

**James River Water Authority
Board of Directors Meeting
214 Commons Blvd.
Palmyra, VA 22963
November 18, 2020
9:00 A.M.**

Physical (in-person) access to the meeting will be limited to the first 30 members of the public who sign up in advance to attend. **Those wishing to attend must call Fluvanna Clerk to the Board, Caitlin Solis, at (434) 591-1910 or email her at: csolis@fluvannacounty.org with your name, address and phone number no later than 1 hour prior to the meeting.** Proof of identification will be required upon arrival and facemasks will be required.

Regular 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. October 14, 2020 – Regular Meeting
- V. Financial Report**
 - a. Bills Approval
 - i. Aqualaw #12971
 - ii. GAI Consultants #C190909
 - iii. Hefty Wiley & Gore #10806
- VI. Discussion/Information Items**
 - a. Discussion – COE Permit
- VII. Action Items**
- 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:
D.D. WATSON, CHAIRMAN
BOARD OF DIRECTORS
JAMES RIVER WATER AUTHORITY

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS
FLUVANNA COUNTY LIBRARY, 214 COMMONS BLVD.
PALMYRA, VIRGINIA**

**August 12, 2020
9:00 A.M.**

Present: D. D. Watson (Chairman), Mark Dunning (Vice Chairman), Joe Chesser (Treasurer), Troy Wade, Eric Dahl, and Christian Goodwin

Absent: (none)

Others Present: Brendan Hefty (Hefty, Wiley, and Gore), Justin Curtis (Aqualaw), Pam Baughman (Louisa Water Authority)

CALL TO ORDER

The Chairman called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 9:00 a.m., and led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

On the motion of Mr. Chesser, seconded by Mr. Dahl, which carried by a vote of 6-0, the agenda was adopted with the addition of an invoice from The Timmons Group.

ITEMS FROM THE PUBLIC

There were no comments made by the public.

APPROVAL OF MINUTES OF PRECEDING MEETING

On the motion of Mr. Dahl, seconded by Mr. Chesser, which carried by a vote of 6-0, the Board approved the minutes of the August 12, 2020 meeting.

FINANCIAL REPORT

Mr. Chesser and Mr. Dahl reviewed the bills in the Board packet and the additional invoice from the Timmons Group for \$5,830 and a wire transfer fee of \$25. Mr. Chesser stated that payment of the bills would leave remaining balance of \$198,528.20 to meet future obligations. On the motion of Mr. Dahl, seconded by Mr. Dunning, which passed by a vote of 6-0, the Treasurer's report and bills were approved.

DISCUSSION/INFORMATION ITEMS

COE Permit Update

Justin Curtis provided an update on the Corps of Engineers (COE) permit process. He reported

that the current application process was on hold with the COE in accordance with the JRWA request, so that further information regarding alternatives could be evaluated. This time has been used to more fully delve into matters such as landowners, stakeholders and related concerns which may come forward if an alternative route is selected. He recommended a more detailed look at Option 1C, the Forsyth alternative, which is further upstream on the James River and which includes a longer pipeline route to the interconnect point. Third parties, including the Monacan Indian Nation, have indicated the potentially preferable nature of this location and route pending further archeological study. The next step, according to Mr. Curtis, would be to engage a phase 1 evaluation which GAI, with input from Gray and Pape, the Monacan Indian Nation's recommended archeological consultants, provided a quote of approximately \$155,000 to perform. Mr. Curtis stated that the actual amount could be less once the Corp delineated the regulated permit areas along the route, and that while GAI would manage the effort, fieldwork would be completed by a sub consultant.

Mr. Dunning asked if the proposed amount would be just for management, and Mr. Curtis responded that it would be all-inclusive. Mr. Goodwin asked about a timeline for the effort, and Mr. Curtis estimated 3-4 weeks for preparatory work with the COE and the Department of Historic Resources, with up to 90 days for fieldwork. Mr. Wade asked if JRWA should continue the suspension of the existing application, and Mr. Curtis responded that not doing so would have a budgetary impact.

Mr. Watson asked if the testing would be impacted by colder weather, and Mr. Curtis responded that it could, but that some of the prior testing had taken place in winter months. Mr. Dahl asked about the selection process for sub consultants, and Mr. Curtis answered that GAI would use their expertise in that effort. A brief discussion of procurement ensued.

Mr. Chesser asked about consultation with the Monacan. Mr. Curtis responded that he has periodic informal discussions with their counsel, but that any official decision regarding consultation would be up to the COE. A discussion of permitting processes ensued. Mr. Curtis stated that each of the existing permits (from the Department of Environmental Quality, the Virginia Marine Resources Commission, and the COE) could be either modified or resubmitted. If a new route is chosen, the COE permit application could be a relatively streamlined process which could reuse much of the existing permit work. The current DEQ permit has a 15 year term, and would likely be processed as a major modification. Mr. Wade asked if it would be better to, prior to expending additional funds for archeological work, obtain more detailed information on the permit application requirements. Mr. Curtis responded that those answers can be obtained from the permitting agencies, but that associated costs would be unlikely to change. Mr. Goodwin asked if river studies, such as a bathymetric evaluation, had been performed at the possible option 1C withdrawal location. Mr. Curtis responded that he was not sure about a bathymetric study, but that a technical evaluation of marine impacts had been performed.

Mr. Dahl asked what would happen if the JRWA requested that the COE lift the current suspension, and Mr. Curtis responded that the JRWA would likely get a COE letter within 30 days with questions stemming from public comment. JRWA would likely have 30 days to respond, and could ask for an extension. The COE would then decide to either require an environmental assessment or an environmental impact statement (EIS). The EIS is much more involved and requires more time, and the COE may either elect to handle it in-house or have the JRWA develop it. Mr. Curtis stated that there no major environmental impacts known at this time on option 1C,

but this effort would ascertain the existence of historical or archeological concerns. Mr. Curtis estimated that we would be ready to move forward with one of the options in the Spring of 2021, and noted that the initial study work on option 1C could lead to the requirement of phase 3 work.

Mr. Dunning asked if the phase 1 work on option 1C included the pipe route or just the intake location, and Mr. Curtis responded that the cost estimate included both. Mr. Dahl asked if would be possible to look at pipe suspension as opposed to open cutting, and Mr. Curtis responded that this would require engineering analysis. Mr. Goodwin asked about the estimated cost for responding to public comments on the current application, and Mr. Curtis very roughly estimated \$50,000, with input from engineering, legal, and archeological team representatives.

Mr. Wade asked if the current permit process could be un-suspended and re-suspended if necessary, and Mr. Curtis responded that there was no protocol and this would be decided by the COE. The main concerns in re-focusing on the current application would be team resources and costs.

Mr. Wade motioned to move forward with archeological studies on option 1C within the current budget as estimated by GAI. Mr. Chesser seconded the motion, which passed by a vote of 6-0.

ACTION ITEMS

(none)

CONSENT AGENDA

(none)

CLOSED SESSION

(none)

ADJOURNMENT

On the motion of Mr. Wade, seconded by Mr. Chesser, which carried by a vote of 6-0, the Board voted to adjourn the meeting at 9:41 a.m.

BY ORDER OF:

D.D. WATSON, CHAIRMAN
BOARD OF DIRECTORS
JAMES RIVER WATER AUTHORITY

AQUALAW

CHRISTOPHER D. POMEROY
CHRIS@AQUALAW.COM

PH: 804.716.9021
Fx: 804.716.9022

October 13, 2020

Mr. Eric Dahl
Administrator
Fluvanna County
P.O. Box 540
Palmyra, VA 22963



Re: James River Water Authority

Dear Eric:

Enclosed is our invoice for services rendered during September. Please let me know if you have any questions.

Best regards,

Christopher D. Pomeroy

Enclosure

cc: Brendan Hefty, Esq.

AQUALAW

October 13, 2020

James River Water Authority
P.O. Box 540
Palmyra, VA 22963

Attention: Eric Dahl
RE: General

Our File #: 0293-001
Inv #: 12971

DATE	WORK PERFORMED	HOURS	AMOUNT	LAWYER
Sep-21-20	Respond to media inquiry	0.90	373.50	JWC
Sep-24-20	Review National Trust for Historic Preservation web posting; teleconference with C. Goodwin re the same; draft and send summary on the same to Board Members	0.70	290.50	JWC
Sep-25-20	Respond to media inquiry	0.40	166.00	JWC
	Subtotal	<u>2.00</u>	<u>\$830.00</u>	

TOTAL AMOUNT THIS PERIOD

\$830.00

Previous Balance

\$2,780.50

Previous Payments

\$1,411.00

BALANCE DUE NOW

\$2,199.50

Payment Remit Address: AquaLaw PLC, 6 South 5th Street, Richmond, Virginia 23219

Thank you for choosing AQUALAW PLC. (Tax ID No. 45-0484029)

Please call (804) 716-9021 ext. 224 with invoice questions.

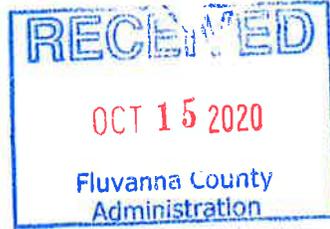
Payment is appreciated within 30 days.



INVOICE

Pittsburgh
385 East Waterfront Drive
Homestead, PA 15120-5005

T 412.476.2000
F 412.476.2020



Eric Dahl
James River Water Authority
132 Main St
PO Box 540
Palmyra, VA 22963

October 5, 2020
Project No: C190908.00
Invoice No: 2155521

Project C190908.00 JRWA - cultural oversight - water supply project
Team Meetings in July

Professional Services Through September 19, 2020

Task 001 Consultation and Document Review

Professional Personnel

	Hours	Rate	Amount	
E08 ; Assistant Director Tidlow, Evelyn	2.50	175.00	437.50	
E06 ; Cultural Resources Managers Glenn, Jonathan	1.00	128.00	128.00	
Totals	3.50		565.50	
Total Labor				565.50

Billing Limits

	Current	Prior	To-Date	
Total Billings	565.50	101,524.89	102,090.39	
Limit			104,669.00	
Remaining			2,578.61	
		Total this Task		\$565.50
		Total this Invoice		\$565.50

HEFTY WILEY & GORE, P.C.

100 West Franklin Street, Suite 300 • Richmond, VA 23220

BILL TO

James River Water Authority
ATTN: Eric Dahl
P.O. Box 540
132 Main Street
Palmyra, VA 22963

**INVOICE # 10806****DATE 10/25/2020**

DATE	DESCRIPTION	QTY	RATE	AMOUNT
	Agreed monthly fee for serving as legal counsel to JRWA board for October, November, December 2020	3	2,500.00	7,500.00

BALANCE DUE**\$7,500.00**