the Monacan Indian Nation and, denied their existence for centuries. Much of their history and the remains of their ancestors remain in the ground which will be destroyed if this pump station is allowed to be built. With the technology available to the Army Corps of Engineers, Shirley another alternative site could be chosen.

Linda Crist  
Rick Duncan  
Oliver Aurand  
Rhona Cald

Archaeologist

We must not let others destroy scared burial grounds of Out Native American ancestors. Time to rise up and raise our voices for those who can no longer speak!

Katina Puckett  
ben schowe  
LOUISE B LENWELL  
Mary W. Plante

MONACAN INDIAN NATION

This historic site should be preserved.  
I recognize the Monacon Indian Nation's rights to preserve sacred lands.

Anita Shifflett

Esquire

Janice Biller  
James Mason

Archeological Society of Virginia  
Monacan Indian Nation  
Director, American Indian  
programs, Virginia tech

Janice Biller

Samuel Cook

This is a significant site that warrants preservation. If any development at such a site is to occur, it should be for the highest and best use of the site. Building a pump station and pipeline project here would be a very poor use of this land.  
I support Monacan Indian Nation

John Moser  
Lawrence A Deuber III  
Elizabeth walker  
diana fender  
none

Interpretive Exhibit Designer

Monacan tribal member

archaeologist



steven adams	1953 upper mattaponi tribe	
Richard Clough	Richard Clough	Please honor this request in support of an original American Tribe. They deserve this respect.
Diane Foster	Individual	
Davis Byrd Longworth		I am a Monacan Indian
Amanda Gibson Long	Haliwa Saponi	
Rachael Cox	Family Nurse Practitioner	
Crystal Pruitt		
Annette Price		
Rebekah Yousaf	Architectural Historian	
		JRWA should construct this project at an alternate location. However; if this is not feasible and the Monacan Indian Nation concurs, JRWA should sponsor archeological investigations that are appropriate for the mitigation of such significant resources.
Boyd Sipe	Registered Professional Archeologist	I support the protection and we'll being of these archaeological sites.
Caleb Jeck	Archaeologist	
		As victims of genocide, the Monacan people have been through enough, and causing them to suffer even more and retraumatizing them is unacceptable. Under Article 27 of UNESCO's Universal Declaration of Human Rights, people have a right to culture, which explicitly mentions the maintenance of cultural heritage. The Rassawek site is a cultural heritage site, and destroying it would be a violation of their human rights and an act of genocide
D. Lyra	Lenape descendent, Virginia citizen who is disgusted by the state's ongoing genocide against indigenous people.	
Michael Derr	Monacan Indian Nation	
KL Burton	N/A	
Ashley Shew		
Anna Rhodes		
Jonathan Adcock	The Fairfield Foundation	
Amanda Parker		
Nathan Alderman		

Priya Curtis  
Aubrey Jo Israel Hampton

Benjamin Ford  
Tamela Hicks  
Margaret Midkiff  
Massie Hicks

Principal, Rivanna Archaeological  
Services, LLC  
Member Monacan Indian Nation  
  
Monacan Nation Member

It is unacceptable for any party to continue to disrespect the Monacan people, their culture, and their ancestral lands. Protecting this site is the least the state can do- indeed, only one of many things- to make amends for centuries of violence and injustice against indigenous people in Virginia, including the Monacan people.

Request other locations for this project be pursued.

Marshall D. Painter  
Allan Turner  
Tiffany Butler  
Jennifer Night Bird Miller

Member, Monacan Indian Nation

This sacred site is of great historical significance to our people. One of our largest villages, and traditional Capital. It's significance is not limited to Monacan people but is important to all of the Nations under the traditional Monacan Confederacy. It is a place where Confederated tribes came to meet. A place where we held ceremonies. Building on this site would destroy Monacan remains and artifacts that would be akin to destroying one of the oldest family churches and cemeteries on the East coast, and possibly in the country. These traditional lands were guaranteed to our people at the signing of the Treaty of Middle Plantation in 1677. Honor the Treaty by protecting this site!

Jason Salley  
Thomas Jackson  
Suzy Buckhalter  
Bernice Jackson  
Derrick Buckhalter  
Karol Ann Belvin  
Jennifer Peterson

Monacan Indian Nation

These are our ancestors, our people, our family.  
Desecration of this site is abhorrent. We as a people have suffered so much. So much of our heritage and culture has already been lost and or destroyed. The desecration and destruction of what little remains of this ancient site further hurts the tribes efforts to reclaim what has been stolen from us. It must stop! This is more of the same cultural genocide that has been perpetrated against our people.

Tatanka gibson

Citizen of haliwa-saponi tribe

As yesah, it is all of our responsibilities to save our homelands. Leadership from haliwa-saponi should be contacting y'all to see what we as a tribe can do, but there are alot of us anyway that support saving our lands. Thank y'all for taking the initiative. Pilahuk

Mike McCarthy  
G. Talbot  
R. Maddox  
Maria Olsen  
Melissa Wender

Saponi Catawba nation  
Monacan Indian Nation

This is a place of world historical and cultural importance and should be designated and preserved as such.

Ronnie Durie  
Pam Johnson

Huguenots of Va.

I'll be at youlls disposal at anytime. My Love has and will always be with my extend Monacan Tribe! And the Appomattock Indian tribe! "GET UP STAND UP". I'AM RONNIE DURIE.

Yes

Ronnie Durie

I'll be at youlls disposal at anytime. My Love has and will always be with my extend Monacan Tribe! And the Appomattock Indian tribe! "GET UP STAND UP". I'AM RONNIE DURIE.

Amanda Nichols  
Caroline Reznicek  
Nancy Ratcliff  
Christina Trumbo  
Alexcia Cleveland  
Matt Latimer  
Kathy and Tony Evans  
Deborah Collins

Monacan nation

This cannot be allowed to happen  
Tony and Kathy Evans

Wolf Creek Cherokee Tribe of Virginia  
Brian Jackson  
Kimberly Landrau  
Family heritage  
Dennis Brown

Chief Terry Price

The members of the Wolf Creek Cherokee Tribe of Virginia support our Monacan neighbors in their effort to save this archaeological site and burial sites of any of our Native American ancestors.

Bruce McRoberts

Johns  
Monacan tribal member  
Staff Archaeologist, Jamestown  
Rediscovery

husbands family heritage, and for my sons

Gray Michael Parsons  
Crystal Hart  
Chris DeAngelo  
Lea Marshall  
Erin Bresse  
Kristie Hudson

Historic Jamestowne

No one's physical history and sacred places should be destroyed.

Safia Elliott  
Anne Shields  
Robert E. Pratt  
Nancy L Witchley

Teacher; spouse and parent of  
tribal members  
I support the Monacan Tribe  
The Saponi-Catawba Nation

Yes  
Please respect the Monacan Indian Nation!

Kathy riddle  
James Donald Doult  
Crystal LaShae Rose  
Winnie Allen

We must protect all Native American land from being destroyed. We cannot let our land be destroyed .

Yes

Matthew Bryan Moschel

we have lost our capital once, we must stand opposed and resist losing it for eternity, preserve and reconstruct

It is very important to not lose any more Native history than we already have. So much has already been lost that we can never get back. When is enough enough? Apparently to some people never, because now you are wanting to destroy another sacred Native site, but you can end this vicious cycle. It truly starts with you. You can break the chains of your ancestors wrongdoings now and at this very moment. Please do not destroy what little is left. If you choose to instead let this site be, what would it hurt? If you destroy it, you are publicly hurting many. That is a bad image. Thank you. I say let the sacred site be as it always has been.

Penny Cook  
Stuart Parr  
Cherri Brown

Monacan tribe  
CEO Cultural Resource Analysts,  
Inc.  
Archaeologist  
Preservation Virginia

I wish to honor the Monacan and all Indian Nations.

Charles M. Niquette  
Katie Moore  
Leah Stricker  
Elizabeth Ewers  
Brooke Wilde  
Beverly Welsh  
Emma Derry  
Tom Bader  
Trina Leebrick  
Cheraw  
Daniel Marcel  
Cassandra Matheney  
Kerry w canaday  
Cynthia Walter  
Travis Dunn  
Linda Diane Shields

Tribal member

I just found my roots don't take away our Heritage!!!

Chair  
CRM Archaeologist

Prayers and Blessings.

Chickahominy Indian tribe

Archaeologist  
Monacan citizen

I have great respect for the Monacan Indian Nation and think we have a lot to learn from their traditions.

Will Bason

Derek Anderson

Archaeologist

Deborah DeSantis

Devon Shifflett

Self

We stole their land and their livelihood. Enough is enough!  
Save native American burial sites and archeology sites.

Kieran j Bilbrey

Courtney Moffett

John Neal Eugene Dix Jr.

Amy Lynn Gregory Schultz

Russell Lynn Drysdale

Lucille Curry

April Hinkle

Beth Barringer

Georgia Maupin

Susannah Hertenstein

Amy fullen

Crystal Sorrells

Native American

Natchez Tribe of Oklahoma

Tribal member

Monacan member

Monacan Nation

ALL 1st Nations, U.S. Government treaties, and all  
historically valued sites are NOT to be violated, and shall  
NOT go unpunished.

Shame on The Commonwealth of Virginia

Monacan Tribe Member

All American Indian nations deserve to be formally  
recognized, regardless of size. This of course includes the  
Monacan Indian Nation.

Brian Wright

Hillary Miller

Sonya

Christopher Sackett

Amber Jessilyn Schultz

Maura Jelliffe

Remedios Holmes

September Woodson

Linda Wood

Yes

Best of luck

Mark Davis

Toni Jefferson

Enrolled member, Easter  
Cherokee Tribe S.C.

Chenae Bullock	Shinnecock	My prayers are with our relatives in the Monacan territory.
Katelyn Robinson	Rappahannock Tribe	
Chickahominy Tribe	Chickahominy Tribe	
Brenda J Haines	Monacan	It's about time!
Skylar Perry		
Don Darrell Reid		American Citizens
Neil Morrison		
Rosemary Campbell Bell		
Eileen Bower		
Amy Schultz, Barbara Gregory		
Lauren Schricker		
	Monacan Indian Exhibit Historical Interpreter	
Jennifer Shanks		
Chelsea Meyers		Stay strong !
John Drewry		
Rose Tomer	Monacan Indian tribal member	
Shane Vilmont		
Tiffany Kidd		
Angela Vennetti		
	Professor of Anthropology Emerita, Sweet Briar College	yes
Claudia Chang		
		This project represents an infringement upon Monacan land and culture which runs contrary to the preservation and protection of one's culture and history, as laid out by Article 27 Part 2 of the Universal Declaration of Human Rights:
		"Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author."
		This violation represents further apathy and disrespect towards indigenous Virginians, and it is an unconscious and shortsighted mistake to permit it.
Cat Stevens	Software developer	
David N Moore		

John F. Smith  
Janice Yeung  
Geoffrey Cohrs

Science Teacher, Philadelphia,  
PA

Mali M

I stand with the Monacan Indian Nation as a descendant of the Mississippi Chahta people. It is to many of our burial grounds being dug up and disrespected and with out our permission on turtle island. This must and will stop !.

Kay Simpson  
Julia Davis

Principal Investigator, Cultural  
Resource Analysts, Henrico, VA

The Monacan Indian Nation has seen a tremendous destruction of the archaeological remains of their unique heritage. They have been working in good faith with regulatory agencies but have not had desired results to ensure all sites that can be preserved and avoided will be adequately protected; nor have they been presented with proposals at the highest professional and technical levels that any sites that must be excavated will be properly analyzed and results fully interpreted for the tribe's benefit and for dissemination to the public. As the archaeological investigations and public interpretation at Werowocomoco have shown, Virginians are interested in protecting and preserving our cultural resources.

BS

Co-owner of Cambium Collective

Charles Bradby  
Richard McDonough  
Individual

CITED

I stand with the Monacan Indian Nation

Percy D Teafor, Jr.  
Dixie Teafor

In defense of sacred ground.

Please don't bury the past, the future is important, but not by destroying the past..

Diana Gates  
Mr.

Senior Tribal Management  
Specialist  
No

No



janet h griffin

Shelia Epps Wilson

Desmond Ellsworth

Joel Porter

Tracy Y. Roberts

Bobby Schultz

Jamie Helmick

Michael Maillard

El Shafiyq Ali-Reid

Jack Broderick

Linda Boone

Timothy W Adcock

Frank "Fix" Cain

Martin Saniga

Christina Custalow

Ellie Miller

Frederick A. Miller

Tina Alford

Sappony Tribal Member

Nansemond tribal member

Apprentice to John Schultz

Philly Indigenous People's Day  
Committee

Catholic

## Monacan Indian Nation

Tuscarora Nation of Indians,  
Alliance of Native Seedkeepers,  
Coalition of Woodland Nations,  
Skaroreh Katenuaka Seed Bank

Nansemond nation

i believe the monacan indian nations property and rights should be perserved

Some of our Sappony tribal members are buried at this scared site.

It is important for the people of this land to stand up for it and protect it. The Monacan Nation is doing a great job of doing that !!

Yes

I pray that the work to protect your ancestors are successful.

Tho the Monacan have historically, and still currently play a huge role in VA history, they have consistently remained unfairly overshadowed with malicious intent. Despite its historical context, being the largest native nation in VA, occupying the bulk of the territory, this intentional overshadow appears to have been designed so the state, and private non native companies could abuse and destroy the majority of VAs most ancient and sacred sites. It is time we rectify this situation and seek a future, a present where these sites are protected, and our native populations no longer be treated as fauna, but as the original stewards of this land.

Jami West  
Maria Tellier  
Kim Sierra  
Upper Mattaponi Indian Tribe  
Emerald acres

John Creasy  
Stephanie Dixon  
Kathryn Mckibben  
Len Blasiol  
Claire Parker  
Melissa Kinkaid  
Raven Custalow  
Ed Belly

Frank Bishop  
Kristina Killgrove, PhD, RPA  
Maru Finat

Dr. David Emery  
Kathleen Wilmer  
Anne Shields  
Ashley Marshall, JD  
Yurie Hong

Tuscarora  
Upper Mattaponi Indian Tribe  
Farmer and rancher  
Pastor - The Open Door  
Presbyterian Church  
Monacan  
Quapaw Nation  
Avocational archaeologist

Bioarchaeologist  
  
Senior Data Scientist, Doctor of  
Education, member of  
Chickahominy Indians Eastern  
Division

I support the Monacan Nation.

Let us know how we can assist you in this struggle.

Please let our ancestors rest in peace.

Enough destruction and distortion has been put upon Virginia Indians...It is well past time to support their heritage. It is past time, to respect the requests of those descendants that wish to save what is left, of their ancestors physical existence. We are just now learning the truth of history through the efforts of anthropologists and Tribal members. The Monacan Tribe moved themselves to the Mountains to avoid conflict with Colonists early in the 1600's...Why must we insist on destroying and disrespecting truth, buried beneath our feet, denying them, their place of Reverence.

Yes

Alexandra E. S. Lawrence

Marien Villaman-Chodl

Jane Jacobs

Justin

Lewis Shepherd

Jane Holmstrom

Thomas W Ford Jr

Cragg Hines

Kathryn Ballentine Shepherd

Connor Tupponce

Self

Kimberley White

Sharon Kirch

Roger Belvin

Barbara Morrison

Roger Ballance

Krystiana Krupa

Heather Dalton

Norma Johnson

Cordelia Derr

Karin Maloney Anderson

Ph.D. (Saponi-Catawba)

B.A. Archaeology, University of  
Virginia

Ojibwe/Saponi/African American  
Mahockney Plantation

Powhatan heritage

Tribal Youth Representative of  
the Upper Mattaponi Indian Tribe

Tribal Membership

I am native. The Monacan are  
not my people but I know  
several and they are good  
friends. I've also volunteered at  
the Monacan exhibit at Natural  
Bridge.

Indiana University NAGPRA

Archaeologist

Archaeologist/history interpreter

We are standing with you 🙏

The indigenous people of this continent are integral to the  
nation's heritage and culture.

Water is Life

I sincerely hope that the Monacan Nation will see this  
decision changed hopefully sooner rather than later. And  
until that time I sincerely hope they will stand their ground  
and the rest of the Virginia Nations will back and support  
them in this fight.

How a society treats the dead says a lot about who they  
are, and who they aren't. What level of enlightenment that  
has been achieved- or not. How it has dealt with its  
ancestral legacy - or not. What level of understanding and  
empathy they have- or not. Whether they will continue their  
ancestors' genocidal policies - or not.

Monacan Indian Kristie Baldwin	Tribal membership	We as a Nation need to come together to save and make sure our history is preserved in its original state at Rassawek
Anne Hendri kson Kristin Reichert Kristina Day Annita Clark Brenda Garrison	Retired Science Teacher	I suuport the preservation of Monacan history, sacred places, and all lands.
	None	Friend
	Member of Monacan Nation	
	RVA Archaeology, member; Alliance for a Progressive Virginia, President; Anthropology/Archaeology Bachelor of Science Degree from VCU.	
Rhonda Hening		There is such little archaeological representation left of the once great Powhatan Confederacy, why destroy sacred burial grounds and other remains?! We have the responsibility to preserve what we can before it is too late. Once done, it cannot be undone.
Temple Whitson Justine wollman Anne Mahady donnie sorrells Stefanie Dunn John w Durie Megan Perry Stephanie Halmhofer Cassie Medeiros Kevin Friedly Chris Bea	Graduate Student	
	Easy Carolina University	
Nicole L Kessler		This site should not be disturbed by this water project. I am disturbed by how far these projects get without a shred of community oversight. The people of Virginia demand better treatment of our native population and their important and hallowed heritage sites.

Monacan Nation	Monacan tribal member	Yes
Mary McCarty	Quapaw Nation Tribal Member	
Dr Becca Peixotto	Archaeologist	
Shining Phaup		
Young Brinson	Nansemond and Nottoway	
Natasha Berg		
Jeremy Branham	Tribal member	
Costina T. Esparza		
Kim Scholpp	Museum professional	Yed
	Cheroenhaka (Nottoway) Tribal Member	
Russell B. Gates		
	of Cherokee and Mohawk descent	
Dalton Cooper	1977	
Kara Edmonds		
James M Warden		No
Ken wilcox		
Shanaya Young	Lynchburg College	
Aziza Carter		
Edward Gillman		
Joyce DeOrzio	Monacan Indian	
Michael Jackson		
Susan Virginia Mead		
Lauren Ornstein		Standing with you. Shalom!
Maria Locklear	Natidescendant	E. Cherokee descendant and wife of D. Brown, Monacan Tribal Member
Annette Overstreet		
Mishka Rogers		
Deborah F Roberts Bauer	Tribe Member	We must keep what is rightfully ours, no more will we walk away and be silent, now is the time to make our voices heard loud and clear.
Quinn Morin		

Leo C Bauer  
Jeffrey Haddock  
Nile Crum  
Lloyd carty  
Ivan Algreen Sørensen  
Sarah Two Fires

Proud husband & Correctional  
Officer

Stand strong for your ancestors and protect your future  
generations.

Michael F. Kavanaugh, JR  
Ben Narduzzi  
Madeleine Bassett

Not only is this a potential desecration of a sacred burial  
site but it places the intake downstream of the Bremono Bluff  
generating station and it's poison ponds of coal ash - there  
is a very large flat area that is a flood plain just upstream  
from the plant that would not only protect the water supply  
from contamination caused by the discharge of the runoff  
from the coal fired plant but also keep the intake upstream  
from the Rivanna river that has both the Charlottesville and  
Lake Monticello sewer plants discharged into it.in this way  
the interests of both the original occupants and those who  
will use the water pumped to Zions Crossroads can be  
served - not to mention that having the main line follow Rt  
15 will allow for the Fork Union area to more easily benefit  
from this project.

Shelia Mays Shouse  
Charles N Baldwin Jr  
Chloe johnson  
Carsia Gail Branham  
Alexis Medacco  
Willie Jones  
Ilse Ackerman

Tribal membership

This is my family my tribe our people have fought for so  
many years to get back what the government has taken  
away. Why must the government ( that is suppose to be for  
the american people ) continue to try and destroy the  
Monacan Indian people. We are humans we are Americans

Tribal membership

Leila	Anthropologist	
Lauren T. Furey	Museum Professional	Be strong and know there are more supporters than detractors!
Patricia Edfors		
Meaghan Johns	Individual	They are my family.
Diane Johns	Individual	They are my family.
Gary Johns	Individual	Family
Molly Mesner	Graduate Assistant in the Indiana University NAGPRA Office	
Kelli Ahnen		
Kenneth		History. Leave it alone.
Gaye Denlinger		
Linda frazier		
Martha Roberts		I support the Monacan Indian Nation and will do all I can to pass on the need for all citizens to do the same. I do not know how we got to the point that some care nothing for our cherished history.
Addison Ullrich		
Carlyle Poteat		
My ancestors		These people are my family and deserve just as much preservation as anyone else.
Evelyn Cruise		Family
Muriel Grubb	East Carolina University	
Wendall Johns		Family
Charlotte Shelton		Family
Larry Johns Jr		Family
Kathy Burch		Family
David Richards		
Dave Norris	Former Mayor, City of Charlottesville	I am proud to stand with you to save Rassawek and prevent the desecration of your ancestors' burial grounds.
Page Banfield		
Nicholas Neagle		
Lia LaPiana		

Kaleigh Pollak  
Kyle W. Edwards  
Theresa Haas

Monacan Indian Nation

Our country needs to hold on to the Native American culture. They are the backbone of our beginning. They have endured many injustices since the pilgrimaging of the Europeans. We as Americans need to keep their lands sacred and preserve their Heritage.

Dwayne Painter  
  
Star Gibbs

Friendship  
Chickahominy Indians Eastern  
Division Tribal Member

As a non-native person, I'm proud of the cultural contributions of our Monacan neighbors, and I'm ashamed that so little respect would be shown to them as to destroy one of their important historic sites and disturb the graves of their ancestors.

Lonnie M. Murray  
Rich Welshans  
Hawina Falcon  
Mary Garner McGehee  
April Gray

Living on Monacan land

Thank you - this is all your land. I'm really confused as to why no one seem to understand and respect that, we are here at your grace. I hope this water project doesn't proceed to damage your important sites.

K. Lausen  
Amanda Callahan-Mims  
Andrea Massey  
Brown Mims  
Amanda Walker  
Sharon Smith

Archaeologist and teacher

This should not be happening!

Lois Tupponce  
Stephanie Blackton  
Nancy Carpenter  
Barbara ferrante  
donna gasapo

Saponi  
member of the Eastern  
Chickahominy Indian Tribe of  
Providence Forge, VA.

praying for them.

Yes



Paul B. Jones  
Brandy Clark Burruss  
Matthew Slaats  
Danielle Drumheller  
Donna Shaunesey

Associate Professor, Wake  
Forest University

UVA PhD Student

David Swanson

Author  
Member and MIN Enrollment  
Dept Head

Senseless destruction of the sites of the victims of  
genocide pretty well puts the lie to the notion that our  
society is keeping all the monuments to war and genocide  
in place out of a general opinion-free respect for the past.

Teresa Covington  
Ann Wood  
Akshay Sarathi

Doctoral student, UW-Madison  
Catholic Church, Arlington  
Diocese

What if the Monacan Nation started relocating ‘European’  
burial grounds?

Matthew Roth

Suzanna McCreery  
Paxton Marshall  
Caleb Gomel  
Stephen Emery  
Charles Parrish  
Sheila Williams  
Katherine Parsons  
Holly Crews  
Jeff Greer

Sue Smith

We stand together with Monacan Indian Nation in this fight!  
It is time for the governments of this country to give respect  
to our Nation’s Indigenous people and stop destroying their  
sacred lands. If this project would not be built at Arlington  
National cemetery, it should not be built here. Let’s do the  
right thing

Jessica Zoby  
Aldona Dye  
Anna Belle Timberlake

University of Virginia

Jean L Derry		
Mac H Derry		
Monacan Indian Nation	Monacan Tribal Member	
Sandra mcdaniel		As we occupy stolen Monacan land, it is not our right to build harmful pipelines on it.
Jenna Hochman		
Emily Irvine		
Darren Boylen	Na	Na
N/a	Transportation	Family tribe.
Lyndele von Schill		Let's do the right thing in an era where so much is going wrong.
Tabitha Read		Please honor the original inhabitants of this country and their historically significant sites. This is a human decency that should be shown to ALL people groups.
		This is an environmental justice issue. This land should be protected so that we can learn more about the history of the first Virginians.
John A. Cruickshank	Retired educator	
Diane Goodrich		
Dorothy Pence		
Samantha Peacoe		
Stephen Dunstan		I respect your culture immensely.
Brittney L Freeman		
Margaret McCanna		
Year		
Flora Church		
Seimone		
Susan Pearce	Associate Professor of Sociology,	
Jeffrey Fogel	East Carolina University	
Joseph Maxted		
Kevin S Jenkins		
Mary Jane Shanklin		
Courtney Soria		
Jessica Maupin	Tribal membership	Momacan strong

Bertie Branham  
Clara Mothershed-Steele  
Kaylana Gates  
Jessica Sims  
Center for the Study of Cuban Culture + Economy  
Kim Hall  
Frances Werle  
Sharon Ponton

Tribal membership

Our tribe has worked long and toiled hours just to be recognized and now we have to fight to keep our history again? Please hear the cries of our people!! We deserve the same rights to rest as every other nation. The cost of relocating this project to an alternate location is nothing compared to the cost of the long standing history our tribe represents. Tribal history has suffered much under the hand of government, white washing and the giant evil of money. Please stand up for us as we rise up to fight, yet again, to protect the small bits of our history we have been able to preserve and retain in the face of "progress".

Tonya Willis Ayers  
Cindy Brassaed  
Michael Parrott

Monacan tribal member

Roscoe Montgomery  
JoEllen Daniel  
Eleanor Amidon

Friend of the Monacan Nation

America needs to honor its promises to our native people.

Steve

Sault Ste Marie Chippewa  
Piscataway Conoy Tribe,  
Cedarville Band; Outdoor  
Educator

I support the Monocan Tribe and the native community in standing together against the encroachment and destruction of sacred sites and homelands.

Valarie Proctor

Lesa Griffin Jenkins  
Johanna Smith

My husband, Broderick Jenkins'  
family are Monacan Indians.

Yes

Diana Mead		
Alexandria Robinson		
Sharon Daniels		
Jessica Hernandez	MA Public Policy	
Jesus balbastro		
Jennifer Brown	n/a	
Dylan Banfield	Nursing	Web
Duncan Munson	Nanticoke Lenape-Lenni	
Tiffany Cole		
Anthony Karam		
Leah Strand		
Sinclair DuMont		Yes
Christina Longofono		
Laura Wartman		
Leighanne Ashby		
Rina Welch		
Jana		
William Hamilton-Levi		
Donovan Dinkins		
Allison Carolan		
		I am British and I was born in Monacan land. Monacan people deserve the world, but have had their land and burial grounds stolen from them by Thomas Jefferson and so many other settlers. I owe Monacan people so much since I lived in thier land for so long. The US owes basically everything to Monacan people since Thomas Jefferson lived on Monacan land. Monacan people need to be respected, their land needs to be respected and their history needs to be preserved and celebrated.
Mrs. Joanna Berger	Master of Science	
Laura Newton		
Connie Fitzsimmons	Registered Nurse	
Ruth Moffatt		
Katie Kirakosian		I support the Monacan Indian Nation
Elizabeth Mytinger	Liz Mytinger Illustration LLC	

Shavonne Muth  
Vanessa Safie  
Tyler  
Alexandra Hwee  
Robert Ellchuk  
Whitney Whiting  
Heather Hufford

Patricia McIsaac  
Lenoir Williams

Leo Sinanian  
N Meek-Whitehead

Kathleen O'Brien-Blair  
Sheila Wasung

Kira Hannum  
Michael W Durie  
Zane Weissman  
Melanie Pace  
Byron L. Heath  
Ms. Charlene Green

Kohai Lovingood  
  
Lee walsworth

Mono

Public School Teacher, Boston,  
Massachusetts

Housewife and descendant of a  
Jamestown settler and other  
Virginians

No

Facilities Manager

To go forward with this project would mean Extractive industry is complicit in the genocidal erasure of native Americans.

The First Peoples of Virginia are the Grandmothers and Grandfathers of all Americans. I want you, Governor Northam, to treat them as well as I'd want you to treat my own Gresham grandparents. Pocahontas is buried at Gravesend, England, not far from where I currently live. She never got to come home. She died of measles to which she had no immunity. The Monacan Peoples will help you protect the Water and also find a good site for your development. Do the right and wise thing.

Much respect to the Monacan people, this is sacred land and ALL water is sacred!

Yes

Long Live the Monacan nation and its people! Down with the colonial regime!  
Respect the rights of landowners like you claim to, they were here long before we were.

Susan York  
Kylie Sertic

I believe strongly that the contributions and history of the Native American people is of value to all of us who live today on Turtle Island. The Monocan Indian Nation is correct to want to preserve their historical sites and the sacred spaces where their ancestors are buried. Please honor these logical, respectful requests. Even if it's more difficult to site the pump/waterworks for this project elsewhere, the human and historical cost makes the time, effort and financial difference worthwhile. Thank you for your consideration.

Teddee Jordan

As a fellow indigenous person, it's an insult added to injury to have sacred lands and the remains of ancestors continuously being desecrated and exploited to this day. My hope is that the Army Corps of Engineers and Gov. Northam will choose to respect the Monacan Nation and your ancestral capital and leave your buried to rest.

Rev. Tim Worley  
Amanda Chalifoux  
Deb  
Albert Mitchell

Pastor, Monacan Trail  
Cooperative Parrish. Batesville,  
Mt. Olivet & Trinity United  
Methodist Churches  
Ally

Yes  
Yes

Kara Canaday  
Kate  
Thomas Slopnick, Ph.D.  
Chelsea Barnes  
layla ozdemir  
Chazz Griffith  
Brian Jarosz  
Alexandra W

Enrolled member of the  
Chickahominy Tribe of Virginia

Individual

Oglala Lakota

Melissa Sampson

I am in full support to protect all Native American tribes sacred land's and especially burial grounds. They should never be distributed. Melissa Sampson

Sara E. Randall  
Dr. Scott Wooddell  
Paula Jones  
Allyn  
Gera Williams  
Shelbeylynn Hanson

Monacan Indian Nation

The project needs to be moved & the Monacan ancestors & site respected. This is an irreplaceable site and I can't believe anyone even has to explain this. It is unconscionable to even consider desecrating Rassawek and it is absolutely not okay to do so. How would you feel if it was your grandmother's grave, your ancestral home? #ProtectTheSacred #RespectTheAncestors

Melissa Sampson  
NA  
Karol Belvin

I am in full support for the Monacan Indian Nation of the protection of their sacred burial grounds and land.

Cheryl Weahkee

Enrolled citizen Cochiti Pueblo

You cannot trust that they will follow anything they say! Army Corp of engineers is horrible. They lie to tribes all the time. They destroyed sites they promised to save and ruined farmland with the crappy work my tribe was forced to accept from them.

Pat Shipman

The Pennsylvania State University  
Yakama, Warmspring, &  
Poyullup Native and Veteran  
(United States Marine Corps)

Elita Tom  
Constance Wyant  
Mr SD Youngwolf  
Susan Morrill Farmer  
Everett Wood  
Mar Tran  
Ronald Quick

Tribal membership

Chickahominy Tribe

Mark Ebbay		
Leonina Arismendi		
RN, MSN		talk about environmental injustice.
Jim Mallek		
Jessica Perales		
Judy Harmon		
doris page		
Ann Hove		
Scott Clark		
Ashleigh B		
Suzanne Keller	Retired epidemiologist	May these historic and sacred lands be protected.
Priscilla		
Sunny Boado		
Myself		
Kendal Little Wolf		
Scott Stuart Shisler		I live on Monocan land.
Ralph Lee		I feel privileged to continue in its care.
Laken Staton	1st Cook at Virginia Tech	
L. K.		
Gloria Algeo		
Lisa Freeman		
Yolanda Rowe		
Shri Lakshman		
Taylor Lauren Rice		
Trenton Henderson		
Brian J. Thompson	Lac du Flambeau Ojibwe tribal elder	Don't desecrate our history.
Tara Hungerford		
Lisset Martinez		
Asber Moss		
Wandae Johnson		I need our government to support indigenous people, NOT to continue to be a threat to them/their way of life. Find alternatives. DO NO HARM!
Javier V Deligne jr.		Union fait la Force



anita castillo  
Briana Moore  
Kaley Wood  
Santina Knight  
Krystal Gonzalez  
Juanita Giles  
Cara Marinucci

Student-Hollins University  
Tribal member

Danielle

American citizen tired of tyranny  
done in my name.

You deserve better.

My heart and support is with the Monacan Indian Nation as  
they continue their efforts to protect their ancestral lands  
and culture.

Jennifer Alluisi  
Millie Chen  
Christen Justice  
A friend is a part of this tribe.  
Kristin Mawyer

Cut the shit man!

Stephen R. Adkins  
N/A  
Miss S Howard  
Katie O

The sites mentioned have significant cultural and historical  
value to all people's of the Powhatan Confederation. To  
lose them so callously is to undermine the history of the  
Monacan and all indigenous people of the region. Hasn't  
the United States taken enough?

Anne Marie Pace  
Tara Moses  
Rachael Durkin  
David M. Lawrence  
Blair Heinz  
Josephine Hilt

Friend of some Monacan people  
Seminole Nation of Oklahoma

Ahmari Russell

Even though I am not a part of their tribe, as a sister of the  
Chippewa, Blackfoot, and Cherokee tribe, our land is our  
land and respecting our ancestry is important.

Richard E. Friend  
Evelyn Goddard  
Alicia Hagy  
Lilla Fortunoff  
Mira Billotte  
Elizabeth Becker

The Monacan Indian Nation deserve to have their history preserved as they see fit.

Christina Gateley  
Lanaii Canada  
Caroline Pruett  
Alysia petak  
Barbara J. Gregory  
Tyler Eddins  
Annie B. Gillam  
Mia Laursen  
Matthew Trujillo  
Leajjah Polk  
Laverdy  
Sarah Small  
Lynne McCullough  
Jennifer Blevins  
CJ Robinson  
Rebekah Stone  
Self  
Laird Percival

This is a travesty. I hope the Governor comes to his senses on this issue.

Tribal member

Yes

Stanford University Undergrad

Old Dominion University Student

1990

Shannon Gilbert

Virginia Commonwealth  
University School of Social Work

Lily Hamilton  
Clare Konizeski  
Julia W. Brown  
Alyssa Darling  
Jessica Outten

Matthew Conover  
Taylor Womack  
Katherine Beard

Student Nurse

Kathleen Altemus  
Keith Sawyer  
BETTY ELKO  
Kathy L Crabtree  
Jared Bryson  
Brittney Bryan  
Elena D'Amanda  
Gwen Macchione  
Gabrielle McGurn  
Joseph Berger  
Barbara Cromer  
Toni Barskile

Alumni to VMI, Class of 1983

As a Virginian I feel we owe more respect to the people that  
where here before Virginia was even thought of.  
Fight the good fight my brothers.

Leslianne Adkins Braunstein  
Lori castle  
Martha W. McCartney  
Maggie McGurn

Native Hawaiian

Member - Chickahominy Tribe  
Eastern Division

Persevere - my thoughts and prayers are with you

Daniel C Belvin  
Chris Mernin  
marissa olmsted

Ethnohistorian  
Native Hawaiian

Tribal Member

Non tribal members should stay off of sacrate tribal land  
they have no place there

Natalie hicks  
David Lerman  
Shawn Dautant  
Jessica Tolley  
Marsha wood

I am a member of the Monacan  
tribe

William Prindle  
Sara A. Galvin  
Neil Liddell  
Kaytlyn Bruce  
Ashley Hambright  
Lisa Rettig  
Joshua Yazzie  
Melissa Dill-barnett  
Katelyn Wagner  
Personal affiliation  
Bruce Young  
  
Ida Craddock  
Jaime McClure  
Sally z  
Pamela Colella  
Peter Colella  
Joshua Jones  
Eli Krebs  
Martha Martin  
  
Gwen Bennett  
Jessica Reaka  
Deb Tewksbury  
Karen  
v donahue

NA

Sally Latimer

Professor, Archaeology and  
Cultural Heritage

The Monacan people have seen their homelands, hunting and fishing grounds, history and culture almost totally erased over centuries of colonial and national development. It is time, past time, for U.S. and Virginia authorities to fully recognize the injustices that have been committed toward the Monacan people, and to take steps to acknowledge their right to exist, including preservation of the Rassawek site.

NA

I want to support my families and Monacan Indian

I am so sorry that we continue to victimize you. I hope that the government recovers some human decency.

The pump house should be moved to a location that does not impact such an important site of cultural heritage for the Monacan Nation, and for all Americans to understand the past

CONNIE ROSENBAUM

Cheryl Berg  
Barbara Polo  
Jane Jurkus  
Randy Mays

Shayan Ghajar  
Sean Yates  
Francis Anderson  
Weyodi Grandbergs  
Ashley Brown  
Revel Zachary  
KR Emery  
Thomas Cassidy  
Madai Baquero  
Page Hutchinson  
Jamie and Jay

Project manager

Earthling  
Massage Therapist

Restore sovereignty to Native nations on their ancestral lands.

I'm sure hoping you will prevail.

As someone who was born in Virginia and has lived here my whole life, I expect our local government to act as stewards of this land's resources, taxpayer funds, and history. There have been many times the Virginia government has failed to meet these basic expectations. Providing James River Water Authority a permit for the pump station at Point of Forks would be another grave mistake. Please prevent the James River Water Authority from building the pump station at Point of Forks — and frankly from permitting any further pipeline projects.

ha tran  
self  
Anna Pruett Ellis  
Angela Philpott  
Misti Furr  
Curtis Wimer

Community Advocate  
teacher  
  
None

Jesse J Johnson  
monnie efross

Clifton D Wright  
Jessica Reed  
Mr. Glenn Cregar  
Lindsay Bloch  
Chrissy McDaniel  
Erin Janicki  
Bill Adams

Family  
Darja  
Dominique Brown  
Amy Merrill Willis  
Lindsey chirinos  
Elizabeth A Leedy  
Jay Tubb  
Carol Chance  
Taylor Welch  
Natasha McCain  
Jennifer Ellis  
Maureen Doll  
Molly Ellis  
Judith A Rogers  
Virginia Burnett  
Hope Beverly  
Isela adkins

Monacan tribal member

Archaeologist

Native American family -  
Monacan and Cherokee Nations

Natural Foods industry

Chowanoke Indian  
College of William & Mary

These First Nations People have lived on this land for some 10,000 years. Some of the burial mounds are 1,000 years old. Why does this project have to disrespect these people and their heritage. Honoring them could be a form of repairing what was torn from other First Nations People. Reparations.

It is an horrendous idea to build anything or change the local environment in any way that would endanger centuries of Native American history.

Honor Native Land and Rights

Please preserve my heritage

Amelia Dall  
morgan g campbell

Destiny Boynton  
Alex Jordan  
Kandice Henry  
Nina Morris  
Lucille Curry  
April Branham  
Dawn Schimke

Willow Kelly  
Victoria Reiser  
Marisa Day

robin brown  
Diana Jacobs  
Mindy Cummings

Mrs. Paula Wise-Cribb  
Q Monette  
Dean Ferguson  
Doris Ann Austin  
Mr. Gerald Anderson

Jessie Richardson  
Meredith Howe  
Jenna Yow  
Belinda Shanks  
Rhonda Matthews

Colorado Parks and Wildlife  
Archaeologist

Descendant of Santa Ynez Band  
of Chumash Indians

Monacan Elder

Herbalist

Tribal member

CIT-ED

Monacan Indian Nation

I'm a member of the monacan nation

I stand with you, the indigenous people of this land. Water is life. The earth is sacred.

the history is more important, use an alternate location please.....

I hope and pray that they will listen to the voice of the people. No one has the right to disturb a burial ground.

The land belongs to you and has always belong to you. I wish nothing more for you and your ancestors to stay at piece where they are and hope this is a battle you can win.

Katherine Cole  
Ola Czajkowski  
zoe shepard

This is your land and the government has no right to destroy it. Keep fighting, you are not on your own in this battle.

Jan Bltrick

I feel as much of the history of the original peoples of this country must be preserved so we know where we came from.

Thomas F. King

Specialist in review of projects under federal environmental and historic preservation laws and regulations.

This project clearly needs appropriate review under Section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation, NOT under the Corps' grossly deficient "Appendix C" guidelines.

Edward H. McMullen, MA, RPA

Im part cherokee on my mothers side her grand mother on her fathers side was full cherokee  
1.00026E+13 Archaeologist, M.A., RPA

Corporate and government construction on indigenous sacred sites and burial sites MUST end. We are all on stolen land. This land is not ours, these resources are not ours. It is disgraceful and irresponsible. I stand with the Monacan people in saying NO to any and all construction/destruction at this site, or anywhere. NO MORE PIPELINES ON TURTLE ISLAND

Jade Johannesen

Member of the Tohono O'odham Nation

Keep up the good fight!

Jason N. Chavez  
Norma Lucía Chambi  
Nina Gatta

Rebecca Girvin-Argon

We whose ancestors have destroyed so much must pay homage and respect to the native heritage and people who survive. Stop this destruction.

Anne M.  
Leslie Sturges

It is absolutely and unequivocally and objectively wrong to destroy the capital of the Monacan Indian Nation. This is egregious and racist.



Lucy Doyle  
Marco Antonio Peralta-Ochoa  
Judy Hong

Painter  
Cornell University

Pipelines are always disasters and we don't need another god damn one!!!! We have to fight :(

Zoë Padrón  
Mary White  
L. John White, jr  
Deborah Smith  
Ms. Linda Ardrey  
Daniel Francis Eggink  
Mandy Hoy

Gifted Resource Teacher,  
Western Albemarle High School  
Spousal member  
Tribal member

The Monacan Nation has, over the generations, lost too much as the result of white infringement on their native lands. They have lost their native language, tribal land, heritage, history, and many of their stories as a result of white expansion in Virginia. They should not be expected to also lose the precious site of Rassawek, and the disinterment of their ancestors in the process. This is especially so because there are alternatives to the Point of Fork site. Native people have the right to humanity and dignity. That right comes before the convenience of industry and development. I urge you to find an alternative in this situation.

No

Yes

Body of Christ

Thank you.

Eva Dee  
Dwayne Painter  
Jamie Swanson  
Aliza Weintraub  
Karen Vaught  
Taylor Johnson  
Ms. Ellen Swecker  
Dr. Katharine Ellenberger

Trinity Presbyterian

Give back the land that was ripped away from the people that were here. Reparations for colonizer's transgressions now.

Haven't we already taken enough?

Ms. Alexandria Searls	Lewis & Clark Exploratory Center	Please save their heritage site. Columbia in general needs support to restore and preserve its unique qualities. Saving the Monacan site from degradation would be a wonderful beginning and bring awareness to this important area where the Rivanna meets the James.
Tanya D Rowan	Self	Leave our people be
Linda Martin		
Barbara Guthrie	Native of American	Yes, I support the Monacan Indian Nation 100% plus.....no questions asked.
Ralph H Reiher	Para educator	I support the Monacan Nation's efforts to preserve their cultural independence and to maintain the dignity of the graves of their ancestors.
Ann clews		
Mj clark	None	I am sick and deathly tired of you people not standing with what the majority of americans want. We want clean water clean air and for you to stop supporting anyone who wants to destroy our land.
Ron clark	None	Stop destroying our water now!
rose adcock	Monacan Member	Virginia should not do this to this land .we do not have alot to show alot was taken from us Please do not do this
Julius Delacruz		
Isabella Hudson		
Maria Polanco		we will not give up
Carter Chassey		
Lauren McMillan		
Rachael Bliss Wheeler		
Oliver Davis		
Lindsay Ingram		
Mark Anthony Herrera	Seminole	All people should be afforded an opportunity to protect their connect to the land.

Alex Vass	Historic Interpreter of Powhatan History	The Monacan people are a huge part of this land's history. Part of recognizing that we live on colonized land is to preserve it as much as we can, especially locations of cultural significance. Virginia has a 400+ year history of seizing and destroying native lands, usually in pursuit of wealth. The JRWA's choice of Rassawek as the "least expensive option" shows that, even today, the mindset of the colonizers has not moved from viewing native considerations as less valuable than their own. Solidarity with the Monacan Indian Nation.
Marian Douglas-Ungaro Alexandra Hawley Moriah Shumpert Nycol Chapman	Virginia Descendant (Both Sides)	400+ years is enough. Seriously.
Emma Jackson Sam Armfield Nicki Bani Mustafa (Faircloth)	Monacan Indian Nation Membet EcoRobeson	You deserve the utmost respect and praise. These are your lands and settlers owe your tribe so much for the trauma they have already forced you to endure.
Jennifer Seidel Samantha Perez David E King Michael Derr		I think every effort should be made by local, state, and federal governments to preserve and honor sites important to the Monacan Indian Nation. Claims of convenience and even affordability should not distract us from this obligation.
Betty Hughes Leah white	Registered Nurse	I believe the Indian Nation has given up and has been cheated out of enough throughout history! May they live in peace💕
Sally Thomas Karen Franz	formerly Albemarle Co. Board of Supervisor	"cheap" should not be the deciding factor at this significant site

Cheryl Fleming  
Terri King  
Miss Susan Parker

Betty B Curlett  
Lois Gareis

Lisa Dlo

Hollie Adams

Mary Ellen Norrisey Hodges  
David Coppet  
James Green  
Peter Cullen  
Sherry dixon

Vivian Carpenter  
Joan Cayrampoma

Janice Oliver  
Sheila Koons  
Eunice Kim  
Freida Reynolds  
Michelle Botzenhart  
Leslie S Miller  
Elizabeth Colligan  
Lum's Lovin' Music

Lelia Lee McGregor

Chickahominy Eastern Indian  
Division

Teacher

Archaeologist and Virginia  
Resident  
Reclaim Augusta  
Archaeological Consultant

Archaeologist, RPA

Sending solidarity! We will stand by you in this fight to protect your land!  
On behalf of my white privilege through colonization, I support the Monacan Indian Nation with sincere and abject apologies.

To the wall

I fully support the Monacan Indian Nation a federally recognized tribe. This action by the Army Corps of Engineers is ludicrous.

Too much destruction has been done in this country in the name of progress. There are other locations that can be used and the historical Monacan area left untouched. As the first people to occupy the area, the Monacans should be entitled to more respect.

Show some respect.

It is time for us to support the First Nations, who were here long before me or my Virginian ancestors.

Mrs. Opal Stroup

Christopheaser R. Polgl  
Thundley  
Thomas Cash  
Kathy Hall Lee  
Michael Smielecki

Carol Blosser

Petrona Garcia

Shannon Gillikin  
Dave Keel  
Mrs. Beth Sawyer  
Angela Belvin  
DeQuan Baldwin

Roy Draa  
Ramona Big Eagle

Michael Bentley  
Aileen Rivera  
Elaine kasten  
Ms. Kris Diamond

Cultural heritage professional  
and archaeologist with over 30  
years of experience, much of it in  
Virginia; former President of the  
Council for Maryland  
Archaeology; current Co-chair of  
the Cultural Heritage Section of  
the International Association for  
Impact Assessment.  
College graduate Empire State

Teacher

Co-Founder and Humanities  
Teacher, Waterloo School,  
Austin TX  
UCSB Sociology Undergraduate  
Student

Archaeologist

Tuscarora of NC  
St James Episcopal Church,  
Roanoke

Please understand that many of us in the professional  
archaeological community oppose the project plans to  
impact this site.

Yes

Yes.

I grew up excavating native sites in Northern Virginia, and I  
now teach history in Texas. Your history is so important to  
preserve. I look forward to sharing it with future students.

As a public school teacher I try and teach my students the  
true roots of our history in central Virginia. We need local  
government to stand up for the history of all people and  
allow this historic site to be protected.

Virginia must not erase this important pre-Colonial site.  
History must be accommodated by profess.

Historically, our Diocese (SW VA) has been supportive of  
the Monacans.

Elizabeth Simon  
Amanda Welch  
Rosemary Lovelace  
Terry Mckinney  
Martin Gallivan

Emily Choo

Emily Choi  
Jeremy Caplin  
Millie Fife

Mary Jane Cobb Reyes  
Leila Choudhury  
Cheryl LaRocco  
Monacon Indian Nation  
Paul Wingren  
Gail Young  
Dr. Jade Luiz  
Mr.

Dorothy Moore  
Amy M Lawrence  
T. Fraleigh  
Ryan Seaton

Liz M. Quinlan

Mr. Doug Johns  
Cynthia Branham

Ruth Ann Kennedy  
Gail Epps  
Ms. Gayle F. Vander Veer

William & Mary  
Georgetown University Law  
Center  
Georgetown University Law  
Center

Monacon Indian Nation

Archaeologist

N/A  
Archaeologist and Collections  
Technician

Monacan Nation  
Former historic interpreter, and  
former resident

Though I'm not from your nation, I stand with you. Stay strong.

Once it is gone, it is gone forever. Best to protect the site before it is too late.

Yes

So many of us have lineage tied to this great nation. Destruction of any part of it's land and culture is desecrating our heritage.

Mrs.Catherine Anderson  
Student  
MaKayla Baker  
Vivian Webber

Leece LaRue  
Michael S Johns Jr  
Jacqueline (Thacker) Quillen  
Laura Irenze  
monacan nation  
Barbara A. Cullom  
Abby Guskind

Charlotte Shristi  
Silvia Park  
Lucas  
Evelyn matthews  
Stephanie Lawless-Shipman  
Samantha Wilkinson

None  
Ms. Deborah Sack

Im the Ambassador for the  
Tuscarora Nation of North  
Carolina

Historical Interpreter

University student and Karuk  
descendant  
Monacan Tribe Member  
Tribal membership

monacan nation

None

Protect the lands, protect the water, protect our people.

It's not your land! Leave it alone!

As a person of European ancestry, I would like to offer my humble apology for the many, many ways people of European decent have destroyed the Monacan people, their culture, sacred sites and homeland and continue to this day, to do so. I pray for truth, reconciliation, and transformation of systems of domination and extraction. I beg Virginia's public servants to do what's right, beginning with the decision to keep the Manacan burial site from being desecrated!

Why is this even an option? If there is a burial ground on the land, why build? Its desecration.

Colleen Baber J. David Wood	Monacan 1963	I am so upset at the thought of what might happen. It is just terribly wrong. I was raised in Albemarle County and attended their public schools. Sadly I was never even taught about the Monacan Indians that lived right here. When I started teaching 3rd grade before the SOLs took over everything we taught a fascinating unit on Albemarle County history. I learned so much about the area, especially about the Native Americans. I am so sorry that it is no longer taught, but I am so thankful that I was able to learn about the native people who lived here first. I wish you the best of luck with this fight.
Chris Hoover Seidel Harriet mackie self	Virginia educator	I support the Monacan Indian Nation.
Jerry Fortune/Rappahannock Mitchell Merritt Nikuyah Walker Chris Keup Gwen Davis Judy Witchley	Mayor     RN	We are a tribal nation that works together for all our people.
Sarah Sherwood Litchfield Greta Kreider Beatrix Arendt Dawn Burtner Deborah Winslow N/A Misty Greenawalt Melinda Sears Becky Woodson Kathleen S. Morgan Charles Morgan	Member of Sojourners United Church of Christ  COVA	I want to support the Monacan Indian Nation and respect the sovereignty of its people and its heritage.



Amelia Morrison		
Laurie Fear		Your history, suffering and eventual healing is sacred.
Kimberly Pilgrim	Multiple Native line Heritage, Powhatan being one.	Please stop destroying my ancestors final resting places!! And start supporting the great Monacan Indian Nation!!!  As a Nation, we have endured enough division, lost more than our share of culture and ability to celebrate our heritage. Please take this into consideration as you make this decision.
Sarah Davis	Monacan Nation Tribal Member	
Mary E. Howdyshell		
Crystal Russ		
Monacan		
Monacan		
Monacan Indian	0390-1514 Monacan Indian Nation tribal Member	Yes
Amanda Davis		
Ms. Lee O'Neill		
Carrie Pruitt	Tribal Member	
Felicia Correa	Friend of Tribal Member Monacan heritage, LCSW (social worker)	
Sarah Harre		
Samantha Gatewood		
Tamara Fishback		
Elmer J Richeson		
Cindy B	Monacan indian	Disturbing cultural sites in many States and on Federal lands is now an unacceptable practice and in this day and age should be the norm for all States.
Clayton Hamilton		
Tammy Dillon		
William J. Cook		Keep up the good fight!
Marina Davis	Senior Archaeologist	
Sandra Lindenberg		
Flora Hyden		Yes
Renee P. Gilliam	Retired Educator	
Laura Green		

Jackie Barton  
Caitlin Wagner  
Deirdre L. Smeltzer

Jeff Staples  
Frances Knapp  
Selu Kateri Vargas  
Marti Utter  
Deborah Wetlaufer  
Melissa Medders  
Robin Sarah Penick  
Rebecca Bruner  
Mr. Jason Humbert

Dawn Hartless  
Debra marie Shelton-Scites  
Wanda Whitmer  
Michael Ulery  
Charles Mason

Claire Kaplan  
Desmond Jenkins  
Carolyn Irvin  
Lynn Davidson  
Dr. Anjana Mebane-Cruz

Program Manager, ARCUS  
Leadership Program  
College of William & Mary, '19

Member of Virginia Sierra Club  
Executive Committee

My husband & children are  
Monacan tribal members.

Tribal Member

Monacan Indian Nation

Anthropologist

Solidarity!

Yes

The Commonwealth of Virginia has a long history of oppressing and committing violence against the Monacan nation as well as other indigenous people. Destruction of the historic capital Rassawek is a tremendous insult and further abuse. Shame! Change the location of the station. This is the entire nation's heritage that you will destroy, not just theirs.

Michelle Ash  
Lori Ricard

Pam Marraccini  
Matthew Bray

Laura Purvis  
Annette Minnis

ED SEROSKIE  
Connie D.  
Patricia Charney

John Sparks  
Carolyn LaCamera

Amy Czajkowski  
Charles rankin  
Kathleen F. Seroskie  
Carol S. Kyber  
Robert L Chase  
Nathaniel T. McMaster  
George Bialkowski  
Paulette Clark  
Rebecca Cole  
Sandra Gallagher  
Charles Spottedfox bowling

Multiple branches of my family  
were among the original colonists  
in Jamestown, we have created  
enough damage and it is past  
time to try to fix what they have  
done.

Lay member of the Order of  
Interbeing, Cloud Floating Free  
Sangha  
Cultural Resource Professional  
Architectural Historian, Cultural  
Resource Management

Monacan Indian Nation

Saponi/Nansemond

HAVEN'T WE TAKEN ENOUGH FROM OUR NATIVE  
AMERICANS

We need to preserve our history not only for ourselves but  
for the generations to follow

What is the value of a society that does not protect what is  
sacred? This is an opportunity for Virginia and the United  
States to value the sacred and important shared history of  
this land and offer respect to people.

Valerie L'Herrou	Board member, Lewis and Clark Exploratory Center	
Board member, Lewis and Clark Exploratory Center		
George B. Thomas		
Katherine Slaughter	Board Member, Lewis and Clark Exploratory Center	
Diana Amatucci	Board member, Lewis and Clark Exploratory Center	
Malou S. Dichtel	Board member, Lewis and Clark Exploratory Center	
Francis M. Lawrence	Board member, Lewis and Clark Exploratory Center	
John Watterson	Board member, Lewis and Clark Exploratory Center	
Julia Sheilds	Board member, Lewis and Clark Exploratory Center	
Patricia Leavitt		
Kelley Berliner	Professional archaeologist	Native People have been abused enough by the federal government. STOP this project!
Jenny Ray		
Cheyenne Miller	Teaching Assistant	Let the deceased rest.
Justin Edward Williams		We must protect the indigenous lands for there is so little recognized in Virginia
Dominique clothiaux	Medical professional	Keep working toward justice. People are behind you.
Beth Diamond		
Jasmine Lee		
Robert Rice - Saponi Catawba Nation		Yesah Nation!
David L Carter	CEO Amherst lawn care	
Amber Bryant		
Cal Kielhold		
Adrienne Mingo		
Vince mckay		
May Sligh		
Kathryn MacCormick	Pamunkey Indian Tribe	

Melissa Swan  
SequoyahFortune

Camille Gage  
Andrew E. Norman

James Floyd  
Ani Auld

Debra A Norton  
Beverly Shaw  
David Wilkins  
William Russell  
FRED MEBANE  
Margaret Wieer  
Tracey Taylor

Jeff Anstead  
Scott Gallus  
Leslie poole  
Minette Church  
Lee Overmann  
Lee Bloch

Sherri Heavner  
Ashley Rivers  
James Krigsvold

Pamunkey Tribal Member

Episcopal Diocese of  
Southwestern VA

Professor

Professor of Anthropology

V. Chief Haliwa-Saponi Indian  
Tribe

Professor of Anthropology

Tribal Membership

Pamunkey Tribe

Desecration of any ancestral burial grounds is wrong.  
Leave the spirits in peace.

Your friends and relatives in Minnesota agree - and support  
you!

Sacred sites need to remain sacred!!! Desecrating and  
disturbing remains of our ancestors is unacceptable.....

Yes

Being a Citizen of a tribe (Haliwa-Saponi) that has historical  
ties to Rassawek i think its vital tthat we come together to  
take a stand against the Religious,Moral and Cultural  
injustices that we confront. Pilahuk  
RED BIRD,  
Vice Chief of Haliwa-Saponi Indian Tribe

Native site have been level and plundered wholesale to the  
point that little remains in the name of progress and  
curiosity. Surely we can preserve the little that is left.

<p>Suzanne Hagedorn  Melissa Canaday  Maria Paluzsay</p>	<p>Chickahominy Tribal Member  Realtor</p>	<p>This country has a track record of harming natives of the land that we now call Virginians. Let's respect the Monacan Indian Nation and its ancestors by letting them rest in peace where they were buried.</p>
<p>danielle miller  Russell kaldenberg  Jeanne Smith</p>	<p>sisseton wahpeton oyate</p>	<p>Sending support from Sisseton Wahpeton / Oceti Sakowin</p>
<p>Lori Atkins  Kinsey Oleman  Ariel Vallotton</p>	<p>None</p>	<p>This is simply wrong!!! There are other areas to build this!!! So it costs a little more....don't be greedy these are historic remains...</p>
<p>Desiree Shelley  Dr. Christine E. Boston  Ruth Mary Hall  Jessie Sullivan  Gillian Ruffa  Chris French  Susan Evans</p>	<p>Monacan Indian Nation / Climate Justice Organizer, Mothers Out Front</p>	<p>For Monacan people as well as many other native people, ancestral land is our home, our identity, it is one of the few things we have left to connect us to our history and our awareness of self and our cultural heritage. When it becomes destroyed so does a part of our shared cultural identity.</p>
<p>Alexandra Kelly</p>	<p>Wild Virginia Life Member</p>	<p>Support Native heritage!</p>
<p>Lisa J. Lucero  Carla Sue "Beverly" Costa  Debbie Rowe  Sara Williams  Michelle Heavner</p>	<p>Assistant Professor of History and Anthropology  University of Illinois at Urbana-Champaign  Registered Monacan Indian</p>	<p>These are my ancestors. I will always support them.</p>

Karen Henderson  
Bennett Sorrells  
Mary Alice Seekford

Eric King  
Golda Perando  
Lena Jayne Barker Fragmin  
Miriam Rushfinn  
Naim Wright

Maureen Day

Deborah L. C. Settle

Shelia Shouse  
Eleanor Amidon  
Wanda Whitmer  
Andrea Klopp  
Mr. Kirk Halgren

Jordan Trout

Eastern Mennonite University,  
Harrisonburg Mennonite Church

I stand in solidarity with you in your endeavor to protect your sovereign rights. In so doing, you are protecting the land, our natural environment, and the spirit of your ancestors, which in turn protects us all.

Protect your ancestors, please, and let not the US government or anyone take away or exploit your ancestral grounds! They have already stolen too much from the principal caretakers of America!

I love my tribe my family our history. My mom and her family went through so much not having rights to go to public schools and only 7th grade education. Along with the mistreatment from other people as well as i and my siblings when we were growing up. I don't understand why we have to fight and beg for what is right and owed to the Monacan nation. Praying for a better future for my Monacan family and tribe.

Any forward movement on projects that would negatively affect pre- and historic archaeological sites of Native peoples must include free, informed, and prior consent. This project has not pursued this important step in decision making, and would be made in bad faith without that consent.

Mary Ann Capp  
David James

Mary Zoller Lightner  
mara robbins  
Amy Splitt  
Michael James-Deramo

Raymond D Roberts Jr.

Paula Mann  
Michelle chittum  
Melissa Miller  
Susan garrison

Catherine Martin  
Lori Ebert  
Laurie Rokutani  
Justin Greer  
Michael Carr  
David Hennaman  
Norvelle Merritt  
Ms. Stephanie Clark  
Chris Fletcher, RPA  
Justin Eveland

Formerly staff to VA Council on  
Indians

I am monacan indian

Professional Archaeologist

I always stand available to offer support to the Monacans.

Please honor the sacred grounds of the Monacan Nation by  
stopping this pipeline project and protecting their burial  
grounds.

This is history of this land before it became America and it  
should be preserved, the Monacan Indian Nation ancestors  
should not be moved they were buried on their own land  
and they have the right to be left there and not be moved  
when there are other places to build this project.

Indigenous peoples of Virginia and of all over Mother Earth  
understand what we must do to save our world in a good  
way. This ancient history and the sacred sites are  
important. Please protect these places and their people!

I stand with you!

Yes



Gregg Castro Robert Pierce	t'rowtraahl Salinan/rumsien Ohlone	What is even a deeper wound on Indian Country than the despicable war against our Original People of these Americas - that continues to this very day - is the bloodstained puss shack of the United States' history of Genocide against those same Indigenous People. Until that wound is lanced and cleansed, no amount of money, technology or land theft will relief the US from it's fevered sickness.
Sandia Slaby Lisa Lauria	PhD in Anthropology from UVA	may you live with dignity and recognition
Lauri A Aultman	Community Center Director (OH)	I visited the Monacan living history site at Natural Bridge last year. I long for the day when I can return. My soul feels at home with these amazing people. Let them live in peace please. Please help stop destroying sacred First Nation places.
Mr. Mark Burnet Maryellen Lombardi Karin Larkin Sarah Kenda Hanuman Nan Smith	Va DOE retired	All people should revere the ancestors of this great land of ours. Once destroyed, our heritage may be lost forever.
Laura Grant Kenneth W Floyd Sr.	language revitalization advocate Tribal Member	Yes As the Monacan Nation has now made plain the cultural importance of their historic site, we should not be debating the costs of a pumping station but leaving the site undisturbed so that the Monacan people can decide how best to handle and preserve Rassawek. It is time to stop taking from Native Americans!
Herbert I.Hicks USMC retired/PGA Levi Nelitz	Tribal member	As a elder of the Monacan Nation knowing some of the past injustices that my people suffered I am appalled that the Commonwealth of Virginia could let this happen. Their sacred burial sites should not be destroyed.

Mrs. Deborah B Woodward	Co-author of First People: The Early Indians of Virginia	
Helen Kimble		
Peggy Gilges		
Martha Smith		
Lena Welker		
Chenoa Ashawasegai		
Antonio Garcia		
Carol (Beverly) Robinson		
Barbara Lennox		
Elaine Kasten		
Joan Lawless		
Brandon h	Monican, tribal member	
candice morrissey		I believe their request is valid and we do not need to destroy historic sites
Bobby Dean Branum	Enrolled Member Of The Monacan Nation	
Bruce Wylie	NA	Support indigenous Americans and maintain their history.
M. A. Woody		
Melanie Parker		
Michael Steen	Director of Education	Point of Forks is an important Native American tribal grounds as well as a Revolutionary War battlefield site. The preservation of our shared history is paramount to the future of this country.
Littlepaige Wemple		
Bill Kennedy		
phoebe Antrim		
Ms.		
None		Respect the rights and dignity of Native people.
allyssa rodriguez		
John R. Legg		
Mr. Frankie Bauer	Choctaw Nation of Oklahoma, The University of North Carolina-Chapel Hill	Sovereignty. Google it.

Anita Wills and Dr. AntonyBaxter  
Jennifer Andrella

My sister and brother have  
membership in the tribe

Yes I am!

I first became aware of the Monacan Indian Nation through association with Rev. B. Lloyd of the Episcopal Diocese of Southwest Virginia, and later by participating in Virginia Tech's Indigenous Garden where Monacan Elder Vickie shared a story of corn for our Guatemalan guests. VT's President Tim Sands now begins meetings by acknowledging that we are on Monacan land, and I am abundantly grateful to be here and want to learn more. Please don't let this land and history be destroyed.

Kimberley Homer  
Nathalie Groot  
Dyanis Popova  
Martha Branham  
David Alexander

Entrepreneur  
None of your business; I'm an  
historian and a concerned citizen  
and resident of Virginia  
Student

Good luck and I hope you guys win!  
When is enough statist largesse and thievery enough?  
Liberty and property!!!!  
Don't give up

Anonymous and its none of your statist business  
Aaron VanSchoor  
Karen Gill  
Gwyneth Homer

Environmental Advocate (Solar  
Policy)

Thank you for protecting the land for yourselves and those  
who will come after you.

I am a retired community college  
professor; now employed as a  
nurse practitioner for mental  
health patients.

It is so important to preserve ancient lands, especially  
those sacred to native peoples. I would not let you put a  
pipeline through the burying ground where my late husband  
is buried, in sacred ground near my church. It is equally  
immoral and wrong to destroy the sacred space of any  
people, especially native peoples, who never asked us to  
come here in the first place.

Kathleen Linville  
Elysia Budu  
Patricia Stansbury  
C.B.Fitt  
Kate Jenen

Epic Gardens,

Jon Graham

Alliance of Native Seedkeepers

Susan J Buniva

none

Jessica Bull

Terry Moody

Beth Kreydatus

Nottoway Indian Tribe of VA,  
Governor's Council on  
Environmental Justice, Steering  
Committee Member of Virginia  
Interfaith Power and Light

no

My support is because it's the right & moral thing to do.

There has been enough disregard for all Virginia Tribes in the past. In these times with issues such as immigration being at the forefront, let us imagine what would have happened to the English when they sailed in to these tribal territories today. Please take time and explore other options before dealing another insult to the true founding members of this country

Brenda Smith

Retired Professor of Social Work, The Monacan burial grounds are sacred to me, and I Virginia Commonwealth University support the tribe in demanding that they be protected.

Margaret A O'Neill

Shauna Daniels

Oliver aurand

Beth Roach

Dr. Faith B. Harris

Paula Naujalis

It is far past time for governments and entities to cease erasing and exploiting the native populations in this country.

Zoe Edgecomb  
Perri Meldon  
Elizabeth M Edgecomb  
Dirk Walliser  
Nikki Edgecomb  
Julie D. Legg, MAMFT, CFLE  
Joseph Ryan  
Judith Hale  
Jewelweed Sprouts  
Peni Nettleton  
Alicia Cohen

Jeffrey L. Hantman, PhD  
Trisha Horta

Patricia Burke  
Silvia Sanides

Dr. Laura E. Masur  
Erin Root  
Allison Homer  
Cerrie Mendoza  
Wilma Hicks  
Barbara Orf  
Sparrow Plainbull  
Courtney L. Brown

Landscape Architect

registered nurse

Professor Emeritus of  
Anthropology and Archaeology

Tribe member but did not do my  
enrollment

Assistant Professor of  
Anthropology

Upper Mattaponi Indian Tribe  
Nansemond Indian Nation  
Haliwa-Saponi tribe

In Piedmont Virginia, Monacan history is all around us, especially along our rivers. During pre-Colonial times, the people practiced agriculture, built towns, and created burial mounds that were documented by Thomas Jefferson. And yet, most of us who grew up here learned nothing of that in school. It is time to stop ignoring – and especially to stop destroying – this history. The Monacan people are still here, and they deserve to be recognized through more than just highway signs.

We are all living on native land.

William Austin		All power to the people
Katherine Pabody		
Jorge Palacios	Former Indigenous Studies Intern	
Brittney Walley	for Plimoth Plantation	
Stephanie Nelson	Nipmuc Nation	
Crystal Rose		
David serigny		
Dudley G. Lynch	Haliwa Saponi Tribe	
Nicole Pastorkovich	Enrolled Notoweega Tribal	
Charles Lynch	member	
Rico Newman	Choptico Band of Piscataway-	
Sam McCormick	Conoy Tribe	Ktaholhomo - I love you people
William A. Wright		
Ann Porotti		
Martin Kilian	No	
Amy Silver		
Christina koenig		
Kevin Evans		
Washakie Fortune	Rappahannock Tribe	
Iap gibson		
Jane Fortune		
Laura Rose		
Raymond Allsbrook		
Julia Marden		
Taylor Stasis		
Tanya Stewart		
Olivia Custalow	Mattaponi Tribe	
Sarah Rodriguez		
Monacan Indian Nation	Tribal Member Monacan Indian	
	Nation	

Winston Barham	Ruling Elder, Presbytery of the James (Presbyterian Church USA)	I am a Louisa County neighbor and have been a guest at your powwows. These ancestors are all our ancestors, and their stories belong to all of us. There's nothing left of Monasukapanough; we have a chance to do better by Rassawek. Please find another place to build this pipeline. Be strong. You and your ancestors deserve this kindness and respect.
Jules Marshall Virginia tech	College student	
Katherine Slaughter Mrs. CrystalRose Heinz	Former mayor and Retired environmental attorney who had represented environmental groups in Mattaponi Tribe et al v Newport News in the 1990s worked on tge Mattaponi	Rassawek is an important Monacan resource. Surely another site for the pumping station could be identified as an alternative to the destruction of archeological remains, including humans. At this crucial time in our history we are seeking to tell the true history of our native people as well as of the enslaved and so we should not perpetuate the wrongs of the past by destroying Rassawek. Rather let's find a way to preserve and commemorate the site. Fellow Native American
Lynchburg City Schools NA Monika Siebert Salena GH David T Flaherty Renee Brenda Redden	Science teacher/ park naturalist  University of Richmond  Tribal member Tribal Member	Like the two pipelines - this project shows a complete disregard for public safety and opinion, It seems like no one exhibits common sense anymore . With miles to choose from why would anyone think it appropriate to locate an industrial site in an indigenous burial site ??
Kimberly Baxter	My brother and sister are members, I am still waiting to join	Yes
Nichole Richardson	Nansemondsaponijewel is my business and I am nansemond and Haliwa saponi Native	

Kimberly Agee Long		We are still here and still strong! Kimberly Agee Long
Joanie Beverley Goodson		
Deanna Gilroy		
Shirley Markie		
Charles E. Harrell, Jr.		
Brittany Miller		
Elizabeth Steger		
Linda VanNess		
Mary Cox		
Pamela Turner	Virginia Commonwealth University	
Kathy Beverley		Yes
Ryan Jackson	Professional Archaeologist	
Virginia cappello		
Charles Hancock	Artist	
Ms. Megan Bolten		
Carol K Tear		
Pat Powers	Religious Society of Friends	Having finally received federal recognition, the Monacan
schafer	(Quakers)	people had hopes of being treated better and consulted
David Carter		more. They deserve respect and justice.
Catherine Emanuel		We need to preserve history and respect a group of people
Tammy Taylor		that rely on the environment to survive.
Virginia Association for Environmental Education	Director, University of Lynchburg,	
Grace T	Claytor Nature Center; Director,	
Steven Dellinger	Virginia Association for	
I respect all Native Americans.	Environmental Education	Respect their wishes
Breanne Bowers		
Eleanor Amidon		I respect all Native Americans.



Sharon Ponton  
Kenda Hanuman  
Victor Clark  
William Davies  
Betsy Greenleaf  
larry cluff

Joseph Jeeva Abbate  
Thomas Adajian

D. Erwin  
Doug Wellman

Joyce Hillstrom

Catherine Cunningham  
Lisa Merrill  
Meridith Frazee  
Anita Mayo  
Rob Jennings  
Danny Kesner  
Linda Herring

Barbara Ann Levy  
Drew McKnight

Gwen Lattig  
Daniel Cole

Monacan Tribal Member

Tribal member of the  
Confederated Salish and  
Kootenai tribes of the Flathead  
Nation

UVA College and Graduate  
School of Arts & Sciences  
Monacan Member

Monacan Nation

Menominee Nation

1954

As a country, we have for hundreds of years, destroyed, dismantled, and disrespected Native American lives, culture and history. It's time for it to stop.

Please preserve out historic and sacred site

The USA has stolen so much already from Native Americans. This is another attempt.

Our European ancestors stole this land from the Monacans. Let's not desecrate it further now that we should know better.

We, as a country and society, have sufficient historical perspective to know that this is an action that should not be taken.

Yes

I support Native Sovereignty and respect the sacred nature of land to Bative people therefore this place needs to be respected and untouched by industry.

Frankie Rogers

Olivia Richardson

Deborah Justice

Stephen Murphy of the Ocaneechi Band of the Saponi Nation

Amanda Curtis

Nancy Dennis

Jason

Robert Dillard

Eric Fletcher

Jeanne Domek

Jennifer Joslin

Roxanne Admoni Russell

Becca Gardner

Laura Huff

John A. Kleinschmidt

No

Haliwa-Saponi

citizen

No

Myself and the entire Haliwa-Saponi tribal community stand by you.

respect

You are not alone

Heaping more abuse upon a shameful history of genocide and treachery as this project would do just breaks my heart. When will we stop?

Remain strong and never give up nor in.

Let us keep our agreements.

It is past time to rectify the wrongs done to the Monacan People. The spirits of our ancestors cry to be heard, "do not desecrate the place of our rest, do not destroy the remnant of our ancient home."

Please stop this project!

Certainly, this site should be saved and archaeological digs made.

Our Commonwealth has an obligation to all our citizens to acknowledge and honor their histories just as we have begun to acknowledge and honor ALL who have arrived since 1619. These sites are just as or more important as ones built since. I urge you to keep them intact.

Sincerely, MB

It is vitally important to preserve the historical sites and communities of this country's indigenous people.

M bourgeois

Diane Ober

Retired University administrator

Beth bains			
Robert Thompson	Mr		The cultural heritage of the Monocan Nation, and our shared history, should not be sacrificed for narrow short-term gain and convenience. Show respect!
Brandon Burns			
Linda Artis			I support the Monacan Indian Nation in this request.
Sandra Stuart			Virginia should protect and preserve Rassawek and its burial ground as a valued place in our history.
			Rassawek is a sacred site. Protecting it honors not only the Monacan Indian People but all persons who care for and respect one another and Mother Earth.
Elizabeth Koopman	Religious Society OF Friends (Quakers)		Thank you for caring.
William Lankford	Retired Professor of Physics		
Renée O'Leary			
Lauren Martin	Husband family Ochanecci Band of Saponi Nation		
Caroline Abdenour-Brown			
Sandra Palmer			Honor our first peoples
Rkhoward			Please do not destroy Rassawek
David Sitomer			
Patrick L. Calvert			
Apuleius Hillier			
John C. Wise			
Virginia Lirber			
Mr William Chaffin	Saponi Nation of Ohio		Place is the bedrock of a Peoples identity. By saving a Nations home place we preserve the Nations identity.

There are numerous other and better, less impactful points of out-take from the James River for the Water Authority to bring water to Zion Crossroads. The original permit for the Fork Union Sanitary District was at BreMO, and was part of a study done years ago for the water system. BreMO is a far more reasonable and sensible choice, without any of the impacts that are associated with the Rassawek site. Further, the BreMO site was already approved by the Virginia Department of Environmental Quality. The Army Corps, as a federal agency, must not approve a permit that would violate historical and sacred burial grounds, as well as the historical capital, of a federally recognized Tribe.

This was a poor site selection from the beginning, with no meaningful investigation of either the environmental or environmental justice or historical impacts of this project. The decision to move forward with Point of Fork - as opposed to the originally approved site at BreMO - was nothing less than a show of both historical ignorance and arrogance, as the Fluvanna County Board of Supervisors in its consideration of this site during negotiations with the JRWA knew full well the historical significance of this site and willfully chose to ignore it.

The Monacan are a federally recognized Nation whose rights and people have been trampled and violated since the time of colonial settlers. The long history of racism in Virginia has created a deep legacy of unrightable wrongs. Today, however, we have an opportunity to face and recognize this legacy. Virginia can decide to do something different; we can decide that there are alternatives to repeating our past mistakes and deepening the harms. From a moral and ethical standpoint, let us show that we have learned something from the long legacy of harms we

We owe it to the children of the Commonwealth and sovereign American Indian nations to show respect for historically significant places and those held as sacred—especially the final resting places of those who came before us.

Tanya Denckla Cobb

Mediator at University of Virginia,  
and resident of Fluvanna County

Abbey Compton  
Sarah Teets

Herndon Friends Meeting  
Ph.D.

Hunter Teets			As a resident of Fluvanna County, I respect the rights of the Monacan Nation to have this important cultural site preserved and not be desecrated by profit-motivated enterprise. As a taxpayer, I treasure it as a place of peace, beauty and history that I and many others wish to have preserved.
Shirley Lavin			
Jennifer Grover			
Beverly Seng			
John O. Wheeler			
Edmund Frost			I am a Louisa County resident, living about 20 miles north of the Rassawek site, near the Shannon Hill exit on I-64. I strongly disagree with the plan to build a pumping station at Rassawek because of the damage and destruction it would cause to this important place, and because of the disrespect it shows to native people in our area. I support the Monacan tribe's efforts to stop the project going forward at Rassawek, and am interested in helping in whatever ways I can.
Alex Brown			
Leigh Mazzone	MSW	Health and help to you all	
	I am an a Maryland-admitted attorney and support the Monacan Indian Nation's positon in this matter.		
Robert J. Rhudy		See above	
Cathy Martin			I would like to support the Monacan Indian Nation in any way I am able. I have lived in Rappahannock County most of my life and know this was also an ancient homeland of the Monocan peoples. Thank you for what you do!
			Enough destruction has been done to sacred land. This needs to stop desecrating burial places of other cultures is not permitted it should be permitted of the natives peoples of this land either.
Terry Spencer			
M. Fife			
none			

Debbie Bunn  
Heidi Jones

Madeleine Jones  
Karen Eschbach  
Rebecca Barns  
Jude Christian  
Sybil S. Roberts

Mrs. Kimber Hawkey  
Mark Kavit

Marilyn Roselius  
Rhiannon O’Coin  
Lexi Simcic

Eden Henderson  
Eric Turkheimer

Teacher

Nurse Practitioner, UVA  
department of student health

Yes

They were here first and it is very unfair that people keep taking things away from them

ALL VIRGINIANS need to rise up to stop this sacrilegious violation of the Monacan tribe's basic rights! How much more injustice will we pile on our indigenous people? This is OUTRAGEOUS and any plans to violate tribal burial grounds must cease and desist immediately!

Governor Northam, Captain Patrick Kinsman, and the people of the Commonwealth of Virginia: this is an opportunity for us to show our commitment to justice for all. Native Americans have rarely been included in discussions or initiatives to rectify America's history of baneful racism. Let us begin by showing our respect for today's Monacan's tribe members by honoring their ancestors and sacred ground. Let them rest in peace. Governor Northam: your initiative to include the history of enslaved Africans in the American History curriculum in Virginia's schools is commendable. The real history of the annihilation of most of America's first people needs to be included also. Let us make certain that JRWA's proposed exploitation and destruction for the sake of the "least expensive option" under your authority isn't part of that history in 2019.

Rebecca Lowrance  
Judy Harmon  
Kirsten Sanok  
Carrington Wicks  
William Hoare  
Jan Glennie-Smith  
Lauren Goetzinger  
Peter M. Yadlowsky  
Laura Michael  
Marissa  
Melissa Kennedy  
Lucy Midelfort  
Philip harway  
Abigail Greene

Donna Blessing  
Laurel E Mosley

Roland H. Simon  
Elizabeth Wittner  
Kiran Uppal  
Shawnee West  
Barbara T. Moore  
Loes van Riel

Jean R. Sampson  
Margaret Thornton  
Mr. Trey Pollard  
Addie Alexander

Conservator

Lauren Goetzinger

We morally need to respect the culture of the Monacan Indian Nation. We are, after all, all connected and it is the right thing to do.

No one person, corporation or administration has any right to trample on sacred ground, just because it does not belong to them. Indian heritage belongs to world heritage and needs to be protected.

We send you our love and support.

Out of common human respect for the Monacan Indian Nation and their ancestors, please leave their burial grounds as they are. We have stolen enough from these people, let us not steal yet another piece of their sacred land!

Solidarity with the Monacan Indian Nation!

Christine Flippo	Shop Manager	Yes
John McLaren	Professor, University of Virginia	Proud to stand with the Monacan people on this issue.
Ms. Darlejean Baker		
Sam Green		
Claire La Fleur		
Paige Hornsby	University of Virginia	
retired		
Angela Regan		
Wanda Stootsberry		
Tracy Marshall		
Alex Munjal	physician	
Elisabeth Jacobs		You would not want your ancestors remains moved, so do not move theirs. Find another place to put your facility.
cynthia smith		
Elizabeth Pushard		
Ann Haney		
Marta J. Engdahl	M.S. VCU, December 2013; St. Luke's Episcopal Church, Simeon, Charlottesville, VA	
		I'm sorry you have to fight to protect your sacred ancestor's burial grounds and this irreplaceable site of historical importance, and that the disrespect and broken promises towards Indian people by local, state and federal leaders continues in the 21st century. I hope more people will learn the history of the Monacan Nation and will come to cherish you as the original people of this area. It baffles the mind that government leaders and the public alike should not be rushing to protect this precious area.
Kathryn Fenn		I wish for you to be able to succeed in this endeavor. It is most important to protect The Monacan Indian's sacred sites. A well-wisher .
Allison		
Miss	none	yes
Karen Saielli		
Tom Saielli		



Geeta Patel

Kath Weston

Mary Kearns

Rachel Myles

Kyle Wright

Ari Solomon

None

James E Shifflett Jr

Ari Solomon

Sarah Harre

Sarah Wayne

Tyler Wood

Karene Smith

Douglas Lawless

Terry Smith

JoAnna Kwaloff

Kathy Kappes

Kate Koppy

Sylvie Revak Sebastian; M.Revak & Co. Books

Morgan Johns

Rachel Spraker

Dr. PeterS.Kirkpatrick

Tabitha Schmidt

Sommer itawi

University of Virginia

Professor of Anthropology,

University of Virginia

Manager of grassroots advocacy,

National council of jewish women

MPP, MSW, LCSW

Professor

N/a

Monacans have suffered enough. We who are guests on Monacan land need to respect the beliefs on which we have encroached. This should not be happening, should never happen. I stand with you and am grateful for your kindness, and furious at the constant desecration.

Native People have had their sacred sites plundered and destroyed routinely. Please respect this site

Time to give Indians the prospects that they deserve.

Sending support to the Monacan Indian Nation from Massachusetts in this important struggle.

Save our heritage

Norwood Erica Hagan	Saponi-Catawba Nation member	We're family! I'm Saponi.
	I live here. My grandfather worked three jobs to buy this farm in the 1950's. There is no one on the face of the earth more committed to greenspace than I am. I have walked this land since i was "knee high to a grasshopper". I am the black dog that has held this keep for the ancestors. I have been to jail over this issue. This is a corrupt and disusting attempt to establish a major industrial pipeline through central Va. The project has 0 benifit for our county.	
The last Monacan at Rassawek	Dept. of Anthropology, James Madison University Tribal membership with the Monacan Indian Nation	The government in our county is corrupt and needs prosecution.
Sue Ann McCarty		
Samantha Solomon		
Michele Mattioli Nicketi and Hughes descendant		We have committed atrocities against Native Americans for 400 years and it needs to stop now. Please stop this project at Rassawek.
Karen M Field Marlene Bruce		This would be shameful. Put the pump house somewhere else. I wish you all the best.
Kaitlin LaGrasta Lauren Gryctko Judith Paulos	Current MA student in Archaeology, Cornell University	

Rosemary Gould

This is a sacred site and one of immense cultural and historical importance. Saving a little money is a ridiculous reason to destroy it and violate the graves of Monacan ancestors. Even if you only look at this from a business point of view, Virginia's history is important for the tourism industry, so it makes no sense to build something like this on a historical site. But try to look at it in a deeper way. Treat your neighbors as you would like to be treated yourself. Would you like the graves of your own ancestors to be treated like this?

Randy Seelye

Haven't we (USA) already treated the Native Americans with enough disrespect??? We are now going to disrespect them after death too?? We took their lands, forced them into poverty, discriminated against them for longer than any other minority group in US history- in the most inhumane ways. Can't we as a community come together and support our Native American brothers and sisters- and show the US- that yes we have turned over a new page and will no longer take advantage and treat them as though they were never here?? Well rest assured - They (the Monacan Nation) Are Still Here - to stay!!!!  
Randy Seelye  
Fluvanna resident-Boy Scout Leader

Boy Scout leader in Fluvanna Co  
x twenty years

Leonard Musta  
Christie Jordan  
Nicholas LaGrasta  
Marylyle McCue  
Myrtle B. Hudson

Senior Digital Product Manager  
at Anthem

As we see with Werowocomo there are few sites in the county that could compare in terms of providing a focus of tourism and education as this priceless heritage thousands of years old.

Caroline Campos  
Dr Joseph Fields-Johnson  
paul ackerman

University of Virginia  
Family Physician

Settlers seem to do nothing but continue to destroy Native lands. There is no accountability and we must protect and stand for those whose lands are stolen and whose lives have been undermined since the day settlers arrived.

Julia T-McGill

Librarian, Albemarle County  
Public Schools

This is a chance to show respect for the indigenous people of our commonwealth; your actions will show whether or not their voices are respected.

Karen Firehock  
Wendy Craig  
William Cray  
Tammy Purcell  
Mattie Jacobs

Enough has been done by American to disturb the Monacan Culture. We must not let this desecration go foward.

Sharon t jackson

Amherst co democratic  
committee chairwoman

We need to show some respect to go with the long overdue recognition

Ms. Paola Henriquez

Anyone who is not originally from these lands needs to respect and protect the communities that are, which includes listening to what they have collectively spoken about time and time again.

Lauren Taylor

Rassawek needs to be protected and undisturbed. Please respect the significant spiritual and cultural importance of this sacred ground.

Will Wickham

Teacher

This is not a public comment exactly, but I want to say that I appreciate so much that you are fighting this development and standing up for your history and heritage that you rightly deserve, that Euro-americans have been unjustly stealing from the Monacan for 400 years. I live in Richmond, and am wondering if there is any way I could help support your protest against this project. If there is any way that I can help from Richmond, please please let me know! I would really love to support you in any way I can.

Kibiriti Majuto	I am a student at William and Mary and I am a student organizer with Virginia Student Power Network	
Colman Cumberland	Immigration Legal Assistant	The United States' colonization and genocide of indigenous people's is a foundational evil in our society, and we can't allow it's modern expressions like this development project to go unnoticed!
Pamela J. Jewett-Bullock Rebecca Northcutt Terrell Dorn	St. George's Episcopal Church, Fredericksburg, VA  Professional Engineer	In the name of progress or prosperity for some, our state and federal governments have virtually stripped indigenous peoples of land and resources they inhabited and enjoyed without "ownership" for hundreds of years before white Europeans arrived on this soil. Please respect the Monacan capitol and find another location for the proposed pump station and water line.
Jennifer Johns Rev. Dr. Sally L. Harbold	Monacan Indian, enrolled member Episcopal Priest	God's many blessings to all :) Many stand with you
Katherine Shaffer		I hope that other students throughout central Virginia will also stand with the Monacan Indian Nation.

Avi Esther Maddocks  
Russell Chisholm  
Victoria Gum

Sponsorship director: Free and  
Equal Elections

Archaeologist

We live on the bones of our ancestors. Greed had poisoned the minds of men and tricked them to sell the gift and nutrients left to us by those of the past for an idea of safety and progress which not only spoils the land for future generations, it defiles the past causing trauma to travel through the timelines Which already run red with blood. Now those who are awakened to the voices of the earth and respect all life, past, present and future, must weave together to unify our single vision; to live with all our relations on the earth we born on unmolested in peace. Separated and unorganised we are weak, united across all nations we become a force. My spirit is with you. May your ancestors remain where they lie and may you all flourish and thrive.

Sarai Carter  
  
Caira LeeAnn Moody

Master of Landscape  
Architecture candidate, University  
of Virginia  
MA Counseling Candidate- East  
Tennessee State University

As a landscape architect and restoration ecologist, I cannot impress enough the importance of preserving an invaluable resource in situ. No curated exhibit or reconstruction will ever make up for that loss. If there is any way of selecting an alternative site that does not destroy this critical site of cultural and spiritual history of the Monacan Indian Nation, I strongly encourage the U.S. Army Corps of Engineers to exercise their best judgement in allaying that damage. The United States government and its various bodies already have a long history of inflicting vandalism against the Monacan Nation; we needn't perpetuate it through such short-sighted action.  
Thank you for your consideration.

Christine Branum Harris

Paralegal / Pro Bono Coordinator  
LAET

Our nation has suffered through nonrecognition, discrimination and a lost past for too long. Please do not destroy what we have left!

Whittney Chauta  
Marian K. Windel  
Felix Wessling  
Miriam Liske-Doorandish

Episcopal Priest

It is my fervent hope that the permit for the proposed pumping station will ultimately be denied and that the Monacan Indian Nation will secure legal protection for the site. The reasons to support the Monacan people in protecting and preserving their history and such an important location are countless, and the fact that they even have to fight this project is outrageous. I hope that the authorities will do the right thing and grant the site full legal protection.

Matthew Olwell  
Tom Hackman

I grew up not far from Point of  
Forks

Our entire country is on land that was taken forcibly from the people who lived here before the Europeans. When the land was taken, we went after their culture and language to destroy that. And then we go on to destroy the scraps we left to them. And as if killing them and their cultures weren't enough, now, in yet another blatant display of disregard and disrespect, you go after their dead and their past. Enough.

ROBERT BEER  
Dr. William John Alloway  
Heather Livingston  
Grace Morsberger

Seth Bates

Please preserve our shared national heritage, including that of our indigenous brothers and sisters.

Miriam Brodersen

LCSW

As a white person who grew up on land stolen from the Monacan Indian Nation, I am outraged that JRWA is proposing a project that perpetuates the injustice of colonization. As a licensed clinical social worker specializing in trauma, I can attest to the potential of this violent act to re-traumatize people who have suffered from hundreds of years of violence and attempts at cultural annihilation. I strongly urge JRWA to find an alternative site for their pump station.

Tonya Benton  
Jody Forman  
Diane Farineau

Jasmine Mao  
Nora Lally-Graves  
Dana Snead

Joyce Hillstrom, Charlottesville Quaker

individual  
Mary Fran Hughes-McIntyre

Kenneth R. Plum  
Ms. Elizabeth Godoy  
Christopher J Hiltabidel

Jeffery Hiltabidel Jr  
Rachel Wood  
Meg Ball  
Timothy Plum  
Mary Weber  
Kim Hiltabidel

Meredith Haines

University of Virginia, Class of  
2021

Charlottesville Friends' Meeting

Ecological Restorationist, NYC

Member, Virginia House of  
Delegates

Monacan Decendant

Project Manager

The diligent and forgiving spirit of the Monacan people brings honor to Virginians and Americans! As a descendant of several early American family lines from England, the decision to choose an alternative water site represents a more modern understanding and compassion for the wrongs done in the past. We can live in mutual harmony and improve water access for all.

To know who we are, we must know how we came to be.

Our European ancestors stole this land from indigenous people like the Monacans. We are morally obligated to help them protect historic sites, few as they are now.

I appreciate the work of the Monacan to protect and conserve precious fresh water for ourselves and other organisms, and to promote a responsible approach to living on and within the earth.

Thank you for your work to preserve important cultural and family heritage. I support your efforts.

This is outrageous and can not be allowed.

So ridiculous! If this was George Washington burial site it would not even be under consideration.

It is sad that this is how present-day Virginians are most likely to encounter original people's history in this place - when it is at risk of all being erased.



Amber Hiltabidel	Tribal membership is in process and pending	
Brenda Redden	Tribal Member	
Stan Schlein	Tribal Member	
Shyamali Hauth	EVP Outreach, Virginia Equal Rights Coalition	I stand with the Monacan Indian Nation in protection of your sacred tribal lands. This was your land first. Let us never forget.
Richard K. Holmquist		
Virginia Reed	None	May your ancestors be allowed to remain in place in perpetuity.
Patty culbertson		
Kiley Jolin		
Laurie Callahan		We need to honor the heritage of the people who first lived in this land. The historic Monacan capital of Rassawek must be preserved!
Christopher Ochman		
Rev. Dr. Debra Haffner	Clergy	
S Gilbertson		
Wendy Shang		
Julia B. Hebner	Religious Society of Friends	
E Reynolds	Monacan Indian high school student	
Jesse Kendrick		
madison lockard	friend of monacan indian	i love you
Thomas Holmes		
El Reynolds		
Ella Story		
Audrey		No
Ryanne Du Bois	Student	
El		
Seini Nasilai		
Lee Roy Drabenstadt		

Sarah Stables

Nathan Doherty  
Jules Feeney  
El  
John Benjamin Gathright  
Jessica DeVault  
Donna B Gathright  
Tara FitzPatrick  
Peter Mina

Kirby Baltzegar  
Elisabeth Greenwood  
Michael Barcroft

English graduate student, Johns  
Hopkins University

Architect and Educator

Retired teacher

Owner of a vintage brand,  
bachelor of science from virginia  
tech

As one of the few remaining First Nations peoples on the East Coast, and one of the smallest, this proposal to move the project is a very serious matter to the continuation and preservation of relevant material culture. The "least expensive option" at present is an irrevocably detrimental option that could destroy significant material culture and resulting intellectual property of the Monocan Nation for all time.  
If Virginia desires to be known as critically important to the European inception of this nation, it CANNOT condone or allow destruction of cultural evidence that was present in the cultural landscape at the time and preceding.  
Please endeavor to relocate this project.

Your strength and determination as the Monacan Nation to protect the legacy of your ancestors and to provide for your people and their descendants is truly inspiring. Thank you for standing up for your rights, the rights of your ancestors, and the sacredness of the land. If the United States of America wishes to retain anything of its own once-powerful image as symbol of economic and social opportunity, it must begin to listen to the voices of the peoples and nations who compose its borders and predate its own sovereignty.

I love y'all!

K.L. Cady  
Sarah I Gray  
Shantay Tyree

Member Monacan Indian Nation

A comparison between John Smith maps with current  
aerials reveals that extensive waterfront and riverside  
development in the Chesapeake region has forever  
destroyed significant amounts of Native American historic  
cultural landscapes. The preservation of this Monacan site  
and other surviving Native American historic landscapes is  
imperative in light of the massive losses that have already  
occurred. Thousands of years of Native American  
occupation of this continent are not fairly represented and  
preserved through National Register listings in contrast to  
much higher levels of listed and protected resources  
affiliated with only 400 years of European settlement.

Kimberly Abe  
Archie Lynch  
  
Patricia Morton  
Tracey Cain  
Sanford Hostetter

Architectural Historian &  
Community Planner (25 years  
experience)  
Haliwa Saponi

I recently learned that I live on Monacan land. I wish to  
learn more about your people.

Olivia Hadley

I support the Monacan Indian Nation in the defense of  
Rassawek and I am horrified that Virginia is still  
perpetuating colonial violence by claiming control of land  
that was never theirs to begin with.

Anna Lynch  
Kelly Reinhardt  
Tyler Jarrett

American Sign Language  
Interpreter

I do not permit this project, which will continue the  
mistreatment of indigenous Virginians using the excuse of  
economic progress that may never come to pass.

Blue Ridge School  
Joseph Fields-Johnson  
Holly Reaves

Family physician

European settlers would not desecrate their own burial  
grounds for a water works project, what makes it OK for  
American public works to defile ancient burial grounds of  
the Monacan Nation?

Olivia Call  
Derek Armfield, MD

Ghazal Jafari

Mr. Steve E. Samoheyl  
Randi B. Hagi

Retired, National Park Service

Eileen Merritt  
Joe Fields-Johnson  
Kassia Arbabi  
Ms. Susan Buniva  
Diane E Bowden

Katy Rugg  
Dr. Monica K Shaw

James Madison University alum

Assistant Professor of  
Landscape Architecture,  
University of Virginia

Fellow, American Society of  
Landscape Architects

Richmond Friends Meeting  
Quaker

Richmond Friends Meeting  
(Quaker)

I support the sovereignty and empowerment of the Monacan Indian Nation. Please listen and seek to understand the significance of this site. Those in positions of power and privilege must be aware of the historical oppression that First Nations people have experienced (at the hand of those in power) for the last several HUNDRED years. It is time to cultivate a healing relationship between humankind and particularly the land. Please do not carry out this construction.

I may have artifacts I recovered at a site near Little Creek Road in 2017 in Fluvanna County, Virginia.

I support the Monacan people in their request to choose an alternative site for the pump station. Rassawek has great spiritual, cultural and historic value, and must be preserved. It is short sighted to consider building a pump station there, when so much could be lost. We must respect the Monacan people and preserve Rassawek for future generations to visit and gain new understandings about the history of the tribe and their culture.

Mrs. Jean H. Washburn		Many of our citizens and organizations have abused the Native Americans through lack of respect for their rights and customs. Our ancestors arrived on these shores and took the land from these people and we haven't stopped stealing from them yet. Please respect their ancestral lands and the customs of these people. Thank you.
Julia B. Hebner		
Phoebe Antrim	Richmond Friends Meeting	The rights and land of indigenous people of the US have been trampled for too long. The Monacans deserve respect for the small portion of the land, remains and artifacts they are attempting to save.
Christy Wooddy	Quaker	We're with you.
Richmond Friends Meeting		
Mariette Norbom	N/A	DO NOT DESTROY THEIR PAST
Rhonda M Ligon		
Richmond Friends Meeting	Quakers.... Richmond Friends Meeting	
Joshua Hiltabidel		
None		I support the Monacan Nation in their quest to reclaim sacred and historical lands. There is never a bad time to right a wrong.
Sean O'Hern		I support the Monacan Nation in their quest to reclaim sacred and historical lands. There is never a bad time to right a wrong.
Bernadette LeMasters		
Christina Kilby	Assistant professor of religion at James Madison University	
Bruce Martin Jr		
Monacan Nation Citizen		
Lee Williams	Co-Director, GreenNew Deal VA	
Jonathan Sokolow	Attorney	
Emily Satterwhite	Appalachian scholar	Protect Rassawek!
Ann Linden		
Kim Niewolny		

Richard Shryock  
Ashley Shew  
Amy Splitt  
Vail Ryan

The interests of environmental justice are just as valid for the Monacan People as they are for the African Americans at Union Hill.

Steven Gillespie  
Elizabeth Hahn  
Nicholas F Polys PhD  
Sharon Ponton  
Jessica Vanderbeck  
Michael Love  
Steve Helm  
Katherine Majewski  
Bryan Walsh

Psy.D., LCP

Gregory Eaton  
Jean Parry  
Connie Fitzsimmons  
Donna Shaunesey  
Stephanie Sosa

Director, University of Lynchburg,  
Claytor Nature Center

Registered Nurse

Rick Taylor  
Megan Carper

Tribal membership  
Landscape Architect

I am a Monacan Indian Nation (MIN) tribe member. Our history predates the arrival of Europeans to North America. Allowing the pump station will erase that history. Be kind to the MIN and relocate the pump station so our history can be preserved and researched. Thank You for your consideration of this. Rick Taylor

Alison H.  
Amy R Shea

Wastewater Operator

Do NOT destroy this trove of Native American history. Relocate the pump station - use more piping, purchase other land. Do whatever it takes to do the right thing.

David Rouse			
Jade Johannesen			To allow the JRWA to continue forward with their construction (which is really destruction) would be an absolute disgrace to the history of this land and its original people, to which we as Virginia settlers owe everything. I support the Monacan Indian Nation fully and completely and demand that any access or permission requested by JRWA regarding the use or development of Monacan lands be denied.  In solidarity
Jack Leff	Professor		
Lyndele von Schill			
Shannon Spiggle			
Nicholas Copeland			The Commonwealth of Virginia was founded on efforts to exterminate Indigenous peoples' spiritual, economic and cultural practices, and to usurp Indigenous territories and convert them into the property of white settlers. This was done in the name of progress. We like to imagine that such behaviors are the past, but ongoing violent practices of erasure, like this planned project, threaten to remove another aspect of their mark from this territory. Even worse, this planned destruction of significant archeological sites aims to extend fossil fuel infrastructure, which is actively destroying the planet. This is a violation of Indigenous sovereignty and a misguided form of development.  United we stand
Anita Bevins	Virginia Tech		
Doris Thompson			
Susan Berres			
Paula Mann		Tribal member Appalachian American Indians	This county was and is their county and the Monacan Native Americans history should be preserved and their ancestors should not be disturbed that is their burial grounds and they should remain there.

Herman Mann

An alternative sight should be used this land should not be disturbed this is where Monacan ancestors are buried and they should not be moved. There is no real need take this land when an alternative sight can be used.

Trish McLawhorn  
Rebecca Scott  
Terry Huxhold  
None  
Heather Doyle  
Patrick E Thompson  
Self  
Alex Weathersby  
Priyanka T.  
Suzanne Keller  
Beverly rainey  
S. Webb  
Janette Corcelius  
Janette Corcelius  
Hieu Tran  
Patty Culbertson  
Sarmistha Talukdar  
Charlotte Shnaider

New River Valley Land, Air &  
Water Watch

We stand with the Monacan Indian Nation in this extremely urgent petition to protect their relationship to this, their land, their ancestral grounds. NO MORE THEFT! You must honor and take seriously these actions!!

Audubon Society

Music Educator  
Music Educator

They should have control of their own land.  
People must stand united with the Monacan Indian Nation to protect their ancestral lands.

Lisa Delao  
Patricia Powell  
Sheree Wimmer  
Ray Roberts  
Adam Bechtel  
Lisa Lynn zeger

Monacan

Unite the first Nations



Mary Manning Stewart  
Melina Bezirdjian  
Elizabeth K Williams, MD  
Kay Patrick  
Lauren  
Nicole Alden  
Susan Edwards  
Carol Snow

Rebecca Keel

Beth Marschak  
Shannon Bell  
David Riley  
James A. Riley

Cheryl Marschak

Alan Moore  
Deborah Bass  
melody titus  
Chelsea Higgs Wise

Victoria Ronnau  
Dina Cahow  
Keith Pickerel  
Larry LaMar Yates  
Jammie Hale

no

Social Worker and Community  
Organizer

Retired Educator

Cherokee Western Federation  
Church and Tribe

ceramic artist  
Chelsea Higgs Wise

Radiation Safety Officer

I'm glad to be made aware of this very important and  
concerning issue.

Too many treaties have been broken. It is way past time  
for Virginia to recognize your sovereign rights

Respect Their Proud History.  
It's time to show respect for the Monacan Indian Nation and  
this heritage.

We stand on native land.  
The US needs to step away from International Trad Laws  
and learn from the Native Americans. We should have kept  
their values to protect the rights of nature. We say NO to  
the James River Water Authority

Virginia must respect our elder neighbor.

Leslie B. Middleton  
Tess Amoruso  
Shelly Wilkins  
Marc Koslen  
John McLaren  
Tommy Thompson  
Lora Beldon

N/A

Professor, University of Virginia

The planning process for this water pipeline has been flawed. We as a society must be mature and honest in our evaluation of options — and they must include an honest assessment of the rights and needs of the peoples of our First Nations. We owe them nothing less. In Virginia, as in other places, the truth of endemic, centuries long racism is being uncovered, and this includes our Virginia Native tribes, including the Monacan Indian Nation. They deserve, and I support, an honest evaluation of alternatives that do not include tearing up their ancestral and sacred sites. Please do not permit this project as presently configured and require the applicants to evaluate other routes.  
Yes

Kathleen Fraser  
Ashley Wimer  
Rebecca Taylor  
Elizabeth K Williams  
Linda Revis  
Brittany Sorrels  
Jane Quadri  
Lyz Frey  
A.J. Young Jr.  
Jennifer Trippeer

Registered Nurse, Herbalist

Monacan people have served in every American war. They were here prior to the formation of the United States and have endured unspeakable losses as Virginia became a state. Their heritage is this lands heritage. They deserve this Nation and the state of Virginia's respect. Also clean water is critical to our survival. The community is served by their resistance to the pipeline.

Standing with you.

We love you, respect you and we know you are here!!

Allison Profeta		
Lucy Ivey		
Adrienne Hamlyn	Poor People's Campaign - Shenandoah Valley	I stand with the Monacan tribe against environmental racism.
David Copper		Keep the faith, you are not alone
Ashley Vermillion		
Rae Lynn Kasdan		
Jennifer Lewis	President and Founder, Friends of Augusta	
Self		
Christopher Boehm		
Nadina Pupic		
Sheryl Hansen		
Laura szykowski	Therapist at Community Services Board	
Willow Kelly		
Anne Roe Buby		
Andrea B. Wasiewski		
Anne Hunter		
Nina Burke		
Julie Scofield		
Erin Trzell		
April Cordell-Bryant		
Jennifer Orenic	Mediator	
Krysti Hollaway		
N/A	Teacher	
N. Nitch Narduzzi		
Logan Wade		
Priscilla Sonne		
Frances Clark		

	RN MSN; Poor Peoples Campaign-Shenandoah; secretary, Reclaim Augusta; member Unitarian Universalist Fellowship of Waynesboro.niversalist	
Linda Shallash		
Teresa Edsall		
Jennifer Kitchen		
Ashley Cinalli-Mathews		
Laura Skally		
Elizabeth McCauley		
Annette Hyde		
Amber Gundersen		
Keith Henshaw		
Paul S. Dwyer		
Kathy Funk		
lindy felix		
Steven Wronko		
Earth Church Staunton		yes
Melanie Pace	MSW	
Judy Rather medina	None	
Ms		
Mary S Cunningham		
Elizabeth Cable		
george harlow		
Meagen Kay		
Susan Hastings		Nothing is a done deal until it's done and operational. Persevere!
JoAnn Tigert		
Babs Nolley		

Sue Cowan Charlotte Shnaider Lallon Pond Sharon Van Name	I am a Fourth Grade Teacher at Belmont Station Elementary School, Loudoun County Public Schools	As a fourth grade teacher, I strive everyday to help students respect one another and our individual histories and viewpoints. The Monacan People are some of the first peoples in the land we now call Virginia. Their history is our history. Our Fourth Graders are learning the wealth of historical and prehistorical sites in our land and are taking steps to preserve these sites, as they are able. It is only right for adults to model how to respect the people and the land that is so ancient and treasured by not just the Monacan's but by all Virginians and Americans. The site that is being threatened is not replaceable, for it holds historical and prehistorical treasures for all of us. I hope and pray we can work together to protect and preserve the land so rich with archaeological and ancestral treasures. To build over Rassawek will take its history from the Monacan Nation and from all of us now and into the future. Rassawek is a treasure that will bring people from all over to visit and to cherish. The site for the water plant can be moved, but our history cannot.
Kristina Adler Jason Blomstrom Gmb Lynette Cripe Theresa Sayre Joshua A Simmons Lisa Starnes C R Stedman Patrick Kyaio Nancy Watts	Sacred Earth Family Church  N/A  Outpatient therapist    With Respect, LLC	May balance and justice be restored to your your nation.  Yes      Aho.

Brenda Kidman  
Chris Rini  
Micheline Vogt  
Don Doult  
M. J. Cohen  
Michael W. Porch  
Bizhan Khodabandeh  
William Spiesberger  
Ms. Melanie Armstrong

Solidarity with the Monacan Indian Nation!

Haroon Ali  
Candice Sloan  
Bonnie Armstrong  
Amanda Splittorf

It's 2020 and we must recognize our faults and adjust accordingly for the sake of humanity!

Michael Berman  
Mattaponi Indian  
Lisa S. Young  
Dr. Victoria Navarra

While the Monacan people are most directly impacted by this project site, this is a shared history of all the people of Virginia that needs to be more properly evaluated and researched in order to continue to share the lessons of how this country came to be centuries ago.

Raymond Daniel Vickery  
Emma Shirley  
Stacy A Biin

former US Army Engineer Officer  
(CPT)

NA  
Ms Elaine Kasten

I work at the Richmond Peace Education Center, and though I am not enrolled currently my Mom is, and our family has Oglala Lakota roots, based out of Cheyenne River Sioux Tribe in SD

Tracey St.Peter  
Madison Griffin  
Wendy Boynton  
Katie Neal  
Leslie Rubio  
Greg Benedetti  
Bill O'Hern  
Sophie Whitfield  
S Heinen  
Gabe Slagle

I support the Monacan Indian Nation.

Molly Gauthier  
Jennifer Lawhorne  
Melissa Wender  
Erin Cagney

This proposal is a tragic disrespect of your ancestral lands and history. I support your right to allow your ancestors to rest and preserve your historical places.

I will show up to support you.

Christine Lee  
Erin L. Nuckols

UVA School of Architecture, MLA  
'21

Ms. Sharon jackson  
Rev. Kate Adamson  
Rhonda Montgomery  
Chris Witte  
Tyler Good

Amherst county democratic  
committee chair  
interfaith minister

We must honor the host people of the land  
I am doing a project about them

Alana Grace Goff  
Elliott jacob adam martinez chaponan  
Laura M. Brown  
Mrs. Laura Baker Anderle

Loudoun County Public School's  
loudoun county public schools

we want to help you!!  
we what to help you.

Signed,  
A Fellow Virginian

no  
Belmont station  
No  
no  
no

no  
no  
None

We need to save theses mounds

no  
no  
None



Nandan Bastati	Belmont station	None
Alejandro		
Ryan		
Belmont station	None	None
Nandan		
Nandan Bastati	Belmont station	None
Belmont station	None	None
Devin		
Alisha		We want to help
Maylee		No
Levi		
Alejandro leon	Belmont Station EL	None
Ethan Hallowellb	no	no
John Waters	no	no
Ilaria Mischati	None	None
Diana cuevas	Belmont Station EL	None
Richard Hammler		
Alim Lawal	no	no
Belmont		Yes
Eesa Yousuf	NO	No
Chloe Paquette	no	no
Matt hurst		
Matthew		
Kate Good		
Remzy moen		
Mayukhi	Middle school student	I support it 100%
Robert Goff	No	
Jon Good	N/A	N/A
Tonianne		None
Kaycee childress		
Ian		
Patrick		
Yamuna		
Haley hall		

Griseth Chaponan	No	Yes
Pashmin khorjekar		
Jeff Harting		
Vrushali	N/A	Need to preserve
Anna Donovan		
Rachel		
Lea Fadden		
Chris fadden		
Devin Gray		
Will Fadden		
Suman Subramanian		
Milad Francies		
Tyler Good		
Abeer Ayaz		
Carolyn Schuyler		I send my deep respect to the Monacan Indian Nation. I wish the best for you.
Steven Brooks		Wasn't genocide enough? Give these people their land back
Anna Caughron		
Ben Free		
Patricia Free		
Susan Frankel Streit		
Angelo Lomascolo	No	It is ridiculous that the indigenous people in America continue to have to fight and struggle for very basic things, such as the preservation of this important site. The greed that fuels the ongoing land-grabbing needs to be stopped. This disrespect and dehumanization of the indigenous people is still totally of control. The Monacans and other tribes should not still be in the position to be fighting to be treated like human beings. Please find a better solution.
Michelle Goldberg	Farmer	In 2020 all involved know this project and destruction of native cultural sites is immoral and wrong!
Aaron Hackett		America! Respect our First Nations brothers, sisters, and their sacred sites!

Charlotte Shristi  
Eugene Brady Toler Jr.

Christopher Lee Champ  
Pat Tashjian  
David Bohnhoff

Walter F. Heinecke  
Caroline bray

Scott Ziemer  
Chris Keup

Bonnie-Rebecca Stewart  
John Neavear

donna gasapo  
Luis Oyola  
Samantha Peacoe  
John salidis

Quaker Meeting

Associate Professor

Renewable Energy Chair  
Piedmont Group Sierra Club

As a descendant of European settlers on this continent, I'm ashamed that our government and corporations continue to trample the rights of the Monacan and other Indigenous Nations. This cultural heritage site should be considered priceless and protected as such. People of the Monacan Nation should be spared further trauma.

I'm looking to see if my family( Champ/ Bailey/Nelson/ Gibbs).... who have been in the Piedmont area of Rappohanak & Fauquier for generations

Please defer to the needs and wishes if the Monican Nation with regards to the Rassawek pumping station. Haven't we done enough to native Americans in this country?

I support your efforts to protect your history and heritage.

It is my fervent hope that Governor Northam & Commander Kinsman show respect to the Monocan people & their nation's legitimate claim to their ancestral lands at the confluence of the James & Rivanna Rivers. As one of many Virginia-born, lifelong, tax-paying inhabitants of this Commonwealth, who regrets the Commonwealth's history of shameful mistreatment of the Monocan people, I urge the Governor to make the correct ethical, environmental, & culture-preserving decision to stop the pipeline project at Point of Fork.

Listen to indigenous people and respect their wishes regarding their sacred lands!  
Respect indigenous sovereignty

You deserve better

Mr. Frank Richards

No more destruction and theft  
of Indigenous land!

Nicole Strycharz

Author

After all the injustice that the Native people have suffered throughout history, it needs to stop here. If Rassawek is where there are historical bones laid at rest, the land needs to be revered the same as a modern-day cemetery. Aside from bones being found, Rassawek is a sacred place that should be protected from disturbance. I want to offer all my support to the Monacan Nation in any way that I can. I want my children to grow up to respect and defend other cultures, but that means leading by example. This is not a problem we should be facing in the 21st century. We have to make the world we want to live in and decide the sort of country we want to be. To consider how much land (all of America) was taken from indigenous tribes in general, I think it is an atrocity that the location of Rassawek is such an inconvenience for this water project to bypass. It is not about race or money, it is about human decency. We would not allow a water project to disrupt a modern graveyard or a beloved church (place of worship). We should not allow a place as sacred as Rassawek to be any less guarded.

Jennifer Strycharz-Montague

After all these years, I honestly cannot believe that this would be a situation in this day and time. We have come so far in learning tolerance and love for each other for all peoples. But as far as we've gone, this situation with Rassawek makes me feel like I'm in the 1800s, not the 21st century. How could this even be a problem or a question of what is the right thing to do? I have a deep love for the true Americans, the indigenous tribes of this country. I respect the Monacan tribe. They have my full support!

Frank E. Montague  
Thomas Lever

We must have respect for all people. As a person with Indigenous American blood, I stand with the Monacan People.

dave kellar

Conor Shillue  
Sara Tansey  
Leslie Middleton  
Heather Gibson

Quaker

I'm in full support of your fight to stop this injustice. It made me sad to hear about what is going on, and I really hope this proposed plan can be stopped.

Andrew Bain  
Sarah Barner

My European ancestors were amongst the early white colonizers of this continent, back in the 1700s, before the United States existed. Having a family history in central Virginia dating back a couple hundred years I am appalled at the hypocrisy prevalent in current events. 'Build the wall' and all of that uneducated, unaware garbage put forth by scared small-minded people with no heart. It shames me to see the callous willful encouragement of ignorance and disrespect to the Monacan Indian Nation, whose sacred sites matter more than any short-sighted James River Water Authority business decision driven by saving dollars at the cost of destroying history informative to ALL of us, but focusing on those whose heritage and roots run deeper and longer here than any of us. Save Rassawek.

Alix Ingber  
jess  
Matthew Freeman

jess

The planned destruction of Rassawek is an outrage and should not be allowed to proceed. There are other options!

Richard H. Allan III  
Barbara Pryor

Member, Pascagoula River  
Choctaw Tribe  
Retired Virginia Magistrate

The United States and all 50 states need to listen to indigenous peoples and value their culture, heritage, and knowledge.

Mr. Anshu Sharma  
Leigh thomas

Marcha Johnson	Landscape Architect, Ecological Restorationist, Adjunct Professor	Speak truth to power and resist false choices while looking for a solution
Devon Sproule	PhD New York Yearly Meeting (Quaker)	Horried and ashamed to be learning about this awful plan of desecration. My heart and support are with the Monacan Indian Nation.
Amelia Williams		In solidarity
Cai Quirk		Please keep the Monacan nation strong and Everlasting
Jonathan	Individual	This is Monacan land. They must be involved in any decision to change or alter it in any way.
Sarah Wayne		
Shannon Gaffey		
Jordan Johnson		
Aleen Carey		
Megan Donovan		
Gabby Levet		
Juliet Isele		
Pam Leonard	Sidwell friends school and China Folk House Retreat	My heart is with the Monican Nation on this important action.
Yolonda Adams	Youth Engagement Garden Coordinator	I STAND FIRM IN SOLIDARITY WITH YOU!!! You have an unalienable right to your land, especially your burial grounds. If the water authority can't find an acceptable alternative, then hands off.
Heidi Ketler		
Reggie Tupponce	Tribal Administrator, Upper Mattaponi Indian tribe	
Kaleigh Pollak	Monacan Indian Nation citizen	
University of Virginia		Monacans' ancestors are buried here and they deserve the right to decide what happens to them.
John Favini	PhD Candidate, Dept of Anthropology, UVA	

Joseph Jeeva Abbate	Tribal member of the Salish and Kootenai tribes of the Flathead Nation	
Daniel Cole Cordelia Lisa Merrill Amy Snyder	Member: Baltimore Yearly Meeting, Indian Affairs Committee Monacan Nation Tribal Member Tribal Member	I support the Monacan Indian Nation in their opposition to the James River Water Authority, especially given the corrupt manner that the JRWA has acted.  Yes  I am not an official member of this tribe yet, but will be in the process. It's important that I help save my tribes precious history. These people are my family and we have the right to preserve our capitol.
Amber Hiltabidel		
Erin Cagney Gerald Snyder	Archaeologist	As an Archaeologist who researches Native American settlement in the Mid-Atlantic region, I am appalled by the inadequate protection of the Monacan tribes' cultural heritage. The archaeological survey was inadequate and incompetent, the project itself is for nothing more than fleeting capital gains, and the trauma inflicted upon the Monacan tribe through this process is shameful. The Corps has to recognize that the firm that JRWA hired to do this archaeological work did not follow the guidelines for a proper Section 106 review, and they must require another survey take place. Furthermore, as a federally recognized tribe, NAGPRA indicates that the Monacan has the right to decided what happens with the human remains and funerary objects found on site, which includes leaving them in place. I urge you to reconsider the site for the water pump station, as there are several other viable sites that do not inflict trauma through the destruction of such a special site.

Nathan Doherty	Graduate instructor, Johns Hopkins University	Researching the Irish Diaspora and recovering a sense of my own ancestors' struggles--the Dohertys, or Dochartaghs, were the last of the main Gaelic chiefs of Ulster Ireland to lose their lands to the English in the early seventeen century--I wish you all success in protecting and preserving your ancestral heritage.
Charde Reid		
Karenleigh A. Overmann		
Christopher Martin Cagney		
Jon Taylor		
Christie Cagney		
Philip Cagney	N/A	
William Cook		Keep up the fight to protect and preserve Rassawek, a national treasure!
Alex Rifwald	Small Business Owner	
Geri Knight-Iske	RPA	
Stephen Thompson	PhD, RPA	
Paula Naujalis		
Lisa Delao	Sudeste Immigration Lawyers	I stand in solidarity with your wishes for your people and the land!
Sharon Cagney		
rich cagney		moneyed interests always find a way to circumvent moral principles.
Stephen R. Adkins		
Wendy Breseman		This historical site should be preserved. We've destroyed enough of the heritage of Native Americans.  The Monacan Nation has endured so much discrimination and marginalization throughout history. Let's show them that we value their culture and history, and that we will respectfully preserve the site by choosing another location for the pumping station.
Eileen Merritt		
Debbie Rowe		
Becca Peixotto	Archaeologist	
Shannon Gaffey	Cultivate Charlottesville	
Clifton Douglas Wright	Member of The Monacan Nation.	Stay strong and continue to fight for Rassawek.



Mary N. Shifflett

Member of The Monacan Nation

Joyce Hillstrom

Quaker

Alexandra Cummings  
Brittany Sorrels

Professor Geeta Patel  
Sarah N. Janesko  
Angela Critics

University of Virginia

(optional)

Archaeologist, historic  
preservation practitioner

Catherine Martin  
Tessa Farmer  
Jade Karen lourenco  
Cameron  
Jeffery Hiltabidel

Asst. Professor, UVA

03903098

Leslie Middleton

St. Paul's Memorial Church,  
Charlottesville

Please don't give up hope. You were here long before our European ancestors came to ravage and conquer. Maybe justice can prevail and Rassawek can be saved.

You must respect the health and sovereignty of Indigenous people. You cannot continue to endanger entire communities and their culturally sacred spaces, the tribal nations of Virginia have suffered enough.

You are helping us keep the earth alive (as our earth keepers/healers), at a time when so many are continuing on with their desire to desecrate and destroy.

Please support and honor all native peoples of our land and especially the Monacan Indian Nation who have survived against all odds here in our beloved Blue Ridge mountains and beyond. The ancient history of the Monacan Nation is our history!

Our ecological crisis -- now experienced by all in the form of this coronavirus pandemic -- is calling to us that we find ways to provide water to people and at the same time honor cultural institutions and heritages of those whose voices have been marginalized, including our native Virginia Indian tribes. I raise my voice in solidarity with the Monacan Nation, on whose original lands my house was built, near the river Rivanna, which was their waterway and lifeblood. This is the least I -- and we -- can do.

Roger Belvin  
Jori Johnson  
Donna Staggs  
Josh Morrison  
Joshua R Ritzman

Anne McKeithen

Daniel Nehring  
Lucille Hamilton Curry  
Kimberly Oliver-Hyland  
VMJ Hall  
John C Wise

Barbara Yeaman  
Liberty Powers

Tribal Membership  
Monacan Indian Nation  
Monacan Indian Nation

Monacan Tribal Member

retired graphic designer

Simply, if this site was important for history in terms of white man accomplishments, the site would not be touched. There are many locations to chose from, why unearth our sacred history for your personal greed! Have we not learned enough from Coronavirus that what we are doing to God's earth is not pleasing to him. Why then do you provoke Him and our ancestry with this destructive and greed-driven plan? Would you unearth YOUR grandmother for personal or corporate profits? Maybe you would and is why you have no problem digging up ours! Shame on you!

Yes

Please find an alternative to this plan which is so destructive to the memory of the Monacans.

As a Federally recognized Native Nation with historical background in the State of Virginia these sites should be held with the same amount of reverence as we would any burial site of our United States. Many of those who are buried there are veterans of the wars and conflicts of their past just as Arlington National Cemetery is for our Nation. Please consider this in the making of the decision to put the water pumping station there. Especially when there are better locations and more cost effective in the long run locations.

This project deserves a public hearing.

Your history should never be lost. Today's residents need to learn more of our heritage and work to protect all that the Indian Nation preserved before the earliest colonists arrived in Virginia.

N/A

Prof. emeritus, University of Virginia

We Virginians tend to forget too easily that Indians were and are our neighbors, and their historic sites are valuable bits of heritage.

Various forces within the Commonwealth of Virginia I have tried to erase the Monacan Indian Nation from its history. They are still here!

A pump station can be built on an alternative site. But, the history that lies below the surface of this proposed site cannot be recreated. Rassawek is sacred to the Monacan Nation and must be preserved.

Linda Crist  
Scott Oliver Jr.  
Louise Lenwell  
John Modica  
Catherine Belvin Donahoe  
Emily Luebke  
Monacan Nation  
Jessie Patton

University of Virginia

Tribal member  
Licensed Clinical Social Worker  
Professor of Leadership Studies,  
University of Richmond

Our land is sacred.

David E. Wilkins  
Kevin Bradley

Elaine Taylor

Protecting the Monacan burial ground affirms the dignity of each human life.

Hopefully there will be a change in the site by the Army Corps resulting in an option that doesn't conflict with our fellow Monacan Indian Nation.

Praying for justice for the Monacan Indian Nation.

Lewalta Haney  
Sallie Ross  
Moir Lee  
Daniel Belvin  
Nadine Gergel-Hackett  
Beth Croghan

I support the Monacan Indian Nation

William J McGinnis

Citizen of the Monacan Indian Nation

Corey Vaughn		In the year 2020 can we not learn from our flawed history and aim for something better. Are greed and power really going to usurp justice in Virginia? Haven't we let that happen enough? Isn't it time we unleash compassion and cooperation and stop disregarding our environment and our citizens?
Robert Red Owl	Owner Red Owl Auto Repair, Mansfield Texas	I Would like all our ancestors to be proud of how we have cared for their legacy, as well as what GOD has given to us for safe keeping.
Susan Frankel Streit		
Nick Murray		
Sophie Abramowitz	Instructor, University of Virginia	
Emily Harris		
William Walling		
Charlotte Shristi	Member of Shalom Mennonite Congregation	I stand with you and recognize your Nation and people as original inhabitants of Virginia. Thank you for your care of this land and it's history as well as it's preservation for future generations. May your example inspire us all to restore right relationship with the land and with each other.
Aldona Dye	University of Virginia	We're with you! Stay strong, and let's help Rassawek become the next Werewocomoco. It would be wonderful if we not only saved Rassawek, but preserved it for educational purposes and as a site for the Monacans to use for whatever purposes they like!
Marian K. Windel	Episcopa Priest of the Diocese of Virginia	This land is sacred to the Monacan Indian Nation. The bones of their ancestors lie here and we should respect this land and not desecrate it. There is documentation that the ancestors of this Indian Nation were living on this site long before the settlers arrival at Jamestown. This is just one more incident of treating our native sisters and brothers as non-persons without any respect for their heritage, traditions and ancestors. What is proposed is ecological racism. It is immoral and unethical. Somethings are actually more important than money. Please do the right thing and find another location for this proposed project.

David G. Schwartz  
araceli cruz  
Rolling Stone  
Creighton McEleney  
Mary Kranz  
P.d. Willis

medical doctor  
freelance writer

Native peoples need recognition and respect that has been sorely disregarded for hundreds of years, and their sovereignty has been usurped. The least we can do is to avoid desecrating their sacred land.

Psychotherapy Resources of Norfolk, Ltd.  
Monacan indian tribe

Psychotherapist

We have a history of disrespect that must be transformed into a legacy of gratitude and appreciation.

Jody Forman  
Eva Latterner

Once our precious heritage is gone, it's gone forever. Irreplaceable.

Elizabeth Stark

Co-Chair, Charlottesville  
Democratic Socialists of America  
Founder and Organizer,  
Charlottesville Youth Climate  
Strike Network

Gudrun Campbell  
Latifa Kropf  
Catherine Caldwell  
Miranda Elliott-Rader  
Karen Cardoza

Member of Chickasaw Nation of  
Oklahoma

Karla Kramer  
Emma Vreler

There are alternative locations for this project that do not entail destruction of a historic site and likely unearthing of Monacan ancestral remains. There has been enough injustice - Virginia, do the right thing by the people who were here long before the Commonwealth existed.

Zoe Edgecomb  
Kelly Lecko

landscape architect  
Outdoor Educator

Kevin R. Schwarz

Kimberly Thompson  
Caira L. Moody  
Alan Duda

Britaini Carroll  
Lena Seville  
kurt keesecker

David timmerman  
Individual

Randy Holladay  
Kathryn N Morgan  
David Anhold  
Linda Voss  
Tara Ruth  
TLStudios

Victor Luftig

Principal Investigator of  
Archaeology, for Archaeology  
consulting firm

Member of the National Museum  
of the American Indian

architect

Landscape Architect

We are one in the struggle for recognition of your history and rights  
  
The Monocan People deserve to have this site saved. Monocan people are buried there. Many non native people want it saved as well. Stop this project by the James River Water Authority now.

No burial ground should be ruined for the sake of improper planning. We all have places that we find sacred and society should recognize these and be respectful of them.

Be nice if we respected the history and lands of the people that lived in this country for thousands of years before the European invasion as much as we do the history of the losing side in the Civil War. Louisa and Fluvanna counties continue to push forward with this bad plan, using tax money, while ignoring tax payer input. Please, avoid years of protests and law suits and the continued denigration of native Americans and their very real history and deny this permit at Point of Forks.

It is an honor to live where the Monacan people have, a disgrace for their legacy to be so little known and honored. We as allies must do better.

Patrick L. Calvert

Trew H. Bennett  
Bryce Polk

Retired potter and teacher

Please help support the Monacon Indian Nation and preserve their heritage sites.

Olivia Johnston  
Elizabeth M Edgecomb  
Susan Hillyard  
Jennifer Seidel  
Georgianna reid  
Austyn James  
Dirk Walliser  
Jennifer Trompetter

University of virginia

As a Virginian, the history of the Monacan Indian Nation is part of my personal history. Ancient capitals should not be destroyed under any circumstances, and especially not just to provide water for future development elsewhere. I oppose the destruction of the ancient capital Rassawek.

Honor sacred lands.

Inga Erickson  
  
Fred Diehl  
Whittney Chauta  
Bill Emory  
Abigail West  
Alda Curtis  
allegra kelleher  
Cultural heritage partners  
Joseph Madison  
Robin Criscuolo  
Emma Goehler

Herndon Friends Meeting  
flrst united methodist church  
charlottesville,va

The US has treaties with First Nations peoples. We are in the process of working through our troubling history with First Nations, and we should not take actions now which continue to undermine the rights of these Nations and individuals.

Nathaniel P. Doherty  
Alexander Thornton  
Jason Cano  
Michael J Ulery  
Manu Atai  
Kirk Bowers

Law Clerk

Current laws protecting Native American culture should be obeyed and I believe they need expansion. European Americans must finally begin to earn a reputation for fidelity to our word, this is as good a place to start as any.

Professional Engineer

Breach of trust

Mr.Freeman Allan  
Jestin Jeffries

VSCamerica.org & Pascagoula  
River Choctaw Tribe

It is unconscionable in the 21st century that Virginia continues to "permit" destroying our indigenous history and culture. Our Blue Ridge and central James watershed is Monacan land. JWRA does not have the privilege of siting a factory on top of Rassawek. This is a cemetery of our ancestors. I will strongly oppose any attempt by them to do so.

This is an insensitive and inappropriate site for the water pump and other alternatives can and should be considered and assessed. The site contains ancestral remains important to the Monacan Nation for 1,000 years. We need to do better.

Liz Russell  
Edwina St. Rose  
Dana Dettmer  
Deborah Murdock  
Richard Guy Wilson  
Sara Bon-Harper  
Kirby Hutto  
B. Whitsett-Hammond  
Temple Whitson

urban and environmental  
planning background

I request a public hearing on the permit application and that the Army Corps prepare an Environmental Impact Statement because of the intensity of the proposed impacts to Rassawek.

architectural historian



Robert McGinnis	Owner/Principal of Robert McGinnis Landscape Architects	
Isabella Bilello Michael Snyder Roger Davis Ms Robin Hanes Annika Naylor	Tribal Membership	I grew up going to powwows and have pride in my heritage. Please continue to stand together to make sure we preserve our lands.
Kristen Finn Devansh Soni		There are other options. Please do your research and let's respect the land and culture of those here before us.
Rabia Anne Sandage Jillian Lum Sheyenne Tichnell	n/a	Do not dismiss the history, culture, and ancestral relics of the Monacan Indian Nation. Honor the historic Monacan capital of Rassawek and all Virginians by respecting our shared past.
Carole Nash Larry B. Wenger	Virginia archaeologist with 40 years of experience; focus on Indigenous Cultures of the Blue Ridge teach historic preservation law	Stay strong, friends.  Historic and sacred places are important, but our culture has limited its recognition to what a narrow group considers to be of interest. That is changing.
Mark Rylander Joan Chapman Bella Bilello Jennifer Shanks Peter rausse Mary McKinley	N/A	
Michelle Colbert Alfred Cammisa Melanie	Masters student at the University of Virginia  Garifuna	

Bernadette Connor - Individual

Carolyn Ley

Livvy Call

Andrew Ashburn

Blue Ridge Area Food Bank  
Freinds of the Earth, Southern  
Movement Assembly

This property should be preserved for future generations.

Preserving the heritage and legacy of this site is for the wellbeing and prosperity of ALL of us. How do you want to be remembered in history- as an ally and upholder of indigenous sovereignty and dignity, or as a self-interested destructor of what is sacred?

Let the voices of the Ancestors be heard loud and clear!  
End this cultural destruction now!

Timothy Alexander

It makes me sad to see historical sites destroyed. As Americans we usually stand proud beside our history and culture. But here we are, going to destroy a historic site hundreds of years old to put up a pump station that will more than likely fall into disrepair in fifty years. We can always build a new pumping station, but once you destroy a historic site, it's gone for ever. So please preserve our American history and build somewhere else.

Caroline Reznicek

Jaroslav Reznicek

Fiona Bogart

Tara Winfree

Kirstin De Mello

Ryan Jackson

I am signing as an individual  
caring Human Being

Virginia Beach Friends Meeting  
Archaeologist

I am of Scottish, Scotch-Irish, English and German ancestry, but I am in total support and stand with the Monacan Indian Nation. This America we love has been the land of all it's Indigenous Peoples thousands of years before we Europeans came and pushed them off, stole from them, broke promises to them, and killed so many of them after they welcomed us with open arms. Now we want to break another promise to them. The one about preserving their sacred lands and historical places where their ancestors are buried. THIS IS MORALLY WRONG. This water project can easily be routed back to the original pumping location further back up the James River. I believe the area is called Bremo Bluff. Here lays another failure to clean up the original mess that a pumping station caused. Why has nobody been held responsible to pull that ugly remains out of the beautiful James River. You can see huge tanks or constructions rotting away as the river flows around them. This site should be cleaned up and the new pumping station built there. I am sure something like "cost effectiveness" has been thrown out there, but I believe monetary costs pale in the face of the cost to the beauty, heritage, and eventual environmental costs in devastation to this wonderful land we live in. Just look at the beauty of Point of Fork, the place where the Monacan Indian Nation once had its capital of Rassawek, where they have lived and where they buried their loved ones. The thought of destroying such a place is unthinkable. THIS CAN NOT BE ALLOWED. Do not let this happen! The loss of such a place far outweighs the cost of project relocation. Let your heart, your morality, and justice rule, not greed and money. ~Caroline Reznicek

I support the efforts of the Monacan Indian Nation at Rassawek.

I stand with the Monacan Nation

n/a  
guy breeden  
Betsy R Cochran LPC  
Jennifer A. Morris

Alexandra Bell  
Kathryn Urry

Thomas E. Rayburn  
Robert  
Nicholas Zeboor  
Richard E b  
David L Rosmer

Harold Crowder  
Chelle DeGrasse  
Sarantis Symeonoglou

Daniel Cosmo Kuzmick  
Not Employed  
Eleanor Amidon  
Audrey Dannenberg  
Corinne Roberts  
Mary Kearns  
Kathryn St Clair  
Dennis Machicado

Dela Reese  
Ms.

LPC  
  
Religious Society of Friends  
(Quakers)

Richard Blackerby  
  
Retired Energy Efficiency  
Manager  
  
Washington University

Medical Resident  
PhD

What gives us more pride --- allowing the Monacan Indian Nation to preserve their ancestral capital, or to continue this foolishly, short-sighted, poorly researched plan to pump water to Ferncliff? Let Rassawek remain and use an alternative route, that is, if there still is a need for this project now that Covid-19 has given us a new normal.

Ppraying for you.  
It is essential to preserve the history of the USA  
Please lets move forward and stop and listen to the Monacan Indian Nation

We have stolen so much from you, to my great regret. It's shameful. I hope this support helps.

Willie Dodson  
Mr. Mark Heinicke  
Louisa Bradford  
Brandon Jent  
Tiffany Pyette

Diikanéhi Segovia  
Marilyn Durant-Starnes  
Marilyn Durant-Starnes  
Matt Bellomy  
Cara Cooper  
Brian Teare

Lyndele von Schill  
ShawnaMcCown

Ashley Claw  
Project South

Suzanne Parkin

just a descendant of colonists  
who grew up in Campbell County

SAMS  
SAMS

Associate Professor, UVA

Fundraising Development  
Director of the Friendship House  
Association it American Indians

The Monacan Nation is the rightful sovereign authority in the proposed project area. The Army Corps, the James River Water Authority, and the state of Virginia ought to respect that. If Governor Northam fails to heed the request of the Monacan Nation in this regard, it will demonstrate his commitment to white supremacist colonialism. The state, the Army Corps and the James River Water Authority can accomplish the infrastructural developments they are pursuing without destroying Rassawek. Needlessly siting this project as it is currently proposed almost appears to be a deliberate attack on native sovereignty.

#LANDBACK !

We must defend each other's lands all throughout turtle island! On behalf of the Mohawk nation I stand with you!  
Ancestors will witness our success!  
Ancestors will witness our success!

Let's start being appropriately sensitive and respectful of the people of the Monacan Indian Nation. Let's put an end to centuries of abuse and oppression.

Please continue to stand strong! They are afraid of what happens when we band together! I am sending my love and prayers out that way! Much love and solidarity from Natives in the Bay Area!  
Solidarity with the Monacan Indian Nation!

The Monacan and other Indians have had their land taken from them they are the true Americans & we stole their land. So leave the area alone it doesn't belong to to the JRWA!!!

Aria Taibi  
Natalie Hoffman  
Mabel Rose  
Caitlin Cummings  
Annie Jane Cotten  
Sandra Moore  
Jack Meyer  
Julie Elfin  
Joan Chapman  
Amelia Kirby  
Tom Roberts  
Lill Prosperino

STAY Project Steering Committee Respect indigenous stewardship of ancestral lands!

Beth Kuhn

Teri Kent  
Vanessa Bolin

Former public school teacher,  
Communications Professional  
Richmond Indigenous Society

My hope is that the James River Water Authority will respect Monacan tribal history and our shared Virginia cultural heritage by finding an alternative pump station site. I am sincerely sorry for all of the hurt and pain caused by my European/Caucasian ancestors to your people.

Alanna Mahon  
Jerome Venteicher  
Debra Snelson  
Emily Luebke  
James E Williams

Nick Laiacona

Artist, PVCC Student & Mountain  
Culture Kombucha  
Representative  
Dr.

I am a 26 year old, White female (this is purely to give a demographic relation.) I was born and raised in the Shenandoah, and currently live in Crozet. The Monacan Indian Nation is our family. We have bloodline that runs to the Monacan tribe, and close connections from the work my dad, Dan Mahon has done with the tribe in Charlottesville. My brother and I grew up learning their teachings, and visiting drum circles that our grandmother took us to.

We are in a world pandemic. Many people are dying, or dealing with death of a loved one, and the JRWA is ready to dig up a community's dead ancestors and relocate them? The Monacan Tribe has been here far longer than we have, and they have taught us many important lessons in living. Let's lose some greed, and find a little more empathy people. We are ALL struggling on a global scale right now.

There must be an alternate solution that can benefit both parties here. Despite our differences and views on the world, more than ever humans need to come together and learn how to compromise without judgement or greed.

In school, our teachers taught us to share, and not steal. Our teachers taught us patience, and to compromise with the other kids we disagree with. Our teachers taught us about caring for our gardens, and the significance of our earth. Come on adults. NOW is the time for innovation, not discrimination. Wake up.

This site should be preserved and interpreted, so that the people of Virginia know of it and their history.

Elizabeth Fowler  
Horea Popa  
Lisa Kendrick

We must acknowledge that we are living and working on Monacan land.

Ms. Wendy Roberman  
Rae H  
Jamie Swanson  
Ambra Hunter

Don't lose heart, don't lose hope, don't become discouraged. I am learning each day how mother earth always shows us the way.  
Protect Indigenous sovereignty

Betty Joyce Nash  
Wren Olivier  
brit horne

The least we can do for these early natives we've displaced for centuries.

Joey Hays  
Victoria Ngo

Landscape Architect  
MD Candidate of 2023

It is my hope that the JRWA acknowledge and respect those that came before them and the sites they hold sacred, but most importantly they act like decent human beings and find another site.

Keith C. Edgecomb  
Paul Josey  
Donald H Harlan  
Victor Luftig  
Kenneth Potter

The Monacan tribe deserves the preservation of their most important historical site!

Greatgrandama Monacan Granddaughter  
Clara Dubber

We never had a tribe membership memories,

Yes I do !! My great grandmother and first born just died a few years ago.,but it's a whole bunch of left to carry on the

Ms. Robin Hanes  
Philip Embury  
W N Martin

Please don't take these people's rights away yet again!  
Honor their heritage, their cemetery as though it was your own.

Mr. Breck GAstinger

Senior Associate, Nelson Byrd  
Woltz Landscape Architects



Ahmet R. Argon

It is important for us to understand our history and to respect the legacy of those who preceded us on this land. The Piedmont wasn't void of people when the English happened upon it. It is incumbent on all of us to preserve the memory and artifacts of our native heritage.

Liz Marshall

Patricia Barth

Leslie Cockburn

Doug Wellman

Mr. cabell coward

Bill Kennedy

Joyce Burton

Cincinnati Museum Center

Brandy Cramer

Ordained member of the United Church of Christ  
Former Democratic Nominee for Congress 5th District

Registered Professional Archaeologist

NAGPRA Coordinator/Tribal Liaison/Archaeology collections Manager

I have seen Point of Fork at sunrise - it is beautiful, it is mystical, it is Monacan, it is important for some things NOT to change. This is one of them. I agree with the author of these words: "The men on this board have determined that the cheapest, and therefore best, place for the water intake and pumping station is where the Rivanna River flows into the James —you may know it as Point of Fork or Columbia. The earliest maps of Virginia called it Rassawek, and European explorers noted it as the principal town of the Monacan, who occupied a large area in central Virginia, from the Fall Line (Richmond, Fredericksburg) into the Blue Ridge Mountains." Do not sacrifice "right" for "cheap". Be creative and smart and find another way.

The Monacan Nation should not have to bear the burden of poor planning of development.

There is no need to insult the Monacan Nation once again with this plan. Alternatives are available.

all people and their ancestors are to be respected and protected

Jeanette McCloud

Karen Flanagan  
Heywood Greenberg  
Marc Jaster

Naturalist-at-large  
Amy Snyder

Laurel E Mosley  
Robert J McSwain

Brenda Custet  
Michael Pillow

Kenneth Douglas

Mary Ann Ralston  
William Terrell  
MR. Tomas J. Fernandez

Deb Fritzler

Retired Professor

I don't understand why we even have to go through all of this to protect this site. I thought historic sites were protected. The James is a mighty river and surely there is another location that would suffice. Please be considerate of others when making these decisions.

The Rassawek site should be preserved as an important part of US and Virginia history. Any archeological work should be under the supervision of the Monacan tribe and subject to veto by the tribe.

We have inherited a terrible legacy regarding the treatment of native Americans. We now know better than to perpetuate this injustice.

Amy Snyder

We have destroyed far too much history already, please do not destroy the Monacan capitol of Rassawek and certainly leave the dead at peace.

Save Virginia's cultural heritage. I am sure there is another location that can be used with all the waterways in and around the area.

Like the first brothers who made Thanksgiving possible this administration is bent on removal of tribes rights and lands. Like his Hero Andrew Jackson he has a deep seated disrespect for our First Nations people.

This isn't just history that could be destroyed. It's a Culture. It's Heritage. It's Ancestors. It's Spirit. It's Identity. It's who we are. Please don't take any more from the Ancestors. Please don't take this Sacred place from this Enduring Nation.

I hope the Monacan tribe may keep this part of their heritage. We owe them this place of history.

Ms. Shannon Smith  
Elizabeth Neill  
Geran Lorraine  
Stephanie Hendsrson

Jessica Goldberg  
Mary E Eiserman  
Kim Lemburg  
Jessica Lee  
Ronald Enders  
Crystal Passmore  
Suzy Buckhalter  
Shaye Marr  
Derrick Buckhalter

Danielle Trevias  
Rae Kasdan  
Linda Voss  
Lydia dejohnette

Bret J. Ruby

none  
Mary Polce

N. Scott Owens  
Mara Robbins  
Roger Schickedantz  
Lee Kolb

Historian

President, Inklings, LLC

PhD, Anthropology/Archaeology,  
Indiana University '97

Nurse Practitioner, Registered  
Nurse  
1000 flags 1000 waters

Point of Fork cannot be developed due to its culture  
significance to our region

Some values around human dignity should endure.  
We support your efforts.

Rasswek has cultural, spiritual and historical significance  
well beyond its geographical location; stand strong and very  
best wishes in your effort to save it!

Blessings to all the protectors of our sacred waters and  
lands, here in Virginia and all over the world. The  
Commonwealth of VA needs to respect the sacred site at  
Rasswek and all other sites that have cultural and historical  
importance for the First Nations of Virginia.  
May the Monacan people be victorious in this struggle!

Robert Stroh  
David Goldstein

I'm writing to the Governors Office, and the Army Corp of Engineers, and asking that they do two things; that the US Army Corps of Engineers not approve the JWRA's request for a streams and wetlands permit, and that the Virginia Department of Historic Resources not approve a second anticipatory burial permit.

And from my vantage point as a resident of Louisa County, it's clear that the entire process has been flawed from it's inception; starting with a contemptuous lack of transparency by the Louisa and Fluvanna County Boards, and particularly by their joint James River Water Authority (JRWAA).

And it's a major reason why I've been following this issue for several years, long before I even know that the proposed intake site for this water pipeline, Point of Forks (Rassawek) was located on a major Monacan nation cultural site.

Plain and simple, the JWRA failed to exercise even the most cursory oversight of the Timmons group, the pumping stations primary contractor, completely ignoring their history of delays and cost overruns on previous Louisa County construction projects.

The Authorities unwillingness to even consider another location for the intake site, is an indication that they and indeed both County Boards have been effectively "regulatory captured," and have for all intents and purposes ceded their responsibilities to a private corporation.

So it didn't come any surprise to hear allegations that

Jon Taylor  
Paul Kay  
Kathleen M Werkheiser  
Michael Werkheiser  
Dan O'Dea

Ellen Carpenter  
Maksym Movchan  
william berge  
Dave Carter  
Kitty heite  
dawn mcclure  
None

community organizer

Yes  
land back!!

Frank Bishop  
Michele Stenman  
Stephanie White  
Brian Bowen  
Martha Johnson  
Laura-Gray Street  
Kristina Adler  
Sue Weiss

Friend of Virginia Tribes, with blood relation to the Tribes. In particular the Monacan Tribe and that area of Virginia.

Bowen Jewelry Company

There is a recent and relevant case regarding the Virginia Tribes. That case was against the City of Newport News and the Proposed "King William Reservoir Project". As a board member of the "Alliance to Save the Mattaponi" (an opposition group), the Mattaponi Tribe, the Sierra Club and others were involved in litigation regarding Native Cultural issues and Sacred Grounds, with in, the proposed site...We were mainly represented by 'Southern Environmental Law Center' and others representing the Tribe. There may be helpful information, documentation, etc. associated with that Law suite that lasted years. The litigation directly involved the Corp of Engineers, with quite a few twists and turns. All that I refer to here is public knowledge, it may be helpful to this proposal at the Rassawek Site and for the Monacan Tribe...I will add that we were successful in defeating Newport News and the Corp of Engineers. The Corp of Engineers took some unprecedented measures along with: State, City, Developers and Federal Officials, to achieve the ill-conceived Project...

No

Cultural Heritage Partners

James P. Blok

Attorney Virginia L. Ramsey  
Herbert Tucker  
Burnet Davis

Major, U.S. Army (Ret) and  
member of Veterans for Peace,  
Southern Poverty Law Center,  
American Civil Liberties Union  
and Freedom From Religion  
Foundation.

no  
Charlottesville Friends Meeting  
Professor of Political Science

I am one of the 6,000 veterans who journeyed to Standing  
Rock, the reservation of the Lakota Sioux Nation. There,  
we prayed & fought together against the Dakota Access  
Pipeline (DAPL), aka the "Black Snake". We won when the  
Obama administration was forced to stop DAPL. But then,  
the racist & fascist Trump administration allowed DAPL to  
go forward & immorally encroach on and pollute Lakota  
Sioux land. These are the thoughts I want to share with the  
people of the Monacan Indian Nation.

North American indigenous people were disrespected,  
marginalized, stolen from and murdered by invading  
European Christians. They arrogantly considered  
themselves "exceptional" and superior, in accordance with  
distorted Christian doctrine, which justified the crimes  
against North American indigenous people.

That horrific beginning led to a grotesque White Holocaust  
against native people, which nearly wiped them out in what  
became America, Canada and Mexico. In America, the  
few native survivors were forcibly imprisoned on barren  
reservations, which were, in effect, concentration and often  
death camps.

That grotesque, arrogant and racist tradition of  
disrespecting, stealing from, repressing and killing the  
children of those original indigenous people has continued  
to this very day. Only now the repression and killing is  
done with discrimination, as well as government and  
corporate imposed poverty, pollution, and inadequate  
nutrition, education and health care. These crimes are  
being carried out by the racist U.S and state governments  
and the Corps of Engineers, typically in collusion with  
massive, for-profit corporations.

I say, may the people of the Monacan Indian Nation be  
victorious over the horrific racism and succeed where so  
many brothers and sisters have fallen before.

This is just as wrong as building it on the graves in the  
national cemetery in Arlington, VA would be, and for the  
exact same reasons.

I support their plea for justice over cost savings.

Michael S  
Brian C. Smithson

Mohican descendant and  
archeologist  
Charlottesville Friends Meeting

We owe it to the Monacan people to protect and preserve their cultural heritage and sacred lands. We have taken far too much from them already and it is our obligation to stand up for them and no longer allow any further injustices to be perpetrated against them.

Ann H. MacLeod-Lambert  
Christian Dye

It is very important to preserve the history of the Monacan Indian Nation and to be respectful of sites important to them.

Mary-Helen Sullivan  
Judy Lumb

Franz Canon  
Ann Salamini  
W N Martin

No personal affiliation

The Monacan Indian Nation comprises many human beings. I believe in humanity.  
I support justice over profit.

Susan Palazzo

Department of Anthropology,  
University of Virginia

The fact that we even have to ponder the potential destruction of this site is a shameful atrocity. Rassawek potentially contains the remains of many ancestors that were someone's child, someone's mother, someone's father, someone's brother, someone's sister, all ancestors to those of us that remain- all of whom may rest there due to being required to give their last full measure of devotion in defense of a very simple premise - the right to exist how, where and as the Creator made them to exist. The best way we can thank them, respect them, love them, and repay them for their sacrifice, is to protect their journey into the afterlife.

Earl Evans

Haliwa-Saponi Indian Tribe

I support the position of the Monacan Indian Nation. I particularly do this in memory of my friend, and the friend of many, Karenne Wood, a proud member, and tireless advocate of the Monacan Nation.

Nancy Coble Damon

I am retired

Charles B. Lynch	Haleiwa saponi Indian tribe	
Dino evans		
Augusta hughes		
Brian Richardson	Haliwa Saponi	I know some of the Monican People and they are good people.
Blake Neumann		
Ricki Draper		
Craig Evans	Haliwa Saponi Professor Emerita, University of Virginia	This historically and culturally important site should be preserved for future generations.
Earl Evans		
Ellen Contini-Morava		
Michael Brown		I support the Monacan Indian Nation.
Patrick Hancock		
Richard Friend		
Miss Sara Lynch-Thomason	Climate Justice Activist	
Tony Evans		
Claire Hedberg		
Hannah Morgan		I support you, and revere your ancestors.
Kim Grove		
Jonathan Dodson		
Lucy Ann Dowell-Wiltshire		I oppose JRWA's permit application. It is not in the public interest, and Rassawek should be preserved as an important part of national, Virginia, and tribal history. I request a public hearing on the permit application and an environmental impact statement.
John Tracey		
Rachel Miller		
Daniel Mapel		
Scott Mohajeri Norris		
Rachael Hulvey		
Sydney Montgomery	RN Registered Nurse	Absolutely
Patty Draus		
Ms Emily B Little		
Xyara Asplen		Solidarity
Caleb Gore		



Ms. Christine Putnam  
John Miyagawa

Chair of Albemarle County  
Natural Heritage Committee

Virginia has a brutal history of mistreating our Indigenous people, not only with removal by the earliest colonists, but the Racial Purity Act of 1924. With recent federal recognition of the Monacan Nation, I urge you to uphold this recognition by honoring the legitimate claim the Tribe has to this place, to rewrite the history of dispossession and signal a commitment to the human rights of the first people of the region.

Brennan Keegan

Randolph College

Preston Mitchell  
Joyce McConnell  
John Unsworth

Deacon Episcopal Church-  
Diocese of Southwestern Virginia

In part, due to the horrendous treatment of Native Americans throughout our history, I believe the Monacan Indian Nation should be supported in their desire to preserve the Rassawek site.

Lynn Nagle  
Emily Lachniet  
Leighton Powell

former high school teacher

Wava Osborne  
Daniel Frisbee

President Unitarian Universalist  
Church of the Highlands

The resting place of our ancestors should be left alone. We have lost too much these many hundred years, it is time to stop!

Douglas L Nehring  
Diana Marchibroda, D.D.S  
Maria Chapel  
Samuel J. Beer  
Ms.Valerie L'Herrou  
Sara Haubrock

Member of the Monacan Indian  
Nation

Anthropology Postdoc, UVA

Sarah Stanley  
Marilyn South  
Sandra Berry  
John Whitworth

Janet Jarrard

Meg Maguire

Cheryl Clark  
Frederick Fisher

Donna Haycox

Lucile Miller

Lori Crockett  
Betty Byrne Ware

Former President, Scenic  
America

Preserving cultural and archaeological sites relevant to the Monacan Indian Nation is an essential component of passing down the history of Virginia's native people -- a history that Virginia's government officials have too often done everything in their power to erase. Moving forward on this project without addressing the Monacan people's concerns would be a shameful addition to that history of negligence and disrespect.

This project must be built in a more appropriate spot, not one sacred to the Monacans.

I am honored to support your love for your heritage and the irreplaceable beauty and culture of this place.

Hopes and prayers for strength and perseverance for the Monacan Indian Nation

While walking through 1st Landing State Park in Virginia Beach the other day, my multiparty family (politically speaking) discussed the plight of the American Indian since the settlers 1st landed at Cape Henry. We had a moment of silence in honor of the 1st American race.

Please not to allow the James River Water Authority (JRWA) to proceed with constructing a pump station and pipeline project at Point of Fork. THE AMERICAN INDIAN HAS LOST ENOUGH ALREADY

The Monacan Indian Nation and Virginia deserves respect for its archeological and cultural history, even if it means that the project will cost more.

The Monacan Indian Nation has a right to their land, unspoiled. They have a right to clean water. Nothing should be taken from them. Give them the respect they deserve.

Andrea Steegmayer		We need to respect the Indian Nation people and their rights
No organization	No affiliation	Native American heritage has been ignored or desecrated far too often. An alternative route exists and should be followed.
Ruth Peck Roberts		
Sarah Richardson		
Grace Upshaw		Indigenous rights are human rights!
Melissa Richards		Monacan history is also Virginian history, and American history. I hope to see the Monacan people reunited with their land and the burial sites of their ancestors. I hope Virginia can pave the way forward for treating indigenous tribes as the national treasure that they are.
		Surely there is no need to despoil a Monacan heritage site and other less significant land can be found to move the water project forward.
Mary Lohmeyer	N/A	
John A. Black, III		
Ann L Wright		
Julia Shields		
Nancy Philpott		
Jane Edwards		
Julia	Archaeologist	
Rosemarie Merle-Smith	Farmer	Building a water plant on historic Indian lands is a horrible idea and needs to be stopped!
Alex Tiscornia	Realtor	I grew up on the Rivanna and James Rivers. I respect them as rivers that belong to the Monacan Indian Nation.
Peter Gates	Westminster Presbyterian Church	
Kathryn Fenn	I have a PhD in History and have taught high schoolers Indian history	It is beyond belief that your Nation is having to fight to protect this sacred and irreplaceable historical site. I am sorry for this deeply misguided plan which disregards and disrespects your ancestral capitol. I thank you for your efforts to preserve this special place.
Cessie Howell	Scenic Virginia	
Todd Schumacher		

Dennis Atwood		The Monacans were living here long before Europeans settlers arrived, invaded and stole their lands and smothered their culture. The Monacan people must not suffer any further desecration of their land or violation of their rights.
Brandon C Martin	retired Virginia State Bar member	
Christine Freeland	No	Sending heart light and love
Jeffrey eichler		
Bremen Donovan		
Hallie Griffiths		
James Sties		
--None--		
Lauren Simkins	Assistant Professor, UVA; PhD in Geology; Member of the Choctaw Nation of Oklahoma	
Kath Weston	Professor of Anthropology, University of Virginia	
Margo Smith		
Phyllis White		
Becky Woodson		
Retired		
Kathy R Russell	Wildlife Photographer	Once this area is destroyed it will never come back! Please don't destroy the true history of this country and the people that originally lived here. It can be put someplace else!
Lise Dobrin		
Mark Sicoli	Assistant Professor, University of Virginia	In solidarity
Kelly Sicoli		
Ken Goldsmith		
Heidi Nicholls		The Monacan Indian Nation's wishes must be listened to and followed regarding their lands and their ancestral remains.
Perri Meldon		
James Igoe		

Jeffrey Flanagan	Virginia Tech	The world is shit but you're pretty great, honestly.
Rachel Apone		
Erin Jordan	graduate student, University of Virginia	
Jordan Kuneyl		
David Edmunds	University of Virginia	
Ellen Boggs		
Ruth Walkup	Ph.D. cultural anthropologist with focus on appropriate development projects	Dear Neighbors - I have lived and worked with indigenous peoples in parts of the Third World. Unfortunately you - in a First World country - are as at risk and marginalized as they are. Please know, however, that there are people all around the world who understand your current struggle with preserving the Rassawek site and who send their collective strength to you.
Rachel Giachinta	Student at the University of Virginia	
Hannah Jane Brown		
JOHN R SHEPHERD	PROFESSOR EMERITUS OF ANTHROPOLOGY, UVA	
Grace Tuttle		I believe in respecting the desires of the Monacan Indian Nation who have suffered enough under the progression of development on their land. Please consider, especially in this time, the value of their wishes and what that gesture may mean to them.
LM Rozema		
Greg Sollish	PhD Candidate, University of Virginia	

In recent years we have watched with sadness the destruction of historic sites around the world. These events create a permanent loss not only for the immediate community but also for the global community. By taking the unique opportunity to preserve this site we are stating clearly, we value the early history of the Commonwealth of Virginia. Furthermore, we assign value to the ancestors who lived, raised their families, and were buried on their tribal lands. The values of love, family, home, and community continue among the people who choose Virginia as their home today. We honor the Monacan Indian Nation for their contribution to the vibrant and diverse culture we

Deborah Simpkins  
Ana Corral  
Thomas Hallett

University Libraries - Virginia Tech enjoy.

Kiera Goddu  
Ida Hoequist  
Judith E. Brown, PhD

UVa Student- Class of 2023  
President of University  
Democrats at UVA

Christopher Hudspeth  
Kathryn Williams  
Steve Tuttle  
Katie Coleman  
Luc Teyssier  
Rachel Dick  
Sandra M. Rice  
Raghda Labban

Social anthropologist

People lover

Honor those that worship the lands and waters. Respect the Monacan Indian Nation.

steve.tuttle@gmail.com

Dr. Jeffrey L. Hantman  
Mitchell Green

Professor Emeritus of  
Anthropology and Archaeology

We stand with you.

Allison Bigelow

Assistant Professor, Department  
of Spanish, Italian, and  
Portuguese, University of Virginia

I stand in solidarity with the Monacan Nation and their cultural patrimony. I recognize that my university sits on the lands of the Monacan Nation.

Jane Sale Henley	Past President of Board of Lewis and Clark Exploratory Center; Past President of Scenic Virginia	
Samuel Amago	Professor of Spanish and Department Chair	
Esther Poveda Moreno	1969 Senior Lecturer of Spanish Senior Lecturer of Spanish, The University of Virginia	
Ira Bashkow	Associate Professor of Anthropology, University of Virginia	
Dr. Noelle Hurd	Associate Professor, UVA	
Deborah Lawrence		I stand with you.
Zaida Villanueva Garcia	Lecturer at the University of Virginia	
Allyson Whalley		
Katrina Debnam		
Catherine Addington	Department of Spanish, Italian & Portuguese, University of Virginia	
María Esparza Rodríguez		
Maya Stephens		
Colleen Winkelman	Graduate Student, Anthropology, University of Virginia	
Joseph Gorman		
Charlotte Scharfenberg		
Rose Buckelew	Professor, University of Virginia	
Claudia Thompson-Deahl		
Julia Lain		
Will Damerel	Intelligence Analyst	
Jennifer Reyes		
Matthew Lunsford		
Sharon McCamy	of native American descent from Virginia tribes	We have lost too much of Virginia's native American heritage. Let us not lose more.

Natalie Solaja

Juan Zazueta  
Ellen LeCompte  
sophie d  
Joseph Cady

Talitha Daddona  
Karina A. Baptista  
karin I heemstra

Roberta Patton

University of Virginia

Water Resources Engineer

This illegitimate settler colonial state has a violent history of exploiting, inflicting violence, and disregarding the needs and demands of Indigenous people. Moving forward with this "construction project" is no different and we must listen to the Monacan Indian Nation. Failing to do so perpetuates and legitimizes the violence against all Indigenous people.

I stand by you in protecting this site, sacred to your people and will do what I can to help your fight.

we must honor the monacan tribe!!!!!!!

Louisa County has made sloppy decisions and been bad faith actors in this development from the day the Zion property was rezoned in the 90's. Now they are dragging Fluvanna County with them. There are MANY viable alternate locations but they pay their long-term consultant to give them the answer Louisa wants. The historical richness of the site is extraordinary. Please don't reward Louisa's bad behavior. Slow this project down and MAKE them do a valid analysis.



Dan Patton  
Maureen Mikolajczak  
Sarah Lanzman

Paul Tucker  
Shelley Payne

Mr. cabell coward  
Stephan Przybylowicz  
Brian Sosdian  
Kaitlin LaGrasta

micah  
Miriam Rushfinn  
Alyssa Murray  
Reina Nathanson

Former member of VA Dept of  
Forestry, Water Quality Task  
Forces

horticultural therapist

My wife and I have lived in Louisa County for nearly 40 years. We have been watching this slow-motion train wreck for more than half that time. The County was told, at the initial rezoning, that Zion would be a difficult area to develop because it sits at the top of 3 watersheds - James, York and Rappahannock - making water and sewer tricky. But they permitted 400 homes and a golf course with no conservation requirements. Then they increased housing density to 1200, all with drinking water irrigation systems. Then they falsified lab records to VA DEQ, pumped blue line streams dry to water golf course, overpumped aquifer, etc all the while approving more rezonings to increase water demand. After creating a water demand crisis, they forced Fluvanna into their mess. Meanwhile County officers appear in public forums touting they can have "all the water we want from the James". Please don't allow Rasawek, an international treasure, to be destroyed by the repeated incompetence of Louisa County's boondoggle.

Ive organized no pipeline events to help monacan lands stay sacred in Virginia.

yes, let's honor those who have not been honored for centuries.

Please support those who have been subjected to repression through our historically immoral ancestral choices.

Bunny Chidester

Sara Rimm-Kaufman

Wendy Cai

Ilana Khin

Anita Pilling

Bruce Johnson

Jessica sobeck

Gabe Engle

Catherine Walden

Mariana Bell

Latifa Kropf

Patty Culbertson

B. Alexandra Kedrock

F. Carey Howlett

Hannah Carlson

Makayla Fulmer

Tim Rasmussen

Emily Powell

Catherine Boston

Andrea Overweg

Sonia Alconini

Professor of Education at the  
University of Virginia

President, Preservation Northern  
Neck and Middle Peninsula

Immigration Law Accredited  
Representative  
Center for Justice and  
Peacebuilding

N/A

Your allies here in Virginia stand strong in support of you and your ancestors.

We support your rights to have protect this land.

Please honor and respect the ancestors of the Monacan people, all of our history and the wishes of the Monacan tribe

we have taken enough. may your sacred land be honored.

The Monacan Nation has been welcoming and opening to the community and they deserve more respect than this. Sacred sites should be protected and some empathy should be practiced in granting the simple ethical request of not desecrating a sacred site.

The public interest is not served by desecrating the burial grounds & sacred site of the Monacan Nation. There should be no water intake facility at Rassawek.

Federico Cuatlacuatl  
Caroline Noel

University of Virginia, Assistant  
Professor

When, if not now, is the time to do what is right and just for the original people of this land? It is our responsibility to consider the well-being of the people and the health of the environment before profits and corporate greed and deception. There can be no “public good” justification worth supporting if any human is victimized or livelihoods and culture threatened in the process. We must be better than our forefathers.

Laura Greene  
Mary Terrell  
Will Rourke  
Ashley Nicole Wade

JMU graduating Class of '20 B.S.  
Justice Studies

Carol ziemer  
Terri Keffert  
Eve Gaige  
Kylara Miene  
Meg Kennedy  
Dorisse Aha  
Lauren Maupin

Retired school counselor,  
descendent of the Shawnee  
Nation

Mary Kuhn  
Geoffrey Cox  
Matthew Becue  
Jay Glick  
Julie Webster  
J Stoneking  
Scott McNally  
Emmy Monaghan  
Todd Burks  
Carla H. Lee

University of Virginia  
RN< Health Educator

Assistant Professor, University of  
Virginia

Cornell University

Teacher

Ms. Deborah Sack

Patricia A. Hobbs  
Cliff Maxwell  
Kevin Spezia

Lynda Fanning  
Joseph Abbate  
Olivia Tritschler  
Julia DeLancey

Hannah Loeb

Neal Grandy  
Victoria Valdes

Patrick Ridge

Nancy Dailey  
Michael Becue  
Alexis Timmons

Desiree Shelley  
Cortney McEniry  
Lyndsay Deitrick  
individual  
Crystal Chemris  
Ms.Laura Lee Gullledge  
Natalie Wilson  
Janis Chevalier

Senior Curator of Art, Museums  
at W&L

Racial Justice activist

PhD Student in English at  
University of Virginia

Assistant Professor of Spanish (  
Virginia Tech)

Member, Monacan Indian Nation  
and Community Organizer,  
Mothers Out Front

Faculty, UVA

Reparations are due, but for now at the very least  
RESPECT

We need to support and protect the cultural heritage of all  
people, but especially those who predate colonization of  
this country. They are part of our heritage as a nation and  
should be embraced, not disregarded or disrespected.

By destroying the Monacan Indian Nation's sites, we  
commit a kind of cultural genocide. And when we do that, it  
is a loss to all the peoples of the world.

Clara Falls		
Steven Benner		
Sarah Norton	PhD	
Christina Heintzelman		
Sienna Barron		
Miriam Wildeman		
Lois Widmer		We must honor and support all cultures.
		Army Corps of Engineers have done disastrous things to Florida and Louisiana coastline. Perhaps you can set up a inter-state committee to fight this?
Mieke Zylstra		
Jeff Collmann		
Bryanna Miller		
Samantha Solomon	Tribal Membership	
Vivi Rogers	Mind & Llfe INstitute	
S Tidey		
Individual		
		Attacks against First Nations People continue and it must stop. Here and Now.
Sharon and Park Furlong		
Polly Laxsron		
		We are enriched by land unjustly appropriated from the first nations. The least we can do is to respect their history and ancestors.
Evan B Heald	MD FACP Associate Professor of Medicine	
Zachary Berman		
Aimee Steussy		
Tyler van Burk		
Nicole Botha		
	President of the Native American Student Union at the University of Virginia	
Fernanda Yepez-Lopez		
Sadira Glendenning		
Betsy Cochran LPC	Licensed Professional Counselor	
Jennifer Kornder		

Annalee Jackson  
Sallie Ross  
Arnold Garcia

Preserving history, humanity, and connections to ancestral land, should not be taken lightly. Find a new location for the water intake and pump station and support Monacan people!

The Monacan Indian Nation deserves better treatment than they've received. The same applies to the citizens of Louisa County and Fluvanna County. The respective Board of Supervisors and the JRWA have only provided a platform for public comments but do not have a process for justly resolving those comments. The water supply project should be stopped and the following should be provided: full account of expenditures, detailed rationale for decisions that were made and who made them, validation of assumptions for various engineering and technical models used by the contractor, and an explanation of uncertainties used to forecast all the milestones for the project.

A separate letter was sent to USACE and is contained in the following link.  
<https://drive.google.com/open?id=1xAjTirXPTn8SVZMalbFd7bHbNmZ4pv4>

Joe Mikolajczak

Adriana Greci Green, PhD  
Margaret Marsh  
Hania Abboud  
Andrea Mercedes  
Sebastian Pérez  
Dafne Gonzalez  
Patrice Calise  
Paige Rohmann  
Zoe Weatherford

Curator of Indigenous Arts of the Americas, The Fralin Museum of Art

University student

Caroline Campos  
Carol Gilbert Sacks  
Owen Haines  
Kelly Schaefer  
Alyssa F  
Christina  
Kaity Li Yang  
Lindsay Acker  
Connor Campbell  
Yasmine Figueroa-Hudson  
Diana Rodriguez Rosales

Susan McKinnon  
Alessandro Coreas

Polly O. Walker  
Erin O'Hare  
Ruth Turner

Anne Elizabeth Stevens  
Margaret Lupton

Shannon Hepp  
Kenda Hanuman  
Jennifer James  
Douglas Fordham  
sandra moran

Sandra Schwartz  
Craig Impink  
Krystal Appiah  
Rachel Barbour  
Cheryl Martin

M.Ed  
Graduate Student  
Ecovillage Education Institute

College student  
Professor of Anthropology,  
University of Virginia

Director, Baker Institute for  
Peace & Conflict Studies, Juniata  
College

Environmental Engineering  
Bachelor's Student

Let's thrive together!

Stay strong and we hope that all goes well!  
Many American Indian nations have suffered the loss of  
ancestral land due to the creation of dams. This injustice  
must stop.

We need to act in good faith and conscience, respecting  
the rights of the indigenous people.

Please let's have some integrity and honor our Indigenous  
people's sacred grounds. Utility location can be changed.  
Sa red ground cannot.

Kristin Iden  
Marina Tyquiengco  
Janet Wade  
Steven Wade  
Lawrence Jacksina

Eastern Band Cherokee  
Chamorro

I am a Virginia Resident and would love to continue to be one and show my children and their children the capital of Rassawek. I disagree that this is a good option for a pump station, and I hope you will also. There are likely bodies there, and I do not agree with this choice to build a pump station there because I think it is highly immoral.

Elizabeth Gale  
Calypso Impellizzeri  
Cynthia Fleming  
Anah Johnson  
Danielle

UVA global sustainability

US Navy veteran

Saving this historic sight is of National, State, and Tribal importance. Keeping true history alive is in our best interest.

Mary T. Wilson  
Misti Justice  
Melanie Pyne  
Dr. Polina Mischenko  
Kristen Staby Rembold  
Rebecca Gore  
Rawan Osman  
Shally Baloch  
Ibtisaam Amin  
Caroline Abdenour-Brown  
Will Kulick

Lakota/Dakota ancestry

Educator retired.

Gabriela Hernandez  
Gilberto Hernandez  
Ilyas Saltani  
Michael Firkaly

Student at the University of  
Virginia  
Research assistant

Christian

Good luck with this fight.



Heather Pultz  
Malika Malik

MFA Teacher at a top 100 school and Monacan descendant  
Carry On May the light over the mountain Bear shine upon you and light the way home

Hibah Berhanu  
Ravael Loho  
Samantha Solomon

Student

In every moment, especially ones like these, we are offered an opportunity to show regret for a long a tradition of oppression in Charlottesville & in this country. Continuing with the JRWA project would make a mockery of any so called progress made thus far. I was reading on the Monacan Nation website about how, centuries ago, Thomas Jefferson continued constructions of his own property directly over a burial mound. The history and legacy of white supremacy continues when we make active choices to let it do so. Please support the Monacan Indian Nation by rejecting the project for economic gain at the expense of heritage and tradition of this community. Semangat!

Ms. judith minter  
Ray-Mond Robinson  
Linda King

retired L.C.S.W.  
Individual

The Monacan Nation have been stewards of this great land for thousands of years. To honor their history, cancelling the construction of this project on this ancient sacred site of the original people is appropriate and preserves important history of our area.

Nora Trodden  
Mary A Dolan  
Darien Reece  
Christopher Grasso  
Jane Greyson  
Justin G. Reid  
C.S. Spencer  
Gene Philippi

Your neighbors in the Commonwealth of Virginia support your efforts to protect your ancient burial grounds.

No

Lucie Wall Stylianopoulos		
Pamela Dawling		We must stop this shameful destruction of graves and heritage.
Sandy Marks		Be strong. You are loved by many people!
	Thomas Jefferson Memorial Church UU, Charlottesville; Green Grannies of Charlottesville	
Sharon Baiocco		
Peggy Mowbray		
Alissa Pribil		
Jennifer Nardine	Assistant Professor, Virginia Tech	
Kailee kelter		
Cosmo Kuzmick		Please support the Monacan Indian Nation's concerns.
Ann Pancake	Writer in Residence, West Virginia University	
Janice Arone	The Barnswallow Artisan Gallery	Prayers that your ancestors' soil will be respected and protected.
Eileen McCampbell		
Sophie Ericsson		
janna leepson	individual	
Larry Bergmann		
Nancy Reder, LCSW	social justice educator and psychotherapist	I stand with you in protecting the sanctity of all ancestors and the land, our great mother.
Martha Lauer	historic preservation planner	
		We have for too long ignored the rights of the people who lived here first. This is a great opportunity to respect those rights. How hard can it be to find another site on the James.
Ms. Kathryn Haugan		
Maria Bergheim		
Alfred Lupton		Yes

Zahna Soule  
Jackie Peters  
Ms.shawnee west  
Virginia Chambers

Anne Lusby-Denham  
Amanda Visconti  
Ethan Edwards  
Tina Knight

Monika Burkholder  
Tim Booth  
Fred Hardy  
Caitlin Green  
Jonathan Joy-Gaba  
Ellen Kellner

Wendy Hasenkamp

Sarah Moseley  
Rosalie G. Riegle  
Brynn Pedrick  
Mr

Mind & Life Institute  
Communications Manager at  
Mind & Life Institute

The atrocities to which the Native American people have been subjected from the beginning of Europeans on this continent cannot be undone. What can be done is to not continue destroying the remnants of what remains of the indigenous people, land, history and culture. What if it was your history?

I certainly hope that the Monacan tribe's sacred sites will be respected and will be glad to do what I can to let our government officials know that I expect for these concerns to be heard. It is not acceptable for the wrong path taken in the past to continue.

Thank you for sharing your voice to the world in spite of many obvious and subtle obstacles. The world, Mother Earth, and all of us need you!

It's important that we respect the land and communities of native peoples. Please thoroughly review this situation and consider other options that would not destroy this historic site.

I stand with you in wishing to save Rassawek

Aileen Rivera

Governor Northam, This is your part of your legacy. This is integral part of the history we need to protect. You want to make amends for past mistakes, this is one of the ways you can start making amends. NO to construction. Preserve our history, Preserve the Monacan Indian Nation sites

Vivi Rogers  
Wendy Boynton  
Eleanor Amidon  
Tom Burkett  
Barbara Klinger  
George Smith  
Ms. Stephanie Clark  
Shelly Wilkins  
Amy Lynn Schultz  
Angela Mason

Sacred land should be respected and not confiscated by our need for development at the expense of sacred space.

I am Monacan  
Tribal Membership

For the history of your country and indigenous rights of the nations tribal history the land should be treated with the utmost respect the ancestors remains are sacred as all that have passed within burial grounds of different beliefs. Please think how you as an individual would feel if someone close to you had there grave desecrated We are with you, heart and soul.

Tanya schneider  
Chris Moody  
Scarlett thew  
Kelli Greenhalgh  
Lorraine Ellis  
Michelle Wheeler  
No

Enviromentalist  
None

No No

Anthony S. Malabad

President, Native American  
Student Union at UVA, 2018-2020 NASU and I are standing with you all. Justice shall prevail.

Philip McCulloch-Downs

Animal Rights Artist and Advocate This proposed project is an affront to human dignity.

Enviromentalist

Eyal Handelsman Katz

Ms. Eve Schwartz

Lizzie Peabody

University of Virginia Graduate  
Student

Shameful to the history of your nation and a disgrace to even consider touching such sacred ground ...please tell me how you would personally feel desecrating your own families burial ground

N/A

C Gardiner

Madeleine Jean

Museum Visitor Experience  
Specialist  
Archaeologist

The people of the Monacan Indian Nation are the original custodians of the land of Charlottesville, and we owe them gratitude and respect for their important and sacred connections to the earth. Rassawek is a necessary site for them, disrupting it would cause unimaginable grief and hardship for countless people. Please reconsider your actions, thank you.

Mary Grant

Christina Leas

Christopher Ochman

Rachel Harris

Jocelyn Bedow

Justin Greenlee

As I follow this water project I had to educate myself on the Monacan Indian Nation and other Native Americans living in the United States. I listened to an interview by a Native American on You Tube and his message was extremely somber about how native americans have been treated. Native Americans have a voice in protecting the sanctity of a sacred place. If we can keep confederate statues in place throughout Virginia why can't we keep this sacred place for the Monacan Indian Nation.

Rassawek is sacred ground. Monacan ancestors should not be disturbed.

Eileen Gutiérrez	Sustainable Tourism Development	The site is an important cultural heritage site akin to what Williamsburg, VA is to the US. This site should be saved for archeological research and development as a museum and tourism opportunity.
Calvin Cornelius Hall III	member of Va community	Stay strong!!! The history is more valuable then anything that can be built today or tomorrow!!!
Ms. Ashley Collier		Yes
Tija krneta		
Erica Vandover		
David N Copper	Reclaim Augusta	A'ho
Ebunoluwa Onojobi-Okediji		
Lynn J Jordan	Virginia Resident	
Daniel Brenig	Teacher	You have been screwed so many times. I pray that it will not happen again.
Tyler Kraft		
Meg Smith		
Lynn Boatwright		
Laurie Rogers		I support you.
John Brown		
Sharon Rogers		
Stephanie		
Adrienne Rogers		I stand with you.
Esther Brenig		
Shelly S Stern	Mental Health Therapist	Walking alongside you
Mrs. Sybil S. Roberts		
Individual	Madison Presby Church; MSW, VCU; Region 10 MHSS worker (retired, now on-call)	May it not happen; please keep you story in front Virginians and other; let me know how I might assist in my area. Rives Wetsel
	Madison Presbyterian Church Member; MSW, VCU; retired from Region 10 CSB, but work on-call basis	You have my full support; how can I assist you with this cause in area.
Christobel Rives Wetsel		
Mary West		
Brittany Balcom		Please protect and respect indigenous Virginians!

Matt Frierdich  
Reilly Cundiff  
Emma Starustka

UVa Graduate student

I wholeheartedly support your efforts.  
"In the name of progress" does not make it right to destroy  
any form of history !!

rebecca moneymaker  
Savannah Tweeddale  
Mark Hoppe

Peacekeeper

We have lost too much already. We are with you.

My grandmother is from the Monacan Indian tribe and is a member and very often calls Virginia her home. Given the devastation and destruction caused to many Native American tribes by the government, I feel it is only right for them to defend the very first habitants of this land that we call The "United" States of America. Please do what is right, you can feel it in your heart.

Rebecca Kincaid  
Stephanie Rinaldi

History Teacher at the Miller  
School of Albemarle

Daniel L Gidick

Haliwa-Saponi

Stay powerful in uniting to honor your people and history.

Consuela Richardson  
Laura Hahn  
Carol Foster  
Miranda J. Haines  
Stephen Ward

We know the USA is responsible for depopulating the  
Native American race in this country and to do anything  
more to harm them would be truly evil

Christopher Price Jones  
Amanda Hart  
Kelly Donaghey  
Eric Westerfeld  
Jacqueline Goodrum

Educational Background: J.D.

Victoria Drumm  
Jessica Marroquin  
Julia Haines  
Samantha Edis  
Samantha Baxter  
Steph Ceraso  
Chloe Nagraj

Rebecca Hinch

Ms. Alissa Diamond  
Shaoyu Chen

Shahab Albahar

Leah Kahler  
Colleen Brennan

Taryn Wiens

Shahab Albahar  
Leigh Miller  
Gaëlle Gourmelon  
Armik Mirzayan

University of Virginia  
University of Virginia

University of Virginia  
University of Virginia School of  
Architecture  
Candidate, PhD in the  
Constructed Environment  
Program, UVA

PhD Candidate in the  
Constructed Environment at the  
University of Virginia  
University of Virginia School of  
Architecture

Landscape Architect  
PhD Candidate in the  
Constructed Environment at the  
University of Virginia  
PhD  
Landscape architect

Preservation of irreplaceable human history is always in the public interest, and it is deeply saddening to see the JRWA weigh unnecessary, incremental, short-term savings over the unique and incalculable wealth of Rassawek. The goals of the JRWA and the Monacan Indian Nation should not be at odds with each other, unless the JRWA's financial motive is greater than their motive to serve their community. I don't believe it has to be, and I hope the Commonwealth will not allow their public's interests to be superseded like this.

State-sanctioned violence inflicted on Native people must be stopped. We must strive to preserve their historical geographies.

I stand with the Monacan people - please respect their cultural past and present and the landscape it lives in.  
State-sanctioned violence inflicted on Native people must be stopped. We must strive to preserve their historical geographies.



Dave Norris  
Katie Coleman  
James Igoe  
Matthew Lunsford  
Ms. DeeJ Baker  
Kevan J. Klosterwill

Former Mayor, City of  
Charlottesville; former member,  
Rivanna Water & Sewer Authority Board

It's vitally important that we do everything we can to protect the heritage of our First Peoples. We stand with you!

University of Virginia

Ben Gathright  
Eric Scott Mitchell  
Debra Snelson  
Caroline Whitcomb  
Sam McCormick  
Emelye Keyser

Architect and Planner, Educator

Our state, counties and communities across Virginia must find a way to reconcile what natural and cultural history remains with “gold rush” economic development that will inevitably continue. The Monocan Nation exists, they must be recognized and respected and their history must be preserved for the richness of all who share this land.

elementary school teacher  
University of Virginia

Kirby Hutto  
Katherine James  
Lisa Aguirre  
Eleanor Welch  
Yulei Zhang  
Amy Ritchie Johnson

University of Virginia

University of Virginia

To approve this in these days would show absolutely no cultural sensitivity whatsoever. Please do not embarrass our State with a short-sighted, greedy decision.

Jeff Stottlemeyer  
Elizabeth McCauley  
Kim M. Gerecke, PhD

Real details of the history of native people were almost totally absent from my education as a child in Fairfax County Public Schools. Outside of Jamestown and some cursory mentions elsewhere, we learned nothing about the people who actually lived in Virginia before the genocide of the European settlers. Their erasure from our history is what allows something like this to happen, because to most people their stories are meaningless or fake. It's time for that to stop.

Shaheen Alikhan  
Eva Latterner

Architectural History and  
Preservation Master's Student,  
UVA

I am so sorry. Apologies are inadequate and don't actually help anything, but again, I am so sorry that for the last 400 years you have been forced to fight for your inherent rights to this land. I'm sorry for everything that has been done to your people and your heritage. There is so much we could have learned and could still learn, and it seems that some people are so terrified of that that they would rather destroy it. It is completely wrong. We stand with you and we will do what we can.

Lonnie Murray  
Peggy Cornett  
--None--  
Mr. Galen Staengl  
Katy Rugg  
Vernon.Leo Johnson  
Sylvia Organ  
brian magurn  
Ashleigh Hughes  
Stephanie Ryan

Curator of Plants, Monticello  
University of Virginia

The Monacan Nation are important and valued members of our community. They deserve more respect and to be included in decisions that affect their cultural sites and historic resources. We should be working with them to help protect important cultural and natural resources, not working against them.  
This Heritage should not be erased

Vice President IBIA MC  
historical interpreter

Yes

Joseph Wei

Megan McDaniels  
Jessica Luck  
Kathleen Chapman  
Drew Chaney  
Pamela James-Goodenow

Linda Ardrey  
Dana Wheelles  
Ashley Moulton  
Bo Holland  
Abigail Howell

William D. Barker  
D. Evans

Sally Latimer  
Brenden Hughes  
Morena Cameron  
Susan Coombes  
Cindy Andrews

Conservation Scientist

Historian/Educator

Monacan Food Bank Director  
and Tribal Member  
Veteran

Professor

I am proud to support the Monacan Indian Nation in preventing the destruction of Rassawek, and in any other injustice towards the community. Haven't white people done enough damage already? Now they want to take the Monacan Indian Nation's capitol and burial ground too? This project is shameful and must be prevented at all costs.

History repeats itself - may God grant that this project not happen!

The heritage, history and related sites of the Monacan Indian Nation are as necessary to preserve for future generations as Jamestown, Colonial Williamsburg, Mount Vernon, Monticello, Montpelier, the Virginia State Capitol and many more sites which remind us of our collective history. The relevant sites of the history of those people inhabiting North America before the Europeans arrived are perhaps even more necessary to preserve, so we may continue to be reminded that the history of North America does not begin with the history of Europe.

Elizabeth Hincker  
Thatch Gerike  
Joan Chapman  
Suzy Allen

Resident of Danville VA

Amy Lynn Schultz  
Jimmy Dodson

Individual Monacan Indian  
member  
Natural resources professional

Shag Kiefer

Please show respect for the native landowner ancestors  
which was not shown when the land was seized.

John Johns  
Caeeey king  
Brittny Williams  
Candice Sulzbach

Member of the Monacan Indian  
Nation

I believe this project that would destroy the historic  
Monacan capital of Rassawek be permanently stopped.

Annyston Pennington  
Henry Lewis  
Olivia Lewis  
Paige Yanity

PhD student, Department of  
English, University of Virginia

Mrs. Leora Vincenti  
Chris Coen  
Emmaline Herring  
Beth Kreydatus  
Ella Brewer  
Samuel A Johnson

Director Of Marketing and  
Development of Montfair Resort  
Farm

I have a deep respect for teh Monacan Indian Nation and  
want to do what ever I can to help protect their sacred land.  
It is audacious and despicable that any one would violate  
their sacred tribal lands.

Linnea Laux  
Jake Fettig  
Mary Velez

Landscape Architecture  
Graduate Student at UVA

Hilary Johnson  
Kelly Jones  
Ninon Bartz  
Steve McKay

Doreen Brindise  
Erin Jordan  
Charlie Gilliam  
Elizabeth Dyer  
Jennifer Doo  
Brittany Cominos  
Stephen Welch  
Caroline Reusen  
Katie  
Jude Doiron  
Amy Brant-Lambert  
Genevieve Jordan  
Joelle Johnson

James E Williams  
Jae Lambert  
Charmaine Sims  
Gregory Weaver  
Shannon Long  
Dave Malason  
Liz  
Em Stephens  
Melissa Shank Grataski  
Santina Knight

University of Virginia  
Beaver Dam Baptist Church

NA

Monacan Indian

There is absolutely no excuse to desecrate this land for corporate greed. We have failed to Honor a single treaty made with indigenous and its blasphemous and dishonorable to remove burial sites and cultural heritage.

It is so important to preserve the culture, heritage, and land of the Monacan Indian Nation who contribute so much to our community.

We stand with you. Justice for the First Nations.

Good Luck, I am a caucasian and I stand with you and I am sad that our government continues to act unjustly and deprive native americans of what is justly theirs.

It is right to recognize Native Americans

Elizabeth Ellis  
ROSE TOMER  
James Merten  
Renee Reighart  
Heather  
Ashley B. Patel  
Kaila Stein  
Tyler Rasp  
Katie LaRose  
Sarah Downer  
Cheyenne Honsberger  
Sarah Charlesworth

MONACAN INDIAN

Librarian

“We, the great mass of the people think only of the love we have for our land, we do love the land where we were brought up. We will never let our hold to this land go, to let it go it will be like throwing away (our) mother that gave (us) birth.”. – Letter from Aitooweyah to John Ross, Principal Chief of the Cherokee."

Carrie McLaughlin, DAR  
Baylen Phillips  
Summer Jones  
Sheridan Weaver  
Mrs Amanda Curtis

conservationist

VCU School of Social Work

I hope we can protect your land, it means everything to me because it means something to you. Stay strong.

Christopher Weimann  
Chujun Luo  
Hayley Anderson  
Madeline Lamwers  
Danielle Kulas  
Lana Caragher  
Beth Mickle  
David  
Cathy Zappe  
Catherine Lott

Landscape Architecture

Solidarity with the Monacan Indian Nation!

Catherine Osburn

LMSW

I stand with you,your rights, your history, culture and heritage.

Kyndal Harrison  
Amelia Mitchell

Student

No one would ever suggest building commercial infrastructure over Jamestown, or the historical buildings in colonial Williamsburg. We need to show non-white history the same respect, and that needs to go without saying the same way it does for white history.

R. Brent Palmer

Cully Wilkins  
Ashley Griffeth  
Timothy Hatton  
Brian Davis  
Peter T Hulth III  
Kayla wilkins  
Amelia Hulth

Studying Archaeology and History

landscape architect

Narasha Berg

Lucile Hatch  
Ana Corral  
Jesse Voogt  
Jane Baer  
Ryan Grant  
Jessica Larkin Bourne  
Anita Staengl  
Mary Caldwell

Monticello (Thomas Jefferson's home)

This project and other projects the JRWA have proposed will damage the water and kill wildlife also. They are already damaging the water in the Chickahominy River.

Lara Call Gastinger  
Henry Foote  
Natalie Willims  
Samantha Sigmon  
Josh Mallow, AICP

Archaeologist  
Archaeological Field Technician

Respecting the Monacan Indian Nation that was here before colonialism is paramount towards a more just future.

I am with you as an ally!

Peter Stauffer  
Jesse

We must not erase this history.

If this pump station and pipeline project continue as planned, James River Water Authority will be in violation of the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by the United States in 2010, and central to fulfilling indigenous peoples' right to self-determination. This blatant disrespect for the principle of Free, Prior and Informed Consent cannot be allowed. Governor Northam and Commander Kinsman, I urge you to stand for this right and not allow JRWA to proceed with this project as planned.

Allison Martin  
Sophia McCrimmon

I stand with all Native Nations in the preservation of their lands and sacred ancestral sites, and the protection and preservation of their lives and culture.  
Save the historic Monacan capital of Rassawek! Don't add insult (eradication of memory) to injury (genocide)!  
It's the very least we can do, to support the people whose land we stole.

Derrick Wayne Helsley  
Jeffrey A. Grossman

Associate Professor of German,  
University of Virginia

Divya Ganesan  
Amanda Silvester  
Ty Lazauskas  
Tabatha La Freniere  
Briana Murphy  
Janelle Proulx  
Dr Jack King

Save and Preserve Rassawek! Find an alternative.

Cliff Maxwell  
Meredith McCool  
Diane Ober  
Delaney Hunter  
Eileen Gutierrez  
Monacan Indian Nation  
Veronica Merrill  
John Pence  
Robert Ferrell

General Manager, Global  
Grounds, UVa  
  
University of Virginia, retired

Yes

University of Virginia



Ben Small  
Kelsey Cappiello  
Ali Fard  
Laura-Michal Balderson  
Belen Gomez Grimaldi  
Ben Coleman  
Stephanie DeHart

Varna Boyd  
William H. Moore  
Donna Frye  
Grace East  
Ryann Perriello

Alex Fisher

Catherine de Cardenas  
Courtney Roark  
Ariana Arenius

Barbara Heath  
Zoë Lustrì

Registered Professional  
Archaeologist, Member of the  
Council of Virginia Archaeologists

University of Virginia

The Thomas Jefferson  
Foundation  
Archaeological Field Technician

Professor of Anthropology,  
University of Tennessee

Rassawek is a site of national, state, and tribal significance. In these trying times, it is all the more important to save and protect important sites associated with minority social and ethnic groups. Please do not permit the JWRA action at Rassawek- they have viable alternatives that should be considered.

To permit this project is a continuation of the oppression and destruction of indigenous people and their connections to important cultural centers. Is it right to take a monetarily reduced option at the cost of desecrating an iconic cultural site and again deepening the injustices placed on Native American tribes throughout the North American continent.

It is repeatedly the sites that are sacred and / or culturally significant to indigenous peoples that are plowed through like this, and I am disgusted that it is happening here in Virginia. Please respect the cultural heritage of America and find an alternative to this project. No economic project is more important than the sacred resting place of human beings.

Phoebe Crisman  
James Vidoni  
Elizabeth Hahn

Professor of Architecture, UVA  
AIA

Galvin Architects  
Lora L. Toothman

Architect, former Charlottesville  
City Councilor, and former  
member of a Water and Sewer  
Authority Board

Chief Kenneth Branham and several members of his tribe came to Charlottesville last fall to meet with City Council when I was on Council, about the depiction of Sacagewea on a statue within a public space. I admire him and his people greatly as well as the Shoshone descendants of Sacagewea. City Council subsequently voted to remove the offensive statue. As a former member of the Rivanna Water and Sewer Authority Board who represented the Charlottesville City Council, I know the challenges that all such water and sewer authority boards face and their obligations to their ratepayers, however in this case, community-wide values that encompass all people (not just capital costs) should rule in my opinion. In my time on the board, I can think of at least two instances where community values won out over cost considerations, and those decisions have stood the test of time. Destroying Rassawek will not. I'd be willing to make a statement to that effect, in public if Chief Branham thinks that might help. I will try to send my own statement to Governor Northam. Thank you for pulling this together. Sincerely, Kathleen (Kathy) Galvin, Architect, AIA and former Charlottesville City Councilor

Carrie Girstantas  
Tashi Dekyid  
Atticus Woodruff  
Jason Hatch  
Spencer Harrell

Major

I live on traditional Monacan land as a resident of Charlottesville. I acknowledge this truth at the beginning of each practice or meeting. The Monacan Indian Nation requires ongoing reparations, support, and respect.

Emily Mortimer  
Julie Phelps  
Mary Gearing  
leah silverman  
Mr.  
Nicole Young  
Sarah LaVoy  
Stephanie Faires  
James Johnston  
Jennifer Reyes  
Brandon Burton  
Lauren Lagrasta  
Jessica Rosenthal  
Hannah James  
Karen McIlvoy  
Anne Jensen  
Allison Gray  
Ann Williams  
Margaret Hayes  
Victoria Armstrong  
Kim Remsberg  
Elizabeth Jongeward  
Talia Marshall  
Anne Austin  
Zoe Smith  
Clare Inlow  
Momal Rizvi  
Jamila Pitre  
Victoria Kremer  
Abby Martinage  
Hallie Pugh-Sellers  
Jo Clark  
Ashley Clark  
Kayla Eanes

Push.

White Earth Anishinaabe

Archaeology Technician

I see you and I support you.

UVA '18

Jasmine Dean  
aliza haskal  
Stephanie Rowan  
Adele Blow  
Robin Schwartzkopf  
Alexander Smith  
Foster Garrett  
Walker Catlett  
Jacob Baker

Landon Holben  
Aaron Mohabbat  
Aaron Mohabbat

Patricia K Ross

Jeremy Nathan  
Skylar Wampler

Gabriella Wade  
Susan Mahlburg  
haley epping  
Frances Newman  
Maggie  
E. Bowen

Leah Marshall  
Ria Sardesai  
Paige Lyons  
Talia Wiener

N/A  
UVA CLAS '21

UVA 2022  
Virginia Tech Student

Charlottesville Democratic  
Committee

Owner, Splendora's Gelato Café

SEAS '20

Native Americans already have  
had so much of the land taken  
and I feel like Americans don't  
really have to right to take  
anymore of it.

Natural Resources Management  
Intern

The time has come to confront the historical truth that every  
inch of this country has been stolen. Moving forward means  
allowing indigenous peoples the agency, which is rightfully  
theirs, to control their lands.

The Monacan Indian Nation must be able to preserve their  
history and culture.

Haadiya Ahmed  
Jermaine Austin  
Isabella  
Ananya Suram  
Jack Antes

UVA student

Being born and raised in Hawai'i, I see daily the long-standing practice of white colonial displacement and disruption that is inherited in this nation's history. I pray that this insidiously planned construction project is overturned.

Athena Coley  
Pasha McGuigan  
Finn Lynch  
Caroline Cox  
Briana James  
Amelia Delphos  
Berkeley Wilkins  
Margaret Anne Doran  
Kyle Thielsch  
Sarah Garretson  
Abreale Hopkins  
Joie Asuquo  
Avery Shivers  
Kanijah Brickhouse  
Monica Norton

UVA CLAS '22

N/A  
Elan G  
Scott Mace  
Regan Allen  
Sage Block  
Kamya Sanjay  
Ellen  
Ariel Ankrah  
Elliott Carter  
Lily Krueger  
Carolyn Hiller

UVA Student  
UVA Student  
UVA CLAS '20

UVa CLAS'21

Ladan Karim-Nejad  
Xhesika Sula

Pharmacy

Kimberly Stahl  
Graham Keeley  
Andrew  
Charlie Payne  
Mr Sandra Parks  
Pilar Jimenez  
AV Milstein  
Madison Sides  
Henry Alan Kennedy  
Syd Lewin  
Kennedy Harmon  
Myka Greene  
Kelley Long  
Julia Cronin  
Maya solwren  
Salem Zelalem  
Ella Heitmeyer  
Karen Sanchez  
Sarah Pettycord  
Faith Ronquest  
Stevie Marvin  
Kaylie Martinez-Ochoa  
Lindsey Otterbourg  
Susan Muse  
Thad Fortney  
Maddie Krentz  
Alex Oxford  
Aidan folger

Archaeologist - Shasta-Trinity  
National Forest

Protect indigenous lands, history and sacred space.

UVA Student, class of 2022

Professor at VCU

n/a	archaeologist and historian	As an archaeologist I can verify that the proposed site has extreme significance to the Monacan tribe but also has a high level of national and international significance. Rassawek was the thriving capital of the Monacan tribe when first identified by Captain John Smith on one of the earliest European explorations in Virginia. The site also contains human remains, which are sacred to Monacans. Destruction of Rassawek should not be allowed.
Siobhan Frey		
James smith		
Megan Emberton		
Cina Boutin		You wouldn't like it if someone came into your yard and said "mine now". Simple as that.
MA		
Sigrid Edson		
Carmen Day	N/A	
Alessandro Coreas		
Parker Knox Sullivan		
Alice Wolff		
Callan Burton-Shore		
Trisha Costello		This is overt dominance over a minority group's sacred sight. What is standing in way of other options?
Shannon Sullivan		Other options must be pursued.
Christopher J Pasch	Archaeologist, Crew Chief at James Madison's Montpelier, MA	
Trevor Wallace		There is no shopping center that can take the place of 15,000 years of history. You cannot replace that. You can build outlet stores or restaurants anywhere but you cant rebuild Rassawek somewhere else.
Carlotta Hollestelle	archaeologist	
Indiyah Mabry	University of Virginia student	
Diana Tinta	Student	
Christopher		

Stella Sokolowski  
Scott Galloway  
Jean Beebe  
Audrey Brown  
Carrie Ryan  
Ash Giddings  
Beverly Welsh

University of Virginia CLAS '20  
Tribal member

The United States is built on stolen land. The least we can do is preserve the Rassawek and other historical sites.

Barbara S. Fink-Oster  
Hana Mengesha

Major, U.S.A.F, Retired

We are a nation of many cultures and beliefs. We should NOT allow the first people of this country, specifically the Monacan Indian Nation, to be lost to history because of industrialization, profit, or convenience. Humanity is better served when we know and understand the beauty in all cultures -- in their art, in their language, and in their traditions.

Zac Russell

Citizen of the Cherokee Nation,  
social chair Native American  
Student Union at the University of  
Virginia

Fernanda Yepez-Lopez  
Agnese Faccini  
Sierra Ruiz  
Francesca  
Lois Widmer  
Noa kipnis  
Michael Brown  
Mattia Niero  
marsha heatwole  
Gino Caspari

President of Native American  
Student Union  
Archaeology PhD Student  
UVA Alumna  
Archeology student

i commend your stewardship of the land

Reid Farnsworth  
Sam Disotell

Archaeologist  
University of Virginia, School of  
Architecture  
Cornell University



Jessica Irwin	Archaeologist	
Garrett Fesler	Archaeologist	Archaeology sites can't be moved or replaced. Pump stations can.
Claire J Weiss PhD		
Eric L Larsen	Archaeologist working in Virginia	
Sydney Collins		
Amanda Hill	Archaeologist	
Melissa Blunden	Professional Archaeologist	
Jocelyn Lee		
Rebekah Mills	MIA: SIPA, Columbia University	I support the efforts of the Monacan Indian Nation to preserve their heritage and the cultural heritage of the area.
Lillian Evergreen		
Courtney King	Parks Canada	
Nicholas Bentley	PhD student in Anthropology at Texas A&M University	
Logan Van Hagen	Archaeologist	The firm who did this job brings such shame to the field of CRM archaeology. As archaeologists it is our duty to identify and protect sites. We must act as a bridge between our clients and the tribes who have identified their claims to their own cultural materials and remains, not simply just ignore our findings for the easement of projects.
Myself	Public lands education and tribal outreach	
Amber Grafft-Weiss		
Liz Carmody		
Maia Dedrick		
Salpi Bocchierian	Death Valley National Park/	
Erica Moses	Great Basin Institute	
Leni Sorensen, PhD Independent Scholar	archaeologist	
Dr. Elisabeth Hildebrand	Anthropology professor	
Jennifer Leyting		
Phoebe Weller		

Tina Streal-Colom		
Charlie Rose		
Katie Hoffman		
Christian Cotton		
Nicole Penn		
Elizabeth Zieschang	Archaeologist at CRM firm	
Jody O. Holmes		
Caroline St Clair		
Ricardo Camaran		
Gaia Teh		We are here for you.
Lashae Mickey		
Olivia Bearman		
Carolyn Wine		
Anna Whittemore	Department of Anthropology, Cornell University	
Marian M Ware		I support you.
Amber Tedrow		
Marian M. Ware		I support you.
William Clemons		
Ellie Hoskins		
Ellaina Jung		
Amanda Simmons		
Valentina Martinez	Florida Atlantic University	Stay strong!
Philip Morris	Anthropology major	
Amy Gatenbee	Archaeologist	
Madellyne Waugh		
Amanda McPherson		We've done enough to tear down native people. Let's try building them up instead.
Alicia Whitcome		
Ella Kasten		
Sydney Lobins		
Brittany Mejia		
Ragni Larsen-Orta	J.D.	
Brittney Vargas		

Melissa Lovett-Adair  
Claire Jenkins  
Bee Waters

Tisa Loewen  
Kelly Ostrowski  
Regina Johanos  
Sarah Gunter  
Ardyth hoffer hallicola

Trystan Sweet

American association of physical  
anthropologists

B.A. in Anthropology /  
Archaeology

Due to the continued erosion of Native land rights and treaty guarantees and agreements, i am expressly against this project going through. I am asking that the Monacan be allowed to preserve what they have left at this point, and have a say as to what happens within the land and sites they are still able to hang onto. This is a valuable piece of history of not only Virginia, but of America as a whole. During these trying times, a show of support towards the indigenous peoples to preserve their ancestral culture and spirituality is a step in the right direction towards understanding that as a nation we have to cherish our heritage. ALL of our heritage. Please consider this, and allow the Monacan people to rest assured that they are valued in the state and nation's historical wealth. Thank you.

Michael J Ulery  
Claire Raymond

Maureen Meyers  
Jacob Wilson  
Reeve Pearce  
Emma C.

Andy Goldstein  
Cynthia Kocik  
Alyce Yang  
Arri Pavone

PhD  
Associate Professor, University  
of Mississippi  
library shelver

Salon owner

<333  
Yes

Stephanie

Arianna Rosenberger

Alyssa Loyola

Thomas Bader aka Thomas TwoBulls

Linnea Barklund

Anne Brickates

Lauren Rose

Emily Wool

Austin Angulo

Elizabeth Walker

Kyle Ruempler

Taylor Dowd

Marley Wiest

Teacher

Oglala Lakota

Jessica Huskey  
Ruth Portes  
Gentry  
Kyle William Deitrick

Caylin Stewart  
Rosalind Auberry  
Dr. Vittoria Capria  
Lia Dopp  
Ravyn Deerinwater  
Amanda Ryan  
Brandon Petkov  
Alexandra Jones

Former Virginia Indian Nations'  
Summit on Higher Education  
host; Virginia Indian Pre-College  
Outreach Initiative intern; UVA  
alum (CLAS '11)

Kyle William Deitrick  
Member of Chickahominy Indian  
Tribe  
none  
Veterinarian; UVA alumnus  
N/A

As a federally recognized tribe and the original inhabitants of the Charlottesville/Fluvana/Louisa region, the Monacan Indian Nation has a long-standing and well-documented ancestral right to these lands and grounds of cultural significance. This is not the first time that the Monacans have fought to protect their land, particularly burial grounds and grave goods. They have demonstrated stewardship over their ancient sites, including their preservation and relocation of the Rappahannock Mound in Albemarle County. No one can dispute the historical significance of this tribe for all Virginians, the very same people documented by both Smith and one of our Commonwealth's founders, Thomas Jefferson himself. Rassawek pre-dates Jefferson's Academical Village now a UNESCO World Heritage Site. Surely this ancient village and its modern-day descendants deserve our same reverence and respect. The indigenous people of Virginia and all of the citizens of the Commonwealth deserve a thorough, systematic review of the area and the right to preserve ancient grave sites. If Virginia is to continue to celebrate its history as the first colony, then it must honor and protect the bones of those upon whom it was forcibly founded.

Nizhoni Tallas

Genevieve Everett

James Igoe

Debi Hopkins

Elizabeth Tarulis

Paola García

Alize Dreyer

Karla Ortiz

Angela Farinholt

Kennan McLaren

Maria Polioudaki

Amelia Campbell

Gwyneth Homer

Rick Chojnacki

Peter Chukura

Dee Bogetti

Kerry Desjardins

Erik Knierim

Carolyn Garrett

Elizabeth Olmsted

Meg Wilkes

Claire Challancin

Beth Kuzminski

Ryan Jawetz

Felicia Smith

Michael Swigert

TL Newman

Josephine Conover

Navajo

Archaeological technician

Professor of Anthropology,  
Univeristy of Virginia

Educator

Archeologist

Curator/Archaeologist

I am so sorry that this painful injustice is being inflicted on you all. I will do everything I can to spread the word to my colleagues and beyond to sign the petition.

Destroying a historical site is insensitive at the very least.

The native people and their sacred sites must always be respected and never destroyed.

Respect and understanding

Aho mitakuye Oyasin !

Solidarity with the Monacan Nation and all indigenous peoples

You deserve more ♡

# Stop Destruction of the Monacan Indian Capital

To: Tom Walker, Chief of the Regulatory Branch of the Norfolk District Army Corps

We ask you not to allow the James River Water Authority (JRWA) to build a pump station and pipeline project at Point of Fork. This project would destroy the historic Monacan capital of Rassawek, first identified by Captain John Smith in 1612, in addition to several other significant historical and archaeological sites. It is not in the public interest for the Army Corps of Engineers to issue a permit to JRWA to destroy our shared history, especially when JRWA can construct its project at an alternate location and still provide water to Zion Crossroads for speculative economic development. The Monacan Indian Nation are a federally-recognized tribe and have experienced centuries of oppression and destruction at the hands of the federal and Virginian governments, and we should hold ourselves to a higher standard now.

## Why is this important?

Human remains, the bones of Monacan ancestors, have been found multiple times at the Rassawek site. Rassawek is also one of the most important Monacan towns, its political center and the place where its chiefs lived. If the pump station project is not built on Rassawek, it would be a sacred place for the tribe. The Army Corps should not force the tribe to endure the traumatic and somber process of repatriating and reburial of their ancestors. At a time when the Commonwealth and the nation are working to preserve and interpret the historic capital of the Powhatan Confederacy, Werowocomoco, it is disturbing to see such willingness to destroy the Monacans' capital.

We ask that the leadership of Virginia and the Army Corps conduct a systemic review to identify other options for the water intake and pump station project that do not destroy this irreplaceable history.

Signed by 6,646 people:

Name	Postcode
Ellen Chapman	23223
charlie smithers	24015
David Swanson	22902
David Keeler	92683
Ahprille Andrews	44094
Phoenix Oaks	97217
Michael Smith	92801
Judi Poulson	56031
Kelly McMahan	87114
Stephen Dutschke	40207
Joshua Angelus	06710

<b>Name</b>	<b>Postcode</b>
Marilyn Shepherd	95570
Kathryn Rose	80205
Robert Beverly	77630
Deborah Lyons	45956
Robert Fischhoff	88062
Carol Hirth	94702
Mario G. Rivera	87123
Carolyn Scarr	94702
Connie Stomper	93101
Robert Krueger	60626
Paula Shafransky	98284
Loraine Ferrara	02184
d carr	03755
David Casker	15905
Dan Carpita	98022
marylou schmidt	66604
Jim Thomas	27705
Philip Rampi	55105
Jim Perry	95403
Gavin Dillard	28711
Benita J. Campbell	15021-1165
Ellen E Barfield	21211-2510
Karynn Merkel	95503
Caroline Poulas	98148
Harry Leffmann	21212
Louis Fischer	20015
Mary McAuliffe	90028
Ann Bragdon	77006
Cricket Blanton	32935
Linda Remy	94941
Brent Rocks	97201-6132
Karin Peck	95662



<b>Name</b>	<b>Postcode</b>
Darlene May	27106-6265
Delores Stachura	62948
Ann King	95336
Kathy Motsinger	83704
Edward Bielaus	20852
Terrence Bennett	94591
Sandra Smith	98125
Catherine Corwin	90404
WILLIAM Doerrer	92020
Lana Schmitt	61115-1542
Scott Johnson	63701
Cecilia Burns	80013
Karey Haj	85054
Ordell Vee	56062
Kathleen Malley-Morrison	02090
M. Ghost Dancer Wene	86413
Charles Ellis	20009
Walter Schmitt	61115-1542
Mark Sawyer	96067
Lascinda Goetschius	07410
Marie Desjarlais	54601
Tracey Aquino	23452
Laura Jo Newman	80218
Ramona Ponessa	97411
Eleanor Weisman	16335-4144
Linda Howard	94117-1407
suzanne schaem	10150
Corinne dodge	03038
Erin Parker	24060
Kathleen Taggart	92264
Sherril Andersen	92408

<b>Name</b>	<b>Postcode</b>
Vicki & Rod Kastlie	92107
Mary Fischer	32605-4071
Michael Halloran	97305
Robert Reed	90620
Deborah Voves	99516
E McRae	33523
Barbara Adler	34476-4520
Carol Devoss	60174
Robert Oberdorf	33319
Dennis Urban	19152
Carla Owens	32137
Maria Nowicki	94116
Juan de Marchena	07631
Eleanor Anderson-Miles	91304
Allan Baker	49931
DEirdre Brownell	91505
Kathleen Quirk	85048
Rob Bell	27915
Michael Kenny	77041
Carol Yost	10011-6194
Samuel Durkin	94534
Steve Weiss	97202
John Wooldridge	95673
Jawara Pittman	31406
Steven Mondel	07727
Tony Santiago	10458
Roberta Haskin	55431
B. Rodriguez	94547
Caryn Graves	94702
Dale Russ	98188
Robert Wesley	14850

<b>Name</b>	<b>Postcode</b>
Arthur Fellows	78731
Bob Hannigan	97330
Stephanie Hurlburt	87102
Thomas Dawley	02852
Caitlin Killian	07930
Jody Gibson	50315
Allan Thorne	98168
joan heron	95437
James Whipp	57719
Terry Rizzuti	80517
Robert Herzog	85248
Lupe Torre	33701
Cynthia Hanson	94043
Frank Winiski	06480-1712
Jaszmene Smith	08302
Andy Meese	17856
Linda Murphy	20782
Bill Leikam	94040
Mark Gotvald	94523
Claudia Richner	78028
TABATURA JOB	30039
Gil Caudill	32333
Joe Rose	10029
James Stephenson	33069
Stewart Hinze	43615
Sandra Folzer	19118
Catherine Morris	97520-2336
Marya Zanders	52544
Maureen O'Connor Casilli	021303927
Claudia Morgan	77006-3708
Steve Mattan	08088-9662

<b>Name</b>	<b>Postcode</b>
Jedd Parr	95833
Arielle Crickenberger	27527
George Williams	35769-9014
Wendy King	70130-7637
cynthia martin	43050
Yvonne Baab	05602
Linda Norton	89052
Sharon Baker	46526
Kevin Vaught	37013
JKohn West	10025
Richard Tregidgo	17532
Denise Alvarado	94954
Robert Ortiz	94945
K Krupinski	53168
Mark Feldman	95401-9137
Rosemarie Sawdon	240606258
Scott Greene	91801
Nawal Tamimi	89509
Charlie Weir	98682
Brian Lockhart	97213
Rhonda Bast	53403
Isaam El-Amin	53511
Taza Guthrie	85716
Jane Volland	98225
K. Laurence	10044
Dave McKee	98362
Robert Jehn	16314
Anthony Buch	98115
Amanda Gaona	93309
william Moulder	60048
Joseph Vaught	97005

<b>Name</b>	<b>Postcode</b>
Charles Suddeth	40223
Rhyda Conant	19971
Marylee Fithian	55409
Lauren Garner	48205
Elizabeth Hall	91326
Mostyn Thayer	34952
Nancy Gregory	80120
Paul Bagley	33917
DOUGLAS MCCORKLE	05346
Ron Price	91762
James Hartley	22207-1210
Vickie Gonzalez	10468
Katherine Hutchins	85050
David Bolman	45856
Dave Ogilvie	93105
Patti Fink	94954
Mike Ferguson	56024
Janet Harwell	12093
janna piper	97293
Monica McKeown Gallichio	94521
Wesley Banks	98682-0067
David Skelton	76712
joe Frascone	97338
Andrew Simek	34207
Jane Butler	25427
Robert Clemens	10509
Elizabeth Metcalf	30075
Carolyn Smoot	36867
dana Bleckinger	97498
Eloise Hill	94501-3797
Marty Mason	44143

<b>Name</b>	<b>Postcode</b>
Michael Essex	95762
Elilizabeth Chacich	55720
Bruce Frank	46260
Mary Bristow	37027
Joseph Duncan	32763
Judith Braffman-Miller	63132
Shelby L. Hood	37064
Van Knox	17543
Geraldine Booth	53704
Mark Grzegorzewski	33702
Jeb Morris	93955
Jordan Glass	10530
susan ricci	85716
Christopher Devine	60656
Donita Scharber	55072
Jana Williams	28715
Ann Read	94937
Mike Goldberg	21903-0430
Lynn Merle	08360
Sheryl DeTray	98023
Christian Wade	64127
mary n	98683
Russell Ziegler	60516
Judy Loose	33919
Erik Noel Nelsen	98851
Robert Albers	55113
Michael VanZant	600905300
Cheryl Fouts Hayes	60118
Charles Massey	33634
Meryle A. Korn	98226

<b>Name</b>	<b>Postcode</b>
Frank Lahorgue	94903
Carl Arnold	13757
Margaret Marvell	47250
N. Rodriguez	10036
suzanne narducy	92673
Jef Schultz	95420
Scott Tong	94109
Robert Kennedy	60614
Patricia Gambale	94122
Gerhard Bedding	03431
Elizabeth Macklin	10011
Marc Garcelon	64112-1811
Kirsten Upshaw	94565
Barry Brown	10009
LEOLA RUSSELL	67212
Dorothy Jordan	98264
JAMES ZITIS	34692
Kara Sherman	33322-5688
M Langelan	20815-4051
ROBERT A KIMMICH JR	97302-3019
Gail Fleischaker	01072
Carol Fusco	94708-2058
Rosemary Milici	12440
Alice Speers	98115
kate lynch	12484
Eleanor Dubois	03051
Daniel Tietzer	46220
Michael Gambale	94122
Edwqrd Chute	15243
Scott Steinman	34210
Pamela Mcdonald	92505
Michael Klausing	25143

<b>Name</b>	<b>Postcode</b>
William Zentis	16508-2275
Margaret Dimitriadis	07882
David von Braun	74129
William Johnson	24382
Tracy Feldman	27713
John Fay	20902-1443
Kathleen Eaton	19709
Linda Meisinger	66030
Jamie Shultz	26508
Ashby Paca	23229
Tom Akers	60188
Anne Endler	10524
Jeff Reynolds	04401
Don Hittle	61820
Ben Bryant	10025
Dave Quayle	03104
Alix Ingber	24521-2527
Bernard and Susan McFadd	02043
Thomas A. Guaraldi	77071
Randall Tenor	17050
David Young	46514
JOAN INGRAM-EISER	94956
CAROL Collins	19904
Jeffrey Greif	90291
Dee Coulter	80503
Jules Arnold	40601
Chey Richmond	32503
LeRoy W	87059
sean mccuen	97302
Bobby Miller	92691



<b>Name</b>	<b>Postcode</b>
Patricia Malin	85205
Vanessa Bersani	14456
Laurie Kaniarz	49008
Donald Johnson	42350
Nicole Mikals	91320
Gerritt and Elizabeth Baker-Smith	18301
Michael Forster	97394
Sheila Martin	97103
Caridwen Spatz	99203
Carol Clapham	19806
Juli Kring	77099
Rehana Huq	14850
Greta Meyerhof	92672
Brenda Gappy	48322
Rob Dun	95066
Jeffrey Bains	32159-6210
Bernie Carpenter	77082-6132
Patricia Wilson	22630
Matt Ezero	12972
Christina Knapp	02130
patricia barnes	85710
Eve Powers	96756
Raquel Karno	92059
Donna Chavez	64081
Hal Forsen	92672
Claudio Niedworok	27505-9779
Marie Bayus	97527
Jordan Hashemi-Briskin	94306
Jared Long	80203
Doug Kelley	20901

<b>Name</b>	<b>Postcode</b>
Jessica Paolini	91355
Tina Garza	78750
Kermit Cain	80247-6532
Andrea Chisari	32754
Mara Sabinson	03745
Victoria Villagran	92592
CT Bross	94597
Ruth Stuckel	66208
Carolyn Sabin	95926
Inge Fenton	08349
Debbie Stinehart	63601
Charles Conner	85321
Jeri Taylor	06488
Julie Hoffer	11201
Nala Cross	92240
van vives	74006
James Smith	01749
Christie Sanders	06040
Andrew Rosenthal	97402
Laurry Michlin	75214
Leon Houston	78163
Patricia Loftman	10025
Michele Chapman	78633
Michael Conover	60622
Kathryn Capelli	10453
Darron Jackson	60163
melanie dupre	02909
Mary Peterson	97365
Myra Schegloff	90405
MAXIMILLIAN F. O. GUTIERREZ	75208-5017
George Grace	90027
Alexandra Grossi	90041

<b>Name</b>	<b>Postcode</b>
Tom Anderson	94103
Chris Loo	95037
Robbi Chisholm	48192
Mikael Estarrona	85606
Todd Snyder	94115
Yolanda L Quintanilla	78413
Darryl Wrona	59102
russ ziegler	60516
Jacob Bolton	48208
jeanne sumner	95454
Kim Shaub	08618
Willis Gray	01810
Wade Hoover	18951-1038
Blaise Brockman	91007
michael page	60532
Robert Summers	02143
Robert Alvarez	07087
Margaret Weirich	38571
gus snowdon	10012
Philip Englert	60660-4740
Sandi Hebley	75230
Barry Friedman	12518-0511
George Craciun	33592
Peter Supersano	89521
Elisabeth Ochs	94114
Liz Naidoff	78041
Timothy Goss	95465
Sarah McKee	01002
Sharon Treistman	06513
Michele Hondo	96793
John Steiner	20895
Claudean Chick	76273

<b>Name</b>	<b>Postcode</b>
Tatyana Stevens	81621
Stephanie Thompson	78757
Michael Prater	28714
Marvin Makinen	60615
RICHARD VARTANIAN	91116
Bryan Erdmann	63119
Marilyn Lee	35630
Scheree Davis	74019
Anne Bozza	11780
Mark Scott	98133
At Yamamoto	91321
David Sullivan	05301
Melissa Rees	99212-3083
Paul Bridgewater	10009
Andrea Soeiro	87501
Theresa Szpila	11104
Steve Cotham	37917
A. Alia MacStay	28147
George Simon	29323
Skeeter Leard	87801
George Bourlotos	07950-3431
Tracy S Troth	39208-5710
Kenneth Strange	64157
Carol Huber	16509
Joshua Paterno	10461
Chester Tocha	60630
valerie lichtman	92404
Bonni McKeown	60644
Edward Cortes	94549
Carol Ann Brady	19481
Doro Reeves	97420

<b>Name</b>	<b>Postcode</b>
Thomas Rewoldt	48108
Mark Forster	20708
Thomas Campbell	56123
Karen Cook	98513
Allister Heath	70115
Greg Goodwin	98125
Greg Elems	89506
Gloria Shen	28805
Karen Berger	91020
Ramona Silva	02740
andrea brown	19150
Gina Paige	23231
Kenneth Miller	90290
Robert Schilling	62812
Jane Church	27517
Iris Edinger	91367
Ryan Hanson	70125
Elizabeth Siarny	60302
Sandra Middour	20141
Charles Valenza	19382
Lara Hammond	39759
Richard Siddall	06488
Ida Pooler	45459
Dan Burke	60124
Monty Tilles	08753
Mark Crede	61462
jim Bullock	32084
douglas zook	02446
Paul Pfifferling	28806
Nancy McMclaughlin	34116
Keely Gililland	76108
Richard Johnson	98227

<b>Name</b>	<b>Postcode</b>
Karen Koonan	94115
Lynne Weiske	90048
Wade Stewart Cooper	95060
Ryan Dodd	22551
James Fairley	94709
Edward Freeman	19139
Maureen Sheahan	48033
Bret Anderson	98506
Kate Sherman	15218
Frank Thacker	45638
Harold Robinson	35160
Jill Levy	12878
George Camacho	12211
William Clifford	17112
Thomas Schroeder	48060
Cecilia Alami	24018
Mike Cass	94947-4766
James Facette	45409
Toni Watson	91977
Julia Rinaldi	95407
Wendi Quest	02155
George Bond	70115
Susan Burton	46143
Kevin Washington	98146
Daniel polley	60660
fran merker	11235
Alan Katzer	27106
Delores Myers	29609
Jim Fritch	18073
Paul McCullough	48624
Karen Springer	97225

<b>Name</b>	<b>Postcode</b>
Maureen Sullivan	05701
Diane Basile	11746
Liza H	468256572
Doug Norden	80904
Daniel McCarter	48104
Owen Edwards	28657
David Longobucco	06443
Michael Henderson	92649
Jackie Young	23223
Tara Conaway	49315
Marylyn Stroup	53575
Jane McCreedy	60647
Nancy Vann	10566
Daniel Schwartz	90039-3633
Teresia LaFleur	01776
Phyllis Schmidt	01852
Richard Gardner Sr	60620
Robert Wist	85018
Cathy Mahoney	94609
Toni Alexander	44057
Peter Bromer	33162
S. Paula Gallant	13501
Paul Espinosa	92116
Sheila Ford	85374
Richard Honeycutt	27295-1932
Chris Choy	94112
Vicki Cohen	97221-1850
Donald Steiner	34243
Joanne Orange	98112
Laura Lambert	55109

<b>Name</b>	<b>Postcode</b>
rima Blair	10014
Doris Jackson	27610
Noemi Ybarra	47904-1917
Chuck Rocco	93065
Mitchel Karp	92120
Sandy Jim	96760
D. Brock	97405
Thomas Goulde	02476
Peter Freiberg	33139
Frederick Hills	08086
Daniel Tuttle	98144
John McKenzie	55106
LeeAllen Meyer	02129
Kristi Joy	85119
Vikram Sikand	07086
Judy Taylor	02667
Krishna Murphy	28715
Tana Cahill	97202
Calvin Rittenhouse	43204
Daniel Jokelson	97520
Daniel B. Knox	864067185
Vicki Leeds	94956
Robert Bowns	90012
Ann Babb	08107
Carolyn Cooper	19138
Rebecca Rinald	08722
Eric Steinberg	34235
Robert Greene	49707-2561
Hans Seelig	53703
Anne Dwyer	48073
Mike Lundgren	66205



<b>Name</b>	<b>Postcode</b>
Carol federal voter UKresident Kates	14850
Ron Ives	06249
Charlie Bogert	19067
Matthew Thompson	95062
Janet Brocklehurst	05301
David Williams	48203-3534
Kathleen Zoll	19075
Gary Coller	19609
Leslie Welch	02865
Imani Brathwaite	11207
Gabrielle Karras	97206
Pat Rolston	07878
Joe Kaleel	48759
Bill Hessel	93022
Roy Barnes	33428
Laura Scott	94931
Margaret Christensen	85233
Richard Morgan	98226
elizabet pretel	01002
Randy Gerlach	94014
Ilse Maria Zalaman	11768
Marty Grundy	02492
Merlin Wilson	93906
Jane Barron	99328
Yefim Maizel	94131
Dorothy Elrod	21901
Al Daniel	27707-9222
Cody Goin	65706
David Addison	24401

<b>Name</b>	<b>Postcode</b>
Patricia Kellen	12992
Valerie Justus-Rusconi	95076
Sam Stetson	25314
Chris Kermiet	80207
Sharon Narushoff	17331
Lisa Burroughs	44004
Mary O'Donnell	19720
Bill Rubin	30033
David Bremenstuhl, Education Laureate	20882-4242
John Hoffman	19512
Mary Clark	95661-4423
Katherine Aker	91042-1816
Katherine Young	22207
RJ Cooper	92705
Loran Moon	11216
Miguel Avila	92703
Brendan Chan	95831
Jonathan Morris	94107
Doris Bailey	77566
Jennifer Fleming	80026
Pamela Speagle	40214-6010
Sarah Livingston	06042
Michael Sileno	27408
E Clark	98107
David Harris	02466
Bethany Sanders	92056
William Cimino	33040
Nina Aronoff	02130
Kim Allen	75243
Leonardo Rubio	10468

<b>Name</b>	<b>Postcode</b>
Zandia Moses	77088
J. William Carpentier	12062
Donald Watson	21770
Terry Walowitz	92692
Lora Leland	04104
Gary Rogers	33712
Todd Williams	53122
Kimberly Derwent	43054
Morning Star	90813
Michael Tschirhart	92027
Barry Kassler	02038
Lois S Durso	19107
William Fisher	33777
Grace Horowitz	14850
Nona Toss	67361
Evelyn Trevethan	94559
Steve Lucas	98199
Maggie Davidson	33060
James Oi	96720
Joan Lohman	94602
Birgit Hahn	97333-2267
Laurel Gress	44281
Sally Rings	85028
REY RAMIREZ	98275
Kaneisha Lewis	76134
C E	78520
Jill Adler	95337
Stephen Weissman	28715
nancy sheehan	12043
Janice Hall	80465
Susan Phillips	53527

<b>Name</b>	<b>Postcode</b>
Suzanne Guest	97212
Richard Teague	77901
Chuck Quilty	61265
James Dodds	05673
A Schultz	53098
Charles Browning	10011
John Surr	22911
Robin Weage	97229-3427
Nicole Dambrun	48386
Marium Husain	45458
Terry Dailey	72116
Robin McDonald	18951
Ira Brinn	33026
Christine Doyka	95542
Kathe Garbrick	66503
Edward Spevak	63139
Paul Riek	97212
Don Abing	97103
Vivian Bryan	92629
Carol Robinson	63126
Ken Burritt	12305
Darleen Dhillon	94707
Marjorie Nafziger	97202
Betty Reardon	10027-4711
Kenneth W Johnson	07755
John Ritchie	92117
Karen Dicks	18951
Elizabeth Schaeffer	038334384
Katherine Gulick	19130-3941
Marielle Marne	85086
B Barbara Parlman	97544

<b>Name</b>	<b>Postcode</b>
Gail Roberts	91980
Ruth Drouin	06410
Adelle Lutz	90046
Shaun Griguts	89011
Stanley Malinowitz	14850
Jeanne Graham	33713
KAREN COLLETT	84010
Jeanne Acosta- Caibe	33604
Kathi Ridgway	43110
dan Dinno	40229
Timothy Sanders	89510
Hayley Schwitz	47714
Linda Rucci	32225
Victor Feodorov	92543
Hilda Dunn	SW99TD
Robert Akervick	98328
Phil Pennock	98117
KURT STEINMAN	76209
Steve Gust	55344
sarah lowrie	78362
michelle graves	63640
Stephanie Walton	46160
Jane De Hart	93108
Becky Geiser	54451
Frank Lewis	28645
Cindy Shoaf	28146
Michael Huff	97220
Laila Atallah	21204
Karen Heesch	33556-3658
Marcy Gordon	11233
John Bush	19320

<b>Name</b>	<b>Postcode</b>
Maureen O'Neal	97223
Panelle G	85658
Ann Bein	90064
Robert Smith	17402
Robert Wohlberg	55423
Donna Barrett	60089
Clement Thurn	43207-3062
james meyer	97222
J FRIED	19380-1842
David Sandage	95060-4630
Cary Stitt	98531
Sharon Osolnik	90046
Jennifer Feruch	95130
Marci Spencer	94546
Lewis Lenzi	75087
Norda Gromoll	54521
Merv and Marilyn Carse	48103
Rochelle La Frinere	92114
Martha Vinick	34238-8534
Harris Baylen	10027-5040
Christopher McGihon	80128
Patty Peebles	78602
Barbara Johns	17109
Donna Butler	55433
Timothy Brennan	14425-1121
Randy Murbach	21042-5325
Anne Greene	20860
Carol Chowdhry	22901
Judi Svihla	87106
Michael Harris	30540
Ruby Weeks	17015

<b>Name</b>	<b>Postcode</b>
Nancy Wheeler	01520
Lee Thwing	48730
Liz Webber	37918
Greg Willett	98395
Anuj Mankad	80301
Gilda Fusilier	95831
Andrew Roberts Cummings	30307
Tim Barrington	95112
Tina Berlad	01748
Carol Nugent	97124
barbara poland	91214
Bruce Tilden	18610
Rob Rowan	92618
Heidi Johansen	96704
Geoffrey and Linda Symcox	91105
Andrea Feodorov	92543
Alan Green	53577
Elizabeth Gifford	02472
Daniel Henling	98107
Peter Nelson	54701
Sheela Chattopadhyay	07731
Penelope Smith	68132
Hope Winthrop	90056
Anthony Rosner	02472
Joe Joyner	80634
Gordon MacMartin	14226
Jeff Klein	48390
Karen Anderson	10025
Judith Gregg	89015
Miriam Dunbar	81328

<b>Name</b>	<b>Postcode</b>
Thomas Nicholas	12985
Paul Savvas	27265
Thomas Holubeck	45215
Ardis Johnston	02072
Mary Hicklin	92117
khan hasan	98012
Carey Majeski	49506
Monica Odgers	85635
Isabel Martins	10002
Diane Brine	01450
TRUDY YATES	23111
JL Burns	66064
Christopher Drye	21128
Narendra Patni	94306
James Adams	95827
Jan Emerson	10032
John Voehringer	38556
Dave Wade	45895
William Koch	97330
Darlene Goetzman	14706
Susan Ford	12062
Christi Dillon	28117
Jan Salas	95062
Valerie Carrick	91762
Terrance Jackson	29486
Scott Bishop	98502
Sue Ward- McCurdy	97212
Susan Abken	06896
William Erven	81520
Robert Mammon	94803-3866
Patrice Oberly	19567



<b>Name</b>	<b>Postcode</b>
Laurie Kay	91107
Charlotte Smith	87121
Stevie Sugarman	90265
David Doering	94109
Jill Meyer	62684
Daniel Abraham Lincoln High School	94102
David Tabano	80205
Terrance Shoemaker	80134-6387
Janice Reding	95747
Jan Vaughan	78155
Celine Schein Das	94903
Bonnie Karrin	90046
Richard Bailey	93562-2412
Sara Loeppert	27608
joseph blum	94110
Laura Ackerman	99224
Ann Hughes	67226
Bonnie Kenny	80214
Evie McCord	47909
darynne jessler	91607
Lisa Hubbell	94703
Jean Beck	98021
Lynda Dwornik	80026
Helene Minniti	91351
Ron Zimmermann	63123
Thomas Thornton	02911
Carol Moss	95816
Najla Cabello	20832
Marc Gregory	90209
Dennis Love	92372
Katherine Hanna	34223

<b>Name</b>	<b>Postcode</b>
L Theberge	02888
Vic Bostock	91001
Kathleen Moraski	55125
Robert Gondell	94973
Thomas Noble	99524
Pam Botts	66044
Edwin Pettis	81507
Joan Makurat	22030
Michelle Mitchell	28031
Maribeth Milner	68504
J.B. Picot	94103
Beth Kuehn	55303
Martha Jones	72532
Sharon Longyear	10598
Marcos Casillas	00907
Ed Schott	61102
Pamela Nordhof	49419-9657
David Cavallo	02140
Sandra L. Herndon	98506-3447
Mary Duerksen	45056
Ryan Stout	37135
Megan Stuart	44129
Dallas Windham	75060
Elaine French	03561
Lorraine Thompson	98329
Martje McCausland	14075
Dave Fellows	48842
Claire Morse	27403
Randy Harrison	97402
Daniel Monroe	08080
Sara-Jane Wilson	55410

<b>Name</b>	<b>Postcode</b>
Rita Martinson	90046
Fulvio Valsangiacomo	90210-5323
Sybil West	27310
Carol Ducey	91107
Michael Jones	33040
Marilee Corey	97302
Diane Nelson	275102375
Choky Alvarez	78729
Diane Burgert	98075
Saad Siddiqui	75063
Richard Gilman	49008
Stephen Mudrick	65203
Dale Reynolds	91205
Mary Perner	94550
Pamela Johnson	27863
Mary Johns	23834
Neil Hartbarger	20901-2412
Elena Schaef	12401
Kathy Yeomans	93001
John Cole	49630
Mark Holland	87501
Dave Mills	78644
Betty Thomas	33612
Helen Ingram	78757
Tara Herlocher	10025
Kathleen Stark	92103
Charles MacFarland	21710
Heather Fox	01887
Michael Velten	19134
KURT CRUGER	90804
Hitomi K	30096

<b>Name</b>	<b>Postcode</b>
Ralph Eaton	24015
Mary Traer	27609-7619
Stephen Golden	94547
Darryl Roberts	95404
donald tenhagen	32566
Zada Rose	10013-2787
Monique Edwards	85755
Jeanette Shutay	60491
Judy Myrth	01863
Laurie Toner I	02135
Dennis Marshall	07505
Anne Albert	96815
Carol Olszewski	34759
David Jones	47170
Leone Lewis	97045
Sarah Adrian	48076
Maggie Burgess	87043
Ilana Krug	21239
William Stewart	22207
Rochelle Gravance	59019
Steven Hester	70058
Jonathan Hinson	32701
Michelle Miranda	23505
Lee Powelson	99501
Lisa Reich	60463
Alice Jones	32750
Bill Hinton	53012
ROBERT DUPLESSIS	19146
Barbara Mathes	85648
Jerry Proffit	60613
Itala Rutter	11372

<b>Name</b>	<b>Postcode</b>
RICK CHERTOFF	91401
Joan Glasser	80301-6077
Thomas Hernandez	92881
Caroline Boston	29910
Michael Sullivan	02051
Iver Johnson	60050
A W	14606
Alan Wagner	53223
Amy Walter	98115
Rob Petitpas	95446
Linda Swanson-Davies	97219
Ivis Nasir	49038
Ingrid Rochester	80106
Virginia Robinson	02459
Craig Wright	80303
ADRIANE ALLARD	08063
Leah Boyd	80227
Saretta Prescott	28712
Richard M Roderick	05081
Sarah Skilling	60542
Mike Heichman	02125
Melissa Dorval	014532405
Beatrice Broughton	19311
Gael Faller	93033
Jacqueline Cleary	03467
Kristy Kirkland	71241
Seth Snapp	98225-3316
Carla Albers	55331
Eric Pulitzer	90046-1559
Katie Haldeman	97701

<b>Name</b>	<b>Postcode</b>
Thomas Ackerman	53566
Russ Cross	47954
kris moore	98402
charles bowman	71424
Linda Stevens	60901
Neal Neamand	18015
Patti Schultze	33558
Caroline Herritt	21502
Louise Haines	33778
Agnes Hetzel	23185
Joyce Hillard	72002
Douglas C Deaton	97218-1948
Tim Carrigan	18104
Charles Adams	15220
Dana Sanchez	80470
Chris Brunner	75002
elizabeth putnam	05262
Jeanette Nadeau	85730
Robyn Blakely	28815
Wendy Oser	94941
Timothy Kaneshiro	90025
Nancy Worcester	53704
Debra Demars	01085
Jo Ann Toro	96001
Duncan Thomas	97330
Lacey Hicks	94536
Scott Biggs	48080
Martha Oschwald	53213
Kathy Watkins	02138
Paul Breitkreuz	92882
Dagny Boebel	46962

<b>Name</b>	<b>Postcode</b>
Steve Rosin	91101
Jill Karkosak	19130
Timothy Raymond	14607
Linh Pham	92704
c S	92167-0382
Rosemary Doyle	33776
Noel-Anne Brennan	02879
Ric Bernat	97212
Kathy Schlenz	22601
jackie fortino	48169
Carolyn Eden	98110
Carolyn Steinhoff	11218
Lynda Pauling	55082
Mark Jenkins	20009
Eric Benson	61821
Marcia Liotard	05487
Christine K	80027
Scott Ferguson	47401
Christine Berger	94610
Cynthia Kegel	60610
Nancy Hiestand	95616
Teresa Hayes	04609
Eric Hipp	11225
Elizabeth McClelland	70668-5343
J Fleming	80121
Scott Kennedy	97303
Rhonda Leifheit	63143
JoAnna Redman- Smith	98031
Rainer Adkins	98118
Leanne Grossman	94602

<b>Name</b>	<b>Postcode</b>
Shirley Collins	974027541
Linda Mason	29412
Caroline Romines	30305
Jane Bruesch	54235
Jack H	94591
carol bichsel	94546
Denise Henrikson	98126
Norman Koerner	19119
Mary Reese-Upton	93117
Elizabeth Neerman	27613
Beth Goodson	94118
Steven Gregory	98802
Karen Landrum	67357
John Najemy	12203
George Hurst	07090
Alan Robell	95014
Michelle London	60610
Craig Parker	76137
MaryJane Welch	048415727
Mary Zack	43085
Joshua Andersen	97215
Paulette Bliss	63108
Mike Garcia	43110
Jennifer Jerlstrom	92804
Claude English	92307
Linda Abbott	12561
Peter Fontneau	22153-1826
R. Leslie Choi	91208
Martin Mador	06518
Rachel Wolf	95060
Raymond Cvetovich	07013



<b>Name</b>	<b>Postcode</b>
Adrienne Hall-Bodie	24450
Charles Hendriks	48083-4308
Sharon Hull	95062
Anthony Albert	97330
Sara Greene	40229
Dr Karen Fiss	94618
Marilee Meyer	98362
Ellen McNeirney	20814
CHERYL FINNEGAN	60013
Michael-David Sasson	94619
Maria Borbon	85719
Marcia Orbelian	94121
Carl Mason	10566
Patricia Lilley	89509
Jennifer Davis	10014
Martin Iseri	95628
Steven Urquhart	24015
Nick Gaetano	92651
Elizabeth Balcar	23454
Sharyn Dreyer	80206-2913
Stephen Diamond	06371
Gary Nelson	44667
Shannon Teel	28277
Jack David Marcus	10025-7480
Doreen Siracusano	87107
Steven Federman	43606
Ruth Thiede	60660
Pela Tomasello	95062
milt khoobyarian	95032
Tim Ryan	55344

<b>Name</b>	<b>Postcode</b>
Lisa Patton	94115
teresa mcclure	19154
Richard Platt	83638
Kathryn Lambros	98117
Kathleen Mireault	02130
Wendy Joffe	33133
Larry Kane	86336
Emma Goode-DeBlanc	77381
Julie Watkins	61802-3411
Lou Podesta	11743
Tracey Herbert	95818
Karen Roy	03864
Eileen McWherter	60007-3902
Meral Kazan	48104
Trish Lee	99674
Cynthia Reuss	55407
Carol Joseph	07052
Johnny Armstrong	71270
Jan Christensen	11224
Cynthia Sheikh	19382
Michael Collier	30566
Lee Berthel	94619
Martha Sharkin	44107
Ruth Kastner	12078
Valerie Lange	95348
Zachary Delya	46307
Diana Van Doren	94801
William Edmonds	15136
Dr A Gardner	94602
silvana uzcategui	11377
Linda Wood	55439-1768

<b>Name</b>	<b>Postcode</b>
Elizabeth Zumchak	13501
Hasana Abdullah	48197
Lonnie Harrington	11412
Donna Lewis	91401
Silvio Fittipaldi	19114
Judith Anderson	90807
Celia O'Kelley	35401-5922
Carla Lilley	27312
Debra Lee	97504
Lee Wasserwald	90401
Richard Mell	89074
Elizabeth Judd	53036
Rick Stack	20910
Stephanie C. Fox	06002-2142
Allison Cheng	80909
Dennis Bone'	95492
paula Donahue	87108
Catherine Blunt	19143
Okiyo Ososaka	95835
Janice Miller	85250
Linda Hanratrty	76109
Kevin McPartland	98178
Phil Curry	78757
Beth Bacon	34211
Randall Nelson	61821
Cleo Dioletis	80247
Mario Salgado	92801
Judy Mayo-Velasco	98584
Sharon Walbridge	99163
David Hempel	52240
Sheri Deal-Tyne	50304

<b>Name</b>	<b>Postcode</b>
-Vernon Batty	81147
M. Catherine Buntin	60091
jeffrey Harrison	83876
Rima Rosenthal	04605
Liz Lesman	88310
Len Carella	94118
Linda Headley	32628
Chris Drumright	37130
Robert Marinier	48108
Doreen Cooper	10026
Susan Pezzino	60611-2334
OLA HUMPHRIES	77009
Debbie Sirois	02360
Maria Aragon	88310
Rachel Gordon	94707
Daisy Gardeazabal	90028
Nancy Lasley	84098
Robin Lorentzen	83607
debra langford	92270
Henry Ickes	07860
Jean Milholland	80205
Noah Link	48912
Sidney Herszenon	53217
Carol Engler	59807
Karen Lull	91711
Bill McNally	80904-3451
William T Symons	13126
Vincent De Stefano	91107
Dorothy Werner	34209
Dorothy Sanchez	81201

<b>Name</b>	<b>Postcode</b>
Michael Shaw	20194
Comateta Clifton	70115
Isaac Marsh	48108
Linda Trum	02130
Robert McFarland	33020
Marcine McBride	32934-7877
Beatrice Stodola	34236
Kristine Winnicki	05143
Christine Grewell	20910
John Hayter	62650
Louise Bianco	91356
Stacy Crosby	72401
Robert Lech	06082-6012
Andrew Gallagher	29042
Patricia Bateman	97212
Kathryn Morrow	16803
Susan Elkin	60060
Douglas Zimmerman	60901
Janice Nakamura	95834
Ronda Snider	98329-5131
Roy Maddox	97109
Catherine Bylinowski	64052
Frank & Jean Carlton	20164
karen hellwig	90056-1737
Edward Lang	08816
George Morgan	98671
Scott Lavender	76015
Bo Bergstrom	88061-8631
Nancy Dolan	98011
Barbara Miller	07416
Susan Brisby	93536

<b>Name</b>	<b>Postcode</b>
Michael Skidmore	60660-2872
Marilyn Mueller	30004-7415
Judith King	32968
C S	34609
Penelope Cole	80403
Raymond Krumenacker	11717
Jason Calvert	33331
Thomas Harding	91001
Janet Bartos	72223
Fred Granlund	91601
carolyn massey	62301
Jeannette Zeiler	43560
sandra kempa	59414
suzanne plewka	49461-9134
David Hadden	92111
Hal Estry	97222
Linda Pawloski	85345
Dominique Edmondson	20772
Nancy Roberts	60187
DEE BOYLE-CLAPP	01053
Norman Moldestad	98296
Michelle Babian	10701
Mark Vendel	16406
Michael Peterman	80138-4453
Lloyd Hedger	98403
Todd Holland	02903-4549
Diane Krell-Bates	92122
Alan Bromborsky	20902
EARL JOHNSON	95018
Debbie Schepis	07204
Christine Sell	44135

<b>Name</b>	<b>Postcode</b>
Kristi Honeycutt	77484
Brenda Hattisburg	94578-3351
David Leader	97420
Greg Duplessis	33023
Patrick Dunlevy	90732
Wallace Schultz	87701
Edward Laurson	80235-2979
Mary Gutierrez	32503
Nicole Renee Peters	66609
Joseph Vella	14620-1109
Kurt Gross	92176
Chris Lee	97221
James. Yvonne Tittle	10462
Jane Kilkenny	91502
Jay Bradbury	53704
Jonathan Clapp	02645
Steve Schueth	60613-4684
Kenneth Johns	28127
Miriam Normile	53186
Erica Ehrhardt	20176
Michele Paxson	11554
Ronald Ramey	98203
Gale Gray	98370-8928
Jack Dennis	02142-1169
Claire Kusakabe	96822
Martin Hecht	15208
Julie Hansen	33759
Emily Pitner	15301
Cheryl Zellmer	20121
Donna Edwards	07063
Ruth Rath	34986

<b>Name</b>	<b>Postcode</b>
William Napoli	84339
Danuta Hutchins PhD	50588
Elvis Cayford	76380
Pamela Kenny	68144
Carol Warren	12481
Susan Peters	48820
s sachs	02879
Enrico Aquino	48105
Christina Coffman	97520
ina doyle	14487
A G	23220
Janice Brown	80110
Anne Craig	28801
April Fennell	85250
Eric Benson	55416
Viola Harris	30252
Carol Wilson	15221
Robert H. Feuchter	11432
Giannie Couji	10031
Mary Wood	93401
Bill Trunk	20011
Jared Howe	98108
Ilene Johnson	80122
Robert Vandervennet	49287
Rob Kulakofsky	85713
deirdre ohearn	77401
Amy Henry	01060
Gregg Kleiner	97333
Phillip Olson	80302-9225
Barbara Gude	95404
Mary Holmes	33614



<b>Name</b>	<b>Postcode</b>
Donlon McGovern	97211
Rosalie Sable	97501
John Thompson	33723
patricia whelehan	94122
Ryan Griffin	07656
Demetra Tsantes	11372
Lothar Lang	55340
Ronald Schlesinger	20852
Craig Asbury	73044
Thomas Walls	98057
Jerrilynne Titsworth	34237
Christine Downing	01966
Kris Ede	04607
Mary Ellen Linderman	06033
Kenneth Braunstein	11215
Tansy Woods	92101
William Brierre	22302-4112
CF massey	11226
Daniel Safer	19104
Robert Nolter	37923
Nancy Kurtz	84532
Megan Hillary	22902
Theresa Dolan	99502
Edwina Gaiser- Marchev	07005
Penny Heintz	95924
BRITTNY CALLENDER	28501
Lora Drogin	91001
Urmila Padmanabhan	94538

<b>Name</b>	<b>Postcode</b>
Aviva Shliselberg	12569
C. Derry	48130
Andrew Goldman	13068
Richard Zimmerman	85704
Belinda Colley	97410
Eric Thein	92026
DeeAnn Saber	85719
Michael Bordenave	93728
Teri Kraslavsky	92677
James Smith	40067
Anita Turner	92115
Howard Crocker	62221
Sharon Maxson	85614
David Wood	97301
richard smith	48122
Nancy Clark	80537
Celia Kerr	98026
Narayana Ghorakavi	77429
Paul Quinlan	94545
Patricia Knol	60190-1615
Colin Hart	73080
B. Thomas Diener	87123
HILLARY GREENBERG	06902
Lowell Austin	25701
Anne Theiss	32819
Paula Dalton Meyer	06053
Virginia Voedisch	28791
Donna Knipp	10034-2885
Thinh Ngo	76002
Ellen Ratcliffe	93109

<b>Name</b>	<b>Postcode</b>
JEAN MAJEWSKI	53092
GARY WHITE	80917
Delaina Foster	77024
Sandra Burson	77396
Jack Bartlett	94941
Jeannine Cook	97471
Caroline MacQueen	38111
Aaron Falbel	01375
Roberta Gora	48191
David Bonazzoli	33853
Judith Blaisdell	03833
Mark Jacquinot	12303
Barbara Patton	94087
Hector A. Pol	33772
Janet Giamanco	92105-3809
Dolores Guinn	78654
Valerie Huffman	97217
Fabienne Noble	92617
Dr. Craig Ilgenfritz	21286
Robert Poulsen	95062
Jamie Taylor	85710
John Beamer	43412
Bettina Goodall	13166
Dorothy Li Calzi	19119
Jarred Joseph	70058
jerilyn sacklet	10013
Shelley Abbate	94587
MARY ONUFER	98027
Susan Petrakis	80302
Miranda Helly	94612
Carrie Hildeman	53218
Graham Ellis	27513-2444

<b>Name</b>	<b>Postcode</b>
Carole Williams	26505
Chuck Broschious	83871
Kathleen Myers	40403
Dave Sharp	97202
Tracey MacDonald	80237
Karen Hoover MDCALC Tdf h	05301
Scott and Cathleen Weston	83854
Benjamin Martin	06492
James Randall	23220
Doug Yamamoto	94706
Pamela Shaw	45216
Nick Melander	84115
Kiu Leung	53562
Elliott Sernel	92263
David Ungerleider	60645
George Spruill	27855
Patricia Thomas	55767
Maura Donovan	95864
DAVID KENNEDY	07042
Joe Orrego	93003
j g	00000
Sandra Cobb	44022
Susan Opava	93420
Kathryn Donahue	95525
Maureen Oliver Borquez	80214
Amelia Caruso	97125
Mary Mizzi	11373
Beth Jane Freeman	11793
Sue Biederman	52402
Alan Townsend	94110

<b>Name</b>	<b>Postcode</b>
Carolyn Carolyn Dickens	25701
Karen Stimson	06477
Nel C	98032
Larry Benvenuti	33050
Lexi Terry	33716
Lisa Deville	58757
Richard Jackson	49343
Kelly Garbato	14622
Betty Ford	23114
Reine Flexer	94306
Jon-Paul Wolfe	95130
Cat Ransom	86326
Jerry Bangham	39150
Alan Connor	48103
Judy McLellan	80128
Kay Drache	55416
Inger Acking	94710-1844
Martha Riggle	17237
David Allison	10012
Helen Conlan	22701
Jenni Thompson	95835
Haley Cooley	49058
Halie Hennessey	08204
John Benschoter	85044
todd boerger	39402
Eric Fournier	02472
Catherine Williams	85719
Lesley Vennero	91350
K R Garland, PhD, DD	88061
Mary Babineau	33703
Malu Malu	10000

<b>Name</b>	<b>Postcode</b>
Merrill Rodin	90292
James Workman	43701
Dennis Smith	98244
N D	10075
John Margerum	19129-1018
Claudine Paris	97209
Scott Lowe	49684-2406
Linda Atkins	92262
Sharon Bubel	32224
Mary Zellachild	95490
Eric Ericson	90272
Robert Janusko	18018
MAXIN Hopkins	23462
James Miller	20912
Julie Motl	14620
William Skirbunt-Kozabo	23831
Tom Leonard	28607
Lynne Lokken	53120
Carrie Savage-Zimmerman	46208
alicia Jackson	94591
Daniel DeShane	61240
Jessie Nichols	52556
Raleigh Brecht	75043
FREDERICK HAMMOND	12526
Helen Goodspeed	10601
Jamie Lawrence	35205
Ron StClair	86404
j Duerr	95831
Jeff Toste	02909
Thomas Weiner	01060

<b>Name</b>	<b>Postcode</b>
Ann-Marie Christopher	15226-1317
Rev Susan W	28806
Pamela VourosCallahan	46530
Denys Cope	87507
Carole Paules	17406
William G Gonzalez	10901-4289
Gina Richardson	91505
RedLion York	80525
Bonnie Faith-Smith	02139
Laura Mebert	48503
Wallace limura	95014
Sandra Kelley	96720
Carolyn Campbell	60613
Curt Blair	85745
Thalia Caldwell	19147
Susie Rissler	15211
Janet McMahon	20009
Sharon Rosner	90212
Sarah Conner	32080
Julie Hildebrand	20707-3303
Myrna Freeman	93643-9589
Cynthia McCarthy	92694
Lucas Botan	14456
Josephine Lowrey	05602
Frances Guzman	78228
John Robinson	06084
Oralia Rodriguez	77450-3201
Marilyn Page	95521
Mari Matsumoto	94501
Raymond Wilson	61761

<b>Name</b>	<b>Postcode</b>
Grace Kelly	22207
Robert Cope	19426
diane mason	10011
Angela Dell'acqua	11727
Tim Miller	95476-1894
Jennifer Thompson	47551
Mary Teresa Terlau	40206
John Ferrante	94520
Michelle Jordan	97520-8789
Kayan Sherrer	80204
Charlene Gagon	78704
Steve Roddy	94118
Deborah AbdulRahhim	44112
Tracie Moore	13110
Brenda Psaras	11940
Robert Cassinelli	95821
Sonja Baris	01510
Ellen Davis	90025
Jonathan Plotkin	14850
Allison Everitt	97301
Michael Tullius	91316
Jim Farrell	99701-5023
Amy Zink	94606
Steve Garland	77399
Gaillard Ashley	14580
Phil Broncucia	80215
Jesse Marsden	02906
Angel Garcia	33545
David Smith	80401
Elizabeth Gaskill	95928



<b>Name</b>	<b>Postcode</b>
madeline sambuchino	16501
Maile Anthopoulos	97008
Home Bell	60653
Nichole Bourcier	97209
Mark McDonough	53546
Janice Bailey	10019
Ruth Darden	98115-7810
Gabriella Brown	60647
Shannon Bearman	19041
Angela Zerance	17078
Charlie Burns	06850
Kate Skolnick	11238
michael salzmann	99556
Ralph Schusler	33128
Rayburn Wiley	80919
Shannon Allsop	84121
Kenneth Ruby	03079
joe stern	70122
Jean Bergstrom	02054
Ira Dember	77043
Sarah Ambe	14619
Connie Wachala	46322
Paul Kinslow	85250-5847
Corine Lindhorst	59404
Mary Germain	49048
Gerald Kelly	90403
Ronald White	66217
Teresa Kohl	60901
Mark Neumann	73072
Michael Denton	94578
Martha Rich	03748

<b>Name</b>	<b>Postcode</b>
Randy "Grumpa" Iuliano	49024
Victoria Holman	98002
Brie Gyncild	98122
Lynette Ridder	94521
Melvin Vincent	51501
MaryEllen Andrews	33830-2912
Lina Ott	15217
Jade Elms	97405
Terry Moody	64803
J.C. West	95446
John Essman	95448
Lee Staley	95066
Donald Andress	22182-5205
Carol Carlson	97520
Jennifer Catriona	11510
Angela Hopkins	78259
Nancy McAdam	60631
Janice Dlugosz	08722
Annette Dake	53051
Carol Ilic	32963
Scott Korman	11005
Sandra McLuckie	80526
Venice Rembold	76117
Joseph DiMaggio	21214
Karen McCaw	90043
Eric Crouch	50014
michael villanova	12309
Jerry Miller	98683
Gail Amshel	15238-1521
Ray Paul	32086
Richard Turegano	94542

<b>Name</b>	<b>Postcode</b>
Eileene Gillson	97140
Margaret Alexander	10451
Suzanne Kirby	11963
Bill Bigelow	97211
Sarah Weil	27312
Michael Schaffner	22207
Melanie Ohm	85283
Greg Puppione	96826
Sandra Lane	80308
Doris J Ashbrook	47374
eve stone	20902
Stephen Boletchek	27502
Catherine Carter	30030
Yaakov Bright	29536
JANICE TAKASHIMA	98103
Charles Dietrick	02139
Dacia Murphy	85213
Margaret Breslau	24060
Marsha Weisfeld	07430
Lorraine Martinez	37079
Geri Collecchia	60601
hothefah alkusari	48195
Lea Morgan	01201
Shannon Jacobs	08317
Susan Mirsky	02461
Bonnie Weiss	94608
Peter Mccumber	26501
Fay Payton	99324
Frances Piven	12546
Colleen Curtis	98229
Victoria Chatfield	89131

<b>Name</b>	<b>Postcode</b>
Denise Scotto	10019
Betsy Webster	28125-7721
margot rosenberg	98118
Jeremy Nathan Marks	N6G 2W5
Tina Ann	94924-0265
P M	60611
Angeleen Kildare	93109
Roch Polit	34231
Kathleen Garcia	95240
Gordon McCulloh	30087
Lois White	97527
SL O'Neil	60031
Nick Macdonald	11226
Karl L Konnerth	12590
Jo Petteway	32803
Samuel Newman	21740
Allegra Printz	94901
Ken Loehlein	98665
Eda Wilson	53190
Derek Page	92003
Carlos Ortega	79912
Ruth Steinberg	07724
Pat Dufau	92673
Ray Couture	98168
Isaac Walrath	92120
Gail G	14850
Beverly Vonfeld	98908
Cathi Brooks	05832-0362
Charles Wilmoth	94124
Jason B	60123
Judith C Rohrer	30306
Susan MacGregor	98052

<b>Name</b>	<b>Postcode</b>
Marco Josepho	95423
peter hochfellner	60007
Marilyn Mooshie	97538
Lynn Lavezzi	44146
Kathleen Carr	81413
James Long	96772
Marian Shaw	77571
Gary N Turner	10305
Rebecca Picton	97330-1919
Heather Tausig	02459
Pamela Miller	76476
Vicki Shulof	12125
Erik Peterson	48084
Lisa Gherardi	95032
Marta Williams	96080
John Jackson	32425-6702
William Noyes	95008
Lynne Oulman	98225
Linda Bescrypt	19047
William Meemken	56304
audrey ross	85705
Georgia Bence	93940
Gregory Corning	87506
Agneza Roberson	33467
Dale Atkins	03833
Michael Wagner	33324
John Palafoutas	90038
Cynthia Coley	92640
Sally Martin	92201
Suzin Kratina	59801
Loretta Kerns	44410
Diana Walling	13411-2625

<b>Name</b>	<b>Postcode</b>
T C	60403
Den Mark Wichar	98660
Rita Caruso Santamaria	55106
Janice Day	05262
Donna Bonetti	80303
Frank B. Anderson	90731-1840
Rich Conklin	33908
selden wasson	86004-9103
James Kleven	62901
MaryAnn Crowe	87505
Chris Cohen	97206
Ed Kenney	20165
Christy EIA'mma	61813
Colin R. Coward	91706
Joe Feinstein	48322
Margaret Heatherly	29687
Douglas Kinney, D.M.D.	13820
James Mather	22079
Jay Skinner	97365
liz murphy	37083
Carl Wallenmeyer	53217
Gregory Jones	19143
John Gajewski	53207-2319
Deborah Marlewski	83810
Mildred Badlu	11365
Phyllis Chavez	90405-5038
Robert Merikangas	20904
Jamila Garrecht	94952
Sagen Smith	97520

<b>Name</b>	<b>Postcode</b>
R.G. Tuomi	91362
Hannah Osborne	04032
molly mendez	94561
Barbara Mountrey	93950
Ingar Forsmark	60010
Donnelle B	98056
Ellen Fleishman	11215
Sandra MALOFF	98683
Stephanie Stone	10040-3758
Jean Paskowitz	20855
Allan Wysocki	17327
Sally Wetherell	33609-3805
Taylor Smith	45344
Phil Fischer	94521
Jean P Snoddy	80013
Ellie Parker	59601
Tamar Diana Wilson	91941
Alexandria Earley	45044
Bob Lichtenbert	60641
Theresa Kellgreen	95005
Jimmie Andrews	30039
Ellen Homsey	19707
Gary McCormick	85701
Suong Huynh	98034
Patti Mckinley	60611
Rose Riker	51104
Victoria Miller	91436
VINA Gardner	97045
Carol Loomis	97233
Anthony Nicolau	11205
richard laybourn	55438
Tithi Dutta Roy	02180

<b>Name</b>	<b>Postcode</b>
Dennis O'Rorke	95462
Wayne Gibb	95436
Sharon Hurley	25267
Sarah Bauman	98229
Sandra Lyon	32025
Michael McCartin	46804
Matthew Grenz	58554
Anna Drummond	95945
RoseMarie Shishkin	94121
Anne McDonald	60202
Steve Craine	02460
Dale Janssen	60491-6102
Vania Black	85032
Jim Palmer	925490441
Gerry Milliken	86326
John Clewlow	17325
Dan Murray	81211
Melinda Lewis	23227
Barbara Jean Coley	11772
Laura Russell	88101
J.B. Sacks	91307
Chris O'Connell	60173
Elke Savala	94530
John Mathias	29414-6076
joan budd	10570
Kay Hannah	81428
Carole Henry	98380
Thomas Schmitz	97123
Dim Don Trump	95113
A Brennan	19103
sylvia alm	96768



<b>Name</b>	<b>Postcode</b>
John Rettela	53226
Lauren Kofsky	55305
Judy Rinehart	96774
John Crombie	47136
Mark Blandford	79124
Kathryn Boling	80110
Victoria Williams	90803
Judith Poxon	95816
Iva Dubyak	97206
Dave Fronske	86001
Melissa VerDuin	49504
Edward Reichman	07052
Mary Lorain	94602
Carol Deem	17543
Lynda Chiavario	628014331
jesse croxton	90291
Michael Paul	03244
Debbie Carroll	45069
William Crist	94044
Claudia Devinney	14530
Leslie Schriener	80439
Cat Karsten	19050
Liz Amsden	90042
Suzann graf	19128
Ann Stratten	91941
Roberta Sans	88061
Carolyn Beckner	28805
George White	49004
F. R. Eguren	90277
Nancy O'Grady	97055
Frank Briggs	74873
Karen Gray	01775

<b>Name</b>	<b>Postcode</b>
Donald Imler	16635
William Wark	46077
Mary Ellen Channon	60640-3751
Sharon Moran	30319
Carole Bodner	11362
sybille pearson	10024
Christina Petras	89129
Mark Sussek	91404-2475
Kristin Leavitt	05403
Emily Withnall	59801
Craig Simmons	17112
Laura Brody	91001
Lisa Kenion	44123
Catherine Rodriguez	34293
Ronald Carter	12566
Fred Barger	33143
Janet Buda	02128
Probyn Gregory	91042
Sirina Sucklal	20763
Jan W White	02664
sue stern	06281
Joy Morgen	53716-1823
Ryan Baka	55411
Garret Whitney	01742
Christy Greenwald	94110
Shawn Lewis	14001
Johnny Hall	41615
Cherie Tucker	98136
Dan Parillo	07013
James Inglis	94070
Scott Laxier	93940

<b>Name</b>	<b>Postcode</b>
Alison Kennedy	10590
Dennis Scheessele	20640
Dolores Bridgette	30519
Tab Buckner	94117
James Marsh	27612
Jay Besig	30060
Andrew Stanger	98503
Sandra Gerhart	19608
John Petroni	94530
jan moore	87016
Hillary Colby	60504
Louanne Gilleland	10014
Steven Linden	28792
Deborah Fallender	90405
Will Morel	11221
Edward de Boo	02903
Brian Ramsey	92061
Dorothy Moloney	87723
Christine Spinola	97375-9629
Beth Chao	66047
Carol Waldman	90292
Linda Wilson	03230
Gavi Stevens	33771
Sheila gaby	33143
Julie Schubert	86326
Patrick McManus	98941
Hayden Kaden	99826
Douglas Schneller	07016
Helmut Mueller	27516
Erika Kane	97032
Larry Forrest	80228

<b>Name</b>	<b>Postcode</b>
Marilyn Fritz	18017
Raymond Pisano	94606
Vanessa Gonzalez-Green	21286
Richard Schoenberger	85028
James Finnigan	12590
Sarah Lanzman	22935
Bobbie Flowers	10011
Andy Tomsky	92079
Joanna Leary	04092
William Aldrich	02888
Docken Polk	93001
Debra Cameron	87015
Steven Waldrip	95003
Ellen Parker	54601
Michael Hague	95993
Gregory Flower	72227-6504
Leon Van Steen	94134
Paula Bandt	66085
Carol Kessler	10562
Tony Grutman	90036
Rebecca Augustenborg	92583
Patricia Hval	06379
Eric Christiansen	19341
Steve Dietrich	90065
Sean Browning	43224
Pam VanCura	84117
David Benoy	30339
Gary Pitchford	77578
Richard Staten	07106
Billie Swain	94806
Susan Kozinski	53235

<b>Name</b>	<b>Postcode</b>
B. Chan	92131
Kay Mooney	43420
David Harris	93003
Christina Hewitt	33426
William Rowe	32746
Pam Goldin	06410
Jill stockman	55101
Carl Van Dyke	95462
Marian Goldberg	22101
Maggie Hughes	94704
Don Bergey	27106
Mary Taddiken	75002
Eric Simpson	45233
cheri hanemann	70118
Paul Ripley	95062
Michael A. Johnston	92176
Kathryn Mosher	55122
Evan Sederquest	03036
Christina Coleman	19904
Deborah Baker	46234
Ronald Castle	48353
Linda Vickerman	92029
Donald Smith	32905
Athene Grant	34243
Robin VanTassell	93067
Carol Fox	11542
Louisa Solomon	11421
Tara Felder	98252
Timothy Stein	55807
Mary Kinninger	87901
Sheila Zukowsky	10032

<b>Name</b>	<b>Postcode</b>
Michelle Baik	92821
Mimi Routh	96150
Catherine Reed's	34476
Gary Rowe	21146
Judy Grosch	34292
Deirdre Cochran	22601
Carol Cohn	02460
Margaret Denn	98304-0059
James Bengel	27591
Bruce Higgins	94551
Hannah Banks	02459
Patricia Bocanegra	78059
E Marshall	24333
Melissa Phillips	20012
Barbara Waymire	72002
Susan Singh	74105
Didi Doris	33437
Stuart Weiss	80246
Jerri Mariott	94611
Judah Joy Easley	98019
Pam Blake	04032
Carol Caurdy	48393
Mary E. O'Kiersey	60302
Susan Goldberg	91202
Lauren Thompson	97206
Val Greenspan	83646
Oceana Free	92107
Ronald Barrett	22301
Mark Daniels	98122
Robin Drwahorn	97375
Vincent A Dalba	14626
Gretchen Van Pelt	78641

<b>Name</b>	<b>Postcode</b>
Charlotte Feck	83851
Aaron Sheiman	95864
Brandon Perras	02908
Holly Kukkonen	52240
Eilene Janke	85711
Damon Williams	27707
Michelle Loose	53216
Karen Hughes	43204
Allie Tennant	33905
Lynn Evans	39211
Christine Caredda	11374
Lisa Henschol	90027
DANIEL ATER	28803
John Benson	43830-9713
Susanne Woods	94933
Ina Pillar	53575
Burton Dickerson	74145
Jan Kutchen	78209
dennis nagel	85719
Jeanne Staehli	97215
Julius Anderson	11218
Margret Schreck	85375
William Roth	89508
Nadra McClain	90250
Robert Brosius	97526
Jane Ahearne	10014
Charles Happel	46224-5608
Lani Ka'ahumanu	95421
J Bennett	73034
Cynthia Rankins	94127
Drew Pelton	80305
Karen Wilson	60615-2917

<b>Name</b>	<b>Postcode</b>
Alison Date	33629
Joan Kalvelage	97520
Alice Parra	22963
Jim Wilson	95667
William Lusher	52403
Mary Long	78704
max Karl	54814
Deidre Scherer	05362
JL Angell	95672
Brian Murray	19147-4603
Lee Liddle	93720
Marilyn Spivey	32953
Diane Laughlin	53154
Lucy Hansen	52772-9292
Eleanor Columbo-Meardon	22192-1202
Gary Roswell	90815
Marilee Lampman	55066
Mark van Rossen	07856
Adel Easterday	49783
Grace Morsberger	20815
Pat Fojtik	60465
Tamara Shidlauski	61821
Kathy Oppenhuizen	49460
Brittany Jaramillo	73105
Donald Shaw	18902
E. W. Browne	14850
Lawrence Deng	95120
Louisa Reppucci	01852
Martin Talarico	98116-4404
Moises Medina	33073
Nancy Ravelo	96757



<b>Name</b>	<b>Postcode</b>
Lisa Albrecht	97206
Cindy Slusser	76708
Barbara Kashishian	48239
Delvan Ramey	40217
Donna Delisi	48048
Marcie Vasta	60527
colleen Carroll	33625
Michael Garcia- Borges	33140
Janet Hirschhorn	01844
Decker Swann	80247
Jerry Skyles	97230
Pat Lang	94022
S. Preston Jones	48642
M Stoner	98198
Carolyn Rainwater	35555
Andrea Yarger	57747
Carolyn Treadway	98503
Julia Cranmer	08088
Thomas White	34771
Barbara Youngquist	60203
Maren Kentfield	85748-7052
Letitia Dace	66502
Brandon Schooley	15024
Annette Straubinger	20121
Saundra Petrella	15009
Tammy Fenske	S4R3Z5
John Markowitz	10024
Maresa Duguay	02780
Donald Karoski	95129
Vesna Glavina	52556

<b>Name</b>	<b>Postcode</b>
Ann Keith	21146
Ruth Huber	43123
Helene Siegler	78748
Cathleen Robertson	22192
Stephen Leighton	90035
Julie Caan	53212
Richard Van Dellen	55901
Rhonda Rungsitiyakorn	94019
Amina Brown	06606
Barbara Jenkinson	03264
Ira Guevara	33141
frank miller	46321
Daniel Belachew	02062
Gregory Penchoen	98580
Catherine Mendoza	80014
Glenn Hufnagel	14215
Stephanie Griffin	48307
Cathy Hoffman	35801
Jo Harvey	98047
Rabbi Michael Feinberg	10025
Lyn Etcetera	90046
Tim Lang	80919
Michelle Stern	60641
henry sanchez	93023
Warren Startup	78664
Shanna Carlson	94546
Donald Hannah	43764
Al Carlson	82842

<b>Name</b>	<b>Postcode</b>
Sandra Batchelder	05641
Tony Wise	29841
Steven Esposito	11776
Kathy Michaelson	61072
Jamie Wilson	80223
Valerie Morishige	90068
Amy England	60626-2978
Monica Willard	18015
Austin Lopez	60657
Catena Galipo	44144
Langston Boyles	27101
Nancy Fannin	43056
Loretta Workman-Grimes	41005-8752
Carol Lynne Eyster	92373-5937
Thomas Cierech	07456
Kirsten Moy	94577
Mini Liu	11238
Sandy Faust	33609
Jonel Larson	94805
Bridget Wyatt	97209
Freddie Sumilhig	95991
cary helms	60523
Debra Dandele	60465
Marc LaRocque	95811
Nancy Martin	78239
Mary Barhydt	23509
Jean Wiant	19036
SHEILA KNAPP	23541
Catherine Raymond	19072
Ron Tragni	75036

<b>Name</b>	<b>Postcode</b>
Brunilda Betancourt	32309
Judith Trohkimoinen	82601
Maurine Canarsky	97214-4851
Huguette Dube	06053
Jean Perkins	04562
Joseph H Cox,	48187
Valarie Little	27282
April Evans	02155
Madeleine Pestiaux	92530
Eric Woodward	98604
Mark Basile	90249
Paige Harrison	10024-1223
M. C. Halvorsen	98110
Martin Bloom	94132
Cathy Holden	95865
Carlene Brown	90232
Theresa Koernke, IHM, PhD	48336-4446
Tania Malven	85719
k Klare	34786-8755
Chanda Unmack	95050
JOHN DIGITALE	94040
Jack Spicer	60615
Jeanne Bulla	98168
Eugene Pumphrey	08006
Michael Dunk	70513
David Lamoreaux	20912
James McConnell	94109-5637
mia heavyrunner	98366-8929
Peter Veits	55337
Kenneth McIntyre	33433

<b>Name</b>	<b>Postcode</b>
John Simmons	76028
Dan Larson	90290
Sandra Hareld	87114
Marie Spike	48837
Anna kite	60087
Carol Larroque	87008
Judith Orr	32935
Michelle Trosper	98604
Robert Bench	84096-6570
Stacia Lewandowski	87508
Tom McCabe	83702
Gerald Rogell	20817
Jill Berkowitz- Berliner	10549
Myrna Sandbrand	11743
Dave Franzen	94701
Mark beaudin	99507
Jeanne Stanborough	22901
Linda Martin	92021
Caroline Comnenos	32618-0102
Rebecca Freund	49931
Rachael Glogovsky	53125
Gaye Ragan	93907
Sarah Stryhanyn	94608
Constance Newman	97402
Kathryn Burns	78727
Jennifer Humiston	35801
Diane Martin	92071
Bob Betz	52001
Suhas Malghan	21209

<b>Name</b>	<b>Postcode</b>
Rose Ann Kaiser	46750
John Rodgers	95776
Stacey Price	87114
Patricia Freeman-Lynde	01915
Ginnie Preuss	06606
Caroline Richardson	81430
Barbara Anderson	29412
Judith Peter	33948
Mike Vinge	97146
Kimberly Pettit	84532
Jered Cargman	92220
James Wiesner	43009-9773
William Osborne	98115
A Wilson	60628
Kathryn Hughes	75070
Christopher Rahm	59802
Eileen Langan	95603
Karen Barton	19010
Mary Ann Calvert	23452
Katherine Waid	95460-0075
Dawne Meneguzzo	78758
Devorah Soodak	19134
dawn Schwartz	42071
William Ryder	21740
Beatrice Bergen	90094
Jerry Rukavina	59405
Lynn Muhs	50208
Lucia Hall	92117
V K	59604
Victoria DeSarno	06824
Jon Povill	90290

<b>Name</b>	<b>Postcode</b>
Donald Hunt	85143
Lucille Serody	32901
roger benney	97381-2278
brian rutkin	90230
FRANCE MORROW	98908
Josephine Grimmitt	75042
Robert Berend	93726
Thomas Blom	92264
Karen Kiener	53716
MARY ANNE MULLER	11229
Bill Britton	94550
kurt robinson	54121
LAWRENCE HELD	53051
Susan Sayre	12498
Michael C	03833
Nora Lloyd	60645
Angela Gallo	29045
Harriet Cheney	10522
Robert Forsyth	80233
Martha Anderson	87112
terry holub	43213
Enrique Baloyra	33161
Karen Jacques	95811
Irving Lee	10002
Betty Kissilove	94122
Jai Boreen	98250
Crystal Karr	80829
James Snyder	95616
Jacqueline Stewart	12309
Marty Williams	31602

<b>Name</b>	<b>Postcode</b>
William Whitaker	97850
Elizabeth MacKelvie	54915
Stanton Paris	20853
Carolyn Stonecipher	77713
Raymonda Schwartz	32539
Kathleen Lensenmayer	43220
Scott Flood	49120
Thom Redford	33907
Scott Mason	60645
Lisa Witham	44060
Nyemah O'Garro	10475
Debra Smith	97267
andrew Colletto	08903
Jane Grove	84015
Anthony Rosner	02472
George Milkowski	60645-1124
Dinah McKay	80301
Brian Kuhn	90405
Akankha Perkins	05091-1152
Georgiann Schulte	60302
Rosemary Kean	02124
Kathy Cogswell	20171
Anna Lipsig	33432
Eric Pavlak	19456
Steven Coomer	46260
Janet Prince	03064
Rose Marie Wilson	11793
Sheila Sylvester	24551
Terri Tylo	06851
Roxanne Butler	98382



<b>Name</b>	<b>Postcode</b>
n kaluza	94803
Casey Defoer	98229
James Noordyk	92109
Mary Allen	68104
melony Paulson	91765-2844
Jimmie Yonemoto	95126
David Connell	62703
Kent Smith	32940
nina Serrano	94591
Fernando Torres	94804
Mary Joyce Moeller	41075
David Cosgrove	32322
David Dexter	45371
Angie Dixon	98236
Andre Meaux	29492
David Sands	52556
Abigail Howes	02779
Scott Species	98101
Michael Matheny	25880
Robert Kimbro	97008
william raats	89060
Patrick Kerans	93401
Sharon Hafner	95503
Don Thompson	02139
Herbert Wasserman	11230
Elizabeth Schutt	10603
William St. George	28403-2415
Alphonso Manning	21117-6325
Diane Shaffer	17601
Lois Evron	11516

<b>Name</b>	<b>Postcode</b>
Hm MM	97308
Kara Huberman	11230
Renee Sprague	48618
Margaret Dowdy	63031
Nancy Youngfert	11010
Melinda Whitaker	96080
Debbie Krueger	78730
john conway	44107
Doris Lucas	85335
Judy Curtin	14580
Michael Gomel	92115-4239
Doris Kelsey	66701
waymond vaughan	12601
Catherine Gonzales	37323
Nancy Hatfield	95901
Mary Drabbs	87109
Annette Dubois	03051
CHRISTINE WISEMAN	032352118
Elizabeth Kitson	06492
Nydia Leaf	10025
Lisa Bradford	21853
Georgia Locker	80525
Douglas Meacham	27358
Jazmine Harvey	49788
Emerald Goldman	97215
Dave Searles	53520-1760
Char Esser	19085
Reverend Nathan Jimenez National Congressional Scholar	97214

<b>Name</b>	<b>Postcode</b>
Lynne Preston	94110
Earl Kim	96813
Roderic Stephens	97006
Ahnna Weber	53589-3208
Gregg Johnson	95126
Ryan Nestler	61063
Verlene Lewis	84123
James Hildebrand	36602
Della Benham	63146-4333
Nita Graham	62208
Dean Katahira	54971-1648
Janis Johnson	99686
Vincent Hardt	60555-2632
Laura Saunders	94107
John Golding	94619
alena jorgensen	91780-1651
Donna Durfee	28210
tom murray	70122
Gerald Kretmar	63144
Keith Appler	61820
Jeremy Spencer	94044-3318
Jeff Powell	10033
Laurence Hiner	44025
Elizabeth Haak	10003
Mary Ann Baier	48124
Judy Trujillo	80227
Jim O'Leary	80123
Teresa Wall	85204
Patricia Dawson	98104
Mike Smith	22827
David Bly	14850
p bryer	97405-1741

<b>Name</b>	<b>Postcode</b>
Donald Sawyer	77384
Charles Fry	94085
Theodore Hahn	37201
Stephanie Anderson	33611
Brendyn Robertson	07840
Tom Gray	72206
Emily Rothman	87110
MaryAnna Foskett	02476
Laura Prushinski	18704
Clifton McMillan Jr	35080
Agnes Kelly	11701
Susan Detato	05860
Sandra Woodall	78212
Teresa Allen	98244
Eileen Arena	08079-9317
Melissa Hathaway	97230-5778
Ruby Stein	94606
C Prosl	23185
Wade Johnson	55407
Lois LooneyKochie	77062
Diane Wernke	45385
Wayne Teel	22832
Jean MARTIN	15132
Leata Rich	28739
Pat Gilliland	80219
Bruce Stowers	02907
Helen Howard	63039
Jane Gulley	38104
Jonathan Katz	19143
Rev. J. Coughlin	19403-4254
Erik Hvoslef	81201

<b>Name</b>	<b>Postcode</b>
Richard Booth	48138
mike wagner	96818
Susan Kohn	19460
Jennifer Holston	28134
Tom Alden	95482
Duffy Jenniges	82717-1836
Linda Thomas	65742
Barbara Lavender	76052
Mark Santangelo	20901
Jackie Wolf	98261
Jessica Dunlap	08016
Stephan Silen	94960
Joel Isaacs	90291
Tricia Kob	80526
H G Picher	96749
Motrya Kokoris	06877
Mikail Barron	95018
Dena Thaler	94618-1948
Libby Franck	01701
Neal Umphred	98052
Desiray Blackburn	32174
Janet Magnani	01721
david holmes	33407
Elaine Woo	98005
Michelle Mondragon	32701
Sara Dyer	64052
Sarah Peters	60640-1709
Rosemary Vilomar	10462
Susan NicholsRoughton	59714
Winifred Wirth	43204

<b>Name</b>	<b>Postcode</b>
Dennis Hoerner	97403
alwen bauer	90274
Gwen S.	84121
Diane Pitzel	92109-3763
Joe Gianforte	94578
Meg Hirman	55126-8129
David Hawkins	98541
David Way	19464
Sharon Minsuk	94002
Jonny Hahn	98101
Evelyn Stern	90049
Diana Ramirez	10309
Will Moore	30656
JOSEPH BARRECA	99141
Andrea Monaghan	96002
Jann Lee	19081
Marilyn Taylor-Kremen	90039
Dyanne Edds	32920
Carol Suich	48185
ROBERT COHEN	11530
Linda Carroll	72076
John Moszyk	63129-3810
Anna Berg	10011
Sandi Redman	60077
Brian Ainsley	32714
Melvin Bautista	85044
Zora L. Kolkey	94164-0484
Linda Dodson	98104
Sandra Hutchinson	27560
Annette Vida	49457
James G. Dickens	28040

<b>Name</b>	<b>Postcode</b>
Dorothy Gaylord	33980
Eric Huff	90026
Kari Stringer	55347
Steven Paxton	10016
Brenda James	32960
Steve Caro	92119
James Monroe	94521
Mynka Draper	91042
Irene Wright	78283
Tyson Peterson	97030-6057
Michael Kocel	90066
Kate Maloy	27106
Edward LeBlanc	87501-1815
Carol Lonsdale	33445
Alexis Morris	80222
Susie Lopez	79938
Tracy Dunn	94928
Charles Heinrichs	96097
Ted Wayne	92131
Pete Burnett	07030
Aster Pizzini	23060
christine arax	10009
BC Shelby	97209
Stephen and Robin Newberg	06053
Michael Grant White	94501
diane de Groot	27858-9651
Dr. James Reed	95667
Carolyn Hahn-Re	06906
Donna Carter	48085
Michael Robertson	46166
damon parrillo	96761

<b>Name</b>	<b>Postcode</b>
Joy Gardner	98026
Theresa Boracci	87801
Carmen Wooster	06105
Sandra Taggart	11216
Mike Kelly	07307
Suzen DeSalvatore	03878
Margaret Crane	78209
Anne Ahlstrom	84341
Nicole Williams	30339
Barry Meehan	60048
Leonard Obert	98059
Noah Baen	81131
Rachel Galgoul	94117
Therese Kiefer	63123
Hugh Moore	90006
Mary Fifield	97214
John Chase	38103
joan farber	10011
Gary Thaler	02151
Darnell Miller	59221
Cheryl Laos	97202
Christian Camphire	34208
Julie Austin	97739
Patrick Jones	53219
Bonnie Salatti	80238
Araceli Aviles	91803
Ruby Brown	90043
Rosemary Nichols	12189
Mary Stowe	05301
mary vidakis	63139-1669
Jessica VanHook	80228



<b>Name</b>	<b>Postcode</b>
William Wallin	94805
Donna Ingenito	17552
Chris Smith	76209
carolyn fischer	22958
Peggy Shippen	94025
Erika Davis	98261
PAULA AIELLO	94707
Linda Phelan	97223-3367
June Krumpotick	87104
John Casino	33023-1828
Paula M Jackson	45229
Sherry Taylor	07062
Scott Coahan	93635
Doris McCabe	24523
Melissa Grondin	02148-2911
shelly canning	83854
Catherine Vedder	40601
Paul Netusil	076757237
meg kettell	11222
David Mayer	98502
Kerry Canfield	97206
Billy Trice	94621
Jason Wuthrich	46514
Elizabeth Watkins	27313
Nancy Moore	53705
M C	21212
Sandra Partridge	87025
Barbara Geddes	97520
Patricia Auer	63021
Margaret Needham	08816
Mary Bissell	87124
Patty Owens	80214

<b>Name</b>	<b>Postcode</b>
Theodora Betjemann	33777
Douglas Schramm	87123
Kevin Schader	94523
Sarah Uk	08535
Kieran Nolan	97086
Kathryn Fenn	22911
lyric apted	97232
Robert Brown	03304
WhiteFeather Curtiss	12461
Olive Oly	92262
William Shoemaker	17857
Priscilla M Becroft	19118
Libba Miller	37212
Belinda Dodd	97404
Janel Compton	60423
Greg Brown	61821
Janice VrMeer	86336
Julia Skelton	48111
Tami Palacky	22153
Susan Kelly Ambler	80206-2012
Anita DeBias	34668
Debbie Earley	19943
Julie Mitchell	96760
Joseph Gilbert	93023
Harry Gerecke	98070
Doreen Domb	95945
Johanna Brown	24210
Rachel Mantle-Douglas	49534-7071
Pamela Johnson	22901

<b>Name</b>	<b>Postcode</b>
Mira Furman	10021
Jason Sarkozy- Forfinski	20850
Winnie Chin	94109
Barry Parker	98664
Liisa Wale	98226
Carmen Robles- Inman	20020
Sandra Stauffacher	92692
Ilene Dillon	95618
Spyros Braoudakis	02184
Nina Klippel	10028
Mark Yackley	90027-2806
Judith Zwarun	78751
Stephen Bartlett- Ré	94109
Ed D. Metal	80237
Keith Hamilton	49431-2215
James Dye	28801
Luella Cole	95355
William Stone	78757
Joshua Seff	75072-5815
Margery Phillips	03755
Joan Sitomer	06611
Bob Moyer	19438
Francis Bostock	23089
Mark Frank	32726
Candace Lamoree	92545
Kathleen Ruiz	97138
Kathleen STurdevant	07034
Elana Katz	02067
Marsha Overfield	47620

<b>Name</b>	<b>Postcode</b>
Leah Young	52722
Lynette Rynders	80136
Pete Wilson	96778
Ronyes Charles	32089
Bo Breda	96778
sandra flaskerud	97055
Richard Becker	98115
Kelly McConnell	97223
cheri velto	15026
Ron Giddings	93402
Kathleen & Ronald Hobson	21758
Lori McElhaney	49426
Carolyn Campe	33496
Marie Mock	93727
Deborah Condon	95811
Jeffrey Creque	94952
Debra Wontor	18428
daniel gasse	60130
Joe Romero	08109
Mary Jean Sharp	16601
Greg Baker	95826
John Limbach	53716
Gerald Mcnellis	38574
John Heigl	32757
Michael Lanham	94952
April Warwick	99504
E Fleck	55406
Robin Dumler	21811
Sheryl Arndt	92342
Jakie Chen	21117-1764
E. Dary	97200
Jonah Blaustein	20737

<b>Name</b>	<b>Postcode</b>
Ed Fiedler	78758
Sacha de Nijs	92647
Linda Hay	05301
Krista Powell	22980
Vincent Beirne	94571
Rick Sparks	91602
Emilio Viano	22207
Louis Altman	55446
Mo Kafka	02657
Gail Yborra	19801
Anita Loncosky	14823
STAN Flouride	94117
Peter Ayres	60563
Jackie Foster	59725
Nancy DeJarlais	95010
Gwen Clift	28278
Maurene McGrain	01930
Loren Lewandowski	68803
Ruth Weedman	98632
Frederick Parrilla	33609
Steven Rosenberg	79938-4636
David Beaver	01062
Helen Jaskoski	97206
BettyAnn Benware	12203
Jenny Walker	10026
Donna Meyers	19464
Deborah Carroll	10032
Elizabeth Eich	11357
Leona Grage	60191
Mark Soenksen	52742
Marc Maloney	95841

<b>Name</b>	<b>Postcode</b>
Matthew Harre	20015
Sandi Cornez	97219
Bryant C	90027
Hooman Bustani	89123
JAMES LINDGREN	90703
Peggy Roeske	55110
Carol Seaver	10520
Ned Overton	11755
Suzanne Clare	19026
Nancy Weatherwax	49224
Brigid Murphy	91710
Russell DERN	45385
Ronald Bogin	94530
Kathy Carrero-Rios	07032
Craig Etchison	26719
Sam Eaton	19709
David Dexter	94941
Richard Lohman	10301
Bill Gardner	95942
Michelle Hamilton	98270
Duffey Wolvin	92071-4016
John Hunter	14527
Nate Cope	85259
Jane Jesteadt	16059-2020
Peter Ledoux	33063
David Mann	80027-1447
THOMAS BANKS	44221
Brenda Whitaker	30038
thomas pickering	75354
Gail Marks	10028
Paul Carey Reid	02026

<b>Name</b>	<b>Postcode</b>
John Hitchins	24014
Diana Schooling	98507
Laurie Eisler	94931
Laraine Lebron	13502
Scott Fishel	57572
Julie Miles	85053-1029
Cecile Adams	53150
Lorraine Fellows	13090
Jillian Sang	33065
Megan Lepore	01752
Will S	12564
fran malsheimer	11757
Nikki Alexander	93003
Genevieve Fujimoto	94114
Mark Fengya	07461
Patricia Burton	20877
Andrew Lyall	78415
Walter Kross	28792
Paul Erlbaum	05651
jess zelniker	91601
James Harris	75023
Nick Hammer	15801
Ruth Persky	90035
walter denton	13813
Suad Basili	07506
Andrew Sledd	60643
James Jachimiak	461317780
Christophe Jonatowski	91352
Edye Calderon	79706
therese kovach	01915
Loraine Obler	02186

<b>Name</b>	<b>Postcode</b>
George Marsh	44883
Edward Maxedon	47448
Eugene Lanz	97426
Barbara Jacobsen	95476
John Dervin	32712
Lois Brinkman	48104
Cynthia Chilton	28214
Henry Burgunder	85206
Fred Ponder	77068-1311
Laurel Cameron	90277
David Cotner	93001
Brita Lundberg	02459
Emily Fryer	40383
Gustavo Zardeneta	68787
Shannon Roth	22802
howard owens	40210
Ed Mccoy	63368
Peter Smith	93702
Jean Jackson	44215
Shan L	10018
Paul Novak	53711
Melvin Armolt	17202
Lisa Day-Copeland	01915
Linda Wasserman	98406
Anne-Marie Diller	32607
Maria Vallejo	95820
Thomas Cleary	33607
Nora Wesley	48371
Ellen Domke	60660
Ronald Taylor	96002
M. Lehman	01020



<b>Name</b>	<b>Postcode</b>
Judith Davidsen	10025
John Nickey	17331
Lee Bhattacharji	12406
Carolyn Villanova	01201
Amber Elle Gillen	48206
Charles Hunter	22747
Mary Lorna Greenway	77057
Peter Miller	34654
Rebecca Nimmons	98006
Sandra Rosko	92804
Suzanne Turgeon	89015
Marianne Amann	32129
Susan Ross	93230
Cheryl Dare	38104
Timothy Dobbins	94117
Tracy Weldon	23113
Patricia Blair	96734
Mary Arnold	14468
Margaret Nelson	02111
Elizabeth Jacob	97219
Gwen Ying	52353-1835
Elizabeth Johnson	22207
Rene Martin	33028-1518
Aaron Grossman	94041
Vernetta Taylor	11944
Shari Galve	92109
Frederick Jessett	99223
Brandon Kozak	62025
Donna Eudy-Harp	72076
Susan Rautine	93940
Geoff Fisher	55416

<b>Name</b>	<b>Postcode</b>
al chazin	11367
Richard Waldo	84405
Ingrid Martinez	94703
David Gangsei	92115
Heidi Bell	60506
BELINDA HOWELL	78676
Diane Sullivan	98277
Hashi Hanta	85634
Teresa Strom	53108
Robert G Johnson Jr	19143-2908
Amy Schneider	02459
Richard Wilson	49404
Stephanie Honore	34759
Nathanael Dresser	53588
Meghan Prior	27106
Igor Tandetnik	11375
Randall Wayne	97403
Harvey Goldman	92014
Mark Aziz	34232
Phil Meeks	78610
Anita Mills	74112-7701
Pippa Pearthree	11218
William G Gonzalez	10901-4289
Jon Krueger	49201
Cheryn English	95501
Aline Hommes	20007
Tim Herman	17033
Carol Soper	54234
Valerie Rounds- Atkinson	13760
craig wilson	03905

<b>Name</b>	<b>Postcode</b>
Karen Babin	70001
Honz Zondorgh	85736
James Jordan	97218
Christine Austin	62959
John Andreykovic	12563
Courtney Christoffer	95126
lou hasenwinkel	51360
Steven Rood	01062
Veena Singwi	60202
Percy Hicks- Severn	91320
Howard Herrick	97215
Robert Applebaum	95135
Rev. John Ward- Diorio	17007-9533
William Cline	43606
Ted Quick	44057
Louis Hellwig	50613
Brian Gibbons	44126
Stephan Donovan	85737-3451
Sharron Coontz	98502
Linda Lee	33325
sandra garcia	07105
Mitzi Priest	33050
Kathleen Petty	93436-6620
CHARLES LUCE	96778
Maureen Ellis	60613
Joseph S. Cox	89523
Mary-Alice Strom	98270
Gaye Detzer	98070
Lisa Howell	07040
Taylor Binkley	24380

<b>Name</b>	<b>Postcode</b>
Mark Trainor	10021
Kaaren Klingel	48169
tom bauer	07656
Joan McDonough	11422
ANN LAHAIE	01904
Susan Chávez	87123
Phyllis Perna	12993
Belinda Biddle	80537
Mary McGeary	11201
donald solomon	02908
David Renwick	40601
Lorraine Brabham	07030
Bill Vartnaw	94952
Enoch Page	94591
Steven Salman	97478
Laura Ray	22312
Shanda Mahurin	34608
Dennis Keller	17057
Jack Walters	18833
Anne Katherine Ridge	22901
Connie Garber	04073
Charles Barone	17013
Lenora Young	11434
Diana Stahl	12944
Gabriel Griego	93258-0829
K Christopher	43201
Arthur Zimmermann	07661
Roderick Gregor	60201
Deborah Wertz	47904
Mike Krouse	44107
Erik LaRue	98233

<b>Name</b>	<b>Postcode</b>
William Antoun	48080
Ronald Koshinz	85120
Cindy Koch	90807
Bernhard Bach	97206
keith smock	97225
Deborah Abelman	02478-4416
Richard Rheder	12498
Robert Koopmans	52601
Peggy Giltrow	87505
Ashley Winkler	78415
Jerry Sawyer	04862
Sandra Lewis	95928
naomi zuckerman	95589
ANNE SEAY	30560
Christine Anderson	93722
Linda Weide	60615
Matthew Blackwood	97367
Karen Schimmer	12023
Barbara Bonfield	98407
Debra Gleason	60634
Kathleen Nummerdor	49721
David Rose	08701
Ann Waller	60631
Sharon Douglass	10003
John Kirwan	06877
Susan Porter	18428-9074
Martha Jaegers	63116
Mr. Chris Byer, Himself	92234-3790
Lisa Barrett	78006
Joseph Gordon	98059

<b>Name</b>	<b>Postcode</b>
Cyndi Hunt	32305
Kevin Morris	38347
Phillip Mixon	30907
Julianne Chen	10462
Stephen Gliva	60202
billie ambrose	97080
Mark Wojcik	48840
Nancy Desecki	32757
Otis Funches	38773
Frances Hoffman	53532
Barbara Webster	07042
Beatrice Sims	91803
Peter Townsend	01721
Joanne Tenney	92026
Linda Ulberg	65337-1271
Patricia Lull	54880
Michael Hemmelgarn	63137
Eric Hendrickson	60181
Pamela Pilecki	21216
carissa fairchild	68407
Irma Rey	33138
Dianne Gove	02653
Ann Peters	19144
Clarice Glandon	12847
Moisha Blechman	12502
Cynthia Archambault	02852
Nadia Alexandra	60657-6416
Diane Hashem	03285
Jane Whiteside	54769-5915
Richard Tetley	97403
Evelyn Bailey	87059

<b>Name</b>	<b>Postcode</b>
Mercy Grieco	93720
Melissa Ambrose	94110
Christine Giugni	10463
Russ Hopler	22033
Sally Mavroides	02664
James Sylvester	05455
Victoria Cross	20886
leora broche	07922
Robert Mac Nish	85718
MaryJaye Simms	02026
Jon Seaman	97402
Linda Miller	22031
Raymond Urbach	92069
terrie kully	95421
Nicole Wagman	17055
Jonathan Lockie	11222
Rich Williams	63043
Mary Unger	17344
Sophia Vassilakidis	77057
Haroldo Altamirano	92821
Wendy Tico	94703
Brian Teare	22902
Ballinger Kemp	94804
Edda Spielmann	90405-2970
Charlene Lyford	46033
Phil Runkel	53186
Elan Morin	97477
Catherine Holzman	53913
Kim Simmons	72118
John Martin	37919
Matthew Ford	06511

<b>Name</b>	<b>Postcode</b>
Helen Londe, MD	94709
Paul Lima	83814
Phyllis Schwab	63017
Ron Oechsle	65714-8717
Michael Miller	45069
Jim Carsten	80229
Rebecca Vinson	84047
Audrey Brownell	85024
Liana Laughlin	02138
Anne kirlin	85254
Robert Corpas	30067
Noah Haydon	94015
Ulisses M.	02301
Jo-Ann Murphy	37321-2536
Alexander Honigsblum	52001-4033
Christina Beal	60440
Mary Madeco- Smith	56345
René Flores	91902
L R	90069
Sophie Rocheleau	95521
Richard Lunt	98119
David McLallen	14886
Sandra Kurtz	94552
Donald Tannenbaum	17325
Julie Hale	77901
Suzanne Koehler	80022
Frank De Haan	91352-2732
Katherine Patterson	95482
Charlotte Jones	60126
Dan DiLeva	98145



<b>Name</b>	<b>Postcode</b>
Shoshana Dembitz	94705
Antonia Chianis	92317
Ron Piretti	33467
Alan Fiene	55432
Eric Griffin	90033
Janice Macaulay	21012
Barbara Andrew	08540
Felicity Figueroa	92604
Joseph Breazeale	97520-1662
Steve Clausen	50401
Tim Alten	44125
Gary Stackpole	06473
Scott Messick	87557-8751
Teresa Phillips	80525
David Twitchell	04284
Wendy Keen	52246
Nelda McLaughlin	87401
Cathy Relihan	80220
Jean Robinson	02135
Mark Westbrook	95816
Janis Kinslow	19014
Chad Hale	30315
Judith Schader	60456
Kim Perez	44107
arussell Cherry	95667
Lonnie Waak	97702
Cynthia Ann Mason	87114
Vivian K	32258
Pat Fairbrother	90034
James Wilcox	22603
Irwin Flashman	20190-3905

<b>Name</b>	<b>Postcode</b>
Sue Costoff	53121
John Hilson	80306
Jeff Davis	73099
Brian Pulling	04116
Shay Chan Hodges	96708
Marilyn Avolio	97031
Lorraine Hartmann	98125
Snoopy Chrysler	98530-1150
Dawn Kosec	44515
Catherine Loudis	94960
Barbara White	15221
William Bader	18018
William Huddle	24382
patricia wegener	54949
Mich Levy	94601
Alison Loerke	20816
char laughon	30043
Susanne Kiriaty	96779
Sandra Hillerstrom	28740
Richard McClintock	06798-2806
Maria Osorio	10463
J. Beverly	61801
Kamaki Rathburn	96749
Heiko Heisermann	13053
Maryellen Switzer	27591
Koren Harrigan	33025
Linda Quinton- Burr	84604
Mari Stachenfeld	92656
Barbara Geary	98057

<b>Name</b>	<b>Postcode</b>
Janet Manildi	91710
Stefanie Weather	19061
Kris Head	92843
Patricia Rose	33771
Mike Fegan	10954
Diane Cameron	20895
Evelyn Fraser	20018
Karl Koessel	95525
Merilie Robertson	91107
Diane Luck	97212
Madeline Wright	91941
Valerie Rose	47803
Robert Hicks	90803
Barbara OConnor	81623
Keith Jordan	93726-1027
Jamie Lurtz	89121
Catherine Newkirk	12603
Barb Kellogg	95521
Jane Maya Shippy	54481
Julie Watt	94041
Jim Panagos	93065
Claire Trask	05150
Karen Jones	98117
Sean Meehan	85260
Mark Reisinger	13850
Susan Chenelle	07102
Tess Fraad	10009
Chris Miller	33618
Ann Davis	23226
Rhiannon Ross	11385
Stanley Masters	13850
Joanne DEsposito	231396917

<b>Name</b>	<b>Postcode</b>
David Elman	11377
Anita Buffer	18974
Joe Knapp	11104
Susan Dryke	56055
Dianne Douthat	07470
Soria Adibi	76012
Carol Hill	29301
Jane Chischilly	85603-2285
Shanna Renna	91362
Constance Barnes	37303
Janet O'Hare	11372
Milan Mehta	23113
R Torres	10303
Arthur Noble	97411
Carrie Christensen	98118
Lawrence Emerson	91950
Lynn Krikorian	89122
Elizabeth Spiher	22701
Ellen McPherson	20854
Jan Modjeski	29576
Cheryl-Ann Weekes	02126
Zoe Beck	55305
Leslie O'Loughlin	79106
Miriam Lawrence	20009
Cindy Beckley	94618
Charlotte Preswood	28604
Jeff Kronick	48361
Julia Goode	48103
Julie Pritikin	91344
Martha Glock	22102

<b>Name</b>	<b>Postcode</b>
Mary Jane Schuon	48910
Vanessa Ballesteros	90041
Doug Carroll	95501
Damon Mills	25701
Paul Cheney	95076
Mary Combs	28752
Annelissa Gray-Lion	48118
Sherry Miller	62707
Cathy CRONIN	K7R1R4
Joan Gabrie	18944
Alexander Fierro-Clarke	90026
Angelica Rehkugler	97333
Ross Chamberlain	89108
Derek Benedict	98036
Gretchen Goodman	55406-3681
Mara Miller	96857
Dayle Sherba	99516
Marguerite Love	02346
Cheryl Brumbaugh-Cayford	60123
Michael Lawler	87111
Diane Warden	92562
Pam Koller	32136
Tom Cannon	48840
Joel Liveris	60068
Dotti King	95128
A.C. McGarry	48180
Tamara Kennelly	24060
Dan Morris	48170

<b>Name</b>	<b>Postcode</b>
Rich Fisher	23005
Amanda Lyons	44654
Paula Sneddon	93953
James Deshotels	63072
Dale Steichen	60121-6693
Kathleen Miller	18705
Geraldine Martin	10466
Cindy Lance	96822
Marie Cathey Banks	85701
Lorraine Johnson	98125
Judith Stetson	02543
David Hand	98110
Allan Rodgers	01890
Greg Reaves	37388
Elise Helfer	30083
Sharon Broberg	93103
WILLIAM DAVISON	98204
Katherine Masotti	98236
Lory Garrett	98363
Roger Grossbard	85374
Chris Bozowski	08810-0207
Dian Lopez	56308
Justin Philipps	43055
Teri Lockton	90027
Glenn Embrey	90278
Karin Barger	63080
E. Hinds	60045
Kevin Branstetter	95703
Cindy M. Dutka	19151-3740
L. Diaz	94110
Richard Moore	95472
Randall Moore	20781

<b>Name</b>	<b>Postcode</b>
Cathy Cretser	95688-9639
Alicia Czechowski	21217
kay carey	97008
Bonnie Zotos	28673
Lana fryers	48744
Pamela Magers	94110
Aloysius Wald	43214
Donly Chorn	60046
Chris Monti	44039
Ken Rosen	90212
David Stetler	980341907
Betty Gregg	85362
Anne Becker	20912
Kevin O'Brien	92651
Paul Palla	17225
Teri Gubsch	43204
Joan Murtagh	20912
mason lundenberg	97217
Barbara Aszman Stone	50112
Susan Kiplinger	98683
Donna Olsen	58201
Raleigh Koritz	55442
Linda Vonbraskat- Crowe	94501
judi burbes	22932
Joan Combes	92648
carol Brownson	94115
Jonathan & Hiromi Cender	96756
Christopher Loch	55405
Jim Burns	59047
Nadine Duckworth	28681-8062

<b>Name</b>	<b>Postcode</b>
Carolyn Anders	90230
Patricia Quinn	23503-3017
Monica O'Brien	53711
H Marciel	96734
James Marziotti	37705
Barbara Diederichs	92064
Daniel DiMeo	60640
Linda MacKenzie	86440
Kathleen Williams	12529
Sheila Wentzel	48094
Philip Maloney	80301-5484
Henry Jones	97031
Ellen St. John	13326
Nate Hildebrand	97212
Jan Gardner	90274
Kim Carless	49720
Cheryl Mcdaniel	99203
Valerie Ranne	95822
Pam Halsey	20105
b w	00000
Wendy Fast	14437
Eithne Clarke	32821
Tara Kerr	24592-6983
Edwynna Spiegel	98274
Kent Minault	37917
Michael Green	10011
James Roberts	83864
PATRICE ROARTY	34957
Julia West	33707
Susan Linden	32907
Jewell Batway	85120



<b>Name</b>	<b>Postcode</b>
Adrienne Blackburn	98597
Brett O'Sullivan	80026
judith murad	02446
Alexander Lonebear McNeill	10460
Dave Pierot	98296
Patricia Biggs	97224
Mary Rita Luecke	60203
Summer Stevens	99113
Sarah Flores	91104
Huntley Hennessy	87031
M Timmins	85747
Charles Wirth	57036
Erica Tyron	91711
Theresa Levy	60022
Steven Sy	48823
John Sadler	21136
Deborah Bronstein	80303
George Richardson	91343
anthony santangelo	94702
Marijean Snowden	88310
Szari Bourque	94602
mara duncan	94706
Destiny Leonard	20603
Gregory Miller	08053
Ellie Joseph	33625
Sandra Thorn	11937
JoAnn V. Bethel	87507
Cynthia Obert	06277
steven nasta	10956

<b>Name</b>	<b>Postcode</b>
Sheila Erlbaum	19119-2406
Terrence Olson	83864
cheryl farrey	02840
Laura Punnett	02155
Cheryl Fontaine	17603
Diane Vandiver	60440
Adi S	28805
Cody Dolnick	92252
David Anderson	94705
Carol Coonrod	20009
Barbara Clark	85283-4066
Jeff Anderson	85735
Ellen Dumas	90024
Anna Freeman	43204
Scott Rubel	90031-1633
Gabrielle Duszak	19134
Carol G.	60076
Michael Travis	33761-4011
Sharon Briggs	85024
Laura Bagen	28075
Beth Beale	32164
Benjamin Christy	92692
Alaeddin Hakam	94707
Kathie Jensen	84128
Loretta Lehman	17020
Donna Smith	70810
Stephen MacNish	12569-7225
Vinicio Ortiz	07601
agnew wilson	90069-4917
Anne Lamb	10468
Robert Kintz	02135
Richard Lutes	48033

<b>Name</b>	<b>Postcode</b>
Jacquelyn Davis	85022
Nancy Solberg	55057
Michelle Darbro	33312
Karen Ilkka	94541
Ed Dobson	84512-0008
Traci Lawrence	84057
Hans Jordan	80026
Julia Brasch	98122
Susan Zeiger	10533
Terry Walker	33461
Michelene Agerter	55944
kent tager	27408
Renee Tantala	53207
Carol Benedict	44221
kay powers	27455
Erica James	10458-2043
Billita Jacobsen	60110
Ron Mittan	87120
Donna Norton	94952
Daniel Hayes	48170
Douglas Cooke	11209
Stephanie Trasoff	98230
Anne Huibregtse	12594
Paula Rufener	90503
Elizabeth Moore	20877
Margaret rosenthal	83638-1332
Robert Burch	97423-8509
Tom Warhol	05060
Susan Briggs	95404
Joseph Alicea	34771
James Hansler	44141-2553

<b>Name</b>	<b>Postcode</b>
Mary Ann Schmieding	68135
Hugh Gurney	48855
Charles Fischer	44215
Anthony Mehle	44406-8161
Jim Bearden	95223
Jaime Grimwood	85015
Glory Arroyos	78704
Richard Mansfield	11357
Ken Heard	19101
Cindy Jensen	97133
Arnie Kotler	96753
Wendy Bradburn	22203
Philip Koster	49441
Susan Twiggs	54449
Christy Spear	56342
Richard Vanderpool	49459
Peter Wolf	95472
Paul Crouser	62629
Samy Rodriguez	92376
Karen Snowball	20169
Kristina Wolf	94597
Jamie Thomas	32068
Celeste Anacker	93105
Greyson Pannill	01096-9713
Luis Lerma	85745
Margaret McCourt	19128
Michael Schimmel	93614
Neville Bruce	99501
Pamela Chelgren-Koterba	98229
zoran ilic	32963
William Welkowitz	22202

<b>Name</b>	<b>Postcode</b>
Jon Bachman	22405
Sonia Noemi Cross	95967
Matt Brzezinski	48080
Rosemarie Pace	11379
Margaret Herten	44135
Mary Villa-Alvarez	54880
William Schlesinger	90046
Rhett Gambol	98102
John Templin	45817
Charles Wieland	94583
Elak Swindell	30830
Karla McNamara	15005
Karen Kalavity	80021
Mike Chyba	60613
Luci Murphy	20010
Rosamund Johnson	SS3 9GA
Bart Ryan	02453
Susan Chung	90033
Kate Kenner	05301
Jacqueline Salley	44017
Sharon Fors	06238
Bud Ingersoll	17267
Edwina Klemm	77279
Donna Hriljac	60098
Joseph Lawson	10023
Arleen Schultz	31708
Karen Spradlin	36265
Sherry Schiebel	20878
Margie Miller	92129
Gustavo F.	11435
Jacqueline Eckert	32207

<b>Name</b>	<b>Postcode</b>
kaylouise cook	98125
Jennifer Mercede	91411
Catherine Webster	85544
Eileen Macmillan	94549
Larry Karns	98155
Gary Fifield	55105
Virginia Dwyer	55101
Vernon Horn	22031
Andrew Costigan	02062
Ruth Houser	45320
Marcia Lewis	46383
Zach Rasmussen	91345
LAWRENCE DANIELL	95132
Deborah OHara	27801
Diane Pierce	50014
Marilyn Rose	87111
Terry Bush	94022
Jennifer Dimarco	28601-8276
Sylvie Karlsda	98028
ALEXANDRA ZARZYCKA	11236
Diane Paolazzi	87505
J S Deran	86409
Charles Favorite	56342
T TODARO	44118-4660
Sarah Sercombe	48073-2517
Regina B	11530
Leslie Calambro	23229
Marlena Lange	10940-4708
Anna Sydnor	300164924
Esther Fors	84107
Joe Bear	53083

<b>Name</b>	<b>Postcode</b>
Mary Girard	48125
Kristina Heiks	28607
Mera Wolf	87108
Germaine Gogel	13323-1643
Raymond Valinoti	07974
Cynthia McKeen	55102
Lisa Fitch	94709
Carole Dupre	27510-1622
Greg Cameron	V3S 2R9
Dorothy Edwards	23803
Scout Perry	02135
Jacob Marienthal	80305
Ginny Ansbergs	01070
Schuyler Kent	90020
Ruth Johnson	33573
Sandra Briggs	84092
Katherine Castro	07032
Melissa Alele	89138
Dean Stevens	02467
Patricia Fox	80220
Sadie Sullivan-Greiner	92020-3838
Neil Harrington	48168
Lavinia Ycas	80302
Henry Kruger	95501
Leslie Masson	19125
Abbie Brasch	60608
Pamela & Robert Baugh	28654
Aliza Appel	19713
Debra & Dave DeKoff	13820
Karin Bates	07009

<b>Name</b>	<b>Postcode</b>
Barbara C Holladay Vernon	76209
Whitney Metz	26582
Kay Tousley	97232
Robi Cavagnaro	19939-9234
James Vallejos	80010
Elizabeth Schwartz	11106-4248
Laurence Kramer	15201
Christine Peterson	94164
Daniel O'Brien	12547
Greg Dinger	96067
Mary L De Luca MD	87110
Janet Moles	20860
Michael Ross	95318
Marie Clements	87122
Dennis Morton	95060
Dennis Rogers	01452
Neville Allum	30033
Katherine Robertson	80528
Brian Zimmer	16509
Lana Touchstone	94591
Wendy Murphy	06785
Anne McManus	55003
Karl Hamann	55066
David Castagna	33541
Emily Tippet	21228
Pamela Thomas	97015
Marja Erwin	22033
Shellee Davis	94931
Randi Haas	18938
Sheila Rubin	35209



<b>Name</b>	<b>Postcode</b>
Janys Kuznier	07462
Jane Doub	63122
Jacob Nolan	85643
Esther Johnson	33440
Riley Brannian	52246
Mary Miller	75206
Eric Nichandros	94552
Judith Miller	98404
Lorraine Akiba	96808
JoAnn Dimeck	08804
Jeri Altman	80503
Amanda Niles	59904
William White	45750
Gillian Van Dien	53562
Robert Brown	27501
Daniel Hunter	85711
KENNETH RANDOLPH	95336
Susan Oleary	06513
Linda Schoppert	94559
Steven Nazarian	06331
Sarah Broomfield	40403
John Coughlin	60154
james kline	21756
Sheila Winston	91304
Shannon Leitner	62025
Tom Vanderhyden	54665
Daniel D	78260
Ellen Atkinson	23923-4318
P. Sage	06001
Scott Drew	43230
Michele Meyer	94590
Eileen Weitzman	11222

<b>Name</b>	<b>Postcode</b>
r Hamilton	44711
JM Kirby	11225
Jessica Wardlaw	55117
Vicki Spanogle	87059
Steven Begnoche	76210
Margaret Wilbur	02645
Gail L	10025
Gail Rose	22810
David Ibbotson	97206
Susan Morris	01262
Karen Miner	95762
Valerie Hall Stinnett	74145
Nola Zito And Family	11747
Jerry Lee	35404
Robert Chase	55113
Ron Hubbard	37347
Matthew Thompson	60546-1642
Ravil Lopez	10952
Robert Lang	06437
Lilly Knuth	11540
Carrie Watson	77340
CLARKE OLSEN	12165
James Stam	21754
Kitty Savage	12486
Doris (Jody) Wilson	98034
Catherine Strout	48302
Tracey Katsouros	20601
Jono Knight	96732
Mary Eastman	97391
Nina Grueneberger	95608

<b>Name</b>	<b>Postcode</b>
Anja Mondragon	95003
Lorne Beatty	48114
Edward Palmer Weber	90065
Andre Gregoire	06066
Donald Sage Mackay	91031
Paul Densmore	55423
Nickie McNulty	98274
Susan Hunt	03053
Kathryn Heggs	40205
Mark T	65623
Martha D. Perlmutter	10956
Diane Finley	86336
Kenneth Lyons	95062
Robert Lujan	92117
Dan Schneider	98115
Allen Gibas	55410
Kate Thurston	95519
Inez Hedges	02144
Medora Van Denburgh	04463-6123
Steve Leigh	98122
Robert Sarvey	95376
Shari Johnson	19095
Anita Stovall	99202
Alvin Anderson	48235
Theresa Deery	29909
Janis Bolster	04011
Rosa Lewis	19119-2915
Bonnie Clark	89005
Jim Voet	45056
Jill Harry	95306

<b>Name</b>	<b>Postcode</b>
Janet Sloan	48441
Stan Waggoner	61810
Marylee K	53545
Desiree Nagyfy	99006
Samatha Schwing	34787
richard smith	80231
Peter McCone	02482
Barbara Chidester	60630
James Sullivan	60630
Pamela Kane	07921
Mike Duffy	48030
Nancy Walsh	64053
Larry Weingart	10040
Edward Carroll	61761
sue webb	01760
Ronald Prado	33125
Eric Woods	89106
Larry Cain	85351-2500
Susan Proietta	19111
Catherine Carnes	97501
Ann Francis	44074
Patricia Nazzaro	41091
Sue Gilbert	34235
Diana Bush	95035
Robert Kessler	94610
James Felizola	98502
john miller	14817
Howard flowers	94518
Sarah Saul	05053
Andrew Cardno	11762
Peter Brown	85040
M M	02138

<b>Name</b>	<b>Postcode</b>
Gordon Lange	96753
Joe Azzarello	55956
Ric Watkins	85033
Gary Gover	36532
Joseph Stock	32174-8429
Joe McCain	35243
Karen WhiteEagle	54520
Brenda Lehman	10128
joe weis	93654
M Port	33472
Alejandro de Avila	94025
Savannah Hawkins	60614
Jane Kusler- Jensen	54984
Yvonne Irvin	20640
Dianne Rocco	76502
Mel Apodaca	80203
Diana Taracena	97520
Becky Gibbons	60025
Jon Anderholm	95421
Hannah Van Hook	22003
Dorothy Richmond	85719
Wayne Rollis	97222
Cindy Dupray	92025
Tracy Richards	97015
Peter Paladin	44131
Eileen Duffy	98116
Marvin Wingfield	24503
Audrey Hanson	94705
Selby Saubolle	85048
Alan Peck	19406
Alice Ross	12764

<b>Name</b>	<b>Postcode</b>
Ian Kowal	15206
Will Kern	30047
Alan Foster	80005
Paul Williams	27021
Tom Nacey	54880
MAtt Randall	80238
Gena Chereck	68047
Virginia Volk- anderson	95864-3035
Terry Barber	98512
Natalie Blasco	96007
John Ruhl	08822
Margaret Aguilar	60613-1827
Julia A Nierenberg	M2J 2N5
Kristen Swanson	97477
Patrick Beaudry	01603
Christopher Lish	94903
Jo Jeffries	96772
Penny August	80237-2385
Christine Stephens	25301
Emma Miniscalco	20002
Royal Chamberlain	14619
Denise Bonk	19134
Renee La Pan	90068
Suzanne Dewhirst	23185
Laurine White	95841
Neal Mock	96161
Edquna Thompson	35057-3511
f olson	69101
Amanda Zangara	95472
Nick Downey	71743

<b>Name</b>	<b>Postcode</b>
r.w. cory	92334
Meredith Needham	43023
Lincoln Fong	94122
Richard Engnath	12401-4517
M. Rita Olson	97211
Mary Blickensderfer	92374-1619
Carol Gordon	90027
Roselva Ungar	91350
Rachel Lowther	11221
Jay Wennemer	02360
Lisa Rosenkoetter	17011
Jordan Burton	70119
Ellen Waller	60098
John D	94513
Peter Rawlings	01862
Paul Eichhorn	97003
Adriana Hall	94044
Phyllis White	24590-4212
Kimberlee Tellez	90019
Shannon Taylor	61607
Kyle Schmierer	85027
Jackie Hoke	80210
Irene Blomberg	98261
Danielle Miele	01845
Suzanne Robinson	07052
Christine Roane	01108
Laurence Skirvin	30180
Suzy Hendrix	38107
claude PHIPPS	05051
Cedar Dvorin	22304
L. Kent Bendall	06457-1887

<b>Name</b>	<b>Postcode</b>
Rosetta H	59102
Sheila Gilbert	46254
Milissa Woods	48439
John Miglietta	10038
Jeffery Biss	60120
J. Weichman	98105
Rosalind Bresnahan	92405
Brenda Pelletier	03820
Donna Phillips	53566
joanne Fetting	53217
Jasmyne Reynolds	01040
Mary Spurgeon	68005
Allen Foster	94117
Richard Rubinstein	02142-1248
Mark Barkan	11435
Cathy Kraus	91606
Judith Niemann	80007
Donna Frye	66944
David Hoffman	97405
K.Kay Bircher	85602
Colin Bennett	40204
Harriet Bing	97214
Helene Whitson	94709
Peggy Kocoras	01360
Terrence Thompson	11434-3902
David Nixon	14621
Virginia Smedberg	94301
Stan Kumiega	19014
Connie Castine	81650-2481
Trisha Cooley	95051



<b>Name</b>	<b>Postcode</b>
Rainbow Di Benedetto	78750
Chris Sitton	59752
Nelleke Bruyn	80246
Alex Graas	30542
John Moon	89441
Tim Hansen	55410
William Williams	37716
ROBERT CAIN	28634
John and Maria Simpson	77027-
Amy Wilson	94401
jack newborn	17078
Nina Evans	46219
Rita Glasscock	87505
Barbara Kennedy	55406
Jeff Ellenberger	10025
Emily Comia	23235
Elizabeth Sundquist	50327
Deanna Homer	74075-8636
William Insley	98411
Carey Kayser	90027
Daphne Shafer-Repass	27516
Diana Lang	94591
Denise Bunge	98226
Christine Manor	20851
Sean Cunningham	92083
Jim Stein	83843
Peter Staatz	97411
kevin orme	98103
Sharon Salih	76112
Justin Makaruse	02466

<b>Name</b>	<b>Postcode</b>
Stephanie Rugoff	10025
Kathleen SEWRIGHT	32708
Billie Abbott	97386
Florence Boos	52245
Marilyn Meade-Moore	55113
Karamy Renfrow	44052
Jonathan Doughty	88310
Wayne Krueger	53217
Joe Cox	85711
Sharon Castro	90638
Kay L.	94577
Michael Anderson	53711
Alexandra Papadakis	22551
LII D	94706
Rena Ramsey	37660
Ken Lesem	05408
Galen Knight	875150619
Drew Curtis	02130
viola freeman	93101
Elizabeth Bromund	27455
Ellen Green	76017
Sharon Callahan	07856-1204
Heron Gardner	55119
Jack Stapleton	60126
Chris Dacus	37020
James Jacobson	97405
Ann Bergeron	01537
Lydi LaFleur	01013
Tracie Amend	88001
Joan Bonnington	77055

<b>Name</b>	<b>Postcode</b>
Jeanine Weber	49546
Nora Coyle	92807
Jackson Reed	97222
Aaron Geringer	56082
Zarah Austin	84401
Ron Edwards	22437
Vladi Pusic	95120
Nancy White	99216
Lee Waters	64133
Suzanne Hammond	97045
Lauren Oliver	97520
Claudia Rullman	04562
Anita Brown	30317
Joan Kolessar	17856
Ronald Harper	98512
Susan Peeples	38578
Kenneth Hyché	35057-4028
Angelique St Pierre	32935
M Meleon	92382
J. Crawford	95949
Everardo Flores	92115-5660
james roberts	93436
lou paller	60459
Tom McCulloch	98362
Laura Garro	52806
SONYA HOLT	19152
Elizabeth Smith	64138
Sue Halligan	55125
Lori Mier	22801
Howard Rosenzweig	60077
Carolyn Shuman	94127

<b>Name</b>	<b>Postcode</b>
Alan Weiskott	21044
Benjamin Etgen	95821
Sean Kolodny	12115
Steve Uyenishi	98115-6009
Cheryl Biale	98512
T Garmon	30534
Maggie Chen	92620
Stephanie Kana	85308
Aileen Hughes	85023
Michael Brinkman	48104
Susan Schacher	94619
Martha Roberts	17603
Mary Tarallo	46310
David Collins	77021-1264
Robert Strelke	02356-2519
Betty McElhill	85716
Carolyn Riddle	78758
karen kihurani	20001
Maureen OConnor	01851
lisa bergerud	55406
Jane Alexander	50129
Pam Sigler	33404
David Klassen	63401
Martha Stromberger	95822
Margie Staker	11215
Chris Scholl	07753
Jan Stuessi	83455
Barb DiPipi	19153
Anthony Castillo	90805
David Dragon	01440
Wingate Steitz	60660
Terry Tedesco	85016

<b>Name</b>	<b>Postcode</b>
Gregory Freeman	85625
Kate Jamal	19803-4018
Michael Parsons	81020
Terri Jones	98117
Gary Overby	53590
Debra Rehn	97202
Audrey Smolin	12208
Rich P	95125
David Barrows	92103
Linda Rubiano	08109
Lowell Huber	54732
David Kruchkow	34476
KarenLu LaPolice	02852
Sheri Ambrose	97367
Bea Eichten	53402
Cindy Curran	04008
Allison Matthews	30004
Bridget Jensen	77019
Liz D.	19473
Barbara Blong	94110
x o	10025
P Friedland	01930
David Berlow	98115
glen deardorff	94546
Jeff Kulp	27612
JeanneM Irons	23350
Bert Morris	07040
Sandy Gese	99139
Chris Blyth	10030
John S. Sonin	99824
Ron Maxwell	93013-3111
Cynthia Dudley	49431

<b>Name</b>	<b>Postcode</b>
Chris Washington	10019
Theresa Murphy	10708
Grace Reynolds	46818
Nancy Longoria	77035
Lawren Hancher	02891
Herman Chaney	94612
D John Woodcock	19382-7165
Nicole Gillespy	08052
Roberta Moore	801204315
Steve Carter	02466
Marc Suffern, II	12771
Brenda Nelson	85710-8752
Regina Case	95503
Dan Blakey	48823
Richard Gilson	02132
Judy johnson	95667
Matthew Franck	08904
Sam Cook	28805
Vakila ter Veld Terveld	94930
Maria Rivero	94110
Jim Boldin	78704
Mike LaPorte	97223
Robert Canamar	98112
Sara Bakker	95316
henry Feilen	91710
Nadya Schmeder	94559
Shakayla Thomas	90220
Connie Fairbanks	96725-0817
Julie Levenbach	94303
Ardis Moonlight	40205
George Fleck	01096
John Miskelly	21212

<b>Name</b>	<b>Postcode</b>
Karen Vozar	33785
Jay Lustgarten	02891
Michael McQuown	19144
Paul Stuhmer	20874
Richard Russo	53717
Ira Gerard-DiBenedetto	601773049
L. Fielder	75006
Gareth Hinds	20781
John Davidson	08638
Charlene Ferguson	50569
Janet Shpes	33189
A George Beeler	94952-2515
Elise Margulis	07039
Dale Hocker	28516
Jean Gordon	72212
Margaret Knapke	45405-4843
jennifer Purcell	98229-9366
Andrew Luckhardt	03053
Kay Reinfried	17543
Christopher Kornmann	55104
Marianne Nolan	44147
Lisa Sparaco	92102
Kimball Milton	73072
Steve Bisset	14512
mary buchwald	11217
Ellie Maldonado	10128
Adelle Hamel	98221
W Cariello	11510
Suzanne Cerniglia	33460
Corey Corbin	84084

<b>Name</b>	<b>Postcode</b>
Robert Schoenhals	48220
E. Mothershead	85202
Patricia Herbert	98070
Gregory Duncan	46804
Maria Bianciardi	01060
Lynne Firestone	60203
Vivian Dowell	97501
Yettie Morgan	10451
Barbara Wight	98026
James Donahue	47282
Timothy Taylor	90064-1919
Jeanie Bein	98229
HELEN M. SARGEANT	99218
Ton Edminster	94044
Elizabeth Fraley	94089
sid sperberg	23233
Judith Junior	64124
Carol Chandler	94114
Ann Hollowell	84020-5740
Peter Budka	10024
Kimberly Seger	16201
David Gaw	92262
Vickie Van Scyoc	95926
Donna Dearborn	91361
Dorothy Mosser	06372
Mary Cuellar	39044-2943
Aaron Anderson	87112-2650
Jeffrey Pekarul	94114
d robinson	99118
carole scott	63130
Miriam Dorsey	48204



<b>Name</b>	<b>Postcode</b>
Barbara Goodman	55369
Steve Kramer	02324
Hope Carr	11209
Margi Mulligan	19010
Terris Temple	96708
Patrick Diehl	85719
thalia lubin	94062
Jim Barritt	37160
David Blumenthal	19072
Jake Schwartz	94952
Kathie Takush	19602
john gibbons	18641
Jane Jaehning	98277
Erick Hedrick	46122
Pat Copenhaver	50126
Richard Devletian	90026
m w	79413
Eva Suhr	94306
B. Tepp	90211
james balder	21209
Alexis LaMere	27244
Morris Kamelgarn	06105
Valerie Elder	33526
Acqua Richards	48071
Gregory Gaucher	32246
Victoria Urias	98125
Bertram Montgomery	27401
Sean Brandlin	90094
Carol Patton	94708
Duane Gore	34655
Betty Flinchbaugh	19426

<b>Name</b>	<b>Postcode</b>
Lawrence Logue	53517
Al Benford	06042
Paul Cohen	06001-2430
Lia Vildosola	95825
Jim H	98070
Judy Genandt	60118
Donald Seeger	40214
Joyce Statland	85037
Harold Watson	65802
Andrew and Kathleen Wittenborn	10570
Vanessa Olesen	92703
Yoshi Miyamoto	94536
Eugene Falik	11691
Carolyn Buhl	97214
Beatrice Simmonds	10462
L Sen	27705
Lenore Martin	27514
Barbara Anderson	78859
Ruth Kay Souder	18076
Trisha Broeke	97267
Ed Grinnell	01370
Anita Albertson	97203
Marianne Hunter	90275
Michael Paul	08525
Christine Bassett	95472
nancy davis	55116
Andrejs Billerts	18252
Douglas DeMers	99362-3726
Judith Cooper	50310
Linda Collishaw	93291

<b>Name</b>	<b>Postcode</b>
Samantha Blanchard	72714
Thomas Yasaitis	53545
Susan Thiel	98387
J Trimble	78757
Jane Lyon	94928
Laraine Lewis	96067
Elijah Hechtman	34695-5329
D L Brooks	76013-1501
Anne Buchanan	48182
Skip Shaputnic	92111
Randolph Schoedler	53208
Pat Irwin	02458
Judy Lacombe	12533
Kevin Wightman	90029
Carole Forman	11201
Linda Lane	33445
Michael Quinn	85051
Jonathan Hubbard	77070
Les Roberts	87569-0199
Jane Miller	62995-2026
Russell Robinson	98329
Wendy Adams	34652
Freeman Morey	33756
Olaf Gitter	96816
Douglass Merrell	98118
Mike Abler	95062
Karen Sommer	95567
Nancy Goebel	92314
Linval DePass	94306
James Ansley	28712
Nicola Giorgio	33774

<b>Name</b>	<b>Postcode</b>
Christina Meyers	59715
Frederick Nanton Jr.	11226
Rebecca Deloney	22801
Cynthia Jimenez	19610
Fawn King	10011
Thomas Cox	98034
Betsy Millmann	05832
Pamela Robinson	33756
George Summers	98144
Renee Janton	96714
Patricia McGowan	14075
Stephen Markel	90066
A ROBERT CORPUS	98008
Joy Rosenberry Chase	53719
Patricia Fleetwood	47448
Elena Garcia- Velasco	97217
cyndi malmen	93430-1504
Marc and Alice - Imlay	20616
Kathy Alcott	04106
Mary Kemnitz	53210
Gina Hamlin	21629
Karen Sanguinetti	95003
Linda Howie	91367-4329
james howard	98682
Shawn Troxell	78130
SC Jennings	60039
Marian Cruz	95348
Timothy Merton	05346
Donald Quick	91790

<b>Name</b>	<b>Postcode</b>
GlendaRae Hernandez	46601
Sierra Ansley	97045-9224
Satsiri Khalsa	85006
Heather Dale	97070
mike dolan	10977
r vanstrien	07059
Vijsy Macwan	04064
Judith Ramseyer	85614
David Davidson	42003
Mark Nuckols	23350
Nikhil Shimpi	11205
Lorraine Markoff	95610
C. James Ringwald	48629
Judith Wilson	82201
Karen Hoover	98312
Peter and Peggy Yackel	55446
Gary Beckerman	93460
Ken Jones	72034
Victoria Maxson	94043
Trent Adrian	33615
John Martin	20705
Vicki Casarett	14618
S W	97702
Kathryn Christian	81501
Melissa McKenney	23229
Tom Macchia	16148-1858
Stacy Reedy	19608-1904
Travis Bertram	42633
Allan Sklove	94510
Reid Larimore	82001

<b>Name</b>	<b>Postcode</b>
Marshall Goldberg	98277
Nasreen Mahmud	95003
Anthony Fleury	80227
z w	97202
Sarah Stewart	02472
Elizabeth von Gunten	93023
Michelle Sharp	37206
Carolyn Redding	27106
Brenda Gamache	37865
Anthony Rampe	45895
Elyse Brows	11552
Susan Ray	90046
Emerson Burkett	95446
Joan L. Brindle	15215
Matthew Shapiro	07024
Rebecca Reynolds	08831
Melissa Oresky	61761
Maureen Hanlon	03845
Barbara Huggins	80010
Allen Reid	95678
Delia Cooke	33332
david gover	02370
B Dudney, MD	95436-9604
Suzanne Cook	95519
Bruce Davies	53110
Frank Evelhoch II	17050
Helen Brown	85735
dorinda kelley	97213
Ace Hull	94577
Jackie Stewart	94517
Emily Ralph	60130
Nancy Stelmach	48150

<b>Name</b>	<b>Postcode</b>
Susan Ajemian	33315
deni leonard	94121
Ruby Dow	53948
Kisti Odell	36608
Wendy Larson	95380
Megan Hunt	07030
David Kelley	97213
Billie Plummer	85083
Kathleen Danker	57006
Tony Tsang	11223-3538
Nina Minsky	98524
Peggy Miros	19355
Anna Tursich	37869
Barbara Turse	08210
John Wiles	27713-6542
John Doucette	02904
Lauren Richie	35127
Amanda Johnson	95451
Bonita Martin	14131
Hersha Evans	24073
Robert Ball	06117-1143
Janet Benson	94534
Mark Maricle	80455
Pat Brooks	94703
M.C. Smith	85628-0564
Edward Rengers	12498
Charles Jordan	24065
Kathryn Melton	77536
Mervin Holland	98682
Joyce Lewis	30058
Heidi Jablonski	22802
Katherine Pinard	27517

<b>Name</b>	<b>Postcode</b>
William Smith	07656
Gregory D Simpson	34786
Cynthia Ann Machlik	48150
Mark Price	90278
Lori Kershner	17870
patricia emmert	78741
Janice Coleman	97211
Sue Walden	94109
DOROTHY WALL	94117
Judy Cribbins	95959
Susan Mullins	07003
Mary Louise Stebbins	53211
Barbara Giorgio	33774
janet smith	27525
Bernadette Belcastro	11001
John Goodman	92844
Barbara Langan	16652
valerie wightman	30066-3425
Elnora Harcombe	97321
william watkins	92085
k. eggars	99101
Tim Brainerd	01701
William Harrison	91356
jane cronin	02881
Aileen Rivera	23231
Anna-Marie Soper-O'Rourke	30329
Craig Peariso	83714
Rick Mitchell	25705
Michele Schwartz	19543
David Powell	77586



<b>Name</b>	<b>Postcode</b>
Ioredana Leonard	017026001
Kathleen Slattery	60660
Deborah Kaye	98230
Karsten Mueller	95060
Richard Sweeney	01852
Michael Caputo	02828
DAle Hug	54302
Joni Pradetto	92069
Sandy Sondreal	55604
Ray Keeling	48381
Ben Horner-Johnson	97222
Rebecca Rose	88011
Rondane Hollar	10467
Janet Powers	17325
Richard Booth	48138
Jennifer Schally	55082
J Davis	94102
Catherine S. Hattaway	85258-2747
Susan Armistead	33037-2916
Karen Conner	20815
Cheryl Shushan	02478
Pilar Millhollen	10040
Caroline Wulf	55409
James Giles	98376
Carlos Hranicka	60625
Julie Bush	78414
Andrew Seymour	48906
William Cannon	43015
Frank Simmons	95111
Charles Chatt	63123
Elise L	27608

<b>Name</b>	<b>Postcode</b>
Sandra M Zwingelberg	80209
Kendra Kendrick	53405
Ruth Matsey	46534
Virginia Rasnick	94595
Peter Sayre	22003
Linc Conard	90210
Lauren Linda	92637
Garry Taroli	18711
Kevin Walsh	06443
Marge Francois	62298
Henry Coleman	23185
Janet Ginepro	48162
Deanna Clinger	43110
Michael Arata	90065
Gwendolyn Miller	22191
Earl Foltz	47874
Betty Niermann	29418
Sirena Green	12401
Scott Sinclair	94903
Nancy Borelli	93012
ANNE COLLETTE	95060
Carol Baier	63501
Karol Long	99216
Samantha Orszulak	11226
Jennifer Wolfrum	02476
Kate Harder	60137
Robin Alpern	10566
Mark Lessner	92312
Kezia Tenenbaum	80304
Donald Kokkonen	53523
Patricia Luck	29455

<b>Name</b>	<b>Postcode</b>
j. eggert	99101
Jeanne Deane	97361
Steven Kroeger	12206
Hameed Saba	91765
mary hood	72703
Leti Vale	66044
DENNIS WANSITLER	43449
Don Storey	77471
Johannah Willsey	23231
J Holmbeck	55447
Mel Sailor	55432
Lucinda Frank	91501
Michael Heinsohn	55421
Charles Arnold	03105
Gladys Gonzalez	10301
Brian Grunwald	01201
Paula Oye	49805
Joshua Wallman	10009
Boyce Sherwin	12953
Rhonda Rungsitiyakorn	94019
Dan Townsend	88005
George Hanas	44030
Nathaniel Perry	99771
Rosa Lopez	91402
Ka'imi Nicholson	96816
Donald Paden	80537
Richard Fung	60004
William Northway	49635
Christine Carlson	72719
Debra Vickroy	91104
David Peshlakai	49242

<b>Name</b>	<b>Postcode</b>
Susan Cochran	21037
Helen Jones	97520
Clementina Duron	94706
steven zimmerman	17963
Lisa Annecone	34295
Steven Yellin	94025
Anna Carter	03458
Harold Smith	48623
Matthew Boguske	98052
K. Susan Sappington	64114
GEORGIA WEVER	10001
kay levin	04103
Renee Rizzo	10001
Nancy Seman	44473
Edward Neely	94115
MARTIN EHLEN	48060
Thomas Josephi	15216
Chemen Ochoa	87508
Claire Gadbois	60614
David Erickson	30084
Dennis Trembly	90012
Jean Glassman	02476
ANTONIA SHOUSE	14850
Andrew Abate	87108
Maria Venidis	12402
Jackie Feazell	94606
Keith Adams	60660-2496
Linda David	10011-4555
Charles Wegrzyn	01985
Elsie Rawlins	14850
Guy Amsler	72202

<b>Name</b>	<b>Postcode</b>
Virginia Jastromb	01060
Bill Stern	87505
Maggie Laupheimer	12446
Saul Aguirre	60624
Richard Crawford	85015
Julie Bernstein	02030
Celeste Winterberger	27616
Bryan Haynes	10471
Charles Loubert	21223
Brad Nelson	93035
John Moore	60631
Helen Stuehler	89508
Karen Donofrio	19104
Elizabeth Bryant	83642
Anne-Marie Mallon	01337
Bianca Deleon	34952
Heath Post	48906
Charles Langford	97330
Keith Thompson	55106
A. H. Alexander	19803-2705
Lesley Patton	96755
Judith McElwain	11720
Brook Schiller	49452
Tiffany Vuong	95035
William Parr	02188
Bruce Flattery	14719
Isaac Ehrlich	97049
Darlene Jakusz	54407
Dorothy (dottie) Dane	22003-4332
Samantha Iyer	10034

<b>Name</b>	<b>Postcode</b>
Thomas Aitken	33611
Stacy Seaver	05403
Nancy Petersen	91711
Marcia Newfield	10025
Caroline Kim	94610
Kathy Bungarz	94598
Barb Kuchno	98584
Julie Grskovich	60660
Fred McKenna	48811
Bill Lackemacher	95833
Mikki Chalker	13905
Mark Stowe	32641
Alan Wagener	05408
C Jay Levine	99664
Laura Calvert	21710
Karina Black	80304
Traci Turner	02125
LaVonne Swyter	90066
Dan Anderson	95747
Judith Doyle	48180
Yvette Lantz	29588
Jonathan Tetherly	01020
Lynn Bowser	44410
J Frick	41017
Ashley Kopeck	18705
jeannette hanna	95864
Phillip Fujiyoshi	95616
Kahlil Goodwyn	11206
Rus Postel	94903
Jerrold Allen	22042
Rene Hall	32259
Anna Milton	03848

<b>Name</b>	<b>Postcode</b>
C Hull	48433
Josef Koepl	60099
Roxie Piatigorski	89179
Daniel Kuperus	97215
Bruce Ellsworth	48458
Shannon Clark	97220
John A Hugg	96790
Georgiana May	55108
Patricia Daniels	20109
Julie Kamoff	95819
Crystal Brunelli	03077
Ken Freedman	54628
Caitilin Kane	57022
Linda Addis	16148
Barbara McCane	23325
Doug & Mary Wylie	80004
Patricia Greiss	17013
Eric Dills	92868-4432
Laney Roberts	36830
Susan Hoffman	22740
Gloria Reilly	11969
Lynn Pekkanen	20816
E DESMARAIS	81131
Alek Hyra	23116
J. Belcastro	11001
bernardo alayza mujica	51103
Kay Randall	56560
Beatrice Provencio	94536
Lanelle Lovelace	95310
Richard Locker	95060
Nicole Everling	55122

<b>Name</b>	<b>Postcode</b>
Josh Rosen	02131
Beth Flokstra	27407
Bobby Franklin	63654
Dianne Kocer	85622
Marc Reynolds	89406
Shannon Bellflower	20659
Michelle Paul	78737
John Rodgaard	32940
Rebecca Ryan	19711
Carl Muller	92649
Natalie Rosen	91606
Perry Matlock	94118
Hazel Civalier	05408
Dave McConnell	06013
Lynda Alvarez	76013
Kathy Bradley	29078
Lorence Long	97232-1145
John Peterkin	86326
Linda Drescher	80401-5108
Jayne Bender	07843
Marvin Woods	38016
Janet Mcconaughey	53066
Jack Cavanaugh	11727
Lila-Dave Zastrow- Hendrickson	54165
Jacqueline Jeffers	22205
Crystal Jackson	94578
Mary Mathena	23464
Li Simonson	20715
Elinor Davis	94610
Grant Wiegert	61074



<b>Name</b>	<b>Postcode</b>
Dorothy Carpenter	98225
Brad Layton	82901
Doris Austin	39206
Albert So	03102
Curtis Swan	80033
Susan McGovern	04849
David Dodge	44123
Anne McBride	95602
Jennifer Fassbender	48201
Aaron Pyle	04401
John Feldmann	11935
James Adams	33704
Nora Carranco	74029
Lorelette Knowles	98201
Mike Bower	03043
Goldie Silverman	98104
Chris King	50010
Scott Devries	92672
Matthew Williams	60645
Charleen Strelke	02356
Sondra Franceil	31030
Sheila Tran	55122
Robert Qua	02111
Joe Salazar	95407-7514
Guy Perkins	89519
Jamie Hines	33610
Laura Groves	96822
Warren Salyer	92232
Nancy N Brothers	12724
David Arntson	98012
Margo Thompson	98844

<b>Name</b>	<b>Postcode</b>
K G	86326
Veronica Goode	91326-3823
David B. Chandler	19711-2550
Gina Turner	38122
Robert Edwards	18702-1510
Wayne McDaniel	63367
Michael Rice	12054
Glen Hampton	49781-9855
Thea Sames	04106
L Grenier	32958
frank c baldwin	14850
k m	80525
Lyn James	49004
Leah Bradley	53225
Karyn Goff	48170
s m	98144
Domingo Hermosillo	98057
Rusty Glicksman	02474
Robert Shore	02472-4737
Carol Quick	87401
Saran K.	90035
Barbara Morales	28012
Dale Johnson	60505
Leslie Patrick	17844
Nancy Bauer	60513
Candace Duran	87301
Carrie Fawcett	48104
Serafina Gajate	96785
Ira Weissman	10509
Hannah Coffman	06484
George Smith	74112

<b>Name</b>	<b>Postcode</b>
mark scibilia-carver	14886
Frances O'Reilly	98070
chris Burns	87510
Allan Hogle	95445
Steve Delturk	19104
Nura Petrov	18077
Esther Friedman	97302
Nora Polk	97206
Lisa Meengs	49504
elizabeth koopman	21030
jo roehrig	13040
Mark Thompson	55359
Carmella Campione	26003
Leah Stables	32095
Elizabeth Secord	05743
Frances Urban	02421
Walid Fatohi	48083
Macus Gottlieb	60015
Connor Amundsen-Kuester	97333
Roberta Hudlow	63116
Cynthia McCollum	33756
Virginia Von Hasseln	93923
Natasha B Gomez	90650
Michael Quinn	05089-0639
Dana May	92840
Eric Evinczik	14222
Gill LeMonde	48911
Carla Tevelow	21044
Jon Bauer	641046

<b>Name</b>	<b>Postcode</b>
Johns Congdon	05445
M Kamdar	60189
Dennis Smith	97828
Kimberly Lowe	43230-2262
jeannie roberts	53705
Eugene Ruyle	94609
Regina Mason	30058
Karlaine Livingston	03743
Julie Blum	99019
Karen Husby	47714
Donna Nelson	55443
Judith Lane	74112
Cheryl Martin	85259
maya pines	20815
Kathy Sanford	48103
Brenda Choi	89122
Donna Frankel	10011
G. Bommelaere	80903
Phyllis Hatfield	98102
Carol Woodman	98281
Leann Turley	16878
Steven Bloom	96150
Jean Kammer	18428
Jane H. Augram	33549
Ann Knott	25951
Bonnie Hearthstone	05491
Catherine Blake	80004
Grant Holly	24018
Paula Ward	24014
Douglas Smith	21044
B DEmilio	20011

<b>Name</b>	<b>Postcode</b>
Paul Goodburn	49862
Susan Shaw	12404
Mary Collins	14214
Rosemary Ward	38701
Karen Ingvoldstad	53202
Kaiya Garcia	94608
Marielyn White	85210
Duncan Parker	33301
Ronald Martin	60304
LINDA NIEMI- WOOD	33556
Wayne Berry	30324
Barbara Fox	48197
Tina Gresham Gomez	07648
David Savige	23703
Linda S	94945
Nathaniel Hammerli	81658
Calli Madrone	97702
Mary Schultz	55122
Kimberly Torres	92883
Diane DiFante	25403
Noah Youngelson	90066
Kat Lyons	33837
Caroline Kilbane	11706
Nia Cherrett	32792
Robert Conway	85283
Barbara Lehman	91350
Phil Goldsmith	97210
Nieba Paige	97215
Kimie Fujimoto	98926-3458
John Berkowitz	01060-2038
Glenn Choy	96839

<b>Name</b>	<b>Postcode</b>
Anna Schofield	90024
Melissa K	15081
Rita Carlson	95502
Linda Jackson	13212
Laura Havlick	78748
rohana wolf	60201
Tara Blackburn	95546
Keely Gililland	76108
Joseph Perkovich	60115
Arleen Kalenich-Pace	10706
Donna Noyes	11743
mohsen shenas	75491
Emily Percy	55405
Elizabeth Beuthel	98040
thomas rose	19382
Dan Volpatti	15241
John Walters	97211
Fiona Priskich	90210
Christie Ruppel	70460
Keith Esmail	18052
TATIANA DUGINA	660041
tika bordelon	98101
Jennifer Hall	37745
Gail Caswell	94109
Bonnie Stillwater	90020
Noah Hanmer	02809
sandra marr	05301
judy kanarek	92886
J Alexander	20781
Lori Bright	28805
Sven Furberg	06757
Ronald Ringler	90815

<b>Name</b>	<b>Postcode</b>
sandra sobek	01341
Amrita Burdick	64111
Amelia Reyes	78224
Christy Burns	48036
Kenneth Maxson	48722
Beth Renwick	21218
Laurie Strine	19348
Loretta Bolton	45106
Rina Rubenstein	90018
Julie Gallagher	21136
Bonnie McGill	16316
Katharine Stark	02889-6551
Dave Garibaldi	55369
larry mahlis	98115
Jessica Treon	97394
Mary Boyle	02132
Mary Ann Smith	10520
Louis Poniros	06604
Elicia Beckerman	55347
Andrew Dunne	96790
jerry ellis	98277
Linda Theophilus	15235-4826
Dorri Raskin	91326
Marie Garescher	10566
Elizabeth Garratt	32086
robert Sapp	85396
Sue Geurkink	54660
Dave Taylor	47909
Ann Palmer	98261
Michelle Krueger	46410
Glen Trusty	27518
Samuel Morningstar	53211

<b>Name</b>	<b>Postcode</b>
Cecilia Stancell	12592
Katie Dyer	02840
David Guleke	19013
Susan Gilmore	06119
Penny Redman	95814
Rebecca Augustin	85350
Virginia Gilbert	60640
William Grannell	80237
Mika Gentili-Lloyd	97124
Rebecca Wallace	28778
PAUL Burtick	13601
Valerie McCarty	33166-5742
Karla Silva	90403
cletus stein	79106
M Doretta Cornell, RDC	10532-1001
Andy Lupenko	91945
PETER TIRRI	07440
Fanny Yang	98106
Lynn Pooley	44107
Roberto Romo	94121
Gary Brooks	59801
Cheryl Robison	76107
kym harris	98393
Hilary Krivchenia	60067
Marc Taras	48103
Penny Mackenzie	89123
Kathryn Bluhm	15935
Judy ILAN	94709
Katherine Kauffman	98106
Brent Gunderson	54303
PJ Newburn	38301



<b>Name</b>	<b>Postcode</b>
Brant Kotch	77024
Anthony Tupasi	94122-1001
S. Embre	10026
laura dickey	07005
Sandra Cheney	56001
Tom Schwegler	64152
Suzanne Vesely	52556
Mick Alderman	97103
Tommy Harmon	25003
Kathryn Ryan	98020
Lauren Wade	45638
John Erben	99802
Richard L. Rowe	47802
Donna Robin Lippman	10009
Tina Tine'	37919
Daniel Tumpson	07030
Julie Lawyer	97045
Johanna Cummings	14620
Ellen Walsh	32561
Steven Belfield	14217
Bernadette Julich	80126
Norman Weersing	97221
Dave Karmann	32211
Timothy Boone	98125
Jennifer Tulo	22306
Terry Vitie	94945-2736
Elizabeth Hegarty	11225
Rosalind Wriddle	10468
David White	08010
George Ruebelmann	88061
Ridwaana Allen	27401

<b>Name</b>	<b>Postcode</b>
Bonita Dillard	63301-2607
jeanette goetz	77382
Coles Terry	24059
Jenn Rosenberg	06517
Bonnie Briska	60630
Michael Tomczyszyn	94132
Amarilys Laguna	00627
Deirdre Downey	99701
Robin Patten	73115
Robert Veralli	07480-1259
elsa gibson	20910
Jon Cooper	17566
Shawn Johnson	92024
Dolores M. Lackey	95464
Mariah Shepherd	47714
Linda Knudson	97015
Karen Douglas	87557
Connie Allison	14456
Sheila Parks	02472
Patrick Donaldson	97213
Joan Bankey	10984
Carmelle Anaya	95928
Nelson S.	48198
Omar Osorio	94602
Kim Barta	59860
Judy Lukasiewicz	95065
Cynthia Lehman	44121
Kathryn Raftery	63304
Heather aka Heth Drees	58201
Gerald Thompson	62040
Carol Nealy	01057

<b>Name</b>	<b>Postcode</b>
Frank Wilsey	21215
Todd Heiler	95521
Alvin Pudwill	81054
Rebecca Russell	70506
Joyce McDowell	15650
Janet Laur	91311
Dan Parker	058257624
Dorothy Brown	94131-2020
Randi Byron	06001
Michael Scilipoti	17222
CARLA DAVIS	94925-1742
Ruth Schechter	02130
Rita Jungman	32333
George Latta, M.D., MBA	84020-7659
Douglas Castle	47441
Lori Visioli	07747
Arlene Renshaw	56001-3901
Jennifer Graham	33919
Linda Bridges	62613
Madeline Amalphy	20877
Sharon Burge	97306
Nick White	01944
Alana Dorn	94044
Steven Wallace	80026
Tania Abraham	07036
Grace Shimizu	94619
Michele Reese	85742
Deirdre Herman	55902
Sahil Talwar	22031
Larry Cannon	84321
Laura Wilder	75043

<b>Name</b>	<b>Postcode</b>
Sandy Krause	50613
Rev. Michael Hart	97741
Bob Hanson	53202
Ked Garden	91945
KENT SIEBOLD	97211
Nancy Taylor	94619
Don McKelvey	44117
Susie Cassens	34954
Jason Nolasco	90706
Dana Murphy	91941-5310
Gertrude Nuttman	94121
Michael Patrick	61822
debbie thorn	98033
Claudia Colnar	82801
Margaret Singh	80023
Nancy Hauer	55110
Donald Dicken	21502
Eric Banks	95482
Ruth Humphrey	61548
Erica Maranowski	97232
Linda McGee	62920
Terry Mitchell	97502
Therese Ryan	93550
Lizzy Mahone	44055
Hildy Feen	53716
Ramona Melendy	50625
John Teevan	91914
FRANK GRAVES	45920
Annemarie Hasnain	83706
Helen Meeker	98070
Laura Hanks	97222

<b>Name</b>	<b>Postcode</b>
Beth Jackson	94945
Christina Granrud	59901
Rema Loeb	01070
Ariel Guinn	29205
Sherry and Tom Miller	49038
Roberta Dempsey	48124
Brigid Oconnor	61603
Michael Lewis	95949
Carol Ann Cobb	33771
Nancy Goulde	24521
Chris Pomeroy	30605
Peggy Carlson	48169
Beverly Bullock	10036
frank belcastro	52001-6327
Gregory Clark	02472
Jovohn Hornbuckle	75104
Sandra Acles	49660
Melissa Cathcart	55406
Ilene Kazak	48116
Emily Bryant	90720
Mia A	08094
vince Sherry	80021
Ann Marie Ross	02720
Griffin Hughes	55109
Corey Schade	07711
Matthew Falconer	01970
Juliet Calabi	87508
Joseph Trigg	22407
Beverly Lewis	30534
Crystal Hart	20176
Jacqueline Eliopoulos	80301

<b>Name</b>	<b>Postcode</b>
Sky Yeager	97330
Alfred Higgins	98801
Scott Bruins	46208-3537
Teri Slagle	33304
Sonia Skakich-Scrima	80012
Kathleen Hughart	92103
Catherine Andrews	49946
Marc K	10003
J. Allen Feryok	15062
Jeanne Schlatter	48135
Deborah Brandt	10023
Ruben Cuevas	91001
Elizabeth Hyde	80504
Susan Davenport	93063-7423
michael guest	46033
Sara Kotzin	10033
David Smith	06612
Thomas Aber	64113
Queenie Nguyen	90404
Kellie Smith	03244
Ross Heckmann	91006
Sandra Eskin	52245
Lisa Hughes	45140
Linda Bronstein	06107
Jennifer Alberghini	11426
Carol Chandler	29708
K F	97544
Jim Yarbrough	97520
Barbara Greenwood	94596
john s	97212

<b>Name</b>	<b>Postcode</b>
Anthony McCradic	76011
Dobby Morse	95521
Paul Mirsalis	44143-1405
Gail F Johnson	19422
Phoebe McLeod	29205
Edward Beeler	94804
Sherri Hodges	85051
Mike Lesley	35206
Susan Michetti	53572
Danuta Radko	01876
Kim Seater	98146
Daniel Davis	66749
Margaret Pierson	95746-9630
Joan Harrington	95060
Cynthia Brooks-Fetty	67861
Mark Anderson	56308
Diana Franco	201483635
j tuomey	81303
Dmitry Landa	11421
Kenneth Althiser	92223
Brent Larsen	92103
james storey	94707
Barryett Enge	94708
Karen Curry	99163
Janie Pinterits	94707
James Mondragon	35124
Judith Karpilow	10012
Judy Chalifour	94598
Marina Carter	22206
Charlene Lauzon	98036
Jason Eli	93012
Kathleen Angotti	21742

<b>Name</b>	<b>Postcode</b>
Mohan Rao	53186
Steve Brown	94525
Richard E Cooley	87111
Joan Lobell	21212
Amber Andrews	80013
Joseph Dadgari	90049
Joanne Thiele	23505
Lin Waldron	92103-1876
Annette Dixon	34759
Deborah Dewey	12196
Jennifer Lawson	94925-1358
Diana Blackford	43123
Nancy Weber	94806
Tyra Pellerin	70122
Carol Condon	21403
Nancy Fleischer	96816
Nancy Power	92507
walter schultz	61401
Suzanne Parkhurst	95602
Jean Standish	10003
Jesse Jones III	97478
Ravi Tharakan	21209
Sidney Walker	94709
Sandra Varvel	79936
Jane Clevenger	80537
Noel Barnes	98058
Marion Tidwell	46410
Jessica Rucker	62959-6142
Dennis Lamb	22030
Lois Zeidman	85284
William Malmros	12020-4377
cindy graham	13601



<b>Name</b>	<b>Postcode</b>
alice nguyen	95136
G Jarrell	95482
Latifa KROPF	22901-1116
Michael Garitty	95959
Susan Hansen	90703
Perry Hutchison	97223
Theodore King	98121
Robin Vosburg	93308-1760
Donovan Bosold	52556
Ruby Matthews	97404
Paul Blackburn	42701
Susan Revotskie	01267
Rita Davenport	92530
John Beletsis	11579
Mohammad Nazihi	94610
Frances Dunham	97520
Charlie Kassay Jr	28560
Kyle Elwood	97306
Thel Ferguson	47303
Darlene Falk	28607
Kevin Chiu	98115
NORMAN LEWIS	97405
Kay Michener	52556
Richard Patenaude	94541-3477
Peter Sepulveda	10019
Jonathan Melusky	98155
Paul Suter	97301
jean staneslow	55412
Carol Fly	78727
Suzi Young	94937
Elaine Huff	94118

<b>Name</b>	<b>Postcode</b>
Chirag Patel	19107
Jared Cowan	37318
Dale Williams	64015
Richard Ralff	12401
Cynthia McNamara	87125
Tim Manring	98325
Shinann Earnshaw	95540
Dan B	68111
Cyprienne Schroeppel	983038679
Lorraine Kirk	80304
Margaret R. Earl	19720
Terrance Hyk	55322
Luke Tuxedo	98070
Tim Kline	96790
Catharine J. Kit Lofroos	94952
Diane Ryerson	955215529
Joan Baker	64063
Kathleen Murphy	98059
Jean Perez	68005
Nancy Wong	91754
Rick Ray	97060
Clifford Satlow	10016
Daphne Dixon	60428
Ann Dorsey	91325
Linda Selto	80303
Leo Mavrovitis	10023
Candace LaPorte	89147
Ashley Ouellette	04005
Julia Petering	95628
Clayton Mumaw	19810

<b>Name</b>	<b>Postcode</b>
Michael McGinnis	18642
Aaron Miller	91401
Susan Rynas	89134
Kelly peters	98001
Suzanne Davenport	60625
Andrew Lazin	32725
Diane Chatigny	01950
Casey Jo Remy	97429
Lorna Zukas	92115
V Mangum	99206
renee chevalier	97025
Candice Schellenger	89523
Maureen McCarthy	01945
Tia Pearson	96786
David Strine	49002
Rosalind Milligan	07050
Sherri Hodges	85051
Elizabeth Hart	60110-3300
Jeannie Park	98103
Roy Tuckman	90068
Carmen Wilson	32068
Kathryn Partan	20912
Laurie Red Medicine Woman French	92344
Herschel Ramsey	80134
Frederick Mackey	80218
Bethany Dusenberry	28791
Kathleen Quinn	60174
Robert Fenstermaker	18444

<b>Name</b>	<b>Postcode</b>
Cheryl Arthur	22901
Sherri Fryer	15728-1044
As Er	19355
Bonnie Arbuckle	95367
Shirley Gunn	85351
Walt Paniak	95521
Jan Ellis	98368
Alex Harris	64081
edna anderson	53511
Mary Rivkin	98225
Helen Anderson	97027
Vicki Westberg	98155
Joe Atkinson	72901
R Wells	90020
Gail Flackett	02446
bree m	55044
Nara Wood	75452
Catherine Dishion	93460
Sydney Shaw	11213
Kristin Young	90620
Sandra Pena	85710
Eric Clemenson	33758
Brad Snyder	55369
Mitchell Bonner	94108-3504
Delphine Brody	95818
Elaine Hickman	98133
Kathy Simington	91764
Donna Delin	60148
Richard And Lucy Zaslow	11375
Theresa Juarez	21047
Gayle Smith	93923-8034
Brian Habenicht	28806

<b>Name</b>	<b>Postcode</b>
Sherry Bruster	74104
Clarence Bolin	83702
susan Dickerson	20735
Angie L	91801
Virginia Phillips	75119
Karen Kravcov Malcolm	85262
Ann Moriarity	63037
joanne katzen	95003
Patrick Maloney	60657-6778
Dr. Peter Havel	95616
Bruce Wimberley	90245
Michael Olcsvary	98036
Carlos Goldberg	46260
Gail Weininger	94501
Jon Mullin	75062
Mary Klicka	01028
William Sales	10566
Yvonne Marley	85381
Jacob Garison	28704
Dennis O'Brien	199681166
Catherine Meyers	01930
Eric Kaufmann	32609
La Kennell	63130
Sallie Park	22911
John Markham	42445
James Krekel	60013
Margo Wilson	85022
Andrea Pennisi	10009
Russell Novkov	53705
Jean Hagen	60050
Linda Ellsworth	98245
Diana Maxell	84036

<b>Name</b>	<b>Postcode</b>
Rebecca Redford	33707
Steve Neubeck	14217
John Huerta	26241
Johanna James	95401
Albert Krauss	95482
Kenneth Naylor	93455
Elsy Shallman	33470-3627
Matt Monson	84116
Robert Nichols	10019
Will Agee	92020
Tamara Saarinen	98335
Jill Mulato	92629
Heather Peters	19102
Gayook Wong	90005
Sheila Geist	10027
Julian Peet	97123
Emily Rugel	20016
caephren mckenna	94609
William Van Wyke	20850
John Carroll	95624
Alex Carswell	91106
Robert L Oman	91342-1339
Ming Schoenfeld	63112
Todd Hack	91913
Dorothy Cardlin	19067
Joanne Oleksiak	08034
Witold Skwierczynski	21228-4301
C K	53147
Raquel Quintana	33319
John Servello	76208
Valerie Serrels	22812

<b>Name</b>	<b>Postcode</b>
Donna Brenwalt	26276
Keith Augusto	89131-3701
Linda Mellen	92661-1434
Paul Macomber	20171
Leo Barrera	78413
Helen Martin	77019
Myra Toth	93023
Nancy Dollard	44685
mike barrows	02360
Terry Longenecker	17003
A. Joan Gravel	92056
Katja Jezewski	12435
siochai oconnor	97401
Joseph K	11205
Jeannie Boyd	94585
Peter Franklin Davis	01301
Jennifer Ward	98072
Jason Wiggins	07052-2165
Catherine Kilgore	85616
Peter Burchard	94930
Michael Borghi	80817
Erin Howard	94602-2221
Utkarsh Nath	94555
John Pfersich	89117
Craig Lee Burket	01721
Jack Kaminsky	14860
Deborah Shields	98033
Bruce D Burleigh	63366
Nicole Amato	95688
Janet Moran	92408
Robert Brown	98466

<b>Name</b>	<b>Postcode</b>
Dr. William 'Skip' Dykoski	55112-2662
cindy swenson	95834
Janet Collins	30165-8574
Jonathan Mansell	92683
Bonita Rhodes	90025
Ivonne Ortiz Rasmussen	95620
susan delles	97537
Sidney Mitchell	04426
Lynn Azar	96726
Andrew Altamirano	90026
Timothy Moore	93307
Margaret Graham	98117
Michael Kast	91402
Timothy Laws	91709
MariaAnn Correale	02152
Vicki Brown	46777
Jim Steitz	37738
Brian Oney	84403
Kirk Bails	48045
PATRICIA ST AUGUST	98840
Armin Wright	94618
Rhea Stafford	94014
Camille Curran	95667
Ian Haddow	94172
Abbygale Huffman	28601
Cathy Rappold	63042
Lanie Cox	99224-8242
Dianne Kenosky	18344
Michael Kenosky	18344



<b>Name</b>	<b>Postcode</b>
Joseph Kenosky	18344
Charlotta Ball	97123
Frances Recca	078571129
Debbie Windauer	85730
Simone Meeker	92342
George Ruiz	94070
Julie McCarthy	80021
Jon Hall	22968
Jessica Jakubanis	87123-2281
Lauren Schiffman	94530
Patrick Lewis	94901
Bridget Cooper	48823
Paul Daly	97405
Bill Both	34788
Jessica Cassidy	20170
James Stratman PhD	80204
Jolayne Justice	89166
Kari Jackson	30311
Joanne mayhew	98502
Veronica Coronado	94112
Nicole Taylor	89131
Rick posten	90247
Patricia Blackwell- Marchant	94552-1708
Bryan Reynolds	97008
Patricia Terry	66012
Glenda Hollis	72702
Toni Culpepper	85259
sharon bambridge	00000
Nancy Hall	80231
Susan Eschbach	92064

<b>Name</b>	<b>Postcode</b>
yvette fernandez	11368
Rick Se	05301
Sally Bland	93105
Kaia Vereide	30629
Roberta Vogel	96753
Peter Cox	91345
Kathleen McNulty	94501
Tabitha Thomasson	30533
Judith Treadway	60202
M Ersson	78220
Katie Hale	94609
Helmut Platzer	86046
Salome Mayo	2439
Yvette Gunn	30317
chris mccully	01060
MIKE FRAPPIER	94530
Matt Cornell	81303
Terrance Hutchinson	93505-2226
Elsa Johnson	97201
Jessica Lacayo	91306
Lynn Muramaru	96826
Robert Tefft	11201
Barbara Hart	80920
Pam Wallace	37743
Tamara David	11355
M W Thomas	DY13 8SD
s s	48602
Les Pugh	85014
Jeigh Duran	11024
Ken Sanford	92029
lois harris	91711

<b>Name</b>	<b>Postcode</b>
TIM RUSSELL	04330
Dogan Ozkan	99701
Hugh Keleher	14830
John Hawkrige	94702
Diane Sparks	76063
Julia McLellan	70118
Pamela Coker	81001
Lozz Starseed	02420
Gisele Cheffi	20708
Lester Belanger	48614
Eugene Majerowicz	90008
Lajuana Goggans	32137
Denise Smith	37683
Laura Snider	77095
Brian Moore	19104
Donald Weber	60622-1834
Lynette Belew	85224
Alexandra D. Pappano	04459
Selinda Chiquoine	03458
Patty Krockel	11772
Nancy McMahon	98501
Rick Provencio	79912-5001
Roberta Lumsdon	33618
Paul Hefferon	44223
M Celia Corvalan	90278
Paul Williams	08757
Gwenna Weshinskey	62966
Ed Vazquez	23113
Victoria Williams	06359
Dan Zachar	51555
Alex Hing	10030

<b>Name</b>	<b>Postcode</b>
Rose Martin	60429
Elizabeth Como	04051
AURORA MATA	79107
Glenna Batson	27312
Barb Danford	27587
Rodney Rentrope	85008
Elizabeth Budd	02576
Susan Morance	27514
Susan Jagoda	48313-2621
Patricia Tholl	02492
Stephen Anderson	93063
J.T. Smith	18960
Shearle Furnish	72223
tom Kenny	12508
Robert Roman	06514
fred Hass	54220
Aisha White	15206
Joe Pfister	11215
Susan Smith	50129
james meyer	49653
Carolyn Grissett	48910
Matt Woolery	94123
Karen Mallam	27344
gary bushey	03872
Alison Strack	07003
Mary de Sousa	56537
Brenda Stone	48910
John Paraniuk	400607615
Elizabeth Zawada	12037
- Dorthie	01379
Mark Grotzke	60477-6465
Mike McCool	01527

<b>Name</b>	<b>Postcode</b>
Alex Vasquez	17113
Charles Shaffer	21044
Cathy Carleton	12835
Jared Wright	47905
Christine Lombardi	19143
Ellen Jahos	03602
Lewis Frees	34110
Madeline Perkins	28705
ellen wadsworth	49441
Robert Dean	22630
Erik van Lennep	05072
Louann Landreth	24073
Andrew Ashburn	19958
Audrea Volker	54541
Meredith Asher	60622
Andrew Nightingale	03448
Lynn Kidder	56425
Taen Scherer	981184115
Mary Traul	66006
Sarah Ragalyi	48076
Robert OBrien	23229
Katheryne Mitchell	40208
Diane Arnal	84790
Charles Smith	33703
ilse Ackerman	22834
Patricia Tyers	44070-2613
Glenda Landis	18964
Sundar Tumuluru	60640
roland burns	04032
Matthew Albert	01201
Robert Hosier	19365

<b>Name</b>	<b>Postcode</b>
Kathy Holmes	02140
Pamela Haines	19143
tess etchison	46016
Jon Sheehan	90201-3501
Michele Barnard	80026
Pat Drake	14625-1215
Dave Hamm	45005-3617
steven taylorroth	12308
Teri Danos	32812
Kate H	30607
Robert Nobrega	33897
DAN JOHNSON	54220-4242
Mary Ann McFarland	22947
Amanda Collins	75204
Susan Lanes	60051
Leslie Smith	78666
Sarah Rowe	37215
Lisa Dollar	94112
Julia Deasley	6112
jeanette compton	06517
JOHN GLOSTER	20032
Marilyn Anderson	94941
carter holliday	24091
christina thoennes	96326
Gregory Stoner	14225-4160
Peter Hanson	49709
Tamara Kelley	64075
Elizabeth Kelly	30720
anthony oliveria	95624
MARK ROLE	33952
Lynn Moore	97206

<b>Name</b>	<b>Postcode</b>
Marie Friquegnon	10009
Louise Rickard	05443
Charles Semler	21782
martha johnston	90807-1443
Jeffery Reynolds	66615
Cindy Hoffer	19530
M Carlisle	21239
Eugene Evans	48072
So Allen	02649
Mary Green	53719
Robert Essman	06906
Elizabeth O'Mara	14111
Caring Soul	50023
AnneN Greenberg	23455
Danny Kiec	60634
Paige May	18612
Leroyce Mead	78729
Wendi Myers	34613
David Bjorkman	01940
Howard Irrgang	01562
Marla Bottesch	04957
Kendra Holt	20902
Demetra Panagiotopoulos	11104
Peter Wagner	32110
Janet Allt	44138-1313
Constance Craig	33042-5508
Patrick Quinn	84101
Heather Banks	22801
James A Clark	80911
Bradford Kenney	02375
Thomas Sleeper	01520
Ann Wright	48197

<b>Name</b>	<b>Postcode</b>
Jill Turco	19146
Joyce Ciotti	15216
Mark Fitzgerald	13210
Darryl Scalf	62959
J. Yao	07302
peter giono	98292
Marjorie Lewis	53704
Bruce Coston	94087
Jim Bowling	43214
Joe S.	11230
Sandy J.	28390
Cynthia DiSanto	34952
Sami Mayhew	48197
Sally Seckman	96326
Patricia Law	92102
Kimberly Ross	97035
S Haussmann	04260
Ralph Collier	46324
Michael Harrison	81418
Beverly Boling	77024
Paul Mareel	48044
Dorothy Anderson	02191
Ann Rennacker	95437
Joanne Sieck	55906
Carol Harder	53022
Susi Modisher	80422
Rhyana Day	17325
Mary Bycroft	97213
Sheryl Opsahl	32904
Donald Quarles IV	12549
Sean Ebersole	08876
Sandra McCarthy	35215



<b>Name</b>	<b>Postcode</b>
George Bentley	55103
David Funsten	28804-1145
Mika Perez	2072
Rose Marie Stroup	760215524
Brenda Parker	85224
Anthony Stamper	33707
William Parker	12037
janet drew	95403
Mike Leach	60410
M. Struble	19146
Daniel Kohn	11225
Annick Richardson	45429
Dorothy Donahey	20190
Nancy Dyer	11101
Helen Yeomans	66212
Micaela Evans	46514
Brian Miller	45373
Tim Porter	32404
Charles Boone	48223
Cheryl Militello	29615
Roger Messenger	33487
Marcia Bailey	34698-1533
Debora Winn	12037
Mitch Monson	75211-5228
Carol White	35769
Steven Serikaku	60660
Ian Bosserman	93442
Sharon Tompkins	28787
Judith Green	20110
Margaret Eells	01701
Edith Alston	10024
Bruce Cratty	44313

<b>Name</b>	<b>Postcode</b>
Lilain Duffy	3058
Michael De Paepe	97062
Glenn Haig	34114
Eli Scarr	40504
Jane Birdsong	26241
william mathews	14618
Owen Broadhurst	01040
Jim Jachimiak	46131-7780
Joseph Polansky	18509
Barbara Wiltz	49968
Charles Cutler	06370
Moreen Glancy	95409
Erin Sandler	03261
Joe Daz	00694
Wendy Friedman	60625
Betty Sabo	89120
frank rodriguez	83843
Michael Whicker	95814
Doug Syme	85614
lois schreur	68104
Keith Ohler	80012
William Edinger	21218
sarah womack	22911
Lawrence Hurth	75075-3342
Thomas Steeg	33703
Nancy Brown	28711
Patricia Thomas	63114-3221
Linda Hollingswoeth	97401
Richard A Perilli	23231
Marilyn Bischoff	72525
Laura Radosta	97219
Susan Lindsay	61012

<b>Name</b>	<b>Postcode</b>
Linnell Fall	21229
Michele Mendelsohn	01098
Jeanine Fair	53578
Jennifer Walters	90302
michele campo	10012
dee voh	90680
Tom Csuhta	68528
Laurie Rubin	95473
Diane George	97124
Lori Jupin	20876
John Courtney	22310
Conrad Melton	92586
Bruce Tillery	89113
James Scoville	54235
Janelle George	80134
Michael McClendon	68025
Roxanne Bohana	11226
Marcia Halligan	54665
Henry Dombrowski	10012
keith soucy	48103
Jack Kinsley	13790
I Kessler	95472
Shawn Hall	70117
Jeff Czach	60195
Phil Hembury	12304
Katherine Curtis	92115
Mary Hunt	07838
Donna Solon	62711
Anthony Vickers	90274
Angela Cole	48133
Tom Hougham	46181

<b>Name</b>	<b>Postcode</b>
Katherine Werner	05673
Hardy Dressler	53110
Pam McMahon	28782
Gilda Pervin	10013
Linda Skorheim	91780-2451
Paul Meyers	07834
Jonathan Crosson	78741
Meghan Kearns	97229
James Tendick	84532
Katherine Lasker	19111
Sheryl Benning	53719
Gene Chatman	35810
Dene Karaus	24121
Victor Castellanos	53719
Paul GhenoIU	12901
Martin Balk	75783
Bill Lange	60201
margaret murphy	53208
Daryl feinfeld	10709
Caroline Carver	10128
julia hathaway	04401
Constance Warner	49721
Deborah Wills	08530
La'neSa'an Moonwalker	87035
Maria Studer	11756
Julie Taylor	98043
John Weber	60608
Christopher Harris	85711
Gabriel Corza	60053
Richard Halpern	94941
Dorothy Wilson	47404

<b>Name</b>	<b>Postcode</b>
John Barnes	73025
Adrianna Sutherland	55433
Brian Krynski	55405
Marilyn Barthelow	95602
Pauline Cunningham	55419
Russell Weisz	95060
Samantha Wilk	98274
Joe Connolly	06111
Anne McCarthy	16503
Darwin Zook	07307
Caroline Klam	22207
Eric Cockrell	48185
Jennifer Quick	17036-0163
Marion Ehrlich	19803
Anita Kiefer	45895
Denise Callahan	01952
Dennis Nelson	89156
Cheryl Militello	29615
DR Gaylord Skip King	97266
Amy Finlay	01002-2909
Jarryd Audette	05489
Carolyn Stone	62707
Margaret Wykes	01545
Dianne Brooks	53574
Lisa Sukut	59047
Marsha Lyon	92116
Barry Oaks	97405
Lynn Umlauf	10012
M T	53172
Beverly Haga	85207
Jess Switalska	13159

<b>Name</b>	<b>Postcode</b>
Sharon Head	63020
Andrew R	98115
Helene Rosen	18974
Timothy Foster	03842
A.L. Steiner	12418
Jack Stansfield	98292
Penelope Andrews	04401
David Borders	85248
Kevin Drever	60642
Walter Ruehle	14609
Mia Roozen	98237
Patrick Henry	95560
Venedel Herbito	90042
Patricia Sahr	12062
Sally Sherbina	85614
Sally Young	10003
Kelly Vigario	98502
Paul OBrien	23116
Dana Cramblett	84737
Becca Greenstein	60660
Arthur Rodin	95409
Thomas Blazier	33917-2567
Mary Ellen MacPherson	15228
Stephen Holler	77040
Laurie ROUSH	27837
Susanna Askins	97230
Alice Alford	92226
Vicki Fox	12508
p Marks	11209
Bernie Zelazny	79831
Kate Sherwood	11561

<b>Name</b>	<b>Postcode</b>
Nicholas Maddaloni	17003
Joyce Colony	22901-9219
Christine Schnebly	83333
Kathleen McHendry	01007
Susan Rines	95005
Irene Best	14485
SC Garlichs	98277
David Copper	24401
Daniel Lutzker	10023-7018
Spyros Koliavasilis	20879
Jane Hensley	76574
Sharon Skufca	75075-7501
James Smith	27030
babette bruton	33707
john stanton	14502
Kathleen Tenney	45311
James Plagmann	80304-3255
Joel Trupin	05658
John Lucas	93402
Lee Barile	07047
Sam Godfrey	10901
Grace Silva	91605
Maria Baum	60634
Tami Linder	87144
John Moreau	94577
Marlene Faucher	03237
Cesar del Peral	90066
Merle Roney	78041
John Kunkle	89108
Kathryn Little	44110

<b>Name</b>	<b>Postcode</b>
carl tegethoff	97380-2029
j yudell	90409
Richard Tucker	33029
william haegele	19154
Kym Waugh	80203
Ernst Hintz	63501
Stephan Foley	93023-3607
Kallen Kutz	55337
MARCUS PAYNE	60472
Anne Kolesar	15120
Emily Stewart	12054
AIMEE MILLENSIFER	80231
Rhonda Johnson	23009
Gordon Scott	32008
Robert Cavaliero	06905-2007
Tanya Rable- Collins	43214
Laurie Fraker	92243
Ann Zeleny	21713
Sonia Hernandez	33771
Dagmara Kalnins	60634
Julia Gillett	81301
Diane Harrington	94930
Mike Nelson	97527
Ann R	65401
John DeMeritt	76205
Tony Segura	89101
Barbara Gautier	10009
Cornelia Teed	98225
Bonnie Ginader	16506
Lydia Hosek	60154
janet forman	10011



<b>Name</b>	<b>Postcode</b>
Daniel Goldberg	95060
Bill Williams	81323
mary more	19031
E E Rivas	20854
Nancy Willis	66749-1925
Craig Cook	95401
Corwin Watts	68528
Laura Harper	80206
M T	92507
Nina Gallardo	92324
Judith Greenleaf	95456
Scott Mills	55731
Loren Stell	78734
R Free	20124
Alicia Orr	34654
Janet Finesilver	19076
brandi pinkerton	97019
Jacqueline Belisle	01518
Karen and Kurt Weidner	30529
LC Linder	29171-2168
Ed Rivera	NE2 1RF
Gene Binder	10471
Dan Sherman	19512
Michael Crowden	64701-7400
George Sasu	95051
Vicki Gallegos	93534
Alexander Adams	03102
david collins	38855
Anne Franklin	55431
Lynda Kolesar	15146
Jennifer Denetz	54915
Hal Craddock	23233-1793

<b>Name</b>	<b>Postcode</b>
Cori Bishop	08215
Terran Steinberg	98104
Michael Sarabia	95207
Susan Castelli-Hill	11747
William Edelman	19116
Anna Driskill	64068
Adelino Carreira	06119
Elise Kennedy	19382
Laurel Donnelly	01532
Deborah Dexter-Mendez	93726
Michael Goldberg	98640
Elizabeth J	33134
Bryan Kurowski	37067
Mary Sue Baker	34241
L. Wright	49204
Vince Mendieta	78715
G D Abbott	98506
Mitchell Grubler	10002
MSG USA Terry Hansen	98584
marybeth rose	44709
Kaoime Malloy	54235
Lara Miller	37923
Gary Dismukes	92131
Denise Whitney	16505
Dale Le Fevre	54114
Diane Hillmann	14854
Cheryl Fulton-Sears	14131
Jacquelyn Davis	85022
HELENE ADAMS	85024
Pauline Mountain	35801
Janet Rauscher	08618

<b>Name</b>	<b>Postcode</b>
tom carver	08736
Dale Sorensen	94937
Jeff Cannon	32917
ani grosser	01240
Thomas Cope	44256
Meg Gleason	53092
Charles Atherton	87106
j sage	13081
Marcus Carpenter	70820
karen ullman	03226
Cynthia Morrell	01075
Rachel Goulde	53045
Craig Stallone	11367
Elliot Chase	80220
Mary Mitchell	98146
James Hadcroft	02540
Alicia Winterle	77504
theodora tsongas	97215
Joseph Crowley	36107-1648
Michael Cherry	06333
Loretta Kilby	19151
Susanne Taub	10314
Grace Henning	15235
Janice Wong	95946
Mr. Rocky Mitchell Jr.	54656
Regina Hill	95338
Richard Van Aken	18966-1740
Mary Dosch	60119
Sharon Powell	55113
Karen Krongold	94618
steve olson	56531
Patricia Sammann	61801

<b>Name</b>	<b>Postcode</b>
Jo Niemann	63125-2835
Ruth Sheets	19015
Sarah Striffler	14850
Lisa Green	32812
christine smith	11932
Bill Loeffler	07076
CATHLEEN OLSEN	29466
Joshua Pessar	70118
Vic Bersok	33173
Jason Vick	30030
Keith Blaylock	59901-8237
Norma Salinas Salinas	75232
Gaerin Warman- Szvoboda	60641
Carolyn Hinds	95628
Emily Manning- Mingle	02135
Andrew Pudzianowski	19067-4740
Willie Carr, Jr.	06606
Ann Marie Sardineer	15085
Mel Templet	75076
David MacLean	22152-2801
Terry Glover	337562077
Sherry Stischok	43228
David Burtis	94515
Elisabeth Contadino	45224
Sheryl Post	21218
Desiree Olguin	85086
Tania Leady	32904
Rebecca Slisher	43125-1133
Tobias Boyd	97213

<b>Name</b>	<b>Postcode</b>
clark crowe	48206
Frank I	10954
Gregory Coyle	94114
Eugene V Torisky Jr	15650
Dorothea Vecchiotti	03458
HK Khalsa	02054
Patience Robbins	20770
Valerie Snyder	97116-1025
Marie Weis	98333
Bob Henderson	30165
Steve Breyman	20851
Shane McAndrew	19076
Natalie Ranker	97459
Janann Hossaini	23060
Abigail Gindele	03801
Mark Frey	98597
Karen Snowball	20169-6171
Lynne Teplin	10708
Michael Escoe	94541
Michael Malloy	94114
Michael Gilmartin	04605
Tricia Nakoma	87507
Pat Benabe	66044
Lisa McCallister	95060
Diana Saxon	97301
Mika Stonehawk	92782
Youssef G	22303
angela wilson	24175
howard balogh	22508
Lawrence Lujan	90660-4028
patricia culbertson	22902

<b>Name</b>	<b>Postcode</b>
Bradford Smith	05656
Thomas Littelmann	53216
Alfred Dorn	12170
Scott Washburn	98199
Ben Ruwe	95018
John Hudock	26062
Diana Stafford	46040
Gabino Alvarez	10026
Nancy Haseltine	80526
kristyn Arrighi	20008
Victoria Estes	28704
Anne St John-Kodish	44646
Toni Franklin	98250
Chris Hornbacker	62704
Linda Indyke	21030
Eric Yao	30078
Richard Crombie	87501
Dan Englund	55069
Patrick Roohan	55021
Megan Warren	61701
Pat Dugan	54166
Elizabeth Smith	47362
Nick Berezansky	07450
David Christman	30605
Brenda Hanson	50317-7842
Polly Lazon	22947
Nora Junod	45236
Carla Cicchi	95667-4823
Barbara Warner	40033
Sharon Wright	16505
Jerome Roth	85281

<b>Name</b>	<b>Postcode</b>
glenn majeski	94080
Sharon Moreno	95820
Worth Crouch	95602
Susan Himes-Powers	94122
Suzanne Ryon	80437
Bruce Gardner	78259
Vince Mendieta	78715
Maureen McDonald	53212
Paul Johnson	94117-2682
Aileen McEvoy	14892
William Bailey	93626
Melanie Baldi	76651
Peter and Susan Risser	98250
Rhianna Williams	80501
M Wegrzyn	60411
Bonnie Miskolczy	01741
Leuise Crumble	60624
Jill Madsen	80918
Lilavati Sharma	916044165
Tracey DeGregory	22947
Jon Drucker	19119
Maggie Topalian	44024
Michael Badar	80027
Helen Coats	62691
Mick Robinson	93455
Elizabeth Farkas	85716
Jack Gillespie	76013
Nina Mclellan	44120
Kathleen Pond	22903
John Finocchiaro	32951
Kellie Evilsizer	78759

<b>Name</b>	<b>Postcode</b>
Whittney Spivey	20110
H. Rosenberg	30342
Gleanne Wray	83843
Jean Thompson	04043
Mickie Lynn	12054
Debbie Rowe	23227
Doug Seidman	10003
Raechel Chabot-Weingart	06268
Anthony Barron	78633
Linda Swanson	20187-9180
Dr. Carol Bullard-Bates	20901
Cindy Coulombe	03588
Nancy Dubuc	91104-2244
Willard Bass	27103
roberta hoffman	14065
Rick Huyett	95033
Kari Lorraine Scott	92116
Soraya E	94598
Jessica Powers	91739-1815
Robert Shearer	49056
Javier Del Valle	90640
Brian Gurney	95139
Becky Wharton	78602
Anthony Buda	02128
Iris Meltzer	44240
Susan Wilson	24701
Douglas Frye	11216
Betty Lawler	95051
Ann Pelzer	44136
Anna Goble	78006
Lynn Costa	02889



<b>Name</b>	<b>Postcode</b>
Melissa Mandel	94606
Stacia Haley	98108
Jonathan Knowles	10028-2070
Andrew Mittelman	95065
Illana Naylor	20110-6135
Deborah Lee	60740
Frances Raab	18951
Carol Saulsbury	89447
Eugene Feliciano	11230
Jared Leavitt	BN3 6UT
Vince Bjork	51449
Billie Lyon	43201
L.Beth Stone	40370
Toren Hudson	95124
Debra Wilson	20751
James Tucker	35405
Gabriel Stanley	60471
jack poeschl	76266
Kate Goetz	60645
Lindsay Kruse	33040
Dr. Missy Howse- Kurtz	49065
Bahia Harari- Canton	07631
Gabriela Almeida- Altamirano	07060
Daniel Adams	24088
Kay Ferguson	22901
Iris & Patty Yermak	198093258
Jeff Schreiber	07450
Patrick Annabel	99362
cornelia enders	94109
Tara Mae	11790

<b>Name</b>	<b>Postcode</b>
William Annable	03255
Natalie Clark	92117
Nancy Mendoza	97875
Len Clark	02818
Kim D	65202
Fernando Huerta	75043
paul winstanley	94121
Brian Miller	93550
Dave Crawford	55110
Kirsty Goldberg	20190
Evan Duffley	45405
Louis Armmand	92507
Lee Johnson	87701
Mikhail Dieguez	96708
Shirlene Harris	78249
Angela Weddle	78207
Denise Deck	17972
John Kellermeyer	43227
Ashley Barnes	80026
Tom Quinn	20015
Barry Zajac	75024
Leslie Smith-Trubetzkoy	84102
Echo Echerd	46168
Robert Glover	93726-2313
Douglas Kacir	97206
E Hamingson	94937
James Bateman	33328
Michael Savino	27572
sha davies	96001
dale rood	84720
Natalie Stickel	23220
Sibrina Russell	37015

<b>Name</b>	<b>Postcode</b>
Theresa Thornburg	32569
Carolyn Griffith	19806
Phillip Wochner	44122
Anne Loyer	01921
Shelby Workman	87112
Nancy Roslyn Rappaport	20903-1616
Emilie Johnson	47403
Natasha Borowiak	27107
Kristal Baugh	39403
Carol Johnson	60091
Aimee Polekoff	19446-1525
David Dockstader	40059
Lauren Fenenbock	79902
Judith Castiano	85345-8838
Joel Spiegelman	11226
Julie Kramer	94114
Susan Cox	10021
Olivia Lim	94539
Tom Boughan	37318
Dionna Bittle	19122
Timothy Hipsley	95050
Judith and Daniel Dickinson	48808
Kathleen Vadnais	01020
Naomi Lidicker	94707
William April	05677
Tiernan Flaherty	32926
Jeanne Esposito	01002
D F	91324
Gail Allison	95823
Nick Barcott	98087

<b>Name</b>	<b>Postcode</b>
Linda Golley	98032
DANIEL PHILLIPS	97741-9428
Marie Romano	11901
Jim Simonis	60613
Anthony Jammal	95661
Deborah Wolf	98126
Johanna Rohde	54968
jasmine humes	90018
Kathleen Flanigan	75240
Margaret Parks	53704-7052
Cigy Cyriac	84020
Cornelia Hall	80218
Helena Kashleva	33957
David Montuori	20170
Marrakech Arbuckle	15204
John Lodin	95460
Henry Schwarz	20007
Abbie Bernstein	90069
John Hawksley	97520
Bruce Smith	97386
Amanda Gilb	40342
C G	92122
Robert Diggs	59718
du ng	95123
Khalid Siddiqui	14063
Laurence Buckingham	60068
Harout Meguerditchian	33139
Ronald Stoch	60707
Merle Ratner	10009
timothy parker	91311
Terri Devlin	05656

<b>Name</b>	<b>Postcode</b>
Mary Hanson	98105-3018
Beth Flynn	80211
Serstin NeelyDickey	78652
Duncan Brown	85710
Jason Fish	95628
Pamela Forness- Gordon	22015
Gregory Wright	40211
Anita Das	98125
Jeff Kinsey	86001
Al Soler	33441
Eric Whitman	08876
Sara Lerner	08822
Rachel Rade	43130
mary camardo	60046
Joleen Siebert	93654
Kimberly Williams	60482
Jay Levine	12572
Carter Witt	37210
Will Sage	75034
Jessica Pate	44312
Michelle Henkin	04554
Julie Robertson	62069
Susan Faust	19018
Parmelee Thatcher	32169
Elizabeth Choate	04267
Byron Boldrini	66762
Elizabeth D.	07950
e gotjen	21287
Leslie Poole	04841
Shannon Bishop	77095
Patti Shealy	12508

<b>Name</b>	<b>Postcode</b>
Roger Green	04267
Esteban E	33139
Tamar McCollum	37601
Lisa Fine	12308
Kathrin Dodds	78573
D C	29414
Anja Jones	21207
Atticus Marker	73107
Dana Timms	92102-1222
Andrea Doukas	02446
joe madero	08759
Marj Waite	06118
Craig Tyron	90065
Patty Pape	60606
Lttl Mj	60004
Katharine Molnar	06098
Lauretta Finiguerra	70113
Charles Hendzel	15136
Terry Angelli	02148
Charles Daugherty	47304
Heather Waugh	20171
h Walker	24401
M Stanley	28401
Lucy Duff	20706
Jill Martin	95240
Rachel Bumala	20151
Erika S	26241
karen krause	12205
MICHAEL SHELL	28637
Amber Day	02909
gina Breedlove	30072

<b>Name</b>	<b>Postcode</b>
Diane Faircloth	19953
Susan Sebanc	90292
Robin Martin	32308
Barry Nelson	33186
M Freiberg	19072
Francine Nardone	07005
Angie Mackey	80127
Elizabeth Erwin	76118
Diana Edwards	88061
Jim Santulli	53711
John Schneider	80222
Joy Leet	14561
Silvis Hall	33431
Louis Smith	29464
Ruth Bloom	07960
DENISE HAWKINS	48323
Joyce Starks	27410
Douglas Davis	10012
Sharon Kusmirek	53218
Carol Creech	76180
Arlene Hickory	60044
Dana J	21204
James Eitel	94611
Diane Bubnitz	56303
allie palmer	92672
Amy Moon	82070
Sharon Hunter-Smith	60615
Jeanne Schuster	91791
Mitchell Osborn	50309
Ann Moradian	80526
Tara Cimini	02909
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joan macdonald	80470
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Lina Aglialoro	97019
Bryan Gerard	78239-2865
Christopher Weston	11233
Anne Cheng	06902
Dana Jeffery	05462
Ronald Fowler	49740
Catherine Wright	100283060
Gary Stuard	05404
Meg Collins	53704
Wilma Caffentzis	18938
Mark Lotito	11530
Elizabeth Johnson	94706
Sarah kavage	98112
Valerie Peer	8010
Gilbert Van Wyck	07882
Elizabeth Lyle	28743
Ron Olson	89141-4275
lauren Ornelas	94928
Richard Henry	95212
Mitchell Ehrlich	27516
KAREN McGUINNESS	07730
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Smitha Kizhake	68022
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Maureen Hawley	80011



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Jeremy Meyer	93036
Donald Taylor	95628-6411
Michael Hair	95691
Margaret Reiter	18353
Thomas Bark	37221
Joanna Testa	04103
Nancy Carnan	23238
D R	13760
Marcus Straub	81507
Artelia Lyn Ellis Ellis	03230
James Farris	89156
Gordon Rawlings	19027
Kenneth Waddington	63645
Benjamin Wimmer	60615
Donna Reynolds	76201
Henry Platsky	10009
David Simpkin	03076
Phyllis Arist	60202-1719
ralph corbo	05742
Siamak Fooladi	97405
Jay Falconer	90806
Justin Grover	84123-4254
Dianne Ensign	97219
jeff deischer	80011
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Jane Randall	21620
Chrisanthos Vlasiadis	11705
Sue Ellen Lupien	72113
Cassie Kamradt	48532
Jessica Westra	49503
joel lorimer	87108
gilberto prats	60625
Heather Beaird	98532
thomas whitaker	49718
Del Scharffenberg	97222
Beth Mulsoff	60526
Paul Koehler	94611
Nicole Cua	07452
Daniel Lord	30062
Barbara Gelman	60012
Jeffrey Hemenez	94583
Rachel Bednarczuk	53704
Lizabeth Rachele	12065-7444
Aram Haroutiounian	92629
Darren Mitton	30088
Tracy Merrifield	95531
Rachel Gilbert	94040
Stephen Smith	11105
John Lahr	17565
Paul Judy	91602
Carolyn Nixon	53202

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Maria Mahealani Pontius	96766
Nancy Lizza	90046
Karrin Herring	15001
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Anna Smith	20853
Carlos Contreras	33875
S Whiteside	24141
L. S. King	94555
cheryl erb	97301
Elaine page Page	22911
brittany olis	60647
Jennifer Rials	55378
Carla Compton	95667
Jessica Denis	32801
Kristin Frank	46394
Rachel Scott	53190
Glenn Mooney	02896
Anne Rosati	04103
Jeff Horejsi	55355-2223
Heather Ervin	60660
cheryl kozanitas	94403
Heath Hancock	52804
Tina Brenza	93117
Claire M. Cohen	15206
Graham Barnes	66604-3149
Kathy Elsibay	10302
David Collins	40207
Matt Brown	19720
Tom Strawman	98221

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Frank DiCristofano	60618-2610
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Sheila Mandell	33301
Meghan McCutcheon	98672
Gloria Kegeles	01379
Karen Procter	99517
Querido Galdo	32162
Benjamin Merrill	81601-4238
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marilyn gockowski	55811
Veronica DeLuze	24551
Cindi Darling	94930
Barbara Andes	24014
Fayette Krause	98368
Rick Rodriguez	80305
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Christine Powell	20882
Adelia Horner	97222
Melinda Burge	2580
singgih tan	95123
Brian Waak	60505
Indra Mungal	94609-2619
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B. Conelley	21701
Adair Matthews	28277
Linda Novenski	10018
Nadejda Sarafidova	1612
Judy Guggenheim	04652
E Binstead	19072
Meredith Mohr	21921
Louis Russ	35216
Susan Campbell	32162
Paula Lemay	60048
Shelley Williams	13760
J Rouff	63038
Tony Cho Dwyer	21043
Gary Foster	95403
Dwight Hughes	44054-1310
Nancy McIntosh	32669
Susan Harris	81024
Betty DuSaint	97404
Reba Reiser	84121-1015
Jean Farrell	05143
Jose Caraballo	11415
Millard Boone	23836
Mary Stewart	22932
Jonah Nickolds	94965
Donna Goodlaxson	55114
Peg Whelley	01821
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Marjorie Cogan	98115
Kaye Kory	22044
Christa Vander Horst	L8W 3K3
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Carol Davis	10012
Yvonne Johnson	43080
Joseph Good	48371
Jessica Adams	99109
Trevor Malakowsky	99109
Rebecca Petter	99220
Tim Adams	99114
Clay Cook-Mowery	99216
Ethel Adams	98284
TJ Jewett	99418
Amy Davis	99114
Jen Rund	94947
Willoe Traver	55414
Daniel Bieker	22959
Kay Moore	83843
Spencer Hoffman	91764
Liz Winterhawk	96067
Emily Lawson	22902-5506
patricia perkins	95835
Robert Sandgrund	14209

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Sierra Sanchez	98125
Gerald Paone	91311
Duncan Fowler	11563
Barbara Darnell	29379
Sandra McFeeley	28117
Barry LeBeau	02893
J. J. Citizen	93001
Sherrill Futrell	95618-5421
David Schlessinger	88201
Georgianna Reid	22903
Stephen Schoggen	07739-1737
bernardo alayza mujica	51111
Susan Aha	97213
Eleanor Smithwick	30307-1315
Ken Ashworth	27703
Micaela Pronio	94609
Tammy Swoboda	46220
Cheryl Graham	12585
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Del Ehresman	43606
Mary Hamlett	95812
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Cecilia Ball	90266-6506

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Brandy Horne	80922
Mary Rainey	24401
Suhail Shafi	17050
Valerie Longo	91010
Paul Fogarty	95110
John Jellema	48197
Hilary Moore	22841
Frederick Van Doominck	77802
Samuel Walker	22903
Lisa Pereira	06614
George Ludwig	92084
Rhett Micheletti	77573
Linda Jones	43211
Elizabeth Irving	01351
Katherine Stoessel	12037
Jeffrey Gaskins	20901
Aaron Brinkerhoff	94947
Ryan Schrader	90706
Francisco Velez	10708
Alain Garceau	34203
Robon Vanek	44119
Kai Nichols	80401
James Reigle	90029
Richard Vanella	95037
Ella Forbes	97230
T Hamboyan Harrison	21638
Christie Vaughn	85716
Ed Heys	53406
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grace murakami	98027
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Connie Orcutt	02446
Garrick Updyke	49721
Anna Ramis	21045
Lorna Adley	80304
Carina Zevely	97229
daniel jensen	55337
Sherry Hensley Kidd	77577
Alana Walker	87507
Crystal Caviel	78723
Earl Floyd	23501
Jennifer Timmons	21853
Janet Hermann Dougherty	19382
Susan Fairweather	PL25 3EN
Malaika Boyd	78660
Linda Heath	44044
Dona LaSchiava	85614
Bruce Burns	95060
Todd Southworth	50702
linda Freeman	02119
Christopher Ferrio	06615
M Woolley	28801
Madison Native	53545
Lawrence Walters	21146
Toni Hurst	74135
revital arieli	87501

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Michael Ferris	90808
Diana King	94903
Kathleen Wheeler	99006
Jennifer Wyatt	98177-5145
Derek Lumpkin	90057
Katherine Boas	17603
Jammie Hale	24136
Conleth M. C. Crotser MD	44074-1820
Hendrik Tans	01951
Renate Pealer	45011
Lylle Neher	50638
Michael And Barbara Hill	98355
Eric Lambart	97217
Susan Marah	48038
Robert Strong	95648
STACIE CHARLEBOIS	95472
Mark Harris	19044
Dee Stover	27262
Jeanette McCloud	22963
Annika Black	04210
Jason Miller	22201-2368
Nigel Berridge	37076
Ryan Chaglasian	60015
Claudia Schufman	55126
brady hurley	81612
Diane Bloom	22901
Joe Crompton	92703
Craig Bailey	02118
Jay Sabato	08244
Ed Atkins	95006

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Jamie Maurer	45806
David Starke	98684
Gary Thaler	02151
John Ballo	60106
Valerie Acosta	34442
John Velner	49221-2414
Kayleigh Somers	98133
Penelope Johansen	98563
Judy Yamahiro	94044
Jen Reese	65807
Margaret Craddock	94702
Joseph Wasserman	06117-2454
Jesse Timmons	22902
Neal Halvorson- Taylor	22903
Eileen Kelly	22963
Halle L Pierce	06514
Kathleen Serrano	19083
Kimber Kaushik	77584
Kate Kirkhuff	94709
Evan Hartman	19123
Thomas O'Bier	32244
J. Jeff Steele	22554-3779
Joseph Wenzel	55042
Ana E	94598
Jean Dodier	97211
Diane Adkin	98607
Jeanette Schandelmeier	83860
Jeddie Sophronius	13260
Barbara Johnston	66006
Beverly McIlwain	28630

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Sue Stoeckel	98201
Gary Cook	45217
Norma Itule	85711
Eileen Akers	22911
Diana Marchibroda	22943
S STOVEKEN	90802
Devin McMahon	95503
Grace Tuttle	22911
Samantha Turetsky	32176
Kathryn Willard	27953
Krisztina Szabo	525400
Zumi Vance	90038
Marcus Evans	21012
jona morrison	78374
Susan Perez	94590
Frances Schutz	22974
Andrea Overweg	22963
Ashley Wade	22903
Talitha Daddona	22520
Alexander Durnan	19805
lisa Vasta	11228
Genevieve Miller	22180
Deborah Libby	17005
LynnMeta Williams	23888
Carol Voeller	97301
Shelley Hensley	28704
Lauren Mitchell	15143
mark novotny	60525
Amy Finnegan	20814
Hazel Winter	88061

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Debby Vajda	97333-1986
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Sofia Okolowicz	92592
Fred Morrison	94544
Paul Grohman	10710
Carla Hervert	97404
Daniel Gallo	11207
Mariama E	20012
Cynthia Cascante	97213-4853
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Maudie Valero	33134
Ron VanNorstrand	13224
Judith Pickard	92027
Liz Dyer	22307-6604
Frederick Trost	53083
Harmony Kieding	95003
Carolyn Summers	12754
Keane Southard	14607
Mary L.	25323
jackie demarais	75791
Angela Mastaloudis	84117
Elisabeth Price	87102
Jacqueline Florczak	53045
Steven Vogel	22046
Katherine Schock	82901
Lisa Ragsdale	55405
Elizabeth Neuse	06517
Sam Viavant	V6R2Y7
T Grabowski	93465
Howard Winant	93101
Ellen Jamieson	07605

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Ireo Bono	17100ITALI
gregory rivera	34224
Douglas Olson	22902
Therese Patton	87710
Clara Guerrero	60641
Aurora Grabill	01701
Heidi Handsaker	59102
Beth Di Bartolomeo	60431
Fawn McConnell	97218-3397
Gaye Wallace	19144
Deborah Bancroft	98570
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Thomas Maurer	11385-7130
Kevin Weibezahl	92107
Elizabeth Ketz- Robinson	22308
Gina Maria Picone	30305
Grace Ukoha	65202
amanda rewinkel	32952
Judy Adams	94025
Sarah Skrainka	61201
Kathleen Leitch	22193-3428
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Denny Carlson	60625
Charlotte Allen	27520
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Nancy McCormick	93710
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Lynne Wittenberg	95060

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Edward Flanagan	19602
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Shirley Halladay	22902-5761
Lorenza Amico	22902
Zanne Macdonald	22902
Mary Cush	23958
Nicole Dick	11577
Julie Webster	06905
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Christopher Weimann	90020
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Laurie Rogers	22942
Beth Kuzminski	22904

Appendix V:  
**STATEMENTS FROM  
GOVERNMENT OFFICES**





# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

Matthew Strickler  
*Secretary of Natural Resources*

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan  
*Director*

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May 7, 2020

Mr. Steven VanderPloeg  
U.S. Army Corps of Engineers  
Richmond Field Office  
9100 Arboretum Parkway, Suite 235  
Richmond, Virginia 23236

RE: *James River Water Supply Project, Supplemental Information Package NAO-2014-00708*  
DHR File No. 2015-0984

Dear Mr. VanderPloeg:

The Department of Historic Resources (DHR) has received from the U.S. Army Corps of Engineers (Corps) the document referenced above prepared by Timmons Group for the James River Water Authority in support of the James River Water Supply Project. This information was prepared in response to the Corps' decision to require an individual permit and supplements the information provided in the Joint Permit Application (JPA) and subsequent consultation.

This supplemental information presents the purpose and need of the project as well as a set of project alternatives and their respective potential environmental impacts. The alternatives analysis considers numerous factors for which DHR does not have the expertise to evaluate including: constructability (construction access and space, railroad track crossing, land acquisition, presence of rock, heavy equipment access, etc.), site suitability (water quality, river bottom depth, power supply access, proximity of residential dwellings), and overall cost. We do, however, maintain the expertise to provide comment on the general conclusions of the analysis in regards to potential impacts to historic properties.

The six (6) alternative pump station locations presented in the supplemental information package are all located in the floodplain along the James River within 10 miles of the preferred alternative (Alternative 6). The analysis also considers several different routes for the water transmission

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lines from the various pump station alternatives. The consideration of impacts to historic properties consists of mainly a desktop review of previously recorded sites and properties in both the proposed intake/pump station areas and the water line corridors. The data analyzed include: (1) acreage within the limits of disturbance (LOD); (2) previous survey within the LOD; (3) archaeological potential within the LOD; (4) number and NRHP eligibility of identified archaeological sites within the LOD; and (5) number and NRHP eligibility of recorded architectural resources within the LOD and in the viewshed of the project.

Based on their general topographic setting, we agree that each alternative is likely to impact significant archaeological resources. The analysis, however, does not fully consider the relative significance of the archaeological resources identified at the preferred alternative in comparison to the anticipated resources at the other alternatives. It is critical to the analysis to acknowledge and understand the cultural significance of Rassawek to the Monacan Indian Nation. Arguments dismissing its significance because Rassawek may not meet the Corps' criteria regarding "Indian Lands," "Protected Tribal Resources," or "Sacred Sites" are misleading. The importance of the historical capitol of Rassawek to tribal identity lies not only in the material remains of the town and the graves of those who lived there, but also to the sacred place known today as Point of Forks. Quantitative analysis of the number of sites and acreage that may be impacted by the project fails to wholly grasp this significance.

Regarding the potential effects of specific alternatives on historic properties, it is safe to say that the likely impacts of Alternative 6 are the best understood. Previous archaeological investigations at the location of this alternative resulted in the identification of deeply buried and complex cultural remains on both the James River and Rivanna River floodplains. Human burials are known to exist along this stretch of the James River floodplain. The impacts of this alternative to sites associated with Rassawek would be extensive and irreversible. It is worth noting that the alternatives analysis only considers the expense of Phase I survey; however, the cost of archaeological mitigation for this option would be extremely high.

None of the other pump station alternatives has been systematically surveyed so statements regarding potential impacts to archaeological resources draw heavily on previous research of site distribution patterns. It would be valuable to have input from the Monacan Indian Nation on the potential for archaeological sites and the cultural significance of areas within other alternatives. Some level of additional archaeological survey at alternative pump station locations would allow for a more valid comparison of potential impacts. We would like to point out that a majority of the alternatives located upstream of Point of Forks involve a crossing of the Rivanna River at the same location as the preferred alternative. This crossing will impact sites 44FV0024 and 44FV0268, which contain intact cultural deposits and features consistent with human burials. We recommend avoiding this area, if possible.

We appreciate the initial effort to identify and evaluate project alternatives. This analysis should serve as a guide to more thoroughly and determinedly consider a limited set of additional options. Continued consultation with the Monacan Indian Nation is critical and will allow the Corps to

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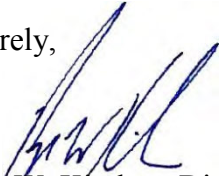
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better understand their concerns, evaluate this alternatives analysis, and make decisions that protect the public interest. As stated in previous communications, DHR strongly recommends against pursuing the preferred alternative due to the archaeological and cultural impacts to Rassawek.

Please do not hesitate to contact me if you have any questions regarding these comments or our review of this project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Kirchen', is positioned above the printed name.

Roger W. Kirchen, Director  
Review and Compliance Division

c. Consulting Parties Distribution List

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# COMMONWEALTH of VIRGINIA

## Department of Historic Resources

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September 6, 2019

Mr. Eric Dahl, Fluvanna County Administrator  
James River Water Authority  
132 Main Street  
Palmyra, VA 22963

RE: Permit Application for Archaeological Excavation of Human Remains  
Point of Fork, Fluvanna County  
DHR File No. 2015-0984

Dear Mr. Dahl:

This is to advise the James River Water Authority (JRWA) that the Department of Historic Resources (Department) will not be able to issue a permit under the existing application that is in process for the following reasons:

1. It has come to the attention of the Department that the archaeological consultant associated with this project does not meet the requirements established by the Secretary of the Interior and promulgated through 36 CFR 61 as the Professional Qualifications Standards for Archaeology, which are the minimum requirements that must be met under the Virginia Administrative Code (see 17VAC5-20-40). The project must be designed and supervised by a person or persons who meet these qualification standards. We have sent a separate letter to the consultant, a copy of which is enclosed.
2. The failure of the archaeological consultant to meet the above requirements renders the information previously provided regarding the scope of the permit application and associated plans unreliable. The existing research design and data recovery plan must be reviewed and revised by a qualified archaeological consultant to meet both the Department's standards and the approval of the Monacan Indian Nation (Monacan), who are directly affected by this project. We understand that this information was omitted from the original application in deference to the Monacan, but we will not proceed in its absence.
3. JWRA has not obtained landowner permission for access to those portions of the project area not with the legal ownership of JWRA. Although we appreciate and acknowledge the presence of

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utility easements in favor of JRWA across these properties, the Virginia Administrative Code (see 17VAC5-20-40(A)(3)) specifically requires the permission of the owners.

If you wish, you may resubmit a revised permit application that complies with these requirements.

The existing application also requested a waiver of the public notice requirement, which the Department will not be able to accommodate. The Monacan have specifically requested that notification take place, and we encourage you to proceed in accordance with the Virginia Administrative Code (see 17VAC5-20-50). We will be happy to assist you in developing a notice for publication as required, to assist in finding acceptable locations for physical posting, and to manage any resulting public comment. We further recommend that you plan for a public meeting to allow interested parties to attend and comment directly. We will be happy to assist with this process as well.

We understand that you wish to move forward with permitting as expeditiously as possible, and we hope that you also understand our great caution given the importance of this land area to Virginia's federally-recognized tribes as this area contains multiple archaeological sites likely associated with Rassawek, the ancestral capital of the Monacan. Please do not hesitate to contact me with any questions, thoughts, or concerns about this process

Sincerely,



Julie V. Langan  
Director

c: Carol Tyrer, Circa~  
Joe Hines, Timmons



**A. DONALD MCEACHIN**

4TH DISTRICT, VIRGINIA

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**COMMITTEE ON ENERGY AND  
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ENVIRONMENT AND CLIMATE CHANGE  
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**COMMITTEE ON NATURAL RESOURCES**

ENERGY AND MINERAL RESOURCES  
SUBCOMMITTEE  
OVERSIGHT AND INVESTIGATIONS  
SUBCOMMITTEE

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.

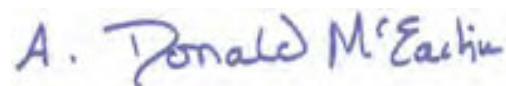
In addition to destroying the Monacan Indian Nation's sacred capital, the project also risks disturbing the graves of those interred at Rassawek. Archaeological testing has revealed a rich record of human occupation and a very high likelihood of burials at Rassawek, directly in the path of this project. 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.<sup>1</sup> 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

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<sup>1</sup> 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.



**CITY OF RICHMOND**

**DEPARTMENT OF PUBLIC UTILITIES**  
Office of the Director

June 5, 2020

*VIA EMAIL* [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil)

Steven VanderPloeg  
Norfolk District, Corps of Engineers  
9100 Arboretum Parkway, Suite 235  
Richmond, VA 23236

**RE: James River Water Authority Proposed Water Supply Project (NAO-2014-00708)**

Dear Mr. VanderPloeg:

The City of Richmond (the "City") appreciates this opportunity to comment on the James River Water Authority's (JRWA) proposed water supply project to serve Fluvanna and Louisa Counties (NAO-2014-00708) (the "Proposed Project").<sup>1</sup> The City is concerned about the Proposed Project's likely significant impacts and encourages the U.S. Army Corps of Engineers to prepare an Environmental Impact Statement to address the City's concerns.

The City is roughly 50 miles downstream the James River from the Proposed Project's intake near the mouth of the Rivanna River at Columbia, Virginia.<sup>2</sup> The City straddles the Falls of the James where the tidal and non-tidal stretches meet. The City's water utility relies on the James River as the sole water source for the Richmond Water Treatment Plant. The Richmond Water Treatment Plant treats an average of 55 Million Gallons per Day (MGD) from November thru May and 75 MGD from June thru October to serve the City's 62,000 water customer connections and to provide water directly through wholesale contracts to Henrico, Chesterfield, and Hanover Counties and indirectly to Goochland and Powhatan Counties. In total the City's water utility serves over 500,000 individual water users regionally. Additionally, the City uses the James River to maintain the flows of the Kanawha West, Haxall, East, City Docks and Manchester Canals. The City's water rights can be traced back over 200 years ago, and the City began asserting those rights, and other concerns, in relation to the Proposed Project as early as 2015.<sup>3</sup>

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<sup>1</sup> The Proposed Project is described in JRWA's "James River Water Supply Project Supplemental Information Package NAO-2014-0070" with appendices which was submitted to you March 18, 2020 and is available at <https://www.nao.usace.army.mil/Missions/Regulatory/JRWAPermit/> in PDF format (collectively, "SIP").

<sup>2</sup> The City is sensitive to the fact that other commenting parties take issue with the Proposed Project's intake location because it is culturally and historically significant. The City at this time takes no position on the cultural and historical concerns related to the intake location. The proposed intake location is used in these comments only for discussion purposes.

<sup>3</sup> See, Letters from Robert C. Steidel, City of Richmond, to Sarah Marsala, DEQ, dated September 21, 2015 and November 17, 2015, both attached hereto and incorporated herein.



While preserving and maintaining its firm water rights, the City voluntarily and actively participates with the Virginia Department of Environmental Quality (DEQ) and neighboring localities in regional water supply planning. The City is committed to ensuring reliable water supply to its customers, as well as stewarding minimum instream flows. DEQ determined minimum instream flows above the Falls of the James by evaluating levels necessary to preserve existing instream beneficial uses, namely aquatic habitat and recreation.

In addition to supplying drinking water, the City is responsible for the water quality of the James River. Therefore, the City is opposed to upstream activities that would cause water quality to backslide and burden the City's water, wastewater, and stormwater utility ratepayers.

The Proposed Project would allow the diversion of between 5.73 MGD and 8.39 MGD.<sup>4</sup> JRWA's stated purpose for the Proposed Project "is to provide a new and reliable raw water supply of sufficient quantity to meet the short and long-term needs of Fluvanna and Louisa Counties for delivery to an agreed-upon T interconnection point planned for use by Fluvanna and Louisa Counties."<sup>5</sup> The Proposed Project's intake would be on a 2.1-acre parcel owned by JRWA where water would be diverted and pumped less than three miles to a T interconnection point. From the T interconnection point, Fluvanna and Louisa Counties would pump and treat the diverted water for use throughout those jurisdictions (the "JRWA service area"). A substantial portion of the JRWA service area, i.e., most all of Louisa County, lies within the York River Basin, HUC 02080106. An Environmental Impact Statement is necessary to fully review the Proposed Project.

#### I. Water Rights

Water rights are property rights. Under Virginia's common law riparian doctrine, riparian owners, owners of property adjoining a water body, have the right to the reasonable use of that water body on their riparian land so long as that reasonable use does not interfere with other riparian owners' reasonable use. In *Gordonsville v. Zinn*, 129 Va. 542, 106 S.E. 508 (1921), the Supreme Court of Virginia limited "riparian land" to a riparian owner's land adjoining their diversion point and within the watershed of the diversion point. Water rights "affected with a public interest or dedicated to public use" cannot be acquired by prescription.<sup>6</sup>

The City is a riparian owner with vested riparian rights to the reasonable use of the James River. Buttressing and supplementing the City's riparian rights, the City holds the rights to 337 MGD (521 cubic feet per second) that were originally granted by the Virginia General Assembly in the 18th Century. The Supreme Court of Virginia recognized rights by acquisition, among those now held by the City, in *Old Dominion Iron & Nail Co. v. Chesapeake & Ohio Ry. Co.*, 116 Va. 166, 81 S.E. 108 (1914). The City held James River water rights to 417 MGD before it conveyed Henrico County the rights to 80 MGD in 1994 as part of arrangements for Henrico County's water treatment plant. The City's water rights to 337 MGD are objectively quantifiable in addition to its riparian rights measured by the common law reasonable-use standard. The City values its water rights for consumptive use and for instream use to maintain the flows of the James River and the City's canals.

Other than the 2.1-acre parcel the Proposed Project's intake structure would sit on, the JRWA service area would be non-riparian land, much of which is outside the James River Basin. JRWA should not plan to acquire rights by prescription to any of the 337 MGD held by the City for public use.

Without expressly reducing preexisting common law riparian rights or water rights by acquisition, the Virginia General Assembly enacted the Virginia Water Protection (VWP) permitting program in 1989.<sup>7</sup> VWP permits are

<sup>4</sup> VWP Permit No. 14-0343, Part I, p. 7, October 30, 2017 (also SIP, Appendix D - Project Authorizations Agency Decisions, PDF p. 125) includes a table of three phased water usage tiers: 5.73 MGD, 7.45 MGD, and 8.39 MGD.

<sup>5</sup> SIP, p. i (also JRWA - IP Submittal Information & Alt Analysis MAR2020, PDF p. 3).

<sup>6</sup> *Lynchburg v. Chesapeake & O. R. Co.*, 170 Va. 108, 195 S.E. 510 (1938).

<sup>7</sup> See, Va. Code § 62.1-44.15:20 et seq.

required for certain new water withdrawals.

“Conditions contained in a Virginia Water Protection Permit may include but are not limited to the volume of water which may be withdrawn as a part of the permitted activity and conditions necessary to protect beneficial uses. Domestic and other existing beneficial uses shall be considered the highest priority uses.”<sup>8</sup>

DEQ issued VWP Permit No. 14-0343 for the Proposed Project on November 20, 2015 and last modified that permit on October 30, 2017. Explicitly by its own terms, VWP Permit No. 14-0343 neither grants new water rights nor affects existing water rights.<sup>9</sup>

## II. Water Quality

The City progressively improves water quality by partnering with stakeholders in the City’s award-winning RVAH2O clean water program.<sup>10</sup> Under the umbrella of RVAH2O, the City’s Department of Public Utilities operates the City’s wastewater treatment plant, maintains and improves the City’s combined sewer system, and administers the City’s municipal separate storm sewer system. The City obtained Virginia’s first integrated Virginia Pollution Discharge Elimination System and Virginia State Water Control Law Permit, Permit No. VA0063177 (the “Integrated Permit”), to manage its water quality efforts more efficiently and effectively. Through the Integrated Permit, the City is responsible for meeting promulgated water quality standards and total maximum daily loads. The City addresses water quality parameters affected by low flows including dissolved oxygen (DO), algae blooms, and chlorophyll a. Algae growth contributes to chlorophyll a production, which, in turn, can indicate the presence of harmful cyanotoxins. Low flows increase treatment costs at the Richmond Water Treatment Plant to remove suspended solids, namely algae. Improved water quality and DO levels are credited as drivers for the recent resurgence of endangered anadromous Atlantic sturgeon up to the Falls of the James. The City promotes conservation through its James River Park System and other programs to make the James River more fishable and swimmable. The City also is a principle steward of the Historic Falls of the James State Scenic River, which is a component of the Virginia Scenic Rivers System.<sup>11</sup> Recreation on and around the James River is very much a part of Richmond life.

## III. Proposed Project Review

The National Environmental Policy Act (NEPA) requires preparation of an Environmental Impact Statement for “major federal actions significantly affecting the quality of the human environment . . . .”<sup>12</sup>  
The Corps

“should establish the scope of the NEPA document (c.g., the EA [Environmental Assessment] or EIS [Environmental Impact Statement]) to address the impacts of the specific activity requiring a DA [Department of Army] permit and those portions of the entire project over which the district engineer has sufficient control and responsibility to warrant Federal review.”<sup>13</sup>

<sup>8</sup> Va. Code § 62.1-44.15:22(A).

<sup>9</sup> See, VWP Permit No. 14-0343, October 30, 2017, Pt. II, p. 3 (Also SIP, App. D - Project Authorizations Agency Decisions, PDF p. 134) (“The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize injury to private property or any invasion of personal rights or any infringement of federal, state or local law or regulation.”).

<sup>10</sup> See, <https://rvah2o.org/awards/>.

<sup>11</sup> See, Va. Code § 10.1-412.

<sup>12</sup> 42 U.S. Code § 4332(C).

<sup>13</sup> 33 CFR PART 325 App. B § 7.b.1.

*“Significantly as used in NEPA requires considerations of both context and intensity.”*<sup>14</sup> “Context” is case specific and incorporates analysis of the “affected region.”<sup>15</sup> Significance “intensity” factors that are pertinent to the City’s Proposed Project concerns and listed in 40 CFR 1508.27(b) include:

- [ . . . ]
- (4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.
- [ . . . ]
- (6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.
- (7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.
- [ . . . ]
- (9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.
- (10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

Environmental Impact Statements must include, among other components, “the environmental impact of the proposed action” and “alternatives to the proposed action.”<sup>16</sup> NEPA further requires federal agencies to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources.”<sup>17</sup>

The Corps must balance public interest factors when evaluating Department of Army permit applications.<sup>18</sup> Public interest factors pertinent to the City’s concerns with the Proposed Project include “general environmental concerns,” “fish and wildlife values,” “recreation,” “water supply and conservation,” and “considerations of property ownership.”<sup>19</sup> The Corps must consult with the appropriate state and federal agencies in accordance with the Fish and Wildlife Coordination Act for wildlife conservation.<sup>20</sup> The Corps will impose permit conditions, if granting a permit, “necessary to satisfy legal requirements or to otherwise satisfy the public interest requirement.”<sup>21</sup>

The City questions whether the Proposed Project could serve JRWA’s stated purpose of providing reliable water supply for the JRWA service area, particularly during low flows when diversions from the Proposed Project’s intake would be most likely to be challenged. As a threshold matter, the Corps should determine whether the Proposed Project could legally provide reliable water supply to the JRWA service area. The Corps should not approve the Proposed Project’s diversion to the diminution of the City’s water rights. Nor should JRWA make large Proposed Project capital investments, regardless of Corps approval, without clearly established rights to use the intended water supply.

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<sup>14</sup> 40 CFR 1508.27.

<sup>15</sup> 40 CFR 1508.27(a).

<sup>16</sup> See, 42 U.S. Code § 4332(C); 40 CFR 1508.11.

<sup>17</sup> 42 U.S. Code § 4332(E).

<sup>18</sup> 33 CFR 320.4(a) (“The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments.”).

<sup>19</sup> 33 CFR 320.4(a)(1).

<sup>20</sup> 33 CFR 320.4(c).

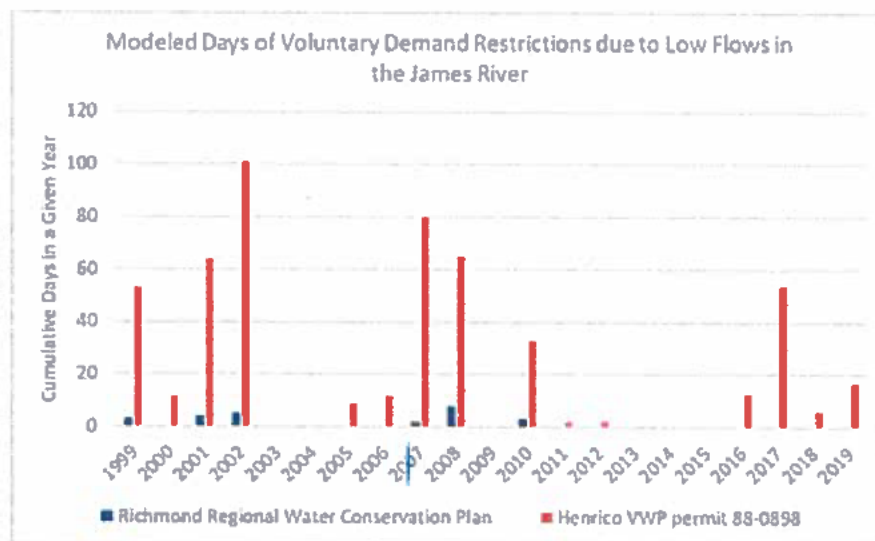
<sup>21</sup> See, 33 CFR 325.4(a).

The Corps should carefully establish the scope of the Environmental Impact Statement review to adequately evaluate the Proposed Project intended to provide reliable water supply to the JRWA service area. The scope of the Corps' review should include an evaluation of the Proposed Project's potential effects downstream to the City and the cumulative impacts from extending water distribution beyond the T interconnection point throughout the JRWA service area. The Corps' review also should develop and communicate details about the proposed interbasin transfer, e.g., projected water demands and uses, and drought planning in the York River Basin portion of the JRWA service area.

The Proposed Project would significantly and adversely affect the quality of the human and natural environments by causing water to be diverted from the James River before it reaches the City. During low flows, the Proposed Project could significantly damage the City's existing instream and offstream beneficial uses. Even more troubling hydrologically and legally, a large portion of the Proposed Project's diversion would be pumped out of the James River Basin.

DEQ performed a modeling analysis in 2015 capping the City's water use at 95 MGD and making other assumptions to determine the expected downstream effects of VWP Permit No. 14-0343.<sup>22</sup> Among its outputs, DEQ's modeling analysis showed that the Proposed Project would decrease flows during the drought of record (2002) at the Proposed Project intake by 3.1 percent and by 2.0 percent at the City.<sup>23</sup> Based on its modeling analysis, DEQ determined in its 2015 review that the Proposed Project "... will not materially diminish the quantity of water in the River."<sup>24</sup>

DEQ's assertion that the Proposed Project's "[s]urface water impacts have been avoided and minimized to the maximum extent practicable,"<sup>25</sup> would be of little comfort to the City and its regional water supply partners during low flow water use restrictions.<sup>26</sup>



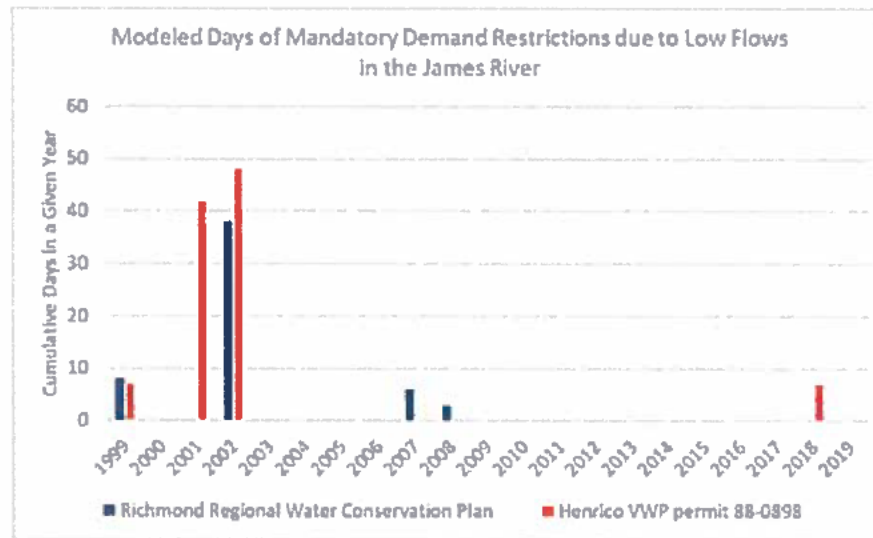
<sup>22</sup> VWP Permit No. 14-0343 Fact Sheet, November 20, 2015, pp. 28 – 35 ("Attachment A – DEQ Modeling Summary") (also SIP, App. D - Project Authorizations Agency Decisions, PDF pp. 60 – 67). VWP Permit No. 14-0343 has been modified twice since DEQ's 2015 modeling analysis.

<sup>23</sup> *Id.* at p. 31 (also SIP, App. D - Project Authorizations Agency Decisions, PDF p. 63).

<sup>24</sup> *See id.* at p. 36 ("Attachment B – Summary of Public Comments and Staff Responses") (also SIP, App. D - Project Authorizations Agency Decisions, PDF p. 68).

<sup>25</sup> *Id.* at 1 (also SIP, App. D - Project Authorizations Agency Decisions, PDF p. 33).

<sup>26</sup> *See*, Graphs depicting modeled voluntary and mandatory demand restrictions at the City, prepared by Whitman, Requardt & Associates, LLP.



Irrespective of modeling and impact materiality, diverting up to 8.39 MGD at the Proposed Project's intake would infringe on the City's water rights, particularly the rights by acquisition to 337 MGD.

In response to the water rights concerns raised by the City in 2015, DEQ noted:

"DEQ may not adjudicate property rights as it's not within the Agency's purview or authority to do so. Moreover, the issuance of a VWP permit does not, and by law, cannot affect private property rights. DEQ does have responsibility for reviewing activities within the jurisdiction of VWP Permit Program to determine potential impacts that may result to existing beneficial uses. Such review was conducted for the proposed withdrawal project and based upon our analysis; staff determined the proposed project, as limited in the draft permit, will protect existing beneficial uses while meeting the permittee's purpose and need."<sup>27</sup>

It is true that DEQ does not adjudicate water rights, and neither does the Corps. But that acknowledgment is not enough. Permitting the Proposed Project while dismissing as immaterial the Proposed Project's impact on the City's water rights to just the first 95 MGD and ignoring the City's remaining rights to 242 MGD (337 MGD less 95 MGD) would be poor governance. The Corps should figure into its Proposed Project review 337 MGD as the unencumbered flow that must reach the City. The Proposed Project's effect on the human environment, namely the level of the James River at the Falls of the James, is likely to be highly controversial and to cause a violation of Virginia water law.

The Proposed Project inherently represents a decision about a future consideration and involves cumulatively significant impacts because the water usage tiers in VWP Permit No. 14-0343 anticipate gradual water use increases and because water distribution improvements beyond the T interconnection point would be necessary. The Corps should assume the Proposed Project's diversion as the highest usage tier approved in VWP Permit No. 14-0343, 8.39 MGD, for significance and Environmental Impact Statement purposes.

Because the Proposed Project invokes several of the significance factors in 40 CFR 1508.27, the Proposed Project deserves Environmental Impact Statement review. In addition to the environmental impacts at and around the Proposed Project's intake, the Environmental Impact Statement should address the Proposed Project's low flow impacts as far downstream as the City. The Corps should consult with the appropriate state and federal agencies to

<sup>27</sup> VWP Permit No. 14-0343 Fact Sheet, p. 46 ("Attachment B – Summary of Public Comments and Staff Responses") (also SIP, App. D - Project Authorizations Agency Decisions, PDF p. 78).



determine what impacts to the City the Proposed Project would have on DO, algae blooms, chlorophyll a, endangered species, and water quality generally.

NEPA requires the Corps to evaluate Proposed Project alternatives including results of the permit not being issued.

JRWA identified Proposed Project source alternatives to the James River, including the Cobbs Creek Reservoir, but determined that the identified alternative sources would be inadequate to fulfill the Proposed Project's needs, or otherwise are infeasible.<sup>28</sup> The City appreciates JRWA's preference to achieve economies of scale and avoid lumpy capital costs. Although the City understands that the Corps will not evaluate endless or infeasible iterations of alternative combinations, alternative sources and the Proposed Project are not mutually exclusive. Rather, Proposed Project alternatives should include feasible alternative partial sources to supplement and, thereby, reduce withdrawals from the Proposed Project's intake. In addition to source diversification, alternatives should include feasible storage opportunities and innovative conservation approaches. By conditioning permit approvals on JRWA internalizing the cost of maintaining requisite flows to the City, the Corps would also incentivize water conservation.

Fluvanna and Louisa Counties currently rely on a network of water distribution systems and sources for their water supply needs.<sup>29</sup> Thus, it may not be overly burdensome to identify feasible alternative partial sources. Alternative partial sources with water distribution systems in place could present economic efficiencies to serve areas that are closer to an alternative partial source than the Proposed Project's intake. The City acknowledges that some potential alternative partial sources are James River tributaries. Special efforts should be made to identify alternative partial sources in the York River Basin to serve the JRWA service area in that watershed and minimize hydrologic disconnection. Along with alternative partial sources, the Corps should determine whether there are feasible storage opportunities within the JRWA service area. Alternative partial sources and storage could be managed to decrease withdrawals from the Proposed Project's intake during low flows.

Cobbs Creek Reservoir is a James River storage and flow augmentation project being constructed by Henrico County in Cumberland County. The mere fact that Henrico County committed to constructing Cobbs Creek Reservoir rather than simply increasing its withdrawal from the James River suggests that the Corps' Proposed Project review under NEPA, at a minimum, should consider storage options and related alternatives. JRWA considered Cobbs Creek Reservoir as an alternative source but determined that storage capacity and pumping costs were prohibitive.<sup>30</sup> Cobb Creek Reservoir should not only be evaluated as a stand-alone Proposed Project water source alternative. Rather, the Corps should also determine whether JRWA could purchase storage in Cobb Creek Reservoir, without incurring costs of pumping from Cobb Creek Reservoir to the JRWA service area. Any Cobb Creek Reservoir storage purchased by JRWA could be released during low flows to offset the Proposed Project's diversion.

To be sure, the City's water rights and water supply concerns weigh against the Proposed Project being in the public interest. As part of its public interest review, the Corps should independently determine JRWA's water needs. Additionally, the Corps should consider all potential environmental impacts and weigh such potential impacts against the Proposed Project's perceived benefits.

#### IV. Conclusion

An Environmental Impact Statement should be prepared to examine the significant water quantity and water quality impacts. The Corps should evaluate alternatives and permit conditions that would address the City's concerns discussed in these comments to ensure the Proposed Project is only approved if it is in the public interest.

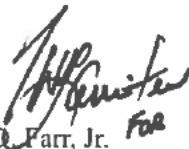
<sup>28</sup> See, SIP, pp. 36 – 44 (also JRWA - IP Submittal Information & Alt Analysis MAR2020, PDF pp. 59 – 69).


<sup>29</sup> See, SIP, pp. 27 – 32 (also JRWA - IP Submittal Information & Alt Analysis MAR2020, PDF pp. 50 – 55).

<sup>30</sup> See, SIP, p. 42 (also JRWA - IP Submittal Information & Alt Analysis MAR2020, PDF p. 67).

We thank you for your consideration and will be happy to provide any further information related to these comments that you may need.

Sincerely,

  
Calvin D. Farr, Jr. *For*  
Director

  
A. Ross Phillips  
Assistant City Attorney



**CITY OF RICHMOND**

**DEPARTMENT OF PUBLIC UTILITIES  
OFFICE OF THE DIRECTOR**

September 21, 2015

Ms. Sarah Marsala  
Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218

Via email: [sarah.marsala@deq.virginia.gov](mailto:sarah.marsala@deq.virginia.gov)

Re: Virginia Water Protection Permit action revoke/reissuance of James River Water Authority  
Permit No. 04-0805.

Dear Ms. Marsala:

Thank you for the opportunity to review and provide comment on the proposed action by the Virginia Department of Environmental Quality (DEQ) to revoke/reissue the James River Water Authority (JRWA) permit No. 04-0805. We previously provided informal comments concerning this permit action and many of those comments are reiterated below.

As previously noted in earlier correspondence by the City of Richmond (City) with DEQ, in response to several recent DEQ actions regarding water supply, Richmond has had to restate our water supply premise under which we operate and base assessment of all DEQ legislative and administrative proposals: in addition to its common law riparian rights, the City has obtained by conveyance the right to withdraw at least 645 cubic feet per second (cfs), or 417 million gallons per day (mgd) of water from the James River. This right is a property right obtained through private conveyances, originating in a grant from the Commonwealth of Virginia over two centuries ago. These rights are reinforced and supplemented by the City's riparian rights and rights derived from the contracts with the James River and Kanawha Company in 1880 and 1890. The rights now owned by the City were affirmed in 1914 by the Supreme Court of Virginia in a case involving a predecessor in title. The City of Richmond will view any increase in the proposed water withdrawal from the currently permitted amounts in the James River basin in context of the City's water rights and will vigorously defend against actions which we believe will infringe on those rights.

The City still believes the proposed permit should: 1) not increase the previously permitted water withdrawal from the James River on either a daily or instantaneous basis above the 5.7 mgd contained in the current permit; 2) require stringent water conservation measures as exist for the Henrico WTP VWP permit; and 3) if necessary allow for a more detailed review of the impacts of the proposed water withdrawals proposed in the application from the owner. Perhaps for a more effective process DEQ could reconsider its decision to process this action as a reissuance/renewal of the existing permit held by Fluvanna County. Due to the magnitude of the proposed changes in withdrawal amounts and location, we think that it could be treated as an entirely new permit which if approved would supersede the existing VWP permit originally issued to Fluvanna County and subsequently transferred to the JRWA.

The following are specific comments related to the proposed permit VWP Individual Permit No. 14-0343 for James River Water Authority:



1. Part 1, Section A – As drafted this section authorizes only the construction and operation of intake structures, and does not specifically authorize a withdrawal of water from the James River. Therefore the permit as drafted does not authorize a withdrawal of water. If the intent is to authorize a water withdrawal as described in Part 1, Section F, that would be viewed as a significant change to the proposed permit and require the proposed permit to be re-drafted and sent out for Public Notice.
2. Part 1, Para C.3 – “Flows downstream of the project area shall be maintained to protect all uses”. The proposed water withdrawals will negatively impact downstream uses in the Richmond area including existing public water supply uses. The permit does not provide adequate requirements or information related to what the permittee will do to protect downstream uses. The permit does not provide adequate requirements or information related to what the permittee will do to augment flows in the James River to offset the water withdrawal.
3. Part 1, Sections C & D – Instream construction of the James River intake has the potential to adversely affect the water quality of downstream public water supply intakes for Henrico County and the City of Richmond.
4. Part 1, Para F.2 – The permit states the safe yield of the surface water withdrawal project is 4.12 mgd, but provides no basis for this determination. What was the basis for the 4.12 mgd annual average safe yield determination for this project? What is the safe yield during recurring periods of low river levels during summer/fall seasons?
5. Part 1, Para F.3 – The increases in authorized withdrawal limits compared with the existing JRWA permit appear unjustified at this time. The City of Richmond views these increases as infringing upon our recognized legal rights to the first 645 cfs of flow in the James River.
6. Part 1, Para F.3 – The tiered water withdrawal limits table contains limits for maximum daily, monthly and annual withdrawals but does not contain any limits for maximum hourly or instantaneous withdrawal. We would like to see the table expanded to include a maximum instantaneous limit not higher than the maximum daily limit to protect downstream uses during periods of low flow in the James River.
7. Part 1, Para F.4 – The implication here that the permittee does not yet have a capital plan for improvements to transport or treat the proposed water withdrawals clearly indicates there is no actual need for increasing the withdrawal limits beyond those authorized in the existing JRWA permit.
8. Part 1, Para F.5.d and e – These two paragraphs appear to render meaningless the schedule imposed in paragraphs 5.a, b and c for completing necessary capital improvement to transport and treat water for public water supply purposes. Again this lack of a defined need coupled with the failure of the Authority to act on its existing VWP permit calls into question the Authority’s need to increase its water withdrawal limits.
9. Part 1, Para F.7 – What exactly does it mean that “the permittee shall make reasonable effort to coordinate with the operators of the Cobb Creek Reservoir ...”? This provision is too vague and needs to be clarified prior to the permit being re-proposed for public notice and comment.

Sarah Marsala

September 21, 2015

Re: Virginia Water Protection Permit action revoke/reissuance of JRWA Permit No. 04-0805

Page 3 of 3

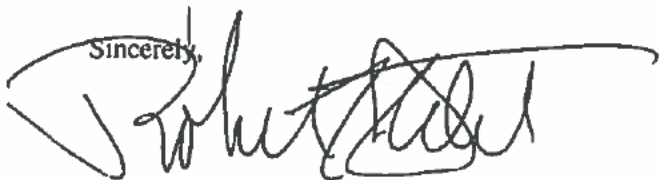
10. Part I, Para F.8 – This section appears weak to the point of being useless or meaningless with respect to providing for augmentation of the flow in the James River being withdrawn by the JRWA. This section provides no protection of existing downstream uses. The protocol needs to be established in advance of the permit being issued and incorporated as an enforceable provision of the permit and subject to public review and comment.
11. Part I, Para F.9.a – Table for Drought Stage thresholds is blank. Subparagraph b of this section also seems to be incomplete and therefore cannot be fully evaluated. This information needs to be provided as part of the proposed permit and the permit re-proposed and sent out for public notice and review.
12. Part I, Para F.12 – The proposed 10% accuracy for metering withdrawal flows is not adequate for pumped and piped raw water transmission system. Recommend an accuracy tolerance of plus or minus 2%.
13. Part II, Section H – We request that the provision for “automatic transfer” be stricken from this permit.
14. Part II, Section I – The proposed increased water withdrawal limits contained in this permit will infringe on property rights held by the City of Richmond to water in the James River.
15. Attachment A – Water Conservation – This section only covers mandatory water use restrictions that are effective only when the State declares a Drought Emergency. We would like to see the JRWA apply water restrictions in a manner consistent with and coordinated with other downstream public water supply systems supplied by the James River (City of Richmond, Henrico County, Chesterfield County and Hanover County). Additionally, the provisions for water use restrictions contained in Attachment A are not as detailed or restrictive as those used in the metro Richmond area. For instance it is not clear what restrictions are placed on the watering of established lawns.

The following provision found in Henrico's permit should also be applied to this permit:

“The permittee shall enact a water conservation plan during low flow conditions. Specifically, the permittee shall take steps to call for voluntary conservation whenever the 14 day rolling average of natural streamflow falls below 1700 cubic feet per second (cfs) from November 1st through June 30th or below 1200 cfs from July 1st to October 31st. The permittee shall also take steps to enact a mandatory conservation plan whenever the 14 day rolling average of natural streamflow falls below 1250 cfs from November 1st to June 30th or below 700 cfs from July 1st to October 31st.”

The City of Richmond appreciates the opportunity to review and provide comment on the proposed VWP permit action for the James River Water Authority. Should you have any questions regarding the comments we have provided please feel free to contact me.

Sincerely,



Robert C. Steidel  
Director



**CITY OF RICHMOND**

**DEPARTMENT OF PUBLIC UTILITIES  
OFFICE OF THE DIRECTOR**

November 17, 2015

Sarah Marsala  
Virginia Department of Environmental Quality  
P.O. Box 1105  
Richmond, VA 23218

Via email: [sarah.marsala@deq.virginia.gov](mailto:sarah.marsala@deq.virginia.gov)

Re: Additional Comments related to Virginia Water Protection Permit action revoke/reissuance of James River Water Authority Permit No. 04-0805

Dear Ms. Marsala:

Thank you and the other members of the Virginia Department of Environmental Quality for taking the time to meet with us on November 6 to discuss DEQ's proposed action to revoke and reissue the James River Water Authority (JRWA) permit No. 04-0805, and comments earlier provided by the City of Richmond concerning the proposed permit action. We also appreciate DEQ providing a fact sheet for the proposed permit during the meeting.

As noted during the meeting, in our written comments, and as previously noted in earlier correspondence with DEQ, we feel it is necessary to restate our water supply premise under which the City operates and assesses legislative and DEQ proposals: in addition to its common law riparian rights, the City has obtained by conveyance the right to withdraw at least 337 million gallons per day (mgd) of water from the James River. This right is a property right obtained through private conveyances, originating in a grant from the Commonwealth of Virginia over two centuries ago. The rights are reinforced and supplemented by the City's riparian and prescriptive use rights. The rights now owned by the City were affirmed in 1914 by the Supreme Court of Virginia in a case involving a predecessor in title. The City views any increase in proposed withdrawals from the James River that could adversely reduce flows in the Richmond area within the context of the City's water rights and will vigorously defend against actions which we believe will infringe on those rights. The City views the rights as important both from a water withdrawal standpoint for the City's water utility, and from an instream standpoint for minimum flows in the James River and in the and Kanawha Canal.

After our discussion on November 6 and review of the fact sheet provided at the meeting, we still believe the available record does not support issuance of the proposed JRWA permit for an increased water withdrawal. Our concerns fall into two general categories – procedural and technical.

Our procedural concerns center on the need for adequate notice and opportunity for comment. DEQ released the proposed permit for Public Notice in late August, with a 30-day comment period. However, as our previous comments demonstrate, the record is inadequate to provide reasonable support for issuance of the proposed permit. We recently learned that the fact sheet generated in connection with the proposed permit may have existed during the public comment period, but the public availability of the fact sheet does not appear to have been clearly made known, and, in fact, the City was unaware of its availability until the November 6 meeting. The lack of an openly available fact sheet made it impossible for the City or any other interested party to adequately review and provide comments concerning the proposed permit during the comment period. Many of our earlier comments noted the vagueness of the proposed permit requirements and this is directly related to the lack of an adequate record.

For instance, we commented on the proposed requirement that the permittee "coordinate" with the Cobb Creek Reservoir operator. The proposed permit contains no specific actions for accomplishing the proposed coordination requirement. The fact sheet provided at the November 6 meeting includes a short response to comment which indicates that the proposed coordination would be tied to a requirement in the permit for JRWA to provide a plan for DEQ approval. Vague permit conditions and requirements to develop plans instead of including specific permit requirements make objective review of the proposed permit very difficult. Among other things, the City is concerned that DEQ has proposed to impose as a permit condition the management plan proposed by the applicant, but the information available concerning the proposed plan includes very few specifics. The public, therefore, has not been provided an adequate opportunity to comment.

Given that the proposed permit was released for public notice without clear supporting documentation providing an adequate basis for review, we believe the process in this instance does not meet the minimum statutory requirements for an adequate opportunity for notice and comment.

With regard to technical issues, we believe many of our earlier stated comments are still valid; however, our main concern is the lack of data in the fact sheet to support DEQ's numerous statements that the proposed increased water withdrawal will not adversely affect downstream water quality standards. The proposed permit and fact sheet both indicate that downstream flows will be maintained to protect downstream uses. However, despite the fact that water quality standards are designed to protect aquatic life and that one of the primary measures to assess protection of aquatic life is dissolved oxygen, the fact sheet fails to include data to show that an assessment has been undertaken of the impact of the proposed withdrawals on dissolved oxygen in the River or that DEQ has otherwise considered dissolved oxygen. Yet, the James River is currently listed in the State's most recent integrated report as being impaired, due to low dissolved oxygen levels. Given that the River currently is impaired, it is hard to understand how a proposed permit designed to reduce the flow in the River could possibly not contribute to further degradation of the aquatic habitat specific to dissolved oxygen. At a minimum, an assessment of the impact on dissolved oxygen levels should be conducted prior to moving forward with the proposed permit.

We also believe the assessment of potential for adverse impact due to reducing the flow in the River should include impacts related to algae, especially harmful algal blooms (HABs). The potential for HABs in the area below the Falls of the James is well documented in connection with low flow periods of the River.



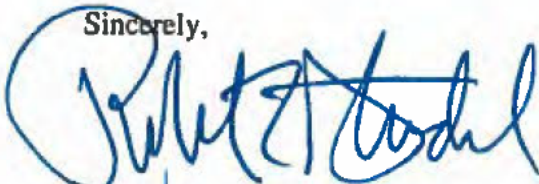
The fact sheet also includes data that do not seem accurate based upon what is known about current water withdrawals. For instance, as noted earlier, the City has obtained the right to withdraw at least 337 mgd from the James River. Further, the City's plant is rated for a 132 mgd send-out, which in turn requires a raw water intake of about 140 mgd. The fact sheet indicates the City has a permit max of 95 mgd. The City does not have a VWP permit for its plant and so it is not at all clear where the number comes from. The fact sheet also indicates the City is providing 35 mgd of Henrico's 75.2 mgd permitted amount. Henrico's plant capacity was initially 55 mgd when built and is now expanded, or very close to completing expansion, to 80 mgd. (The City conveyed Henrico County James River water rights to 80 mgd in 1994 as part of arrangements for the County's water treatment plant).

Although the City appreciates that the issuance of a VWP permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does such a permit authorize injury to private property or any invasion of personal rights, the City believes it's proper and prudent that DEQ recognize such rights. The City also believes it appropriate for DEQ to consider possible adverse impacts on the River's beneficial uses protected by the City's water rights, and to ensure that the proposed withdrawals not cause or contribute to downstream violations of water quality standards.

As stated previously, the City believes the proposed permit should: 1) not increase the previously permitted water withdrawal from the James River on either a daily or instantaneous basis above the 5.7 mgd contained in the current permit; 2) require stringent water conservation measures as exist for the Henrico WTP VWP permit, preferably developed through proactive discussions with other James River interests; and 3) provide the applicant's analysis of the impacts upon water quality standards (at a minimum dissolved oxygen and algae) of the proposed water withdrawals. The City urges DEQ to reopen the public record and allow additional public comment in connection with these concerns. DEQ-facilitated discussions among the interested parties might prove beneficial.

The City of Richmond appreciates the opportunity to review and provide comment on the proposed VWP permit action for the James River Water Authority. Should you have any questions concerning our comments, please feel free to contact me.

Sincerely,



Robert C. Steidel  
Director

John J. Buturla, Deputy Chief Administrative Officer  
Patrick Bradley, Water Quality Manager  
Rosemary Green, Deputy Director II  
David Kearney, Assistance City Attorney

Appendix VI:

**MEDIA COVERAGE  
OF OPPOSITION**

[https://www.dailyprogress.com/news/local/monacan-tribe-pushes-against-water-project/article\\_eff02d0c-8038-532e-9fab-d2d6162b5c42.html](https://www.dailyprogress.com/news/local/monacan-tribe-pushes-against-water-project/article_eff02d0c-8038-532e-9fab-d2d6162b5c42.html)

TOP STORY

## Monacan tribe pushes against water project

By ALLISON WRABEL [awrabel@dailyprogress.com](mailto:awrabel@dailyprogress.com) | (434) 978-7261  
Aug 13, 2019



ANDREW SHURTLEFF/THE DAILY PROGRESS

Earl Evans, of the Haliwa-Saponi Tribe, voices his opposition to the James River Water Authority's efforts to construct a water intake and pump station at Rassawek, the historic capital of the Monacan Indian Nation, during the authority's meeting Tuesday. Find more photos at [DailyProgress.com](http://DailyProgress.com).

ANDREW SHURTLEFF/THE DAILY PROGRESS



James River Water Authority meeting - gallery  
ANDREW SHURTLEFF/THE DAILY PROGRESS  
Aug 13, 2019

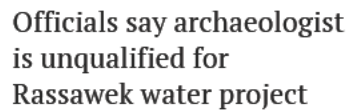
**ZION CROSSROADS** — Monacan Indian Nation members and their supporters spoke out Tuesday against a planned water project in Fluvanna County.

Point of Fork, also known as Rassawek, the historic capital of the Monacan Indian Nation, is the planned site for the water intake and pump station for the project.

The water intake and pump station are part of a larger project through the James River Water Authority to bring water from the James River to a water treatment facility in Louisa County, and ultimately would serve the Zion Crossroads area in Fluvanna and Louisa.



## MORE INFORMATION



- At the water authority's meeting Tuesday, Monacan Nation members, as well as supporters from other tribes and the community, spoke out against the project.

“I’ve done that once before and I do not want to go through it again,” he said. “I don’t think any of you gentleman would like to see your grandparents and great-grandparents dug up and removed, so I’m asking you to do the same thing that you would do if you were in my place, you would fight it. That’s why we’re here.”

The project has been in the works for years, and has received pushback from residents, and elected officials have expressed hesitations before.

The water authority is waiting on a permit from the U.S. Army Corps of Engineers to withdraw water.

Marion Werkheiser, managing attorney of Cultural Heritage Partners, representing the Monacan Indian Nation, said the tribe has been engaged in conversations with the authority and other agencies since 2017.

“Now the tribe has decided to go public because we need public support to show these government agencies that it is not in the public’s interest to move forward with this project,” she said.

Werkheiser said the tribe has been hesitant to go public with the locations of their burials because there have been problems with looters in the past.

“We ask the public to respect the location as we’re trying to save it,” she said.

Chief Frank Adams of the Upper Mattaponi Tribe and Chief Robert Gray of the Pamunkey Indian Tribe both spoke against the project.

Gray said the cost has been cited as a reason for this location on the James.

“Allow me to point out that such cost might be miniscule to the cost incurred with continued opposition in the courts by high-price lawyers and on the ground by thousands of Native Americans and others who are angry and will do the utmost to see that the Preservation Act is regarded as Congress intended,” he said.

Jeffrey Hantman, a professor of anthropology at the University of Virginia, said he has spent 25 to 30 years working collaboratively with the Monacans.

“In my opinion, no amount of proposed mitigation can balance the destructive effects on this historic site and this sacred site,” he said.

George Bialkowski, a Fluvanna resident, said he has tried to educate members of every commission, including the water authority board, about the significance of this

property.

“The right thing to do is move this pumping station back to Bremo Road or somewhere else that’s not as significant as this,” he said. “To say it’s the only place in Fluvanna County is ridiculous. The entire southern half of the county borders the James River. It’s not the only place.”

The board did not ask any questions of staff or consultants after the public hearing or an update on the permit application.

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Allison Wrabel



# Dozens gather to protest planned use of sacred Monacan land



By Jack Durkin Posted Wed 3 21 PM, Aug 14, 2019

**LOUISA COUNTY, Va. (WCAV)** — Dozens of people turned out Tuesday morning in Louisa County to protest proposed construction along the James River. Controversy surrounds the construction as protesters say the proposed site infringes on a historic Native American tribal site.

The Monacan Tribe says the planned water intake and pump station proposed by the James River Water Authority would pass through Rassawek, the capital of the Monacan Indian Nation.

The controversy stems from a proposed development at Zion Crossroads that would build more than 1,000 new homes. Members of the Monacan nation say the site in question was first recorded by Captain John Smith in 1612.

Kenneth Branham, Chief of the Monacan Tribe, says they're not opposed to the overall project, but instead, when dealing with such sacred land including a burial ground, other locations must be used.

"I know it's money, but that should not be the number one priority here," he said. "If they go through that site, we've lost it forever. Money, you can lose it and gain it back and the pipes they put in the ground, they can take it out."

Louisa County has been waiting since 2016 for the required permits to actually take water out of the James River.

If the correct permits do end up getting issued, those opposed fully intend on taking this matter to court.

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[https://www.thecentralvirginian.com/news/monacans-demand-new-water-project-site/article\\_27c58584-c03a-11e9-a7a4-03d54a2120fb.html](https://www.thecentralvirginian.com/news/monacans-demand-new-water-project-site/article_27c58584-c03a-11e9-a7a4-03d54a2120fb.html)

FEATURED

TOP STORY

## Monacans demand new water project site

David Holtzman

Aug 16, 2019



### MORE INFORMATION

Representatives of the Monacan Nation took their case against the James River Water Project directly to their opponents on Tuesday, demanding that the pipeline be moved from the





**Consultant unqualified,  
state says**

former site of the tribe's capital city.

The Monacans' chief, Kenneth Branham, the tribe's attorney and several supporters addressed the James River Water Authority during its regular meeting at Spring Creek subdivision in Zion Crossroads.

Among the Monacans' charges are that the water authority failed to consult the tribe before choosing the site for a pump station near the confluence of the Rivanna and James rivers in Fluvanna County. John Smith, the colonial explorer, wrote about Rassawek, the Monacans' city, in the early 17th century and located it on a map, though the exact location is not certain.

The authority's plan is to pump water from the James north to Ferncliff, where it will be treated and then used by customers in Zion Crossroads and other parts of Louisa County. The United States Army Corps of Engineers must issue a permit before construction can begin on the pump station.



“You did not begin meeting with the tribe until 2017, a year after you had purchased the land to build the pump station,” Marion Werkheiser, the Monacans’ attorney, said. “To pretend now you were surprised by their objection is disingenuous.”

Justin Curtis, an attorney for AquaLaw, a Richmond firm advising the James River Water Authority, said the tribe was initially contacted about a burial permit related to the water project in April 2016. The next contact was in the summer of 2017, when the Monacans accepted an invitation to be a consulting party.

The Monacans have said they decided in 2018 to seek a new location for the pump station after learning that the authority had considered alternative sites, but rejected them for financial reasons. The cost to build the pump station, deliver the water to Zion Crossroads and treat it is an estimated \$50 million.

“We were told in 2016 it was a done deal. Then our lawyers told us there were other possible routes,” Kenneth Branham, the Monacans’ chief, said. “That put a bad taste in my mouth. When someone betrays you in that manner I don’t know if I can trust them or not.”

The choice of where to locate the pump station and the water intake, which will be located in the actual river, was not based solely on where it would be most economical, Curtis said. The authority also has to ensure the intake is in deep enough water to keep it beneath the water surface at all times. Water quality at the point of intake is also a factor.

“There are always alternative routes, but the question is whether there are viable and practical ones,” he said.

The authority’s water withdrawal permit from the state Department of Environmental Quality, issued in late 2015, requires coordination with Cobbs Creek Reservoir in Cumberland County, which is allowed to release water into the river during extended periods with a lack of rain, Curtis said. The water from the reservoir would enter the river just upstream from the James River project intake.

There’s no guarantee that alternative sites upstream would have less historical significance, Curtis argued. If anything, those sites might be more likely to contain artifacts and even human remains, he said, because they are further out of the floodplain.

“I don’t think we’ve ever denied this area is historically sensitive,” he said. “We do know if we go upstream, we’re likely to hit other historical resources.”

Still, state officials cautioned the authority against locating the pump station at Rassawek. Julie Langan, the state Department of Historic Resources’ director, said recently she told the water authority’s consultants and Army Corps staff in February 2016 that the site was “ill-advised” because of its historical value.

Besides being the likely site of Rassawek, the confluence of the James and Rivanna rivers is also known by historians as Point of Fork. The plantation house and farm there are on the National Register of Historic Places.

The authority met in closed session after the public comment period to discuss a lawsuit the Monacans have threatened to file.

**f** (<https://www.facebook.com/Fluvanna>)

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Members of the Monacan Indian Nation and their supporters appeared before the James River Water Authority on Tuesday (Aug 13) to protest a planned water pumping station atop what they believe to be the site of the historic settlement of Rassawek.

Many of the speakers made it clear they are ready to go to court if the authority refuses to move the project.

"It is clear that you will attempt to pit the taxpayers of your county against the interests of those who believe that Rassawek is too important to destroy," said Marion Werkheiser of Cultural Heritage Partners, a law firm working with Monacan tribal leaders.

The James River Water Project (JRWP) is a multimillion-dollar joint venture between Louisa and Fluvanna counties to provide water to Zion Crossroads and other parts of Louisa County. A pumping station at Point of Fork, at the confluence of the James and Rivanna rivers near Columbia, will eventually draw over 6 million gallons of water per day to a new treatment plant near Ferncliff.

But archaeologists have long believed Point of Fork was once the village of Rassawek, one of the most culturally significant sites in Monacan history.

A 2018 archaeological survey requested by the Army Corps of Engineers on the recommendation of the Virginia Department of Historic Resources (DHR) found pottery sherds, human remains, and other artifacts dating back as far as 1200 BCE.

While this does not conclusively prove the Rassawek was once located at Point of Fork, archaeologists have called for more exploration of the site.

The Monacan tribe has been in discussions with the authority since 2017. In November 2018, they requested the authority relocate the pumping station.

In comments to the authority on Tuesday, Chief Kenneth Branham said his tribe was ready to protect the graves of their ancestors.

"We don't know exactly where they are, could be any place in that 100 acres...and because of that, we are fighting this to the end. And we will fight this to the end," he said. "I don't think any of you gentlemen would like to see your grandparents and great-grandparents dug up."

"Yes, mistakes have been made," he added. "Man up."

4-2-20  
(<http://fluvanna.com/2020/04/02/monacans-speak-out-against-james-river-water-project/>)



(<http://fluvanna.com/2020/04/26/monacans-speak-out-against-james-river-water-project/>)

3-26-20  
(<http://fluvanna.com/2020/03/26/monacans-speak-out-against-james-river-water-project/>)

Branham was supported by Chief Frank Adams of the Upper Mattaponi Tribe, Chief Robert Gray of the Pamunkey Indian Tribe, and Earl Evans of the Haliwa-Saponi Tribe.

"Tribes are not anti-development," Evans stressed in his remarks. "We have to live here too. We implore you to be a good neighbor."

"These aren't just old bones to us," he said.

Dr. Jeffrey Hantman, professor of archaeology at the University of Virginia, has been working with the Monacan tribe for decades. He called Rassawek "the most important site in the Piedmont and it should be preserved."


"In my opinion," said Hantman, "no amount of proposed mitigation can balance the destructive effects of this historic site and this sacred site."

Angelo Lomascolo, a retired lawyer living in Louisa, had some sympathy for the water authority members. "You're here to get the financing off the books of the county, and you're here to take the heat for stuff like this," he said.


Lomascolo pointed out that the counties were racing against time to meet water needs for the Zion Crossroads area, and the longer it took to get water to the area, the more likely it was that there would be a water crisis.

In his opinion, getting into a legal battle over the current proposed site was counterproductive. "It's time to find a new site. Let's get the water up here," he concluded. "It will be years before this litigation is over."






(https://twitter.com/intent/tweet?  
text=Monacans  
speak  
out  
against  
James



River



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u=http%3A%2F%2Ffluvannareview.com%2F2019%2F08%2Fmonacans-  
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(<https://www.c-ville.com/covid-guide/>)

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# Unfortunate confluence: Ancient Monacan site intersects with Louisa's growing thirst



(<https://www.c-ville.com/unfortunate-confluence-ancient-monacan-site-intersects-with-louisas-growing-thirst/>) John Smith documented the Monacan capital Rassawek at the confluence of the James and Rivanna rivers in 1612. Library of Congress

News (<https://www.c-ville.com/news/>)

Lisa

Provence

(<https://www.c-ville.com>)

In John Smith's 1612 map of Virginia, at the point where the Rivanna River meets the James, he marked Rassawek, the capital of the Monacan Indians. Jump forward 400 years and the site is on another map, this one targeting it as a pump station to quench Zion Crossroads' thirst.

[ville.com/author/8/20/19 at 2:52 PM](http://www.c-ville.com/author/8/20/19-at-2-52-PM)

8/20/19 at 2:52 PM

Louisa and Fluvanna counties joined forces in 2009 to form the James River Water Authority to pump water from the James for a long-term water supply for growth-booming Zion Crossroads, which depends on wells for its water, says AquaLaw attorney Justin Curtis, who represents the water authority.

“There is a real and immediate need for water in the area,” says Curtis. “This is not a problem that’s getting better. It will only get worse.”

The water authority applied to the Army Corps of Engineers for a water intake and pump station permit at Point of Fork, the modern-day designation for Rassawek. That triggered Section 106 of the National Historic Preservation Act, which requires the Corps to consider adverse effects to the Monacan site and “avoid, minimize, or mitigate,” says Marion Werkheiser with Cultural Heritage Partners, which represents the Monacans.

The James River Water Authority knew the land was a significant historic site, says Werkheiser. “They ignored it and bought it anyway” in July 2016. “They didn’t reach out to the tribe until May 2017.”



([http://www.c-ville.com/wp-content/uploads/2019/08/PointofFork\\_creditCarriePruitt.jpg](http://www.c-ville.com/wp-content/uploads/2019/08/PointofFork_creditCarriePruitt.jpg))

Rassawek today is called Point of Fork. Carrie Pruitt

The Monacan Indian Nation received (<https://www.c-ville.com/inhabiting-virginia-land-10000-years-monacan-indian-nation-finally-receives-federal-recognition/>) federal recognition in January 2018.

“Archaeological testing shows artifacts that go back 200 generations,” says Werkheiser.

“Rassawek was the capital of the Monacan confederacy, and several other towns paid tribute to Rassawek,” says Monacan Chief Kenneth Branham. “It is where we conducted ceremonies, lived, and died, for thousands of years.” To build the pump station, a four-acre site will be excavated, says Werkheiser. “That is not acceptable to the Monacans,” who want the Army Corps of Engineers to deny the permit, and also want Virginia’s Department of Historic Resources to deny a permit for anticipatory burial, in the event human remains are found.

Curtis acknowledges that possibility is a “sensitive” issue. “We’re all hoping no human remains will be disturbed,” he says. “Historically people haven’t buried their dead at the confluence of two rivers. We’ve already done a number of archaeological digs and haven’t found any.”

If the project is approved, archaeologists will go into the site first “to learn as much as they can about the people who were there first,” says Curtis. Artifacts will be turned over to the Monacans, and the James River Water Authority has pledged \$125,000 to the Monacan Ancestral Museum, he says.

The Monacan Nation has been asked to provide its protocol if remains are found, says Curtis. “They will be treated respectfully,” and the Monacans can re-inter them in Amherst, where many live in the 21st century.

“We have been through reburials before, and it is a traumatic experience for all involved,” says Branham. “I can’t ask our tribal members to go through that again for a pump station that could be built elsewhere.”

He asks the Army Corps and Governor Ralph Northam “to respect our tribe and to work with the water authority to find a location for their project that does not disturb our ancestors.”

There’s always the possibility construction could disturb burial sites, whether African Americans or colonists, Curtis says.

In fact, the U.S. 29 Western Bypass was kiboshed in 2013 when a historic African American cemetery was discovered in its path.

Curtis says there are historically significant sites all along the James River. Point of Fork has been “occupied for thousands of years for the same reasons we need to be there now: It’s a source of water.” He adds, “No one disputes it’s a very important site.”

If the Rassawek site is not used, what would be a nearly mile-long pipeline would grow to 5 or 10 miles, says Curtis.

Not only does Louisa have a connection pipe waiting, it’s also built the Ferncliff water treatment plant, which has no water to treat at this point, says Curtis.

And that points to Louisa’s biggest problem: development without the water to support it.

Rae Ely has her own beef with Louisa County’s handling of water resources. “There is no groundwater at Zion Crossroads. They’ve tested and tested. That didn’t stop them and they did all that building.”

Ely lives in Louisa’s historic Green Springs district. In 2006, the county built a three-mile pipeline to Green Springs, and said, according to Ely, “We’ll pump out their groundwater.”

Green Springs residents have been tracking the depletion of their groundwater for 13 years, she says. “It’s dropping like a rock.”

She alleges that “the powers that be have been lying and claiming the James River water will be here any day now, while failing to say the Monacans opposed it.”

Ely, who has been an attorney for more than 30 years, says, “I know federal law favors the Monacans. They’re going to win. That’s a nonstarter.” And her neighbors are prepared to seek an injunction to stop Louisa from pumping out Green Springs’ groundwater, she says

“Louisa County got out over its skis and built all this commercial development,” says Ely. And it has 2,000 homes and apartments ready to be approved, “all looking for water and it’s not there,” she says.

Ely compares the development going on in Louisa, based on water from the James that isn’t coming any time soon, to a gold rush. She offers a one-word piece of advice to the county: “Moratorium.”



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# Virginia Native Americans Fight to Save Historic Site

By [MALLORY NOE PAYNE \(/PEOPLE/MALLORY NOE PAYNE\)](#) • SEP 3, 2019

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*Monacan leaders Kenneth Branham and Rufus Elliott on the banks of the James River near Rassawek.*

CREDIT MALLORY NOE-PAYNE / RADIO IQ

In Central Virginia, at a point where two rivers merge, there's a little-known site with great historical value. For centuries, it was home to the chief village of the Monacan Indian Nation.

But today the Monacan Tribe is fighting to keep the area untouched as officials in Fluvanna and Louisa Counties push to put a water pump there.



Listen

0:00

*Mallory Noe-Payne reports.*

On the shore of the James River Monacan Chief Kenneth Branham watches Tribal Administrator Rufus Elliott wade into the shallow water. He opens his hand to reveal something luminescent.

"Little shell pieces," Elliott explains, touching through them. "Traditionally we made jewelry out of this."

Just across the river here the land is overgrown with trees and shrubs. And while it may not look that different from any other swath of rural Virginia, it was once a chief capital city of the Monacan Nation. It's called Rassawek.

Elliott says the site is not only historically important to his people, it's spiritually important.

"We say all the time that the ground we stand on is made up of the dust and the bones of our ancestors," he says. "And no place probably more identifies with that than this area right here."

Chief Branham is confident he has ancestors buried right over there. One of his greatest fears is that construction on a water pump will unearth their bodies.

"We need to respect what they did and respect their resting place," says Branham.

But the Monacan Tribe doesn't own that land and they don't have any legal claim to it. Fluvanna and Louisa Counties own it, through a joint venture called the James River Water Authority.

The JRWA plans on building a water pump house and short pipeline on the land, even though archeological testing in the area, in the 1980's, showed human remains.



“It is highly likely that there are many more burials associated with this Chief’s village,” says archeologist and retired University of Virginia professor Jeffrey Hantman.

Hantman is an expert in Native American history, and has written a book about Monacan history. He says Rassawek was a powerful chief village, and the center of the Monacan world.

“It was for the soil, it was for the trade connections, the political control,” he explains.



([https://mediad.publicbroadcasting.net/p/wvtf/files/styles/x\\_large/public/201909/IMG\\_8605.jpeg](https://mediad.publicbroadcasting.net/p/wvtf/files/styles/x_large/public/201909/IMG_8605.jpeg))

CREDIT MALLORY NOE-PAYNE / RADIO IQ

That history has been long-known and well documented. Rassawek is on a map drawn by John Smith in the early 1600's. In the 1930's a Smithsonian researcher confirmed the site. And in the 1980's Virginia's Department of Historic Resources acknowledged the site.

Still, the two counties say they need to provide water to the rapidly developing area around Zion Crossroads, and that pulling it out of the river at this spot is the most practical way forward. The water quality is high and it's close to existing infrastructure.

Attorney Justin Curtis says choosing a new spot could mean years before the project is finished.

"The area is growing, the population is growing, people are coming," Curtis says. "The question is, are we going to have water available in time for those buildings and new homes to be occupied?"

In addition to taking longer, Curtis says moving the pumphouse could double or triple the cost of the project. Louisa and Fluvanna taxpayers would be on the hook.

He says the water authority is willing to let tribal members watch excavations, and they've offered \$125,000 for improvements to the tribal museum. They've requested that any artifacts dug up on private land be returned to the tribe.

"We've been working with the Monacan Indian Nation for the last couple years to try to do the best we can to accommodate their concerns, their sensitivities, and their needs, and do whatever we can to try to meet them halfway," says Curtis.

Archaeologist Jeffrey Hantman is not impressed.

"It's colonial is what it is. It's scientific colonial," he says. "It's like 'We'll make that decision and then we'll give you these bones and we'll give you these artifacts.' And the Monacans, all the tribes today, are more sophisticated than that."

The Monacan Tribe has hired a law firm and they have one request -- don't build on Rassawek.

Tribal leaders Branham and Elliot say protecting this sacred site is one of their highest responsibilities.



(<https://mediad.publicbroadcasting.net/p/wvtf/file>)

*A member of the Haliwa Saponi Tribe speaks in support of the Monacan Indian Nation during a meeting of the James River Water Authority.*

CREDIT MALLORY NOE-PAYNE / RADIO IQ



"On our terms and with our voice," Elliott says. "And everytime I speak on a tribal matter I hope that I'm speaking in a way that would please my ancestors...at the end of the day you want to go home knowing that you didn't do anything that would be detrimental to their memory."

Branham says it's his responsibility to protect not only his ancestors, but this land for future generations.


The James River Water Authority still needs a permit from the Army Corps of Engineers before they can build. As a federally recognized tribe, the Monacan Nation is considered a consulting party in that process.


The Corps hasn't whether they'll grant the permit, those discussions are still ongoing. The Monacan Tribe has promised a lawsuit if the permit is granted.

*This report, provided by Virginia Public Radio (<https://viriniapublicradio.org/>), was made possible with support from the Virginia Education Association (<http://www.veanea.org/>).*

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**Debra** • 9 months ago • edited

From the article: "It's colonial is what it is. It's scientific colonial," he says. "It's like 'We'll make that decision and then we'll give you these bones and we'll give you these artifacts.' And the Monacans, all the tribes today, are more sophisticated than that.' The Monacan Tribe has hired a law firm and they have one request -- don't build on Rassawek.

Yes, unfortunately 'the tribes' have picked up on yet another of the 'white man's vices: vexatious litigation, leading to full employment for lawyers and university gadflys.

^ | v • Reply • Share ›

**Indian John** • 9 months ago

"We, the people of the Monacan Indian Nation, including those that live outside the 50 mile radius and not worried about having a card, advise that these two "leaders" statements about the Monacan Indian Nation should be evaluated by those who encounter them as the personal opinions of an individual bent on the disruption of a free and sovereign indigenous people."

^ | v • Reply • Share ›

**Indian John** • 9 months ago • edited

I wonder if these two people will make a confidentiality agreement with them like they did ACP? ACP settlement was for \$1 million dollars, so \$125,000 here may have to be increased in order to compete. If you would like to see proof that the Monacan tribe ALLOWED ACP to desecrate our lands for \$1 million dollars within a confidentiality agreement, please contact me using saveourtribe@gmail.com. I will be VERY happy to show you the signed agreement and how the leaders allowed companies to destroy our homelands....but this place, Point of Fork, was not our homeland.

^ | v • Reply • Share ›

**Indian John** • 9 months ago • edited

Mahock is the correct tribe for this location. Not Monacan. We can't help that Karenne Wood did not properly research any of our tribe history, but we certainly have to continuously live with her "fiction".

^ | v • Reply • Share ›

**Indian John** • 9 months ago • edited

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**BREAKING** **TOP STORY**

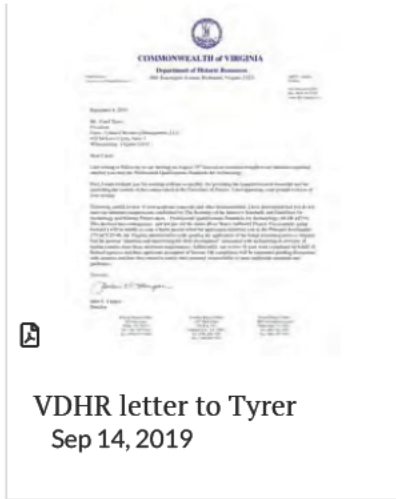
## Officials say archaeologist is unqualified for Rassawek water project

By ALLISON WRABEL [awrabel@dailyprogress.com](mailto:awrabel@dailyprogress.com) | (434) 978-7261  
Sep 14, 2019



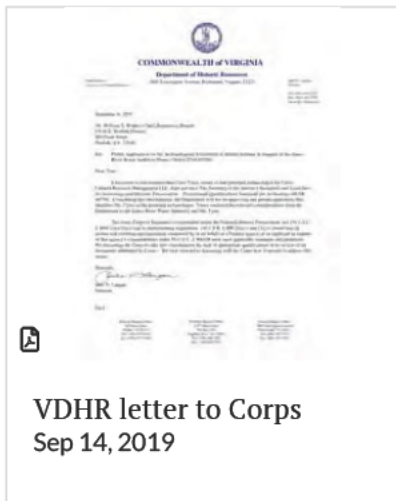
A planned water intake and pump station slated to be built along the James River on the site of the ancient village of Rassawek, the historic capital of the Monacan Tribe, could be delayed after officials determined an archaeologist consulting on the project was unqualified.

The ramifications of that finding could affect projects beyond the Fluvanna County pump station, officials with the Virginia Department of Historic Resources said. For the local project, the finding means a delay but not necessarily an end. However, the Monacan Tribe is hoping a new archaeologist will recommend a new site.



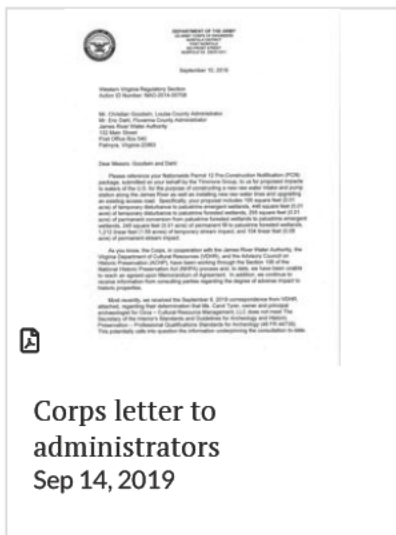
VDHR letter to Tyrer  
Sep 14, 2019

An official with the James River Water Authority, the entity in charge of the project, said the authority will be contesting the decision.



VDHR letter to Corps  
Sep 14, 2019

The pump station is slated for construction at Point of Fork, also known as Rassawek, and the project has been discussed for years. But now, after the Department of Historic Resources and the Army Corps of Engineers discovered the problem with archaeologist Carol Tyrer and her Williamsburg firm, Circa~ Cultural Resource Management LLC, they are requiring JRWA to submit new permit applications.



Corps letter to administrators  
Sep 14, 2019

The water intake and pump station is part of a larger project through the water authority to bring water from the James River to a water treatment facility in Louisa County that ultimately would serve the Zion Crossroads area in Fluvanna and Louisa.

The project has been in the works for years, and has received pushback from residents, and elected officials have expressed hesitations before.

Tyrer and Circa~ had completed a cultural resources survey of the site and a treatment plan.

## MORE INFORMATION





Monacan tribe pushes  
against water project

- Water authority criticizes state's dismissal of Rassawek archaeologist
- Archaeological consultant on Fluvanna water project falsified resume, officials say
- Allegations by ex-employee of Fluvanna water project consultant being investigated
- James River Water Authority finds no wrongdoing by consultant

Julie Langan, VDHR director and state historic preservation officer, said Tyrer's qualifications were part of the reason they were asking JRWA for a resubmission of the permit application for archaeological excavation of human remains.

"They would need to resubmit it and need to complete the sections that have been left incomplete ... and they would have to propose a different consulting team of archaeologists," she said.

Langan said that there are federal standards that define certain preservation professions, including archaeologists. Since Tyrer works as an archaeologist, she would need to meet the standards for archaeology.

"A closer review of her credentials revealed that she does not meet those qualification standards," Langan said.

In a letter from Langan to Tyrer, Langan said the "decision has consequences, and not just for the James River Water Authority Project."

"For example, going forward I will be unable to issue a burial permit when the application identifies you as the principal investigator," Langan's letter said.

Langan said Friday that they are reviewing current projects Circa~ is involved in and will be notifying applicants regarding the status of those projects. She said it's unknown how many projects that will be at this time.

"... And we may never know for sure because we can only count those that have already initiated contact with us, but the firm could be under contract for a project that we haven't seen yet, and there's no way for us to know that," she said.

Tyrer did not respond to requests for comment by press time.

“Everyone has wondered why JRWA would have chosen to locate their project on Rassawek[, and] now we know; they relied on advice from a consultant whom DHR has determined lacks the minimum professional requirements,” said Marion Werkheiser, managing attorney of Cultural Heritage Partners and counsel to the Monacan Indian Nation.

“Now that JRWA is obligated to hire a qualified professional, undoubtedly they will be advised that this project should never be built at Rassawek,” Werkheiser said.

JRWA is contesting the findings.

“The water authority disagrees with several of the factual statements and legal conclusions in the director’s letter, and the authority will be submitting a formal written response to DHR in the near future,” JWRA attorney Justin Curtis said.

He declined to comment on the specific disagreements Friday.

“We are going to point out what we believe are errors and ask DHR to reconsider the decision,” he said.

According to a letter obtained by Werkheiser from the U.S. Army Corps of Engineers to Fluvanna and Louisa county administrators, the Corps wants a standard individual permit.

“Based on concerns and uncertainty regarding the proposed project’s impacts to historic properties, the Corps has determined that further analysis supporting the public interest evaluation is required,” said the letter, signed by William T. Walker, the chief of the regulatory branch. “To facilitate this evaluation, we have determined that the appropriate permitting process for this proposed activity is the standard individual permit process.”

A standard individual permit requires more review than a nationwide permit, which the water authority had submitted.

“Should you decide to pursue this project as proposed, please contact our office for instructions on applying for a Department of the Army standard individual permit,” the letter from the Corps stated.

“It’s our understanding that we will not be resubmitting any application, we will continue with the same application,” Curtis said.

“We will have to provide some additional supplemental information, just because the individual permit includes a few additional informational requirements that are not required to obtain a nationwide permit,” he said.

Curtis said he didn’t think the resubmittal of the VDHR permit would set the project back, but he did not know how much additional time the Corps process could take.

“We’re still evaluating how that affects the schedule, and we haven’t had an opportunity to sit down and meet with the Corps and discuss the next steps and the process for moving forward yet, and I think we’ll have a better understanding of the timeline and the permit processing

time, and if or how this affects the schedule once we've had a chance to sit down and meet with them to discuss it," he said.

An RFP was issued by the authority in August for "qualified individuals or firms to provide cultural resource and archaeological services to the JRWA."

At the JRWA's September meeting, interviews were conducted, but Curtis said the authority has not yet made a decision.

He said the RFP for additional consultants was put out in response to some of the comments and requests made for peer review for some of the documents that have been prepared to date by Tyrer and her firm.

"The intention behind hiring an additional archaeological firm is to bring on additional help, to serve the role of peer review and just to provide additional review going forward," Curtis said.

"The bottom line is the action taken by the board to issue the RFP is directly in response to the request to have the existing consultants work peer reviewed and reviewed by others," he said.

Other consultants have reviewed the work thus far, he said, as well as other state entities and the Monacan Tribe.

"We'll have a lot of different sets of eyes who have looked over these documents by the time we're done," he said.

The JRWA board is holding a special meeting at 2 p.m. Tuesday at the Spring Creek Golf Course pro shop building in Zion Crossroads.

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Allison Wrabel

[https://www.thecentralvirginian.com/news/local/consultant-unqualified-state-says/article\\_51ebd492-da4a-11e9-bdb4-8374cee40569.html](https://www.thecentralvirginian.com/news/local/consultant-unqualified-state-says/article_51ebd492-da4a-11e9-bdb4-8374cee40569.html)

FEATURED

TOP STORY

## Consultant unqualified, state says

David Holtzman

Sep 19, 2019



David Holtzman

### MORE INFORMATION

A senior state official says the consultant overseeing archeological work at the site where Louisa County hopes to draw a public water supply is not qualified to do the job.



**Monacans demand new water project site**

Monacans: Investigate water board

In a Sept. 6 letter to the James River Water Authority, Department of Historic Resources Director Julie Langan said that because the consultant lacks the proper academic credentials, the reliability of her reports from the past two years is in question.

“The failure of the archeological consultant to meet [federal] requirements renders the information previously provided ... unreliable,” Langan wrote.

The Army Corps of Engineers, the federal agency from which the authority needs a permit to start construction of the water pipeline, now says it will require the authority to pursue a different permit than the one it applied for more than three years ago.

“We will continue to work with the [Department of Historic Resources] and you to understand more fully the implications of this latest development,” William Walker, Army Corps regulatory chief, wrote in a Sept. 10 letter to Christian Goodwin, Louisa County administrator. Goodwin is a member of the authority’s board.

The authority held a special meeting on Sept. 17 to address Langan's letter. D.D. Watson, the authority's chairman, responded later that day in writing, defending the consultant's qualifications. Watson also charged the state agency with yielding to the demands of the Monacan Nation, which says the water project site was their capital city prior to white settlement.

"It is wholly inappropriate, and we believe unlawful, for DHR to purport to cede its decision-making authority to a consulting party," Watson said. "In light of the Monacans' recent well-publicized statements about the project, we read your letter as effectively granting the Monacans a veto power over the project," Watson said.

Louisa County's efforts to obtain the Army Corps permit have stalled since last winter, when the Monacans first demanded that the project on the James River be relocated to avoid the former site of Rassawek. The site was identified on a map drawn by explorer John Smith in the early 1600s. The tribe says the construction of a pump station and water pipeline will desecrate an important historical area and may disturb human remains buried there.

Justin Curtis, an authority spokesman, said last month the site was chosen to avoid other areas further upstream that would be more likely to contain human remains, and where development would be more costly and less practical.

State historic resources officials advised the authority's engineers, Timmons Group, in early 2016 that locating the pump station at Rassawek would be "ill-advised," Langan said



previously. She said she gave similar advice to Goodwin and then-Fluvanna County Administrator Steve Nichols.

Besides demanding the project site be moved, the Monacans have also insisted for the past year that the authority hire a different archeological consultant.

“The Nation has lost faith with Circa and does not want their continued involvement on Rassawek,” Marion Werkheiser, the Monacans’ attorney, wrote in a December 2018 letter to the Army Corps. “The lead cultural resources [contractor] does not have either a sense of the seriousness of this undertaking or the capacity to conduct it adequately.”

Carol Tyrer, the archeological consultant, operates Circa, a Williamsburg-based firm that was hired by Timmons as a subcontractor on the James River Water Project. Tyrer’s firm performed a study in 2018 that uncovered hundreds of Native American artifacts along the James and Rivanna rivers near where the pump station and pipeline are planned.

This is not the first time DHR has questioned Circa’s work. In October 2017, the agency conducted a surprise visit to the project site while an archeological dig was in process, and found that a Circa employee who did not have proper qualifications was supervising the work.

In a 2018 letter, a DHR staff member used the term “salvage archeology” to refer to some of the consultant’s work, suggesting that the firm was not doing a thorough investigation of the project site.

The Monacans have also challenged Circa's qualifications and accused the company of shoddy work. In comments at an Aug. 9 meeting with the Army Corps, Werkheiser said the consultant had used the name of Dan Hayes, an archeologist, in a report when he had not given his permission and had not seen the document.

"It was quite surprising to us that they said he did not have any involvement, when a lot of it was his work," Curtis said.

Watson wrote that it was peculiar that DHR suddenly found Tyrer to be unqualified, when the state agency had no reservations about her credentials in the past. In October 2017, Langan wrote that her agency found Tyrer "qualified to complete the work."

"Given that Ms. Tyrer has been a practicing archeologist full time for over 35 years, has authored over 700 publications, and managed hundreds of field studies with DHR's involvement, we presume the professional experience [is] not in question," Watson said.

Langan's objection to Tyrer's background comes as the authority seeks a burial permit from DHR. The permit is required in case any human remains are uncovered, and would provide a process for removing the remains and possibly transferring them to the Monacan Nation.

Randy Jones, a DHR spokesman, said on Monday that the agency is not changing its position about whether the credentials Tyrer presented in the past were appropriate for someone overseeing an archeological dig.

“I don’t think the person’s credentials are what they reported them to be,” Jones said.

It’s unclear to what extent the uncertainty about the consultant’s qualifications could cause further delays for the water project. The Army Corps letter says that while it wants the authority to apply for a new, individual permit in place of the current nationwide permit application, the federal agency has the discretion to revert back to the current process.

Curtis, the authority spokesman, cast the situation as a misunderstanding that could be resolved after further communication between the authority and state and federal officials.

“If we had been consulted earlier we could have clarified some of the issues in [Langan’s] letter,” he said.

Last month the authority issued a request for proposals for an archeologist to assist with ongoing work on the project site. Curtis said the intent is not to hire a company to replace Circa. He said the authority is responding to requests from other consulting parties, presumably including DHR and the Monacans, for Circa’s work to be peer-reviewed.

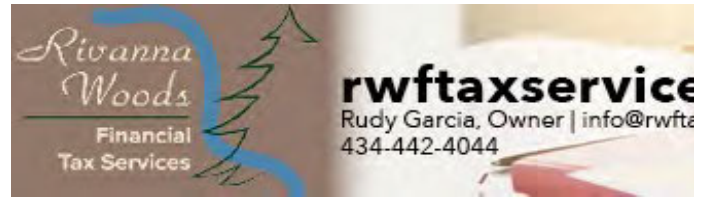
“The authority may elect to go in a different direction, but that is the intent right now,” he said.

May 27, 2020

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# Parties at impasse over James River Water Project

SEP. 19, 2019

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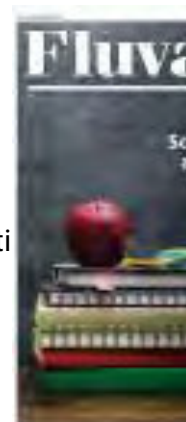
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14-20/)**By Heather Michon, correspondent**

The James River Water Authority is pushing back against a surprise decision by the Virginia Department of Historic Resources (VDHR) and the Army Corps of Engineers (ACOE) to disqualify work done by the archaeologist who surveyed the proposed site on the James River at Point of Fork near Columbia.

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Many believe that the facility would sit atop the remains of Rassewek, the historical capital

of the Monacan tribe.

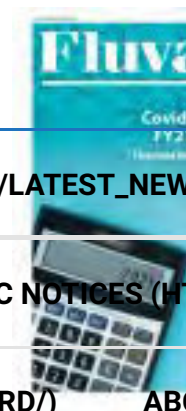
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The decision came in a Sept. 6 letter from VDHR Director Julie Langon to Fluvanna County

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Langon wrote that although Carol Tyrer of Circa~ Cultural Resource Management has performed hundreds of site surveys over the last several decades, it was recently brought to VDHR's attention that she lacked the academic background to meet "the Professional Qualifications Standards for Archaeology, which are the minimum requirements that must be met under the Virginia Administrative Code.

"The failure of the archaeological consultant to meet the above requirements renders the information previously provided regarding the scope of the permit application and associated plans unreliable," she concluded.

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Langan said VDHR was denying the permit application for the archaeological excavation of human remains, and for the permitting process to move forward, because “the existing research design and data recovery plan must be reviewed and revised by a qualified archaeological consultant to meet both the Department’s standards and the approval of the Monacan Indian Nation (Monacan), who are directly affected by this project.”

“We understand that you wish to move forward with permitting as expeditiously as possible,” Langan concluded, “and we hope that you also understand our great caution given the importance of this land area to Virginia’s federally-recognized tribes as this area contains multiple archaeological sites likely associated with Rassawek, the ancestral capital of the Monacan.”

This letter was followed by another from William Walker, chief of the Regulatory Branch of the ACOE. The VDHR’s decision on Tyrer’s qualifications meant that they, too, have to reevaluate the project, and Walker said the way to do that was through “the standard individual permit process.”

This is potentially a larger problem than the lack of a burial permit. JRWA is petitioning for a Nationwide permit, which are given out for relatively uncomplicated projects. Standard Individual Permits are, according to the department’s website, “more complex in nature” involving public hearings and the participation of commenting agencies.

JRWA called a meeting on Tuesday (Sept 17) at Spring Creek near Zion Crossroads. After a lengthy closed session, they approved GAI Consultants, an engineering firm with offices in Glen Allen, to review Tyrer’s work.

Members also approved a seven-page letter to VDHR, arguing that the agency had essentially blindsided the Authority by not letting them know there were problems with Tyrer’s credentials and allowing them to respond before the decision to deny the permit was made.

The JRWA “unequivocally disagrees” with VHDR’s argument that Tyrer didn’t meet the minimum standards for an archaeologist, pointing to her 35 years in business and over 700 published papers and technical reports.

They also object to Langan’s insistence that they include the Monacan tribe in the research design and data recovery plan. “The assertion that the project “directly affects” the Monacans is factually wrong. The project is wholly situated on private—not tribal—



property.”

“[The] Monacans have stated publicly that they will not agree to any research design or data recovery plan for the site,” they continued. “In light of the Monacans well-publicized statements about the project, we read your letter as effectively granting the Monacans a veto power over the project.”

The James River Water Project is a multimillion-dollar joint venture between Louisa and Fluvanna counties to carry over 6 million gallons of James River water per day to Zion Crossroads and other parts of Louisa County. It is a vital part of the development plan for the region,

For the moment, all parties seem to be at an impasse.

It’s not clear where things go from here, but during public comments, Louisa resident and retired attorney Angelo Lomascolo suggested that the agency letters were a message to the Authority: “They’re tired of this.”



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TOP STORY

## Archaeological consultant on Fluvanna water project falsified resume, officials say

By ALLISON WRABEL [awrabel@dailyprogress.com](mailto:awrabel@dailyprogress.com) (434) 978-7261

Sep 27, 2019



#### DAILY PROGRESS FILE

Members of the James River Water Authority's listen to opposition to efforts to construct a water intake and pump station on Rassawek, the historic capital of the Monacan Indian Nation. The Monacans say the proposed project would disturb the burials of their ancestors and destroy Rassawek, first recorded by Capt. John Smith in 1612.

#### MORE INFORMATION



Monacan tribe pushes against water project

An archaeologist consulting on a controversial water project in Fluvanna County misrepresented her degree on her resume, according to state officials.

Earlier this month, the Virginia Department of Historic Resources said in a letter to the James River Water Authority that an archaeological consultant on the water intake and pump station project, Carol Tyrer, was unqualified.

- Officials say archaeologist is unqualified for Rassawek water project
- Water authority criticizes state's dismissal of Rassawek

"It was brought to our attention that her resume was inaccurate and that though it stated that she had a master's in history, archaeology and culture, that she in fact does not," said Julie Langan, VDHR director and state historic

archaeologist

- Opinion/Letter: Rassawek: More reason for outrage
- Allegations by ex-employee of Fluvanna water project consultant being investigated
- James River Water Authority finds no wrongdoing by consultant
- Despite opposition, JRWA still to pursue Rassawek site for water pump station

preservation officer. “Instead, she has a master’s in global affairs, and therefore, she does not, in our opinion, meet the Secretary of the Interior’s standards.”

In a letter directed to the authority’s board chairman, Langan said the letter was not a denial of the anticipatory burial permit application or of the permit itself. An anticipatory burial permit would allow JRWA to “remove and temporarily curate human remains” that might be disturbed by the project.

Instead, “it was a request for JRWA to revise its current application to comply with the requirements of the Commonwealth of Virginia’s regulations governing permits for the archaeological removal of human remains,” Langan said in the letter.

The letter also requests an in-person meeting to discuss the matter, “to prevent any further miscommunication as to our expectations and goals with respect to this project.”

Last week, Langan told The Daily Progress that there are many points in a response letter from JRWA that VDHR wants to discuss.

“In hindsight, we could have waited another month or two to say that this consultant wasn’t qualified, but I thought it was in the best interests of the applicant to know that sooner rather than later,” Langan said.

The water intake and pump station are part of a larger project to bring water from the James River to a water treatment facility in Louisa County, and ultimately would serve the Zion Crossroads area in Fluvanna and Louisa counties.

The JRWA is a joint entity of Fluvanna and Louisa that was formed in 2009 to manage the overall project.

The project and the authority have received pushback from residents and elected officials .

The site for the intake and pump station is Point of Fork at the confluence of the Rivanna and James Rivers, which played a role in the Revolutionary War and is also known as Rassawek, the historic capital of the Monacan Indian Nation. The site was chosen in 2014 and moved slightly in 2016.

Justin Curtis, an attorney for JRWA, said the site was not chosen based solely on cost.

He said engineering, water quality and environmental factors were also considered when choosing the site.

“There wasn’t one single factor that was a determining factor, it’s a list of number of different factors that played into that decision,” he said.

The Rivanna River does not have enough water for the pump intake, Curtis said, and the James River is too sediment-laden downstream of the confluence with the

Rivanna. The intake has to lie on the bottom of the river.

A water treatment plant in Louisa has already been built, as has a raw waterline from the plant to Route 6 in Fluvanna, where a “T” connection exists for Fluvanna to connect an additional raw water line later.

“So, if you move the water intake upstream or downstream any significant distance, you’re increasing the length of [the] raw water main, which increases the amount of streams [or] wetlands you’re going to potentially be impacting,” he said. “It increases the amount of forest you’re impacting, it increases the number of property owners that you affected by putting the waterline [on] their property.”

Some of the water main route is co-located within already existing easements, Curtis said.

“Cost is also an issue, and unfortunately that’s the truth of the matter,” he said. “There are 60,000 residents in Louisa and Fluvanna counties that ultimately are responsible for financing this project. When we looked at the various alternatives, the costs were not just a little bit greater, but substantially greater to have a pipeline route that was a much longer distance.”

The JRWA and others have questioned the timing of the Monacan tribe’s request for a new site, stating in a January memo that it was “unfortunate that the Monacans would dramatically reverse their stated position on the project at this late hour after a history of constructive discussions.” The request also was labeled “an eleventh-hour demand.”

The tribe had initially requested monetary compensation in lieu of moving the facility.

Marion Werkheiser, managing attorney of Cultural Heritage Partners and counsel to the Monacan Indian Nation said that at an October 2018 meeting, around a month after her firm was retained by the tribe, she questioned the permitting process thus far and was told that there were multiple alternatives to locating the project.

“I was shocked, because up until that point, the tribe had been told that this was the only place that it could go,” she said.

Once Werkheiser learned there had been alternatives considered, she said she requested documents from the Army Corps of Engineers and the JRWA and confirmed that there were other alternatives, she and the tribe decided to change the request.

“[In] our next round of comments, we withdrew any request for financial mitigation and said that absolutely our request is that you move this project,” she said.

Jeffrey Hantman, a professor emeritus of anthropology at the University of Virginia, has been working with the Monacans since the late 1980s. He said Rassawek is comparable to the Powhatan’s Werowocomoco, which was purchased by the National Park Service in 2016.

“The place that’s equivalent here in the Piedmont is Rassawek,” he said. “It’s not to be dismissed, it’s not to be minimized and I think from the history that we have and the way people have talked about it for a long time, it is the chiefest home among a group of five chiefly homes that we know.”

Rassawek is one of five Monacan towns drawn on a map by Captain John Smith in the early 1600s.

Some supporters of using the site on Point of Fork for the water intake and pump station have said there isn't much significance to a chief's town being at the confluence of two rivers, but Hantman disagrees.

"That just is not true," he said. "To be at the confluence is to be able to control trade, to control the movement of people — you're right at the juncture where the Monacan people of the Rivanna River and the Monacan people further up the James all come together at that point."

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Allison Wrabel





[https://www.thecentralvirginian.com/news/local/supervisors-can-resolve-water-dispute-monacans-say/article\\_086185b2-e5fb-11e9-b4d7-cfb896ee2ee4.html](https://www.thecentralvirginian.com/news/local/supervisors-can-resolve-water-dispute-monacans-say/article_086185b2-e5fb-11e9-b4d7-cfb896ee2ee4.html)

FEATURED

TOP STORY

## Supervisors can resolve water dispute, Monacans say

David Holtzman

Oct 5, 2019



David Holtzman

The elected leaders of Louisa and Fluvanna counties should step in to resolve the dispute over the James River water permit, the attorney for the Monacan Indian Nation said this week.

Speaking at a Louisa Democratic Committee meeting on Oct. 2, Marion Werkheiser said the supervisors should choose an alternative location rather than face years of potential litigation. The two counties are trying to get a federal permit to build a pump station near the confluence of the James and Rivanna rivers, with much of the water to be piped to a water treatment plant at Ferncliff.

The Monacans say the pump station would be located on the site of their former capital city, Rassawek. An attorney for the James River Water Authority says his clients are “not 100 percent sure” Rassawek is where the Monacans say it is.

Even if county leaders decide to change course, the project could still face lengthy delays, Werkheiser predicted, because the United States Army Corps of Engineers has asked the water authority to apply for a new permit. The individual permit would involve “much more robust analysis” than the nationwide permit the authority has been working to obtain since 2016, she said.

The Army Corps said in a Sept. 10 letter to the authority that it has the discretion to restore the original permit process if it so chooses. But Werkheiser said she doesn’t think that will happen.

She noted that all of the consulting parties to the water project, including the state Department of Historic Resources and the Monacans, are against giving the authority permission to draw water from the James unless a new location is found. [Note: Werkheiser said in an Oct. 3 email she

meant to say that DHR is not ready yet to approve drawing water from the current location]

“The more the Corps hears that the public does not support this project, the more they will feel empowered to delay it,” she said.

The James River Water Authority has managed the water project for the two counties’ boards of supervisors for several years. The supervisors from each county appoint the authority’s members. Currently, Louisa is represented by County Administrator Christian Goodwin, business owner D.D. Watson and Supervisor Troy Wade (Louisa district).

The new permit requirement has been overshadowed in recent weeks by charges levied by the Virginia Department of Historic Resources, which says the consultant who oversaw archeological work at the project site in 2018 and 2019 is unqualified. On Tuesday, Julie Langan, DHR director, said Carol Tyrer had claimed falsely that she had a master’s degree in archeology.

“You have to have a master’s in archeology or a closely related field” to manage an archeological dig for a project that involves a federal permit, Langan said. “We learned in late August that she has a degree in global affairs. She had almost no archeological coursework at the master’s level.”

Langan sent a letter to the authority stating that it would not issue a burial permit, required for handling any human remains that may be discovered at the project site, until a different archeologist with the proper credentials is put in charge.

The authority is negotiating a contract with another archeology firm, GAI Consultants, but Justin Curtis, an attorney for the authority, said that firm will not necessarily replace Circa, Tyrer’s company. He said GAI will review Circa’s work to make sure it was done correctly.

“We still believe she does meet the qualifications” for the job, Curtis said on Tuesday. “She’s going to remain on the team.”

Curtis agreed with Werkheiser that the individual permit process would be more thorough than what has been done so far. But he maintained that the authority made a real effort to weigh alternative locations before it chose the current site for the pump station. Cost was only one factor, he said.

“There is no other good location we could move it to,” he said.

It would cost at least \$3 to \$5 million more to build the pump station in an alternative spot upstream or downstream from the current location, Werkheiser said. The estimated construction cost of the project when it was funded by the two counties in 2016 was about \$10 million. It has cost Louisa County another \$40 million to build a water treatment plant and pipeline to carry the water to Ferncliff and Zion Crossroads.

[https://www.newsadvance.com/opinion/editorials/monacans-rassawek-must-be-saved-preserved/article\\_bfc9253f-5a5a-5b20-aae7-0207779eb7ab.htm](https://www.newsadvance.com/opinion/editorials/monacans-rassawek-must-be-saved-preserved/article_bfc9253f-5a5a-5b20-aae7-0207779eb7ab.htm)

## Monacans' Rassawek Must Be Saved, Preserved

By THE EDITORIAL BOARD  
Oct 6, 2019



Captain John Smith's famous 1612 map of Virginia shows the Monacan town of Rassawek, the site of which is now slated for a pump station. Rassawek can be found at the top left of the map, between the Powhatan sketch and the banner proclaiming "Virginia."

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"The land of the free and the home of the brave" — that famous line from "The Star-Spangled Banner" — doesn't ring true for all people in this nation.

Four hundred years ago, in 1619, the first Africans arrived at Jamestown, the capital of the first permanent English settlement in North America. English pirates had stolen the cargo of a Spanish slave ship and sailed north to the Virginia colony where they traded the Africans for food. Over the course of the next six decades, the concept of chattel slavery slowly entered the law books of the colony, beginning more than two centuries of slavery in this country, an institution whose evil legacy we are still dealing with as a nation to this day.

But the colony those English pirates did business with 400 years ago was a society already in the early stages of what can only be described as a genocidal war with the native peoples of North America, people whom we still call "Indians" because Christopher Columbus mistakenly thought he'd arrived on the Indian sub-continent in 1492.

While it's difficult to estimate the indigenous population of North American in 1607, when the English established Jamestown, historians and demographers estimate there were between 2.1 million and 7 million people in all of the continent. Some estimates even go as high as 18 million. Today, demographic data puts the number of Native Americans at a little more than 3 million, or 1 percent of the U.S. population.

Central Virginia, from the Lynchburg region up to and past Charlottesville and over to the Richmond region, was the home territory of those we know today as Monacans. The population numbered about 10,000 and had been in this area for more than 10,000 years. Their spiritual and cultural home today is in Amherst County at Bear Mountain, site of the St. Paul's Episcopal Mission chapel and school, now a museum.

Over the centuries, as the population of European colonists kept growing and their territory kept expanding, the native people, Monacans included, were pushed further and further west. Inevitably there were conflicts, often deadly. As the European culture took hold, inevitably the indigenous culture weakened.

Such was the case with the Monacans, who were almost wiped out — literally by wars and figuratively by racist laws that refused to recognize them as native peoples. Indeed, it was only in 2018 that the Monacan Nation received official federal recognition through an act of Congress.

Which makes the fight the Monacan Nation is involved in today all the more incredulous.

You see, one of the most important archeological sites in Virginia is Rassawek, at the confluence of the Rivanna and James rivers in Fluvanna County. Rassawek is the site of the historic capital of the



Monacan Nation, first described by Capt. John Smith in 1612 and dating back thousands of years. It's also where the James River Water Authority wants to build a massive water intake and pumping station as part of a larger project to extend water service to areas of Fluvanna and Louisa counties.

Construction of the pumping station would obliterate the Rassawek site, along with thousands of years of culture and history of the Monacan Nation. When the Monacans first learned of the water authority's plans earlier this decade, they were told the site was the only feasible one for the project. Late in 2018, however, consultants for the Monacans learned many other sites were considered, but Rassawek "won out" because of one, primary factor: cost. Monacan representatives were shocked because they'd been told for years by the authority that the Rassawek site was the only one where such a facility could go, hence their acquiescence to the authority's needs. To say they were misled is a nice way to describe how they felt.

That's when things got interesting.

It's emerged that the archeological consultant hired to assess the impact of the project on important historical sites wasn't qualified to do the job, failing to meet the standards of the Virginia Department of Historical Resources. There is a darkening cloud over the project now, as the news media has shined a spotlight on the matter and state and federal authorities, including the U.S. Army Corps of Engineers, are honing in.

Jeffrey Hantman, a retired anthropology professor at the University of Virginia and a longtime consultant to the Monacan Nation, has called Rassawek as important as any Native American site in the commonwealth, on par with the Powhatan Confederation's capital of Werowocomoco, which the National Park Service purchased three years ago.

How this project got to where it is today is a textbook example of the government trying to steamroll a marginalized community, only this time, it was found out. It's not too late for the James River Water Authority to back down, but barring that, it's time for Virginia's elected leaders to step in. We urge Rep. Denver Riggleman, who represents Fluvanna County in Congress, and U.S. Sens. Mark Warner and Tim Kaine to do all they can to stop this obliteration of the Monacans' history and culture.





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# Whistleblower: Archeologist Minimized 'Cultural Richness' of Site Planned for Water Project

By MALLORY NOE PAYNE (/PEOPLE/MALLORY NOE PAYNE) • OCT 23, 2019

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CREDIT MALLORY NOE-PAYNE / RADIOIQ

For centuries, a site in central Virginia was capital of the Monacan Indian Nation. Today it's owned by Fluvanna and Louisa Counties and officials plan to build a water pump there. They say the infrastructure is needed to provide water to residents and businesses in Zion Crossroads.

Now those plans could be derailed by allegations of misconduct lodged by a former employee of the archaeological firm that tested the site.



Listen

0:00

*Mallory Noe-Payne reports.*

In a sworn statement, the employee Eric Mai alleges that the archeologist in charge of testing the site lied to state regulators and mischaracterized the “cultural richness of the area.”

“The archeological remains we found during testing... were among the most impressive I saw during my more than six years with (the firm),” Mai wrote of the site, called Rassawek.

In seven detailed pages, Mai lays out how the crew hired to do the sensitive archeological work was unqualified and untrained. He says his boss told him that she “avoids hiring people with master’s degrees because they ask for too much money.”

“The archeologist sent unqualified construction workers in to do archeological work and destroyed resources as a result,” said Marion Werkheiser, an attorney for the Monacan Tribe.

In his complaint, Mai writes that the workers used improper equipment and could have damaged artifacts.

Mai also details repeated requests for more advanced technology that were turned down, and says that consequently it's likely the reports the firm produced are “inaccurate and the quality and usefulness... is poor.”

He alleges that the crew was instructed to lie to officials from the Department of Historic Resources when they visited the site, and that he later discovered his own resume had been altered to misrepresent his expertise in Native American history.



Now lawyers for the Monacan Tribe argue that those actions have disqualified the project from getting the necessary federal permits the project needs to proceed.

Justin Curtis, an attorney with the James River Water Authority, disagrees. He says they'll be independently investigating the claims. The James River Water Authority is a joint venture between Fluvanna and Louisa Counties.




"The Water Authority will be conducting a very thorough review of the consultants work on the project," Curtis said in an interview, acknowledging that the claims are serious.

Although the Water Authority has hired a new archeological firm, the group is also still working with the firm that's the subject of the whistleblower's complaint.

The Monacan Tribe is threatening to sue if the Army Corps of Engineers grants the project a permit. The Army Corps of Engineers did not respond to a request for comment.

*This report, provided by Virginia Public Radio (<https://viriniapublicradio.org/>), was made possible with support from the Virginia Education Association (<http://www.veanea.org/>).*

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What wasn't mentioned in this story is how Louisa and Fluvanna County officials; County Administrators, Supervisors and appointees to the James River Water Authority failed to exercise proper due diligence, or even cursory oversight over this project. Along with failing to adequately inform their fellow board members in their counties about what was happening.

Mistakes which were compounded by Louisa County officials in particular doing every thing in their power to make this project a done deal ... I mean bums rush it through, making six spectacular errors over the course of several years.

Now that Louisa County has build and is operating a \$ 20M water treatment facility in Louisa County which is currently using well water from a source inadequate for any long term growth, apparently convinced that "if we build it, the pipeline will come."

Now it's anyone's guess if an alternate intake site can be identified near the confluence of the James River and the Rivanna River, and if the pumping station and water pipeline ever will be finished.

Meanwhile the taxpayers of both counties are about to get stuck with the cost of their county officials incompetence.

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Sounds like this site needs to be surrendered to the National Park Service just like the Werowocomoco site. Only Native people are presently permitted to access the site and they are part of the work taking place on the site

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TOP STORY

## Allegations by ex-employee of Fluvanna water project consultant being investigated

By ALLISON WRABEL [awrabel@dailyprogress.com](mailto:awrabel@dailyprogress.com) | (434) 978-7261

Oct 24, 2019



## DAILY PROGRESS FILE

The James River Water Authority met in August about the water intake and pump station project

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Archaeological consultant on Fluvanna water project falsified resume, officials say

- Water authority criticizes state's dismissal of Rassawek archaeologist
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The authority in charge of a water project in Fluvanna County is now investigating a consultant's archaeological work on the contentious project, after a former employee came forward with allegations of unethical practices by the consultant.

Last month, the Virginia Department of Historic Resources wrote in a letter to the James River Water Authority that Carol Tyrer, an archaeological consultant on the water intake and pump station project, was unqualified. The department later clarified that Tyrer misrepresented her degree on her resume.

unqualified for Rassawek water project

- Monacan tribe pushes against water project
- James River Water Authority finds no wrongdoing by consultant
- Consultants recommend keeping pump station at Rassawek

The issue has intensified after Eric Mai, a former employee at Tyrer’s firm, Circa, sent a statement to VDHR reporting “an urgent concern” about what he believes 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, 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,” Mai wrote in the declaration.

The water intake and pump station is part of a larger project to bring water from the James River to a water treatment facility in Louisa County. The effort ultimately would serve the Zion Crossroads area in Fluvanna and Louisa counties.

The site for the intake and pump station is Point of Fork at the confluence of the Rivanna and James Rivers, which played a role in the Revolutionary War and also is known as Rassawek, the historic capital of the Monacan Indian Nation.

In a news release, the JRWA said that it “takes those allegations very seriously” and is conducting an investigation.

“At the conclusion of that investigation, JRWA will take any necessary and appropriate action to protect the public’s investment in this water supply project,” the statement said.

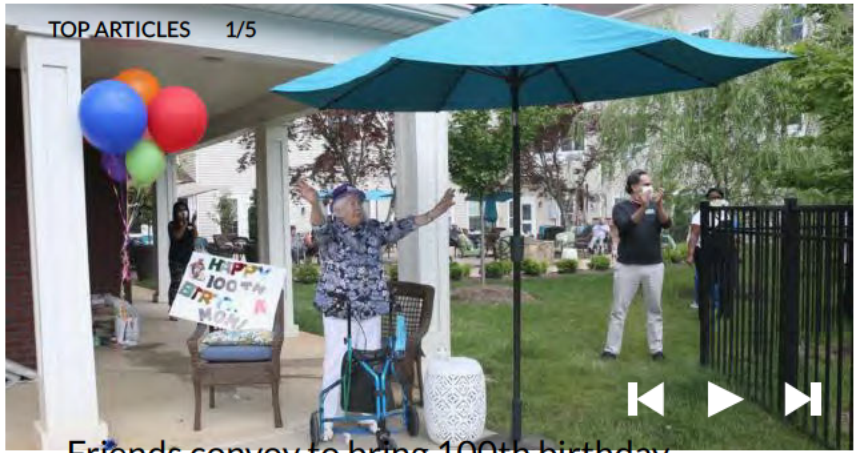
In Mai’s eight-page declaration, he states he was an employee of Circa for six years beginning in 2012 and was assigned to the JRWA project from May 2017 until January 2018.

“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, that is proffered in the proposed treatment plan,” he said.

Mai also alleges mishandling on other Circa projects he worked on, such as a survey in Nokesville; work in advance of a housing project in Mechanicsville; and construction of the Redskins training camp in Richmond.

“I was present for all excavations at this site, as well as machine monitoring,” he said of the Redskins project. “I believe that the archaeological investigations undertaken were rushed and features ignored.”





Friends convoy to bring 100th birthday greetings to county woman

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He also alleges that Tyrer edited a copy of his resume that was sent to VDHR and that it “grossly mischaracterizes and exaggerates my experience with prehistoric sites.”

“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,” Mai said.

Marion Werkheiser, managing attorney of Cultural Heritage Partners and counsel to the Monacan Indian Nation, said it would “now be contrary to federal law for the Corps to grant a permit to JRWA for this project.”

“JRWA’s consultant’s ‘study’ at Point of Fork was so purposefully deceptive and inappropriate in its approach, and so lacking in integrity, that the resulting ‘testing’ adversely affected the site,” Werkheiser said in a letter directed to Steven VanderPloeg, an environmental scientist with the U.S. Army Corps of Engineers.

Both Louisa and Fluvanna have issued statements about the allegations, stating that if the allegations about Tyrer’s qualifications are found to be true, both counties will



pursue action to ensure the “protection of taxpayer dollars.”

Justin Curtis, an attorney representing the authority, said they “really want to withhold judgment until we understand the facts a little bit better.”

“As of right now, Circa is still a member of the team and the reasons are the same as they were before — Circa’s been working on this project for a number of years and has a lot of institutional knowledge about the project and about the site in particular, and no one wants to lose your source of knowledge about the site,” he said.

Curtis said a new archaeological consultant that was selected in September will be doing the “lion’s share of the work” going forward.

The VDHR has said it did not deny JRWA’s project permit, but the authority filed a motion in local courts earlier this month that will enable it to appeal if needed.

JRWA has met with the Corps in relation to the Corps letter regarding the individual permit, Curtis said.

“The project team is proceeding with putting together all of the information that the Corps needs to proceed with processing the application,” he said.

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Allison Wrabel



[https://www.thecentralvirginian.com/news/local/whistleblower-alleges-wrongdoing-at-james-river-site/article\\_e442efaa-f5d0-11e9-afda-0750c697fb65.html](https://www.thecentralvirginian.com/news/local/whistleblower-alleges-wrongdoing-at-james-river-site/article_e442efaa-f5d0-11e9-afda-0750c697fb65.html)

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TOP STORY

## Whistleblower alleges wrongdoing at James River site

David Holtzman

Oct 27, 2019



David Holtzman

### MORE INFORMATION

A whistleblower alleged that he observed “unethical” practices during recent archeological work at the location where Louisa County hopes to build a water pump station near the banks of the James River.



## Monacans: Investigate water board

Deadline extended for James River project comments

In a statement sent to the United States Army Corps of Engineers, Eric Mai said he participated in an archeological dig at the site from May 2017 to January 2018 while employed by Circa Cultural Resource Management. He said Circa hired inexperienced staff, used minimal technology to save money and reported misleading information about the artifacts that were found.

The Monacan Indian Nation claims Rassawek, their former capital, was located in the area where Louisa and Fluvanna County want to build a pump station, working through the James River Water Authority. The area is also known as Point of Fork, given its proximity to the James and Rivanna rivers.

“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,” Mai wrote.

Justin Curtis, an attorney for the James River Water Authority, declined to comment about Mai’s allegations. He said the authority received a copy of the statement on Oct. 21.

The director of the Virginia Department of Historic Resources previously accused Carol Tyrer, the Williamsburg-based company’s principal, of claiming she had a master’s degree in archeology when she actually has a degree in another field. The Monacans have said for the past year that Circa used improper archeological procedures, but Mai’s statement provides more detail than was previously divulged.

Circa was tapped as a subcontractor to Timmons Group, which the authority hired to manage construction of a pump station and pipeline to bring raw water to Ferncliff.

Mai said he worked for Circa for six years, and that the problems he saw on the James River site were similar to what he observed on other projects he was involved with for the company. He said he had urged Tyrer in the past to invest in mapping technologies such as GPS to ensure accurate data, but she resisted, citing the cost.

“Because of this mapping deficit, there were several times on the project when we conducted shovel test pits in the wrong location, well outside of the project area targeted for construction,” he said. Some maps created for the water authority by Timmons may be of questionable value, he added, because they were based on data that Circa collected.

Mai completed a master’s degree in archeology in 2017, according to his statement and resume. In October 2017, the Department of Historic Resources sent Tyrer a letter chiding her for not supervising work at the James River site directly.

“Soon thereafter, Joe Hines, project lead for Timmons, came to the site and asked me about my professional and academic credentials,” Mai wrote. “Tyrer then instructed me to send her my resume. [She] suggested that she might forward my resume to VDHR.”

After Mai left Circa, he obtained a copy of the resume Tyrer had given to state officials. The document was different from the one Mai had provided. He said it mischaracterized him as a supervisor when Tyrer had never given him that role, and exaggerated his experience working on Native American archeological sites.

Other workers at the James River site lacked college degrees or formal training investigating Native American sites, Mai said. At one point, he said, Tyrer used workers from Faulconer Construction, the contractor in charge of building the pump station and pipeline, to participate in archeological work, even though they had no experience in that field and used inappropriate tools for the job. He was told the workers were paid for this work by Faulconer, not Circa.

The report Tyrer submitted to DHR in the spring of 2018 about work Mai and other crew members performed at the project site was misleading, he said, because some Native American artifacts that were found were not accounted for in the report. These artifacts provided evidence of cooking and stone tool production. Mai added that while Circa claimed it used specified methods to analyze artifacts, he did not believe the company had actually done so. The person in charge of processing the artifacts was not qualified for the work, he said.

After DHR sent the water authority a letter indicating the agency will no longer accept Tyrer as the lead archeologist for the project, the authority hired a different firm, GAI Consultants, to review her work. The authority also sent a notice to Julie

Langan, DHR director, appealing her denial of a burial permit because of Tyrer's lack of qualifications. Langan has said her agency did not actually deny the permit.

The appeal would be filed in Fluvanna Circuit Court, but Curtis said the authority has until next week to decide whether to do so.

May. 27, 2020

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# Whistleblower claims archaeological survey of Point of Fork "illegal, unethical, and unscientific"

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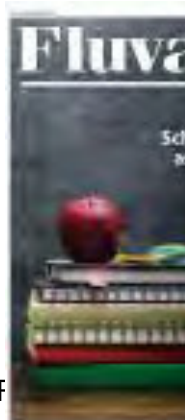
By Heather Michon

## Correspondent

An archaeologist who participated in the survey of a proposed water pumping station on the James River at Point of Fork said in a sworn statement that work conducted at the site was "illegal, unethical, and unscientific" and that the company's owner lied to state investigators, used unqualified and untrained staff, misrepresented professional credentials, and minimized significant archaeological discoveries.

The sworn statement is being proffered by Marion Werkheiser of Cultural Heritage Partners, the law firm representing the Monacan Nation, in an Oct. 21 letter to the Army Corps of Engineers, asking that a permit to develop the site be denied.

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Point of Fork is believed by many historians and archaeologists to be the site of Rassawek, the primary settlement for the Monacan Indian Nation at the time of the English arrival at Jamestown in 1603.

Eric Mai worked for Circa Cultural Resouce Management as a field technician for six years and was on-site at Point of Fork from May 2017 to January 2018. He resigned from in May 2018, in part because of the mismanagement he said he saw on the project.

Last month, the Virginia Department of Historic Resouces (VDHR) informed the James River Water Authority (JRWA) that they had learned that Circa's owner and principal, Carol Tyrer, did not meet the professional qualifications required by law to conduct a valid survey. As a result, VDHR said they were denying a necessary permit for the site, and the Army Corps of Engineers likewise said they would need to reevaluate the project.

Mai's statement, however, goes well beyond a lack of credentials. Among his allegations:

- Tyrer failed to give the team background on Rassawek or the Monacan tribe. None of the crew members had specific training in Native American history or archaeology. While Mai has a Masters's degree, the two other team members did not have college degrees and "were hired as a result of family friendships with Tyrer." Not only did they lack training, they also lacked the technology to map or analyze the site. Tyrer gave them only a hand-drawn map with notes on where to dig test pits.
- Tyrer was usually absent from the site. When a VDHR employee made a surprise visit in October 2017, Tyrer allegedly told the staff to lie and say she was normally there. After that, "Tyrer was present more frequently on-site, though she typically sat in her vehicle completing reports for other projects."
- Tyrer enlisted construction workers to dig some of the pits and screen for artifacts, "although they told me they had no idea what they were looking for." The workers were employed by Faulconer Construction, which, like Circa, was subcontracted by the engineering firm Timmons Group for work on the site.

Despite all this, Mai said that the archaeological remains they found "were among the most impressive I saw during my more than six years with Circa." He said they found evidence of "significant human habitation" in almost every deep trench they built.

"It is a testament to how special this place is that one could perform tests as purposefully incompetently as Circa did and still find nine National Register eligible sites in an area a few acres in size," said Werkheiser.





In the letter, Werkheister argued that Tyrer's work constituted "anticipatory demolition" of a historic property. If they agree with her argument, the Corps would not be able to issue a permit according to the rules of the National Historic Preservation Act, which prevents the issuing of grants and permit to anyone found to have deliberately damaged a historic site.

The James River Water Project is a multimillion-dollar joint venture between Louisa and Fluvanna counties to carry millions of gallons of James River water per day to Zion Crossroads and other parts of Louisa County.

Both Fluvanna and Louisa counties have issued statements saying they are taking the new allegations "very seriously."

"A thorough review will be conducted in order to determine whether or not these allegations will be contested," Fluvanna County officials said in a recent press release. "If the allegations are founded, the Fluvanna County Board of Supervisors will pursue necessary and appropriate action to ensure the protection of taxpayer dollars."



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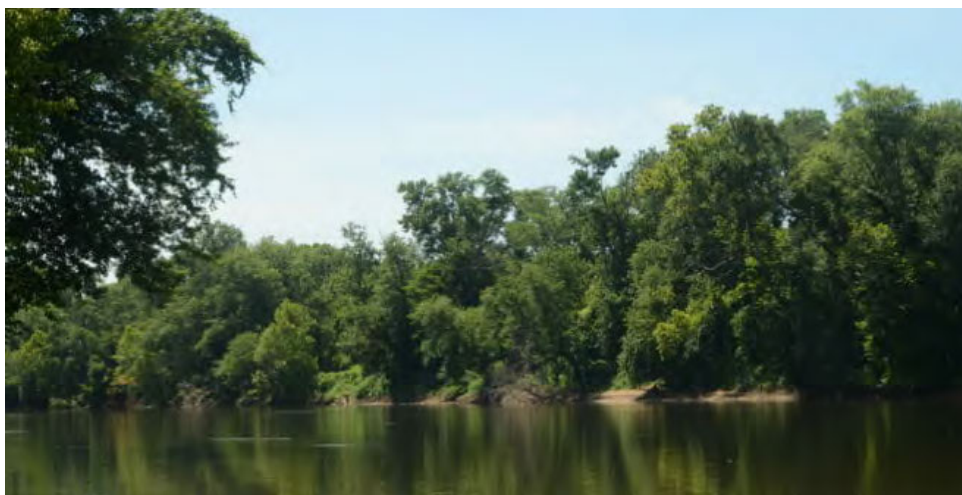
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# In deep: Allegations of mismanagement complicate Louisa's demand for water



(<https://www.c-ville.com/in-deep-allegations-of-mismanagement-complicate-louisas-demand-for-water/>) Construction of a water pump station at the confluence of the James and Rivanna rivers has hit a permitting roadblock due to concerns about the project's impact on a Monacan site. PC: Carrie Pruitt

[News \(https://www.c-ville.com/news/\)](https://www.c-ville.com/news/)

*By Spencer Philps*

**C-VILLE**  
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A host of issues have emerged in recent months that look to complicate the James River Water Authority's plans to construct a water pump station at the confluence of the

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James and Rivanna rivers. The site, today referred to as Point of Fork, is also the location of Rassawek, the historic capital of the Monacan Indian Nation.

As development has boomed in Zion Crossroads, despite a dwindling supply of groundwater, Louisa and Fluvanna counties have sought an alternate long-term water source, and formed the authority to pump water to the area from the James.

The Monacans, a tribe federally recognized in 2018, have fiercely opposed the construction project, saying it will irreparably harm the culturally significant site, as well as disturb the remains of Monacans likely to be buried there. More than 1,300 individuals and organizations have signed a letter sent to the U.S. Army Corps of Engineers and Governor Ralph Northam opposing the project.

Although the JRWA has able to secure two permits for the pump station, it still needs at least two more: one from the U.S. Army Corps of Engineers for impacts to streams and wetlands under federal jurisdiction, and one from the Virginia Department of Historic Resources for a second anticipatory burial permit in case the water authority encounters burial sites or human remains during excavation.

The JRWA has faced roadblocks for both permits. On September 6, the Virginia Department of Historic Resources issued a letter stating that it would be unable to issue a permit in part because it had deemed the archeological consultant on the project, Carol Tyrer and her firm, Circa Cultural Resource Management, lacked the necessary qualifications.

On September 10, the U.S. Army Corps of Engineers issued a letter to the JRWA saying it had become aware of the issues with Carol Tyrer and her firm, and based upon the “concerns and uncertainty regarding the

proposed project's impact to historic properties," was now requiring JRWA to undergo a more comprehensive individual permitting process for the project.

Things grew increasingly fraught in October, when a former employee of Circa Cultural Resource Management brought forward allegations of wrongdoing at the Rassawek site. The whistleblower, Eric Mai, alleged that Circa sent an unqualified and untrained crew to survey and excavate at the site, lied to DHR officials, produced misleading and plagiarized reports, and did not provide appropriate resources or equipment for workers, resulting in the maltreatment of artifacts. Mai alleges that Circa went so far as to alter his resume to give him qualifications he did not possess, unbeknownst to him at the time.

"The whistleblower came forward with more information with what happened out there at the archeological study at Point of Fork, which was just devastating," says attorney Marion Werkheiser, whose firm represents the Monacan Indian Nation. "It's clear that they were using construction workers to excavate the most sensitive parts of the site, who had no training, no supervision. We'll never know what was lost in that process."



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John Smith documented the Monacan capital Rassawek at the confluence of the James and Rivanna rivers in 1612. PC: Library of Congress

Justin Curtis, the lawyer representing the JRWA, says there is still an ongoing investigation into the allegations raised by Mai.

“Nothing has been stated publicly about that process because we are still evaluating the information and haven’t come to any conclusions at this time.” Curtis says. “Everything is being fully vetted and fully evaluated.”

As a result of the whistleblower report, the Monacan Nation is now arguing that the U.S. Army Corps of Engineers is legally barred from giving a permit to the JRWA per Section 110(k) of the National Historic Preservation Act, which states that federal agencies are forbidden to issue a permit to an applicant who has “intentionally significantly adversely affected a historic property to which the grant would relate.”

“The way that we read that whistleblower complaint, it was clear that there had been destruction of the site as a result of Circa’s work there,” Werkheiser says.

Curtis says he strongly disagrees with this conclusion.

“That section...is intended to prevent unscrupulous parties from going out and intentionally destroying historical or cultural resources and then claiming ‘Oh, there’s no resources here’ after they’ve already gone out and destroyed them. That’s clearly not what’s happened here.” he says.

The Monacan Nation has notified the Army Corps of Engineers about its concerns, but Werkheiser says it does not expect a response until the water authority completes its application.

Meanwhile, in November, the JRWA filed a lawsuit against the Virginia Department of Historic Resources, contesting the department’s conclusions about Tyrer’s qualifications and arguing that it was not involved in processes that ought to have been afforded it under state and departmental regulations. And Tyrer has filed her

own lawsuit against the DHR in the Virginia Circuit Court for Williamsburg and James City County. She declined to comment for this story.

Curtis says that he is optimistic that the issue can be resolved “through further discussions with DHR,” and believes that the JRWA will be able to submit its completed permit application to the U.S. Army Corps of Engineers by January.



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TOP STORY

## Water authority appeals decision on Fluvanna project

By ALLISON WRABEL [awrabel@dailyprogress.com](mailto:awrabel@dailyprogress.com)

(434) 978-7261

Dec 15, 2019



#### DAILY PROGRESS FILE

Members of the James River Water Authority listen to opposition to efforts to construct a water intake and pump station on Rassawek, the historic capital of the Monacan Indian Nation. The Monacans say the proposed project would disturb the burials of their ancestors and destroy Rassawek, first recorded by Capt. John Smith in 1612.

Opinion/Editorial:  
Rassawek dispute ratchets  
higher

A Central Virginia water authority is appealing decisions by a state department related to a controversial planned water intake and pump station project in Fluvanna County.

#### MORE INFORMATION



James River Water  
Authority finds no  
wrongdoing by consultant

The James River Water Authority, the entity in charge of the project, has filed a petition in Fluvanna's Circuit Court appealing the decisions of the Virginia Department of Historic Resources and its director, Julie Langan, around a permit application.

The authority applied for an anticipatory burial permit earlier this year, and Langan asked in a September letter for the authority to revise its application for the archaeological removal of human remains.

- Consultants recommend keeping pump station at Rassawek
- Despite opposition, JRWA still to pursue Rassawek site for water pump station

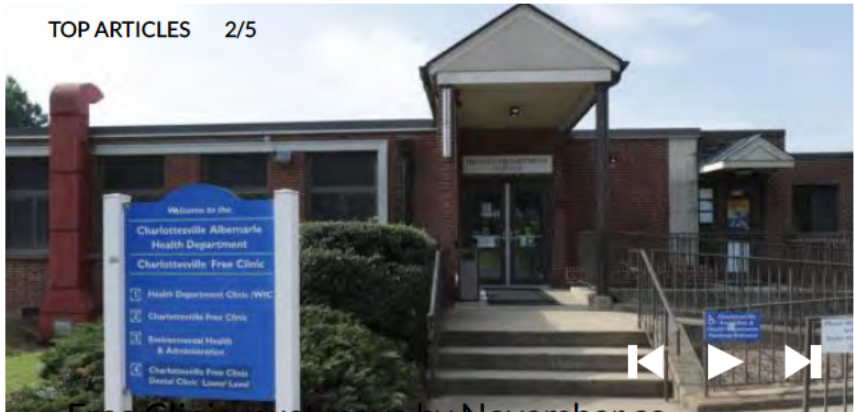
“Despite JRWA’s best efforts to comply with the laws and regulations necessary to obtain this permit, DHR has taken improper steps and made unlawful decisions that have impeded JRWA’s efforts to bring a new water supply to its citizens, thereby necessitating this appeal,” the authority’s petition states.

JRWA’s petition states that it is appealing VDHR’s denial of the application for the anticipatory burial permit and the decision that the archaeological consultant does not meet the DHR requirements, among other issues that were addressed in the department’s letter to the authority in September.

The water intake and pump station is part of a larger project through the water authority to bring water from the James River to a water treatment facility in Louisa County that ultimately would serve the Zion Crossroads area in Fluvanna and Louisa.

The project has been in the works for years, and more recently has received public pushback from residents and the Monacan Tribe, as the water intake and pump station is set to go on the site of the ancient village of Rassawek, the historic capital of the tribe.





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JRWA states that VDHR failed to provide the authority with notice that it intended to deny the permit application and denied the authority “the right to attend an informal fact-finding conference to address the purported reasons for the decision,” which is in violation of the state code.

Langan had sent the authority another letter later in September stating that her original letter was not a denial of anticipatory burial permit application or the permit itself, but was a request for JRWA to revise its current application.

The state has filed a motion to dismiss the appeal, stating the authority “has failed to exhaust its administrative remedies as required” under the state code.

“The appellant has failed to exhaust its administrative remedies because the parties have not yet undergone [an] ... informal conference or a ... formal hearing as required under the [Virginia Administrative Process Act],” the motion to dismiss said.

The Monacan Indian Nation’s attorneys filed a proposed amicus curiae brief in support of the VDHR and Langan, but Judge Richard Moore denied the motion, stating they

did not cite any statutory or case authority that would allow the filing of an amicus brief by a non-party in this case.

Moore, in the letter, said he was not denying and dismissing the motion with prejudice, “because there may be certain things that could occur in the future that would allow them to refile such — such as submitted authority (unknown to the court at this time) that would cause the court to reconsider this request and allow the court to grant such.”

---

Allison Wrabel





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TOP STORY

# Parties trying to work out water issue before going before Fluvanna Co. judge

A controversial project to support growth in Zion Crossroads is back in the spotlight.



Parties trying to work out water issue before going before Fluvanna Co. judge

By **Carly Kempler** | December 16, 2019 at 2:58 PM EST - Updated December 16 at 6:16 PM

FLUVANNA COUNTY, V.A. (WVIR) - A controversial project to support growth in Zion



Crossroads is back in the spotlight.

There seems to be a disconnect between the Virginia Department of Historic Resources (VDHR) and the James River Water Authority (JRWA). At issue is an anticipatory burial permit from the authority to build its water intake and pump station at Point of Fork, which was formerly the capital for the Monacan Indian Nation.



Point of Fork in Fluvanna County (FILE) (Source: WVIR)

The permit outlines a process if JRWA should encounter any graves or burials while excavating the site, attorney Justin Curtis explained. Construction can continue without the permit, however if crews were to find burials or graves, all work would cease and the project would be suspended until the authority applied for the appropriate permit, he added.

JRWA recently filed an appeal in Fluvanna Circuit Court following a September letter sent by the VDHR. The state has also filed a motion to dismiss.

“We still took the September 6th letter to be a denial. We weren’t able to resolve those issues in time to avoid filing, so we had to go forward and protect our legal rights and interests,” Curtis said.



VDHR Director Julie Langan says that was not the case: “We have always maintained it, we never denied burial permit. It was not a complete application, and so the purpose of my letter was to call attention to those issues,” she said. “I thought they were well aware of that. What they would not have been aware of, and that is also addressed in the letter, is that we would need for them to obtain the professional services of an archaeologist to meet certain standards.”

Langan said she sent another letter clarifying the department’s position just a few weeks after the September 6 letter.

Despite the secondary letter, Curits said the authority waited 30 days before filing an appeal to “protect our legal rights and interests,” as the two parties were unable to resolve several issues addressed in the letter.

“We were hopeful that we would have a chance to sit down and talk to them, and maybe work these issues out to avoid the need to go to court,” Curtis said.

Now with the appeal filed, both parties, along with the Attorney General's Office, are sitting down to iron things out.

“We have had a meeting recently to discuss their application for a burial permit, and I would say that meeting went well,” Langan said.

Both parties in this case do agree on something: Neither one wants to go to court. They are hoping they’re able to work out these issues before they ever make it in front of a

judge.

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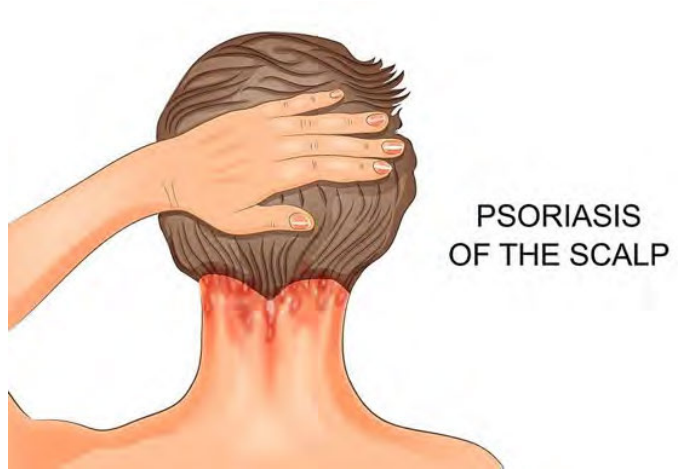
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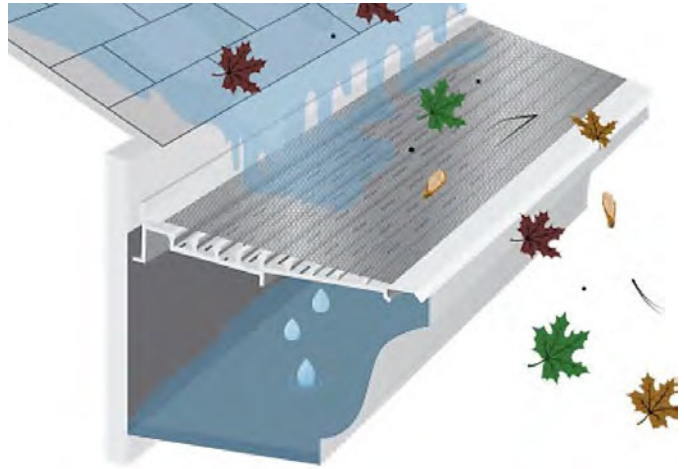
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Carly Kempler joined NBC29 as a reporter in June 2018 after graduating with a degree in broadcast journalism from the University of Maryland.

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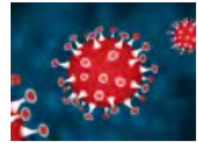
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## Monacans ask for independent investigation

From staff reports  
Dec 20, 2019

Opinion/Editorial:  
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ratchets higher

### MORE INFORMATION



James River Water  
Authority finds no  
wrongdoing by  
consultant

The Monacan Indian Nation wants elected officials in Louisa and Fluvanna counties to seek an independent investigation of consultants on a contentious water project.

Point of Fork, also known as Rassawek, the historic capital of the Monacan Indian Nation, is the planned site for a water intake and pump station, part of a larger project through the James River Water Authority to bring water from the James to a water treatment facility in Louisa. The treated water ultimately would serve the Zion Crossroads area in Fluvanna and Louisa.

- Consultants recommend keeping pump station at Rassawek
- Preservation group

In a letter sent to both counties' boards of supervisors, the tribe and their attorney, Marion Werkheiser, ask the boards to

names Rassawek among  
most endangered  
historic sites in Va.

“engage a respected third-party to conduct an independent investigation” into whether consultants the Timmons Group and Circa~ Cultural Resource Management “defrauded the public during purported archaeological investigations at Rassawek” and if JRWA used taxpayer dollars to pay for “illegal and unethical practices.”

The JRWA is a joint entity of Fluvanna and Louisa that was formed in 2009 to manage the overall project.

The Virginia Department of Historic Resources asked the authority to submit a revised anticipatory burial permit application earlier this year, after it said it found the archaeological consultant on the project was unqualified.

After a former employee came forward with allegations of unethical practices by Circa, JRWA said it was investigating the archaeological work on the project.

“It has been seven full weeks since JRWA issued this statement,” Werkheiser said in the letter, “Nevertheless, the public is still waiting for JRWA to conduct a thorough and independent investigation.”

The authority filed a petition in Fluvanna’s Circuit Court appealing the decisions of the VDHR and its director, Julie Langan, around the permit application.

The letter includes 10 questions that could be asked to “reveal the extent to which JRWA has used taxpayer dollars to pay for illegal and unethical work against the public’s interest.”

“The time has come to acknowledge that JRWA is not in a credible position to investigate Circa and Timmons because in doing so JRWA is conflicted by its desire to protect its plans to locate the water pump station in a place that would destroy Rassawek, and because of JRWA’s direct involvement and culpability,” Werkheiser said in the letter.

She also sent a letter to the U.S. Army Corps of Engineers with invoices from Faulconer Construction Co. She alleges the documents “reveal that the James River Water Authority knew its project consultant was deploying untrained construction personnel instead of trained professionals to perform highly sensitive testing at Rassawek.”

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The Daily Progress staff



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## Monacans: Investigate water board

David Holtzman  
Dec 26 2019



David Holtzman

### MORE INFORMATION



Consultant unqualified, state says

Whistleblower alleges wrongdoing at James River site

Following the latest salvo in the battle over Louisa County's future public water supply, the Monacan Indian Nation asked the Louisa and Fuvanna county boards of supervisors to hire a third party to investigate the actions of the James River Water Authority.

The tribe's Dec. 18 letter to Louisa supervisors Chairman Tom Wams (Jackson district) and John Sheridan, his counterpart in Fuvanna, says that the authority cannot be trusted to get to the bottom of alleged wrongdoing by its cultural resources subcontractor, Crica Cultural Resource Management LLC.

"Documents have now revealed that JRWA itself was fully aware of some of Crica's practices and paid for them knowingly, including Crica's use of untrained, unqualified, unsupervised construction workers to conduct sensitive archaeological testing instead of archaeological field technicians," wrote the Monacans' attorney, Marion Werkheiser.

She made the same allegation in a separate Dec. 16 letter to the U.S. Army Corps of Engineers, the agency responsible for issuing a permit to allow the water project to proceed.

As evidence, the Monacans presented daily field reports filed by Fauconer Construction Company, the contractor the JRWA hired to build a pump station at the James River and a pipeline to carry water from there to Louisa County.

The reports, dating from December 2017 and January 2018, are signed by Carol Tyrer, Crica's president. The forms list Joe Hines, engineer for Timmons Group, which is managing the water project for the JRWA, as having authorized the work. The Monacans say the JRWA subsequently paid Fauconer for its labor.

Justin Curtis, a JRWA spokesman and attorney, said there was nothing unusual about the fact Fauconer employees assisted with the archaeological work, operating heavy machinery at the site and other tasks on behalf of Crica.

"It is not uncommon or improper for construction workers or other laborers to assist them," Curtis said. "The question is, what activities were appropriate and were they properly supervised?"

A former Crica employee, Eric Ma, said in a statement submitted to the Army Corps of Engineers in October that he observed the company use inexperienced staff during the archaeological dig on the James River. Ma also alleged the company reported misleading information about Indian artifacts that were found.

In response, the authority and Fuvanna County issued statements in which they vowed to investigate Ma's claims. The authority also said a different company, GAI Consultants Inc., would be tasked with additional resources consultant going forward.

Louisa County Administrator Christopher Goodwin and Supervisor Troy Wade (Louisa district) are JRWA members. D.D. Watson, a Louisa County business owner, is the authority's chairman.

“At the conclusion of [the] investigation, JRWA will take any necessary and appropriate action to protect the public’s investment in this water supply project,” the authority’s statement reads.

Virginia Department of Historic Resources Director Julie Langan said in September that Tyrer did not have the academic record necessary to manage an archaeological project. Since issuing its statement in October, the JRWA’s only public action has been to file an appeal in Fuvanna Circuit Court in which it defends Tyrer’s qualifications.

“This approach struck our client as unusual until we saw [Faulconer’s filed reports], which make clear that Tyrer was doing her job’ with JRWA’s full approval,” Werkheiser wrote in her letter to the Army Corps of Engineers.

In its Nov. 4 appeal, the JRWA said Langan was wrong to disqualify Tyrer, citing state code requirements for archaeological work. The authority also claims Langan unjustly denied an anticipatory burial permit needed for the next phase of archaeological work. Langan has said that she did not deny the permit, but would not issue it unless Tyrer is replaced as the lead cultural consultant.

Curtis said the authority may provide a response to Malis’ claims at its January meeting.

“The allegations merit a full and fair review, and that takes time,” he said. “To ask for an independent investigation at this point is grossly premature.”



May. 27, 2020

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# Monacans call for investigation of water authority

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**By Heather Michon**  
**Correspondent**

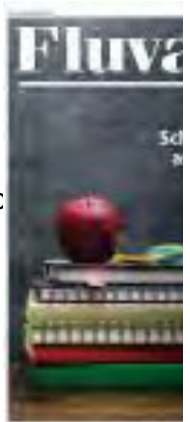
The Monacan Indian Nation is calling on the Fluvanna and Louisa Boards of Supervisors to begin a third-party, independent investigation into claims of mismanagement of the archaeological survey at Point of Fork.

Point of Fork, at the confluence of the James and Rivanna rivers, is believed by many historians and archaeologists to be the site of Rassawek, the main Monacan settlement at the time of the English arrival in Virginia in 1603. It is also the proposed site of a multi-million-dollar joint venture between Fluvanna and Louisa to carry water into Zion Crossroads and other parts of Louisa—water vital to the continued economic growth of the area.

The Monacan tribe, now based in Amherst County, is critical of the location of the project, which they believe will disrupt tribal artifacts and, potentially, the remains of their ancestors. In 2019, they retained Cultural Heritage Partners, a law firm that frequently works with tribes on the protection of their material heritage.

Marion Werkheiser of Cultural Heritage Partners wrote to chairs Mike Sheridan of Fluvanna and Toni Williams of Louisa on behalf of the Monacans to investigate whether the James River Water Authority (JRWA) used taxpayer dollars to pay for “illegal and

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unethical practices” by Circa Cultural Resource Management, an archaeological survey firm hired by Timmons Group.

In her three-page letter, Werkheiser highlighted several issues her firm helped bring to light in since the summer of 2019.

In September, Julie Langan of the Virginia Department of Historic Resources (VDHR) informed the JRWA that Carol Tyrer, owner of Circa Cultural Resource Management, did not meet the professional qualifications needed under Virginia law to conduct valid archaeological surveys. Langan denied the project a permit for the excavation of human remains. At the same time, William Walker of the Army Corps of Engineers indicated that, because of the invalidated survey, his department would have to reevaluate the project and require JRWA to apply for a more stringent permit.

Then, in October, a former Circa employee claimed that work conducted at the Point of Fork site was “illegal, unethical, and unscientific.”

### 700 hours

Along with the call for an independent investigation, Werkheiser also released a letter sent to the Army Corps of Engineers on Dec. 16 including a set of work orders on Faulconer Construction letterhead but signed by Carol Tyrer.

The work orders indicate that between Dec. 1, 2017 and Jan. 22, 2018, Tyrer signed off on over 700 hours of labor by Faulconer workers at the site. “The workers are clearly identified *not* as cultural resource field technicians, but as ‘laborer[s]’ and a ‘[backhoe] operator,’” said Werkheiser. On a dozen occasions, notations on work performed include references to digging and sifting.

In a sworn statement released in Oct. 2019, Eric Mai, a former field technician for Circa, described Tyrer “enlisting unoccupied construction workers” to perform archaeological work at Point of Fork, even though they had no training to do that type of sensitive work. The workers allegedly told Mai “they had no idea what they were looking for,” as they sifted the soil. He said he witnessed them using post-hole diggers and other heavy equipment that could damage artifacts and destroy ground features.

The work orders indicate Tyrer was on-site at these times, with two invoices noting no work was done “due to Carol not being presents.”



However, in his statement, Mai said Tyrer spent most of her time at the site doing paperwork in her car, and despite his attempts to supervise the Faulconer crew, he was often dispatched to work in other areas of the dig site. "There were many times when these construction crews were excavating and screening with no supervision whatsoever," he alleged.

The work orders were in the records of the JRWA's March 6, 2018 meeting. Werkheiser said in her letter that these documents "establish that JRWA itself knowingly authorized the payment of taxpayer dollars for this purposefully incompetent approach to testing."

### **JRWA conflicted**

In her letter to Sheridan and Williams, Werkheiser noted that it had been seven weeks since the JRWA issued a statement saying they took Mai's allegations "very seriously" and would conduct a thorough review.

But on Nov. 11 they filed a petition in Fluvanna County Circuit Court to try to get a judge to compel the Commonwealth to accept Tyrer as a qualified consultant. They have also retained another company, GAI Consulting, to review Tyrer's report on the Point of Fork dig.

"The time has come to acknowledge that JRWA is not in a creditable position to investigate Circa and Timmons," she concluded, "because in doing so JRWA is conflicted by a desire to protect its plans to locate the water pump station in a place that would destroy Rassawek, and because of JRWA's direct involvement and culpability."



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# The Washington Post

*Democracy Dies in Darkness*



## Virginia's Monacan tribe uses new federal status to take a stand for what could be its long-lost capital

By **Gregory S. Schneider**

Jan. 5, 2020 at 5:59 p.m. EST

POINT OF FORK, Va. — No one doubts that layers of history lie at this spot southeast of Charlottesville where the Rivanna River flows into the James. Abandoned canal locks loom like castle walls; Revolution-era buildings stand in ruins nearby.

But one group of Virginians claims the land has even deeper significance. The Monacan Indians, chased out some 300 years ago, believe the V where the two rivers meet was the site of their ancient capital, Rassawek.

Now two local counties want to build a water pumping station on top of it to supply a fast-growing commercial center several miles away. Until recently, the Monacans had felt powerless to protect their heritage, just as they watched electrical lines, a gas line and a railroad girdle the site in years past.

AD

In 2018, the tribe won a long battle for federal recognition. It's using that status to fight the water station, in the first major test of Native American clout in Virginia since six state tribes earned federal protection that year.

"The eyes of everybody were on the project once we were federally recognized," said Kenneth Branham, 66, chief of the Monacan Nation.

The challenge has mired the project in permit delays. The James River Water Authority, chartered by the counties of Fluvanna and Louisa, says the holdup is harming taxpayers. Across the river, a brand new treatment plant sits idle, with no water coming in. Commercial development at Zion Crossroads — a cluster of retailers, fast-food restaurants and gas stations along Interstate 64 — grows thirstier as local well water struggles to meet demand.



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“Completing this project and completing it expeditiously is vitally important to both counties,” water authority lawyer Justin Curtis said. “It’s both a long-term, 50-year supply and it’ll also meet some short-term needs.”

It all hinges on the question of what lies beneath centuries of river silt.

In 1607, Capt. John Smith ventured up the James River past the falls of modern-day Richmond and encountered the Monacans. While the Powhatan Indians ruled Virginia’s Tidewater region, the Monacans held sway from the fall line west to the Blue Ridge Mountains.

Smith published a map in 1612 that located five Monacan villages along the James and Rivanna rivers, with their capital — Rassawek — at the point where the waters converged. It was a major trading center that could have housed hundreds of people.

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The Monacans were more reclusive than the Powhatan tribe, who alternately married (Pocahontas) and massacred settlers at Jamestown. Monacans spoke a different language and were distracted by conflict with tribes to the north. Over time, the English pushed them off their land and caused a diaspora that saw Monacans dispersed to North Carolina, Tennessee and possibly as far as Canada.

Today the tribe numbers more than 2,100, with about 500 clustered in Amherst County, about 70 miles from their old capital on the James River.

Over time, the confluence of the Rivanna and the James accumulated American history. A teenage Thomas Jefferson conducted one of his first public acts here, rallying surrounding landowners to clear channels in the Rivanna.

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The British Army captured an American arsenal on the Point of Fork during the Revolution. Later, the adjacent hamlet of Columbia became a hub for bateau traffic — the long, flat-bottomed boats that once carried cargo up and down canals to Richmond.

Artifacts of those eras have largely washed away in periodic floods. Historic Columbia is mainly a country store and several ramshackle ruins along Route 6.

In 1980, a college student driving to Richmond noticed construction over on the point — a gas line was being dug. Rich deposits of Native artifacts speckled the mounds of dirt. The state briefly called a halt to the work and archaeologists surveyed what had been exposed.

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Then the work continued and the artifacts were bulldozed.

Since then, historians have speculated that the artifacts confirm Smith's map and pinpoint the long-lost capital, Rassawek. That would be a significant find. The capital of the Powhatan people, Werowocomoco, was discovered on the York River in Gloucester County in 1977. After extensive study, the National Park Service acquired that site in 2016.

In a state that prides itself on preserving history, Native American heritage has long been overlooked. Many tribes were nearly erased in the early part of the 20th century when officials following the eugenics movement insisted on classifying every Virginian as either "white" or "colored."

AD

That legacy of neglect makes it even more crucial to preserve what's left, said Julie Langan, director of the Virginia Department of Historic Resources.

“Documenting and preserving Native American sites is a priority for our department because it was an important part of Virginia history and it is not as well understood or documented,” she said.

Rassawek, Langan said, “is a highly significant site.”

The tribe had known about the water project for several years but had no official role as the counties bought the land, built a treatment plant and began securing permits for the pumping station.

Water authority officials said they kept the tribe informed, but the Monacans said they had no official seat at the table until President Trump signed their federal recognition in January 2018.

AD

After that, “the federal government had to consult the tribe” in reviewing permits, said Marion Werkheiser, a lawyer with Cultural Heritage Partners who has taken up the tribe’s case. “Their concerns can’t simply be dismissed anymore.”

Believing they were too late to change the outcome, the tribe initially asked Werkheiser to seek compensation to help care for artifacts and the reburial of any ancestral remains.

But once the tribe became a full-blown participant, they learned something: There were other possible sites for the pumping station. The counties just thought this was the cheapest.

At that point, the strategy changed. Branham said the tribe dropped its interest in compensation and set out to protect the site.

AD

By the summer of 2019, the Monacans were in what Werkheiser called “government-to-government” consultation with the U.S. Army Corps of Engineers, pressing their concerns as a sovereign entity. They raised questions about the permitting process, and especially the archaeological survey work that the water authority had commissioned to certify that construction wouldn’t disturb any major historic site.

The water authority contends that any spot along the James River is going to turn up historic artifacts.

“Yes, it’s a very significant historical site,” said Curtis, the authority’s lawyer. “There are a lot of areas up and down the James River that have been inhabited for thousands of years, a lot of historic sites.”

As for whether this is Rassawek: “It’s fair to say it’s been inconclusive,” Curtis said. “Some historians have put it at [nearby] Elk Island, or farther up on Point of Fork.”

But the Monacans believe the evidence here is strong. In July, they persuaded Gov. Ralph Northam (D) to visit Point of Fork and hear their concerns. State and national preservation groups had begun to join in opposing the project.

Two months later, Langan, of the state Department of Historic Resources, dropped a bombshell: She said the project’s archaeologist, Carol Tyrer, had improper academic credentials. There would be no permit until a more suitable archaeologist had conducted a review.

The decision played like a major scandal in local newspapers. Then it got worse. A former employee of Tyrer's came forward to accuse her of improper practices at the site, including using sloppy methods and destroying artifacts.

Tyrer has filed a lawsuit challenging the state's ruling. Her office referred a reporter to her lawyer for comment; the lawyer did not respond to an email or phone call.

In her suit against the state, Tyrer said her graduate degree in global affairs with a concentration in world history and culture qualifies as a "related field" in meeting state guidelines for archaeological work. She said the Department of Historic Resources' action is "an arbitrary and capricious abuse of power, exceeds the scope of the power granted to DHR . . . and is not in accordance with law."

Meanwhile, the project is on hold. The Corps of Engineers rescinded an earlier permit and demanded a more thorough review. A spokesman for Northam said the governor stands by Langan's call for a new archaeologist.

"He wants to ensure a level playing field and fair process for those who seek to preserve their cultural heritage," spokeswoman Alena Yarmosky said via text message.



The water authority has hired another consultant to work with Tyrer and said it would investigate the claims of improper practices. It is analyzing other possible sites and plans to resubmit its applications in the coming weeks, Curtis said.

Several adjacent landowners side with the tribe. “Nobody is against water, there just has to be another spot,” said George Bialkowski, 52, who with his wife owns 72 acres near the point.

For now, the site remains undisturbed, apart from fields harvested for cattle feed. White sycamore, oak and maple trees march along the banks toward the point where the brown rivers slowly converge from either side. Chief Branham picks his way through undergrowth, notices deer tracks in the mud.

“Can you imagine four or five hundred years ago, canoes running up and down the river over here?” he says. “People, children — living normal family life. It was a town.”

Twenty years ago, Branham was part of a group of Monacans who received ancestral remains that had been on display in a Richmond museum. They wrapped them in red cloth and reburied them.

“If you’ve never had the experience of opening up a box — ” he said, his voice trailing off with emotion. “Taking those skeletons and putting them in cloth, looking at them and knowing it was a kid — I never want to go through that again.”

Better to let them lie where they are, he said. “This is our history. It’s part of who we are.”





[https://www.thecentralvirginian.com/news/details-of-water-authority-response-to-alleged-wrongdoing/article\\_8898fbd0-3893-11ea-ba5e-c353799265a0.html](https://www.thecentralvirginian.com/news/details-of-water-authority-response-to-alleged-wrongdoing/article_8898fbd0-3893-11ea-ba5e-c353799265a0.html)

FEATURED TOP STORY

## Details of water authority response to alleged wrongdoing

David Holtzman

Jan 16, 2020



David Holtzman

The James River Water Authority has strongly denied allegations of improper conduct during an archeological dig near the site where Louisa County hopes to draw its future public water supply.

In a 35-page memo released on Jan. 15, the authority's counsel accused the whistleblower, Eric Mai, of misleading or false statements. Mai, a former employee of Circa, the Williamsburg-based company hired to manage cultural resource work at the James River site, made the assertions in October in a sworn statement provided to the Monacan Indian Nation.

"Counsel does not find any specific allegations in the Mai Declaration sufficiently credible" to justify further action, wrote Justin Curtis, the authority's counsel and AquaLaw vice-president.

Curtis did not interview Mai or other Circa staff besides Carol Tyrer, the company's president. He did collect information from employees of Timmons Group and Faulconer, which worked with Circa as part of the water authority's team of contractors.

"JRWA investigated itself and found itself innocent. We are not shocked," said Greg Werkheiser, an attorney for Cultural Heritage Partners, which represents the Monacans. "This reads more like a bad defense brief than a legitimate attempt to find facts. The Monacan Indian Nation reiterates its call for a legitimate independent investigation."

The Monacans are pushing the authority to relocate a planned water pump station and pipeline away from what the tribe says is the ancestral location of Rassawek, their capital city prior to white settlement in the 1600s.

Curtis challenged Mai's claims that Tyrer had provided misleading information about artifacts found at the site. He said Mai had provided "an opinion without any factual basis. Counsel does not have sufficient information to evaluate that opinion."

Mai also claimed that Tyrer used inexperienced staff. He said while he has a master's degree, other workers lacked college degrees or formal training investigating Native American sites.

Three of Tyrer's employees on the site, including Mai, had at least five years of work experience, though they did not have training prior to joining the company, Curtis said. An experienced geoarcheologist, Dan Hayes, was also on site for a portion of the work, Curtis said, citing billing records. Curtis said Tyrer told him more experienced staff came to work at the site later, though they are not named in the memo.

Curtis said there were no grounds for questioning the use of workers from Faulconer Construction Company, the authority's contractor, to assist with archeological work. Citing an interview with a Faulconer employee, he said they were supervised by Circa staff and did not take on tasks they were not suited for.

In response to Mai's statement that he and other Circa staff had to use outdated technology such as a compass, Tyrer told Curtis that her staff did have GPS devices for use in the field to take accurate measurements. Even if Mai was correct, Curtis said, a compass should have been a reliable tool.

"The former employee alleged that staff were provided only hand-drawn maps and compasses and had to 'guess' the site boundaries," Curtis said in a written statement. "However, billing records and photographs from the archeological study confirm that a survey team clearly staked out the site boundaries and key locations prior to the study."

Mai claimed that Tyrer had changed the content of his resume to exaggerate his experience working with Native American artifacts and to suggest he was qualified to be a site supervisor. But his statements are contradicted by resume versions Mai himself submitted, Curtis wrote. The attorney added that Mai listed himself as a field supervisor on his LinkedIn social media page until shortly after he released his sworn statement.

"The nature and timing of the revisions to Mai's LinkedIn page suggest a deliberate intention to conceal evidence," Curtis wrote.

A significant portion of the authority's memo is in response to Mai's allegation that Tyrer misled the Department of Historic Resources about whether she directly supervised her staff at the site. Mai suggested she was often not present and tried to get her staff to lie on her behalf.

Tyrer acknowledged that one of her employees, Charlie Rutledge, might have misconstrued that she wanted him to lie to DHR in one instance about her whereabouts, according to Curtis. In any case, Tyrer added, Rutledge told the truth.

Curtis noted that his memo does not address the separate matter of whether Carol Tyrer, Circa's director, was qualified to oversee the archeological dig. Julie Langan, Virginia Department of Historic Resources director, said last fall her agency would not issue a burial permit needed for construction to proceed until Tyrer was replaced. The authority hired another firm, GAI Consultants Inc., to review Circa's work, and Curtis said Circa is being retained on "a limited on-call basis."



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# Monacans Fight to Protect History and Culture

By [SANDY HAUSMAN \(/PEOPLE/SANDY HAUSMAN\)](#) • MAR 10, 2020

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It's been more than a decade since Louisa and Fluvanna Counties started planning a water pipeline from the James River to areas they hoped to develop, and Wednesday the local water authority will vote on where to build an essential pumping station.

The four-acre site they selected is historic and sacred to native Americans who are threatening to sue.

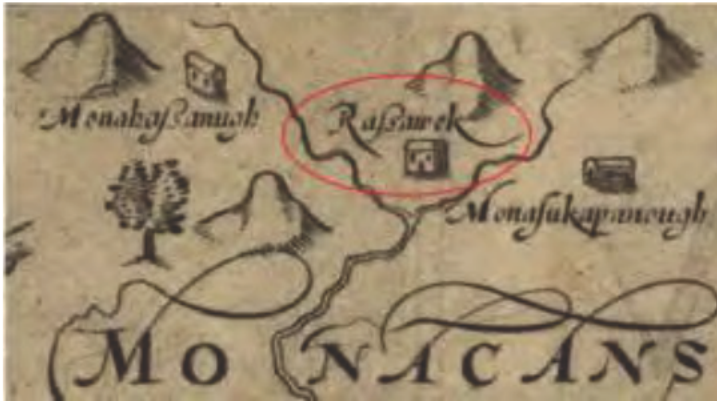




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*Sandy Hausman reports*



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In 1612, colonist John Smith drew a map showing the capital of the Monacan tribe – Rassawek.

CREDIT CULTURAL HERITAGE PARTNERS

When explorer James Smith came through Virginia in the early 1600's, he discovered a large settlement of native Americans known as the Monacans, and their capital city – on a perch overlooking the James and Rivanna Rivers -- was known as Rassawek.

"All the other communities of Monacan Indians in the region paid tribute to that town, went there for ceremonies, and undoubtedly the town was larger than its contemporary, Jamestown," says Greg Werkheiser – an attorney representing what remains of the Monacan tribe.

"Virginia was particularly vicious in its treatment of tribes and highly efficient in erasing their history," he adds.

Now, about 2,400 people who consider themselves Monacans are fighting to protect the land where Rassawek once stood and the graves of their ancestors. Werkheiser's law firm has offered free legal assistance – calling on the Army Corps of Engineers to deny a building permit for the water pumping station needed to pipe supplies from the James River to growing communities like Zion Crossroads.

"The tribe is saying there is a specific alternative that has a greater chance of avoiding harming Rassawek," Werkheiser says.

If the James River Water Authority is unwilling to negotiate and the Corps of Engineers fails to consider the historic and cultural concerns of the Monacans, Werkheiser says they're prepared to sue.

For more information:

<http://www.culturalheritagepartners.com/saverassawek/>  
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# JRWA water project to go to Army Corps of Engineers

March 11th, 8:07 PM EDT  
**Updated:** May 18th, 2:58 PM EDT  
By **Darnell Myrick**

LOUISA COUNTY, Va. (CBS19 NEWS) -- People packed the Spring Creek Clubhouse in Zion Crossroads for a meeting about the James River Water Authority's project to bring water to Fluvanna and Louisa counties on Wednesday.

The James River Water Authority Board voted to move forward on its water project to bring a water supply from the James River to the Zion Crossroads area of Louisa and Fluvanna counties.

The supply's purpose would be to help develop the area.

The location of the project would sit at the Point of Fork in Fluvanna County where the Rivanna and James rivers meet. That site is also considered the capital of the Monacan Indian Nation, Rassawek.

Many people at the meeting voiced their displeasure with the vote, chanting shame while turning their back to the board.

Greg Werkheiser, a lawyer for the Cultural Heritage Partners representing the Monacan Indian Nation, said he feels the Monacan Indian Nation and the people were neglected and the board chose to put profit before people.

"The James River Water Authority, their vote is a shame," said Werkheiser. "It is profit over people, it is environmental racism and that is relatively, unfortunately, a new term but it describes something that has been around for years. It's a shame they are going to largely ignore the 12 to 15 alternative places they could've built this, but we've seen setbacks before and ultimately we are confident this site will not be destroyed by this project. We will find another alternative or we'll shut the whole thing down."

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Justin Curtis, an attorney for Aqua Law representing the James River Authority Board, said the board thinks the current location for the project is the best site, but it plans on working with the Monacan Indian Nation to discuss possible alternatives.

"If there is a better alternative that meets the 50-year needs for drinking water in the counties, and is affordable for the counties to do, unfortunately, cost and budget are a constraint for a project like this, but if there is an alternative for everyone, I think it's incumbent for all of us to explore that," said Curtis.

The project is not finalized.

The board will submit additional application materials to the U.S. Army Corps of Engineers, and then a public hearing will take place before a final decision is made for the project.

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TO STORY

## Despite opposition, JRWA still to pursue Rassawek site for water pump station

By ALLISON WRABEL [awrabe@dai yprogress.com](mailto:awrabe@dai yprogress.com) (434) 978-7261  
Mar 11, 2020



ALLISON WRABEL/THE DAILY PROGRESS

Members of the public stand and show their backs to members of the James River Water Authority to demonstrate their opposition to a planned intake and pump station. The authority still will submit an application for a Monacan Indian Nation heritage site as the preferred site for the station.

#### MORE INFORMATION



Consultants recommend keeping pump station at Rassawek

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- Archaeological consultant on Fluvanna water project falsified resume, officials say
- Preservation group names Rassawek among most endangered historic sites in Va.

**ZION CROSSROADS** — Despite 50 people speaking in opposition, the James River Water Authority will submit an application with a Monacan Indian Nation heritage site as the preferred location for a proposed raw water intake and pump station in Fluvanna County.

The authority board was presented with alternatives at its February meeting — which included 12 alternative project combinations, five alternative water sources and a no-action scenario — and voted Wednesday to submit the controversial site as its preferred option with application materials to the U.S. Army Corps of Engineers.

The proposed and recommended site for the intake and pump station is near Point of Fork at the confluence of the Rivanna and James Rivers, which played a role in the Revolutionary War and also is known as Rassawek, the historic capital of the Monacan Indian Nation. Members of the nation have opposed the station, and they and the Virginia Department of Historic

Resources have said that an archaeologist conducting the initial site review for the station was unqualified.

Justin Curtis, an attorney for JRWA, said after the authority submits the application, the Corps will verify that it's complete, then it goes out for public notice, which begins a round of public review.

"This is not the end of the process or the final decision, it is one of the preliminary steps along the way," he said. "And my suggestion and recommendation is there's no reason to defer that step at this point. That doesn't prejudice our ability to continue discussions with the Monacan Nation or anyone else, but it does advance the ball on this permit application."

The full application materials are not complete, Curtis said, and only a presentation document that the authority received in February has been made available to the public.

In a letter on Tuesday, an attorney for the Monacans urged the authority to defer its planned vote and consider a potential site alternative that was called Forsyth for the project, which is about 2.3 miles upstream from the confluence of the rivers.

"You stated last week that a primary obstacle to your clients' ability or willingness to deviate from current plans is that the Nation

has not identified a specific alternative that it might find acceptable,” said attorney Greg Werkheiser in the letter. “The Nation has now done so.”

“Should JRWA choose to move forward without more fulsome consideration of the Forsyth alternative, the Nation and its supporters will have no choice but to conclude that JRWA was never serious about trying to find a viable alternative,” he said in the letter.

The authority has had a pending nationwide permit application with the Corps, but was asked to submit more information for a standard individual permit, which requires more review, after an archaeologist consulting on the project was found by state officials to be unqualified and misrepresented her degree on her resume.

During a public hearing Wednesday, 50 people spoke against the site recommendation and asked the authority to delay the vote, citing the historic resources in the area.



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Monacan Chief Kenneth Branham, who was wearing a “Save Rassawek” T-shirt, said there were rumors that the tribe was trying to get money out of this issue.

“We will not take any amount of money to let you go through there and destroy our ancestral homeland,” he said. “There are ancestral remains in that area. I did a major reburial once before and I do not want to do that again. You can move that site.”

“You’re supposed to be working for these people, do your job and put it somewhere where everybody will be happy with it,” Branham said.

Kirk Bowers, conservation chair for the Piedmont Group Sierra Club, said he believed that the alternatives analysis that was done was insufficient and did not really seriously consider alternative sites and routes. He said from his experience as a civil engineer, he has seen repeatedly where costs became the major factor in making a decision.

“However, in this case, it is not in the public’s best interest to seek the lowest cost, as the cost of destruction of historic resources are not measurable,” he said. “The value of our cultural heritages and resources simply outweigh the value gained from building a pump station at Rassawek.”

A few people spoke about the transparency of the authority’s meetings, particularly Wednesday’s public hearing, including the fact that they are held in a gated community, there are not microphones and that the authority members do not have nameplates.

Jeffrey Hantman, a professor emeritus of anthropology at the University of Virginia, said comments have been made that burials would be disturbed at this site are “speculations.”

“We don’t speculate, we look at the patterns and the patterns are clear, Monacan burials are associated with Chiefs villages,” he said.

They're commonly found in villages and towns along the river... It's a known pattern. It's been published, and it should be reflected in your writing. So I'm personally disturbed by that reference to speculation."

Carroll Courtenay, an associate attorney at the Southern Environmental Law Center, said she does not challenge the need for the water, but said that this is the wrong place for the project.

"The density and diversity of resources at Point of Fork make it an ill-suited site for the water supply project," she said. "This area should be protected, not destroyed."

After the vote, many people in the audience turned their backs to the authority and chanted, "Shame!," over and over.

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Allison Wrabel







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# Virginia utility proposes pump station on sacred Monacan Indian Nation site

March 16, 2020



Point of Fork, also known as Rassawek, is a sacred heritage site for the Monacan Indian Nation. (© Carrie Pruitt)



A Virginia utility is proposing to build a raw water intake and pump station on a sacred Monacan Indian Nation heritage site. In a [letter](#) to the James River Water Authority and local leaders, SELC and Preservation Virginia urged the utility to select an alternative location.

The site, called Point of Fork, is at the confluence of the James and Rivanna rivers. But it is also known as Rassawek, the Monacan tribe's historic capital to which all other villages once paid tribute.

"This sensitive area should be protected, not destroyed," says Senior Attorney Trip Pollard. "It has been clear for some time that the proposed project is likely to have serious impacts on significant historic, cultural, and archaeological resources that highlight the region's complex and diverse past. Alternatives are available to meet local water needs."

In addition to its longstanding ties to the Monacan Indian Nation, the site was also home to military installations during the Revolutionary War, including training grounds, barracks, and a supply depot. Point of Fork was a significant Civil War site as well.

[Click here](#) to read more about the site's historic and cultural significance.



Wearing a “Save Rassawek” T-shirt, Monacan Chief Kenneth Branham appeared before the James River Water Authority at a March 11 meeting.

“We will not take any amount of money to let you go through there and destroy our ancestral homeland,” Branham said, according to [a report](#) from the *Daily Progress*. “There are ancestral remains in that area. I did a major reburial once before and I do not want to do that again. You can move that site.”

Against SELC’s advice—and that of Chief Branham and almost 50 others who spoke in opposition to the project at the meeting—the James River Water Authority chose to keep Point of Fork/Rassawek as its preferred location for the project.

SELC has submitted a [letter](#) to the U.S. Army Corps of Engineers, urging them to take a hard look when they review the permit application for the proposed project, and stating the reasons a permit should not be granted.

We will continue to follow the situation closely and to oppose this destructive proposal.

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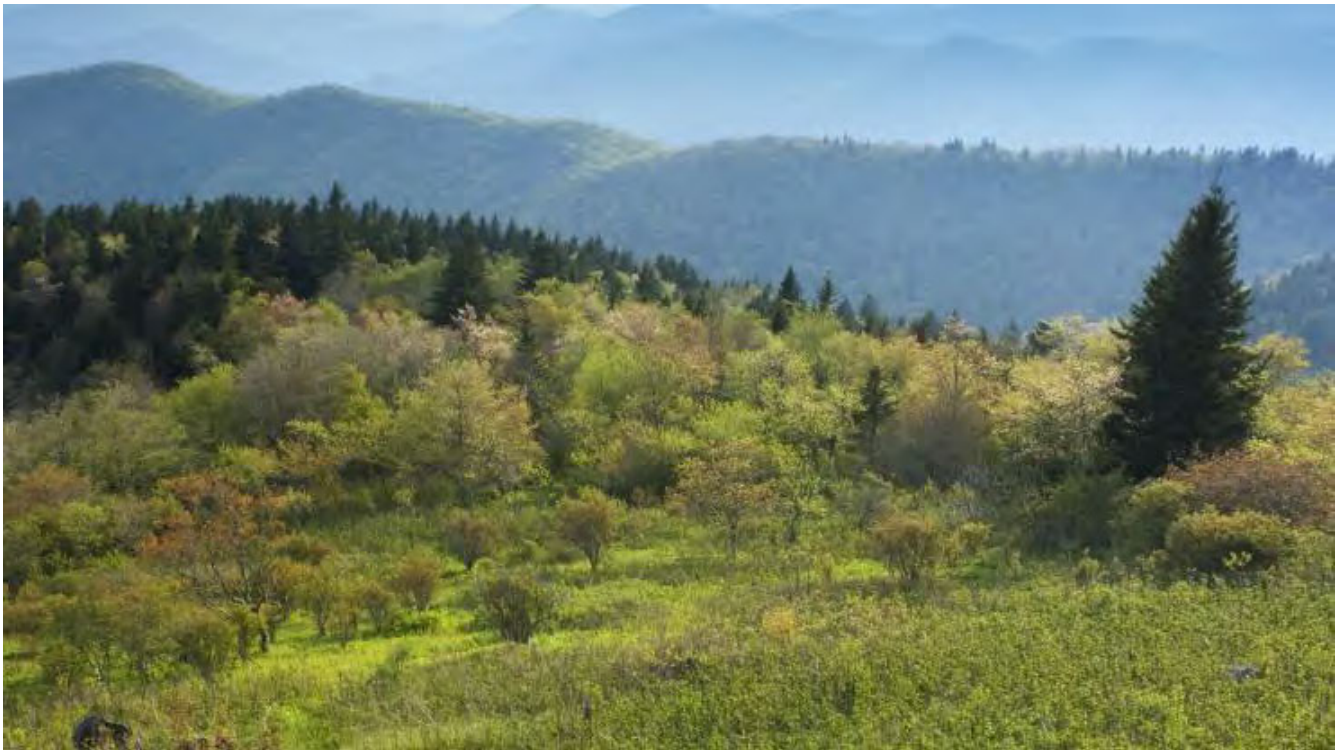
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# Fighting for a historic site: Time is running out to speak up for Monacan rights



<https://www.c-ville.com/fighting-for-a-historic-site-time-is-running-out-to-speak-up-for-monacan-rights/>) The James River Water Authority wants to build a water pump station at the confluence of the James and Rivanna rivers, an important historic site for the Monacan tribe. Photo: Carrie Pruitt

Opinion (<https://www.c-ville.com/opinion/>)

By Zoé Edgecomb

**C-VILLE**

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Between now and May 7, Virginians have a rare opportunity to facilitate a moment of justice for the Monacan people whose land we live on.

[ville.com/author/4/30/20 at 10:38 AM](https://www.cville.com/author/4/30/20-at-10:38-AM/)  
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Zion Crossroads, at the intersection of I-64 and Route 15, is developing rapidly, and local politicians have known for years that the groundwater is insufficient. Their solution is to pump water from the James River, and Louisa and Fluvanna counties created the James River Water Authority to make this happen.

The men on this board have determined that the cheapest, and therefore best, place for the water intake and pumping station is where the Rivanna River flows into the James—you may know it as Point of Fork or Columbia. The earliest maps of Virginia called it Rassawek, and European explorers noted it as the principal town of the Monacan, who occupied a large area in central Virginia, from the Fall Line (Richmond, Fredericksburg) into the Blue Ridge Mountains.

Several alternative locations for the project were studied, but after a well-attended meeting where over 100 people traveled to a gated community golf clubhouse to speak against it, the JRWA chose to continue the colonialist tradition of prioritizing profit over justice, and voted to submit an application for the third of four required permits to the Army Corps of Engineers.

The mindset that has allowed the project to get even this far is a product of centuries of myth-building: European colonists came to an empty, untamed land in which the Indians had already died off, and made the land fruitful for the first time. But the Monacan people have always been here, even if some of their number chose to incorporate into other tribes. The heart of the current community, a federally recognized tribe since 2018, beats just an hour south of Charlottesville, around Bear Mountain in Amherst County.

Few of us growing up around here learned much about the Monacans, and even today, few know about the doctrine of discovery that helped justify colonization. Accounts vary as to the exact beginning, but a few papal bulls (essentially letters from the Pope) played a critical role: In 1455, Pope Nicholas V gave Portugal the right to

colonize the African coast. Portugal was encouraged to “invade, capture, vanquish, and subdue all Saracens, pagans, and other enemies of Christ, to put them into perpetual slavery, and to take away all their possessions and property.”

Later, Protestant colonizers found their own mandate for colonization in the Bible. The kings and queens of England borrowed the Pope’s religious language to grant tracts of land they had never visited.

After they shrugged off their own status as colonial subjects, U.S. settlers relied on a distinction between “Christians” and “heathens” to justify further expansion into Indian territory. In 1823, Justice John Marshall’s ruling ([https://en.wikipedia.org/wiki/Johnson\\_v.\\_M'Intosh](https://en.wikipedia.org/wiki/Johnson_v._M'Intosh)) in *Johnson v. M'Intosh* put it this way: “...discovery gave title to the government by whose subjects, or by whose authority, it was made...which title might be consummated by possession...the character and religion of [the original] inhabitants afforded an apology for considering them as a people over whom the superior genius of Europe might claim an ascendancy.” In other words, finders keepers, as long as the original caretakers of the land could be perceived as pagans.

The legacy of the discovery precedent continues today, as corporations, government entities, and private citizens insist that Native Americans’ rights must give way to the “greater good” of pipelines, mining, and ranching (<https://www.npr.org/2020/01/18/797000272/elk-raise-tensions-between-tribes-and-farmers-in-washingtons-skagit-valley>).

Federal recognition means tribes must be consulted when federal projects will directly impact the tribe. This is one such project. Monacan people historically buried the dead in mounds near principal towns, so there is almost 100 percent certainty that human remains of Monacan ancestors will be unearthed if construction goes forward at Rassawek. Chief Kenneth Branham has

stated that he and the Monacan community have participated in the process of reburial in the past. It is a deeply painful experience that no one wants to repeat.

To issue this permit, the Army Corps of Engineers is required to consider comments from the public. They need to consider all impacts, including on historic and cultural resources. Already, the site has allegedly been impacted by inept investigations (<https://www.cville.com/in-deep-allegations-of-mismanagement-complicate-louisas-demand-for-water/>): The archaeological firm hired by JRWA is accused of inflating its qualifications to do archaeological work of this nature, and of performing excavations at the site in a manner that may have permanently destroyed historic resources.

For more information, visit the website (<http://www.culturalheritagepartners.com/saverassawek/>) of the attorneys representing the Monacan Nation in this important struggle. Write to the Army Corps of Engineers (<https://www.nao.usace.army.mil/Media/Public-Notices/Article/2139969/nao-2014-0708/>) and sign the letter to Governor Ralph Northam ([https://docs.google.com/forms/d/1oJ25\\_T6KnSPVsCmJSxrf24Rcc-g7523jM\\_ZCcbmoOWY/viewform?edit\\_requested=true](https://docs.google.com/forms/d/1oJ25_T6KnSPVsCmJSxrf24Rcc-g7523jM_ZCcbmoOWY/viewform?edit_requested=true)) before the May 7 deadline. Tell them you oppose JRWA's permit application; it is not in the public interest; and that Rassawek should be preserved as an important part of national, Virginia, and tribal history. Request a public hearing on the permit application and an environmental impact statement.

Louisa and Fluvanna counties must implement sensible water use guidelines, such as disallowing high-impact uses like golf courses. Ask developers to pay their fair share. By now, we should be able to recognize that the Monacan people have given up enough.

*Zoé Edgecomb is a landscape architect and visual artist based in Charlottesville, located on Monacan lands.*



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## Preservation Virginia identifies state's most endangered historic places

by Ida Domingo  
Tuesday, May 19th 2020

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*Each May, Preservation Virginia releases a list of historic places across the state. (Preservation Virginia)*

RICHMOND, Va. (WSET) -- Each May, [Preservation Virginia](#) releases a list of historic places across the state that face imminent or sustained threats to their integrity to encourage individual citizens, organizations, and local and state governments to continue advocating for these places' protection and preservation.

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A sacred Monacan Indian Nation site in Fluvanna County, a historic church more than a century old in Danville are among [Virginia's Most Endangered Historic Places for 2020](#) unveiled Tuesday, May 19 by Preservation Virginia.

Virginia's Most Endangered Historic Places list for 2020 includes, in no particular order:

- Rassawek, the historic capital and sacred site of the Monacan Indian Nation, located at the confluence of the Rivanna River and James River in Fluvanna County.
- Alexandria Elks Lodge #48, a community hub for African American Elks and residents in the Parker Gray Historic District for over 115 years.

- James Street Holiness Church, founded in 1891 in north Danville by African American preacher Bettie Thompson.
- Pine Grove School Community, a rural African American community of businesses, churches, cemeteries and homes of students who attended the Pine Grove Rosenwald School in Cumberland County.
- Western Loudoun County's Rural Road Network, a living museum of 300 miles of gravel roadways that traverse the Loudoun Valley.
- Historic Metal Truss Bridges statewide. In 1975, Virginia had approximately 620 metal truss bridges; currently, only about five percent remains.
- Halifax Roller Mill, a three-story, flour and feed mill built in 1915 to use electric power rather than water in the Town of Halifax.

"We understand we are living through quickly evolving times during this pandemic. Life has changed, and our mission to protect and reuse historic places has become more challenging," said Preservation Virginia CEO Elizabeth S. Kostelny. "While we continue to see historic places of all types remaining resilient across the state, our list highlights longstanding issues that need to be addressed and cannot be forgotten during times of crisis."

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# Preservation Virginia identifies Commonwealth's most endangered historic places

Published Wednesday, May. 20, 2020, 5:53 am



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A sacred Monacan Indian Nation site in Fluvanna County, a historic church more than a century old in Danville and a 300-mile network of rural roadways in Loudoun County are among Virginia's Most Endangered Historic Places for 2020 unveiled this week by Preservation Virginia.

Each May — National Historic Preservation Month— since 2005, the nonprofit releases a list of historic places across the state that face imminent or sustained threats to their integrity to encourage individual citizens, organizations, and local and state government to continue advocating for these places' protection and preservation.

Virginia's Most Endangered Historic Places list for 2020 includes, in no particular order:

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"We understand we are living through quickly evolving times during this pandemic. Life has changed, and our mission to protect and reuse historic places has become more challenging," said Preservation Virginia CEO Elizabeth S. Kostelny. "While we continue to see historic places of all types remaining resilient across the state, our list highlights longstanding issues that need to be addressed and cannot be forgotten during times of crisis."

For example, Kostelny said four of the seven historic places cited this year are connected to underrepresented communities. One is Rassawek, the historic capital of the Monacan Indian Nation.

"Our capital city was a contemporary of Jamestown, but much larger and more complex, and it lasted as a community far longer," said Tribal Chief Kenneth Branham. "It is for us a sacred place of great cultural significance, and it is for all Americans a place of historical importance."

Now threatened by a water intake station, this sacred site is in peril.

Two of this year's listings are transportation-related, reflecting the rate at which Virginia is losing bridges and roads important to its historic landscape, with significant efforts needed to foster these places before they are lost.

With museums temporarily closed and future funding opportunities potentially in doubt, preservationists are now approaching their work in new and creative ways, says Kostelny.

"Over the next few years, as we adapt to the challenges of living in a post-pandemic world, Preservation Virginia will help to counter

the specific threats identified in this year's Virginia's Most Endangered Historic Places list. In addition, we will demonstrate how—using proven tools of historic preservation as well as innovative new models and collaborations—Virginia's historic places help recharge our spirits and restore local communities.

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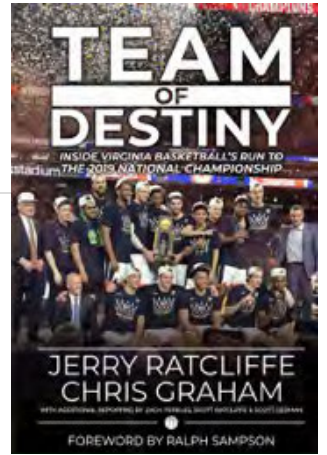
*Team of Destiny: Inside Virginia Basketball's Run to the 2019 National Championship*, by Jerry Ratcliffe and Chris Graham, is available for \$25. The book, with additional reporting by Zach Pereles, Scott Ratcliffe, and Scott German, will take you from the aftermath of the stunning first-round loss to UMBC in 2018 through to the thrilling overtime win over Texas Tech to win the 2019 national title, the first in school history.

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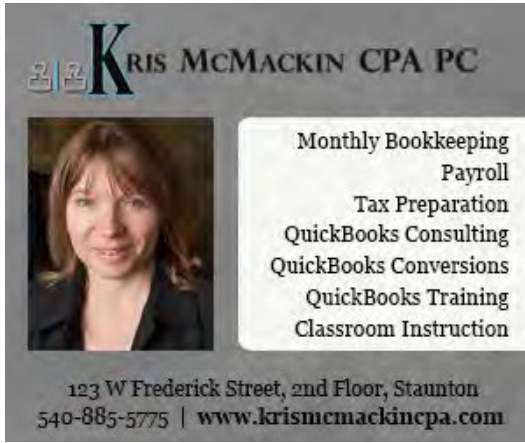
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A rectangular advertisement for The Mill Room. On the left, the text 'The MILL ROOM' is written in a stylized font, with 'The' in a script font and 'MILL ROOM' in a bold, blocky font. Below this, it says 'BOAR'S HEAD RESORT'. To the right of the text, the phrase 'Still Serving!' is written in a large, white, cursive font. At the bottom center, there is a white rectangular button with the text 'VIEW CARRYOUT MENU' in blue, uppercase letters.



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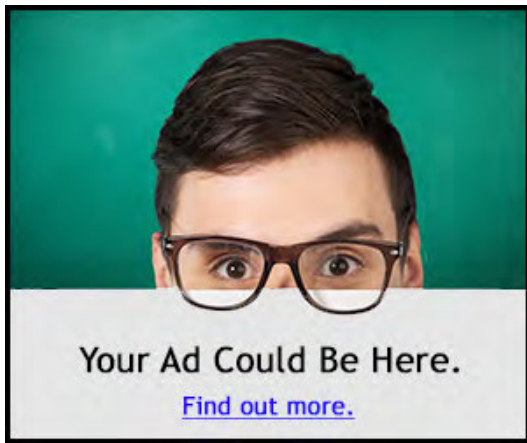
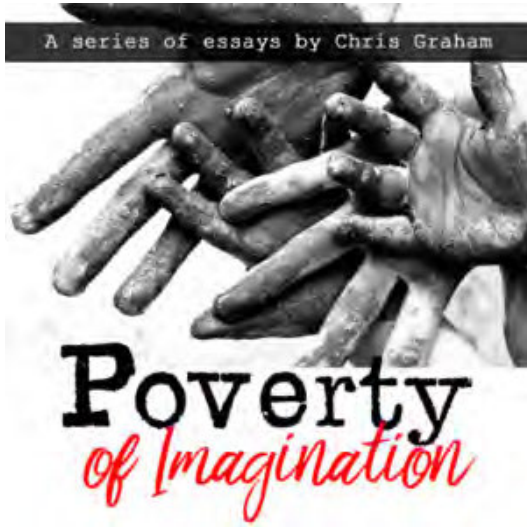
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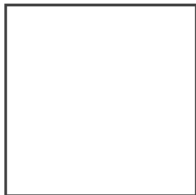
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# Fluvanna County site included on list of endangered historic sites

May 19th, 7:24 PM EDT  
**Updated:** May 19th, 7:24 PM EDT  
By **News Staff**





RICHMOND, Va. (CBS19 NEWS) -- Preservation Virginia has released a list of the most endangered historic places in the Commonwealth, including one in Fluvanna County.

According to a release, the list reflects the importance of historic preservation in a time of crisis and recovery, and how people can look to history for encouragement.

May is National Historic Preservation Month, and since 2005, Preservation Virginia has released a list of historic places facing imminent or sustained threats to their integrity every year.

This is an effort to encourage people, organizations, and local and state governments to continue advocating to protect and preserve such places.

"We understand we are living through quickly evolving times during this pandemic. Life has changed, and our mission to protect and reuse historic places has become more challenging," said Preservation Virginia CEO Elizabeth Kostelny. "While we continue to see historic places of all types remaining resilient across the state, our list highlights longstanding issues that need to be addressed and cannot be forgotten during times of crisis."

In Fluvanna County, the historic capital of the Monacan Indian Nation, Rassawek, has been included this year. It is located at the confluence of the Rivanna and James rivers.

The Alexandria Elks Lodge #48, the James Street Holiness Church in Danville, the Pine Grove School Community in Cumberland County, the Western Loudoun County Rural Road Network, Metal Truss Bridges across Virginia, and the Halifax Roller Mill are also included in this year's list.



Kostelny says four of these sites are connected to underrepresented communities, including Rassawek.

"Our capital city was a contemporary of Jamestown, but much larger and more complex, and it lasted as a community far longer," said Tribal Chief Kenneth Branham. "It is for us a sacred place of great cultural significance, and it is for all Americans a place of historical importance."

The site may become the location of a water intake station as part of a project involving both Fluvanna and Louisa counties.

The release says two of the sites listed this year are transportation-related, reflecting the rate at which Virginia is losing bridges and roads that are important to the historic landscape.

Due to the pandemic closing museums and future funding opportunities in doubt, Kostelny says preservationists are having to approach their work in more creative ways.

[Preservation Virginia](https://preservationvirginia.org/) (<https://preservationvirginia.org/>) will spend the next few years adapting to the challenges of a "post-pandemic world" to help restore local communities.

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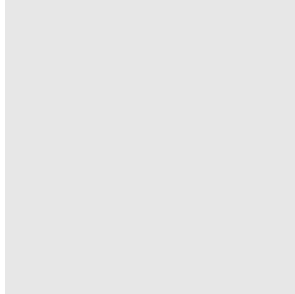
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FEATURED TOP STORY

# Monacans propose new water site

By David Holtzman  
Mar 12 2020



Chief Kenneth Branham of the Monacan Indian Nation addresses the audience at the James River Water Authority meeting on March 11.

MORE INFORMATION

**Monacan Nation will continue to fight**

Deadline extended for James River project comments

The Monacan Indian Nation says it wants to work with the James River Water Authority to determine if a site two miles upstream from the planned pump station and water pipeline is a reasonable alternative.

Before the authority voted on March 11 to submit a report to the United States Army Corps of Engineers stating there is no better option than the existing location, an attorney for the tribe proposed a close look at the Forsyth property, owned by Richard and Julia Rose.

The tribe claims that the land and where the pump station is currently proposed is the historical site of Rassawek, the Monacans' capta city prior to European settlement. The water authority says Rassawek could have been located elsewhere in the area.



"You stated ... that a primary obstacle to your clients' ability or willingness to deviate from current plans is that the Nation has not identified a specific alternative that it might find acceptable," Monacans attorney Greg Werkheiser wrote in a March 10 letter to his counterparts in Louisiana and Fuvanna counties. "The Nation has now done so."

The letter urged the authority to defer the vote to approve its alternatives analysis, which it is required to submit to the Army Corps under the terms of a revised permitting process. Consultants for the authority studied several alternative locations along the James River and determined that all the other options are cost-prohibitive.

The Forsythe site is the most affordable alternative, but would still cost at least \$10 million more than the current location, according to the study.

Werkheiser questioned the data used in the analysis, and noted that the full report has not been made public to date.

"The summary, on its face, evidences attempts to create a greater-than-reality gap in projected costs between [the authority's] preferred route through the heart of Rassawek and a alternative," he wrote.

He said that if the authority agreed to study the Forsythe site, his firm, Caltura Heritage Partners, would work together with GAI, the authority's own archaeological consultants.

Werkheiser added that the Charlottesville-based Southern Environmental Law Center (SELC) has enlisted an independent engineering firm, Aquogic Inc., to evaluate the alternatives analysis. The SELC and Preservation Virginia submitted a letter on March 5 to the Army Corps urging it to require an environmental impact statement for the water project because of its significant impacts on historic and cultural resources.

Werkheiser added that the Monacans are open to "a professionally mediated discussion" of the Forsyth site. But his letter also notes "nothing in this letter constitutes a waiver of any legal claims the Nation may have."



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## Water Authority votes to move ahead on controversial Point of Fork site

MAR. 19, 2020

GOVERNMENT

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By Heather Michon  
Correspondent

Over objections of a vocal group of citizens, the James River Water Authority (JRWA) unanimously approved a motion to move forward with an application to the Army Corps of Engineers to construct a water pumping station atop a site the Monacan Indian Nation believes to be the remains of their historic capital of Rassawek.

Nearly 100 people assembled in a meeting room at Spring Creek in Zion Crossroads for the meeting on Wednesday (March 11), with about 50 people speaking out against the plan during public comments.

The James River Water Project is designed to pump millions of gallons of water out of the James River in Fluvanna and carry it into the Zion Crossroads area. This multimillion-dollar project had run into multiple roadblocks over the past year, with state and federal departments denying needed permits after a survey conducted at the site were found to be performed by an archaeologist without proper credentials, and serious charges that the survey itself was badly mismanaged.

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At their February meeting, consultants presented more than a dozen alternate locations for the pumping station, but maintained that the current location, near the confluence of the Rivanna and James Rivers near Columbia, was the best site from both the financial and engineering perspectives.

Among the first to speak during the public comment period was Kenneth Branham, chief of the Monacan Indian Nation.

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Chief Branham expressed outrage over rumors that that tribe was using the issue to get money for the reburial of any remains found at the site, a claim he called "the biggest lie that I have ever heard, and it is so disrespectful. We will not take any amount of money to let you go through there and destroy our ancestors' homeland." Instead, the tribe had proposed four alternate locations for the pumping station. "We're doing your job for you."

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In the days leading up to the meeting, the tribe's legal representatives, Cultural Heritage Partners, wrote a letter to the JRWA asking them to consider what they call the "Forsyth Alternative," a piece of land about a mile up the James from the current site. The owners of the property had signaled a willingness to work with the authority as a potential site for the pump. Branham urged them to consider it.

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"You've taken our land, you've taken our religion, you've taken our language, and it's time to stop," he concluded.

Jeffrey Hantman, professor emeritus of anthropology at the University of Virginia, scoffed at the idea that it was only "speculation" that construction at the site would disturb centuries-old burials.

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"We don't speculate," he said. "We look at patterns, and the patterns are clear: Monacan burials are associated with chiefs' villages. They are commonly found in villages and towns along the river. It's a known pattern, it's been published, and it should be reflected in your writing."

Speaker after speaker denounced the project for potentially destroying what several termed a "national treasure."

"If you push through with this, you're running a risk of costing the taxpayers extensive court costs, long delays, and the likelihood that you will still have to pay the extra money you're claiming you would need for the alternate site," said Kate Ferguson.

She argued that the site could better be utilized as a tourism site focused on indigenous culture. "It's one of the sources of wealth and growth that doesn't actually poison the water."

Justin Curtis, an attorney consulting the authority, argued that submitting the application to the Army Corps of Engineers based on the Point of Fork site "is not the end of the process or the final decision, it is one of the preliminary steps along the way."

"And my suggestion and recommendation is there's no reason to defer that step at this point," he argued. "That doesn't prejudice our ability to continue discussions with the Monacan Nation or anyone else, but it does advance the ball on this permit application."

As members began to vote to approve the motion to submit the application, many audience members stood and turned their backs.

When the motion passed unanimously, they began to chant "Shame!"

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# Dozens gather to protest planned use of sacred Monacan land



By Jack Durkin Posted: Wed 3:21 PM, Aug 14, 2019

**LOUISA COUNTY, Va. (WCAV)** — Dozens of people turned out Tuesday morning in Louisa County to protest proposed construction along the James River. Controversy surrounds the construction as protesters say the proposed site infringes on a historic Native American tribal site.

The Monacan Tribe says the planned water intake and pump station proposed by the James River Water Authority would pass through Rassawek, the capital of the Monacan Indian Nation.

The controversy stems from a proposed development at Zion Crossroads that would build more than 1,000 new homes. Members of the Monacan nation say the site in question was first recorded by Captain John Smith in 1612.

Kenneth Branham, Chief of the Monacan Tribe, says they're not opposed to the overall project, but instead, when dealing with such sacred land including a burial ground, other locations must be used.

"I know it's money, but that should not be the number one priority here," he said. "If they go through that site, we've lost it forever. Money, you can lose it and gain it back and the pipes they put in the ground, they can take it out."

Louisa County has been waiting since 2016 for the required permits to actually take water out of the James River.

If the correct permits do end up getting issued, those opposed fully intend on taking this matter to court.

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AND DOCUMENTS**



**The following screen shots show the original notice published and the files available, which did not include the full permit application. We have also included a screenshot showing that Appendix G cannot be found as of June 3, 2020.**



## Public notices by year

- [2020 \(31\)](#)
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- [2014 \(88\)](#)
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# NAO-2014-0708

## NORFOLK DISTRICT, U.S. ARMY CORPS OF ENGINEERS

Published April 7, 2020 /

Expiration date: 5/7/2020

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[PRINT](#) [E-MAIL](#)

April 7, 2020

CENAO-WR-R NAO-2014-00708

### FEDERAL PUBLIC NOTICE:

The District Commander has received a joint application for Federal and State permits as described below:

### APPLICANT:

James River Water Authority  
C/o Mr. Eric M. Dahl  
132 Main Street Post Office Box 540  
Palmyra, Virginia 22963

**WATERWAY AND LOCATION OF THE PROPOSED WORK:** The project is located in the James River and tributaries to the James River, near Point of Fork, south of Virginia State Route 6, in Fluvanna County, Virginia. A vicinity map is attached.

**PROPOSED WORK AND PURPOSE:** The applicant proposes to discharge dredged and/or fill material into waters of the U.S. for the purpose of constructing a new raw water intake, installing new raw water lines and upgrading an existing access road. Specifically, the applicant's proposal includes: 3,470 square feet of permanent impact and 39,000 square feet of temporary impact to the James River (associated with the raw water intake structure); 367 square feet of temporary wetland impact, 248 square feet of permanent wetland conversion and 441 linear feet of temporary impacts to the Rivanna River and its unnamed tributaries (associated with the installation of a water line); and 1,015 square feet of permanent wetland impact, 296 square feet of temporary wetland impact and 84 linear feet of permanent impacts to unnamed tributaries to the Rivanna River (associated with the access road upgrades).

The applicant's stated purpose is to provide a new and reliable raw water supply of sufficient quantity to meet the short and long-term needs of Fluvanna and Louisa Counties for delivery to an agreed-upon T interconnection point planned for use by Fluvanna and Louisa Counties.

On-site and off-site alternatives to the proposed project location are located in the attached alternatives analysis document.

The applicant states that the project avoided and minimized impacts to jurisdictional features by planning a route that was collocated within existing right of ways, by crossing streams and wetlands perpendicularly when possible and by reducing the limits of disturbance in within areas that have impacts to wetlands and/or streams.

The applicant proposes to purchase a total of 0.05 wetland mitigation credits and 76 stream credits as compensatory mitigation for permanent losses to aquatic resources. The required wetland credits would be purchased from an agency-approved wetland mitigation bank or from the Virginia Aquatic Resources Trust Fund if no wetland bank credits are available within the service area where the wetland impacts will occur.



drawings are attached.

**AUTHORITY:** Permits are required pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

**FEDERAL EVALUATION OF APPLICATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the direct, indirect, and cumulative impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) after conducting the NAO ESA Project Review Process, the Northern Long Eared Bat may be affected, but the 4(d) key was completed and no further coordination with the Fish and Wildlife Service is required and (3) known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings.

For compliance with the Coastal Zone Management Act of 1972, as amended for projects located in Tidewater, the applicant must certify that federally licensed or permitted activities affecting Virginia's coastal uses or resources will be conducted in a manner consistent with the Virginia Coastal Zone Management Program (VCP) and obtain concurrence from the Department of Environmental Quality (DEQ), Office of Environmental Impact Review (OEIR). It is the applicant's responsibility to submit a consistency certification to the Office of Environmental Impact Review for concurrence or objection and proof of concurrence must be submitted to the Corps prior to final permit issuance.

A template federal consistency certification can be found here:

<http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx#cert>.

For more information or to obtain a list of the enforceable policies of the VCP, contact the Department of Environmental Quality, Office of Environmental Impact Review at (804) 698-4330 or e-mail: [bettina.sullivan@deq.virginia.gov](mailto:bettina.sullivan@deq.virginia.gov) or [john.fisher@deq.virginia.gov](mailto:john.fisher@deq.virginia.gov).

**COMMENT PERIOD:** Comments on this project should be in writing and can be sent by either email to [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil), or by regular mail, addressed to the Norfolk District, Corps of Engineers (ATTN: Steven VanderPloeg), 9100 Arboretum Parkway, Suite 235, Richmond, Virginia 23236, and should be received by the close of business on May 7, 2020.





**US Army Corps of Engineers** Norfolk District Website Website

this Public Notice cannot be maintained as confidential by the U.S. Army Corps of Engineers. Submissions should not include any information that the submitter seeks to preserve as confidential.

If you have any questions about this project or the permit process, contact

Attachment: Drawings, Alternatives Analysis, Species Conclusion Table, Official Species List

The Joint Permit Application and its associated attachments can be found on the Virginia Marine Resources Commission Applications website: by either email to [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil), or by regular mail, addressed to the Norfolk District, Corps of Engineers (ATTN: Steven VanderPloeg), 9100 Steven VanderPloeg at [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil) or (804) 323-7071 <https://webapps.mrc.virginia.gov/public/habitat/additionaldocs.php?id=20140343> and selecting the files associated with Rev16 dated March 31, 2020.

[USGS Map](#) [Impact Maps](#) [Alternative Analysis](#) [SCT](#)  
[Official Species List](#)

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[James River Water Authority](#) [water intake](#) [Fluvanna County](#) [JWRA](#)



## Additional Documents for 20140343

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Item	Document	Date Posted
1	<a href="#">2014-0343.pdf</a>	03/13/2014
2	<a href="#">2014-0343 Comment DEQ.pdf</a>	07/16/2014
3	<a href="#">2014-0343 inactive.pdf</a>	10/06/2014
4	<a href="#">2014-0343 Rev1.pdf</a>	10/20/2014
5	<a href="#">2014-0343 Pro1.pdf</a>	10/20/2014
6	<a href="#">2014-0343 Pro2.pdf</a>	10/20/2014
7	<a href="#">2014-0343 Rev2.pdf</a>	11/12/2014
8	<a href="#">2014-0343 Rev3.pdf</a>	12/08/2014
9	<a href="#">2014-0343 Comment 2 DEQ.pdf</a>	12/15/2014
10	<a href="#">2014-0343 Rev4.pdf</a>	12/23/2014
11	<a href="#">2014-0343 Rev5.pdf</a>	01/27/2015
12	<a href="#">2014-0343 Rev6.pdf</a>	04/30/2015
13	<a href="#">2014-0343 Rev7.pdf</a>	05/04/2015
14	<a href="#">2014-0343 Rev8.pdf</a>	05/06/2015
15	<a href="#">2014-0343 Rev9.pdf</a>	05/13/2015
16	<a href="#">2014-0343 Pro3.pdf</a>	05/13/2015
17	<a href="#">2014-0343 Pro4.pdf</a>	05/20/2015
18	<a href="#">2014-0343 Comment 3 DEQ.pdf</a>	11/24/2015
19	<a href="#">2014-0343 Pro5.pdf</a>	12/23/2015
20	<a href="#">2014-0343 Comment DHR.pdf</a>	12/23/2015
21	<a href="#">2014-0343 Comment DCR.pdf</a>	12/29/2015
22	<a href="#">2014-0343 Pro6.pdf</a>	02/01/2016
23	<a href="#">2014-0343 Rev10.pdf</a>	02/24/2016
24	<a href="#">2014-0343 Rev11.pdf</a>	03/02/2016
25	<a href="#">2014-0343 Pro7.pdf</a>	03/15/2016
26	<a href="#">2014-0343 Pro8.pdf</a>	03/21/2016
27	<a href="#">2014-0343 Pro9.pdf</a>	03/25/2016
28	<a href="#">2014-0343 Rev12.pdf</a>	03/30/2016
29	<a href="#">2014-0343 Pro10.pdf</a>	04/05/2016
30	<a href="#">2014-0343 Pro11.pdf</a>	04/14/2016
31	<a href="#">2014-0343 Pro12.pdf</a>	05/03/2016
32	<a href="#">2014-0343 Comm Eval.pdf</a>	06/27/2016
33	<a href="#">2014-0343 Rev13.pdf</a>	06/27/2016
34	<a href="#">2014-0343 Comment 4 DEQ.pdf</a>	10/25/2016
35	<a href="#">2014-0343 Rev14.pdf</a>	02/09/2017

36	<a href="#">2014-0343 Rev15.pdf</a>	02/22/2017
37	<a href="#">2014-0343 Comment COE.pdf</a>	02/27/2017
38	<a href="#">2014-0343 Comment DGIF.pdf</a>	08/28/2017
39	<a href="#">2014-0343 Comment 5 DEQ.pdf</a>	10/30/2017
40	<a href="#">2014-0343 Comment 2 DGIF.pdf</a>	06/25/2018
41	<a href="#">2014-0343 Prmt.pdf</a>	03/19/2019
42	<a href="#">2014-0343 Ext Req.pdf</a>	03/28/2019
43	<a href="#">2014-0343 Prmt Ext Ltr.pdf</a>	05/09/2019
44	<a href="#">2014-0343 Rev16 Part1.pdf</a>	03/31/2020
45	<a href="#">2014-0343 Rev16 Part2.pdf</a>	03/31/2020
46	<a href="#">2014-0343 Rev16 Part3.pdf</a>	03/31/2020
47	<a href="#">2014-0343 Rev16 Part4.pdf</a>	03/31/2020



Public notices by year

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Expiration date: 6/7/2020

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CENAO WRR  
May 7, 2020  
NAO 2014 00708

FEDERAL PUBLIC NOTICE

On April 7, 2020 the Norfolk District Regulatory Branch issued a Public Notice announcing a 30 day public comment period concerning the James River Water Authority's Department of the Army Permit Application for the construction of a raw water intake, installation of raw water lines and the upgrade an existing access road for the James River Water Supply project in Fluvanna County, Virginia.

**In accordance with 33 CFR 325.2(a)(d)(2), the District Commander hereby extends the public notice comment period until June 7, 2020.** A copy of the original public notice and associated application materials can be found on our website at [www.nao.usace.army.mil/Missions/Regulatory/JRWAPermit/](http://www.nao.usace.army.mil/Missions/Regulatory/JRWAPermit/)

Comments on this project should be in writing and can be sent by either email to [steven.a.vanderploeg@usace.army.mil](mailto:steven.a.vanderploeg@usace.army.mil), or by regular mail, addressed to the Norfolk District, Corps of Engineers (ATTN: Steven VanderPloeg), 9100 Arboretum Parkway, Suite 235, Richmond, Virginia 23236.

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James River Water Authority   JRWA   water intake   Fluvanna County



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## James River Water Authority - Pump Station Permit Application

### Public Notice Documents

[April 7 Public Notice](#)  
[Updated USGS Map](#)  
[Impact Maps](#)  
[Alternative Analysis](#)  
[Species Conclusion Table](#)  
[Official Species List](#)  
[Drawings for PN NAO 2014 00708](#)  
[Vicinity Map for Public Notice NAO 2014 00708](#)

### Application Documents

[JRWA IP Submittal Information & Alt Analysis MAR2020](#)  
[Appendix A Standard USACE Permit Application](#)  
[Appendix B Regulatory Compliance Checklist](#)  
[Appendix C Collected Interjurisdictional Agreements](#)  
[Appendix D Project Authorizations Agency Decisions](#)  
[Appendix E Site Conditions and Details](#)  
[Appendix F Project Engineering Details](#)  
[Appendix G County Water Plans](#)  
[Appendix H Alternatives Analysis](#)  
[Appendix I Jurisdictional Resources Impact Details](#)  
[Appendix J Public Interest](#)  
[Appendix K Public Involvement Information](#)  
[Appendix L Section 7](#)  
[Appendix M Section 106 Documents](#)

### Applicant

[James River Water Authority](#)

### Application News and Notices

#### **James River Water Authority Raw Water Intake Comment Period Extension**

May 7, 2020 **UPDATED**

#### **Construction proposed for water intake, lines in Fluvanna County**

April 7, 2020 **UPDATED**

#### **James River Water Authority Project in Fluvanna County, Virginia**

May 31, 2018 **UPDATED**



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