

From: [kathleen.kilpatrick](#)
To: [Vanderploeg, Steven A CIV USARMY CENAO \(US\)](#)
Subject: [Non-DoD Source] Rassawek: NOA-2014-0728
Date: Thursday, June 04, 2020 5:40:02 PM

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 full plan as 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