



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

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