



# JAMES RIVER WATER AUTHORITY

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James River Water Project – Frequently Asked Questions  
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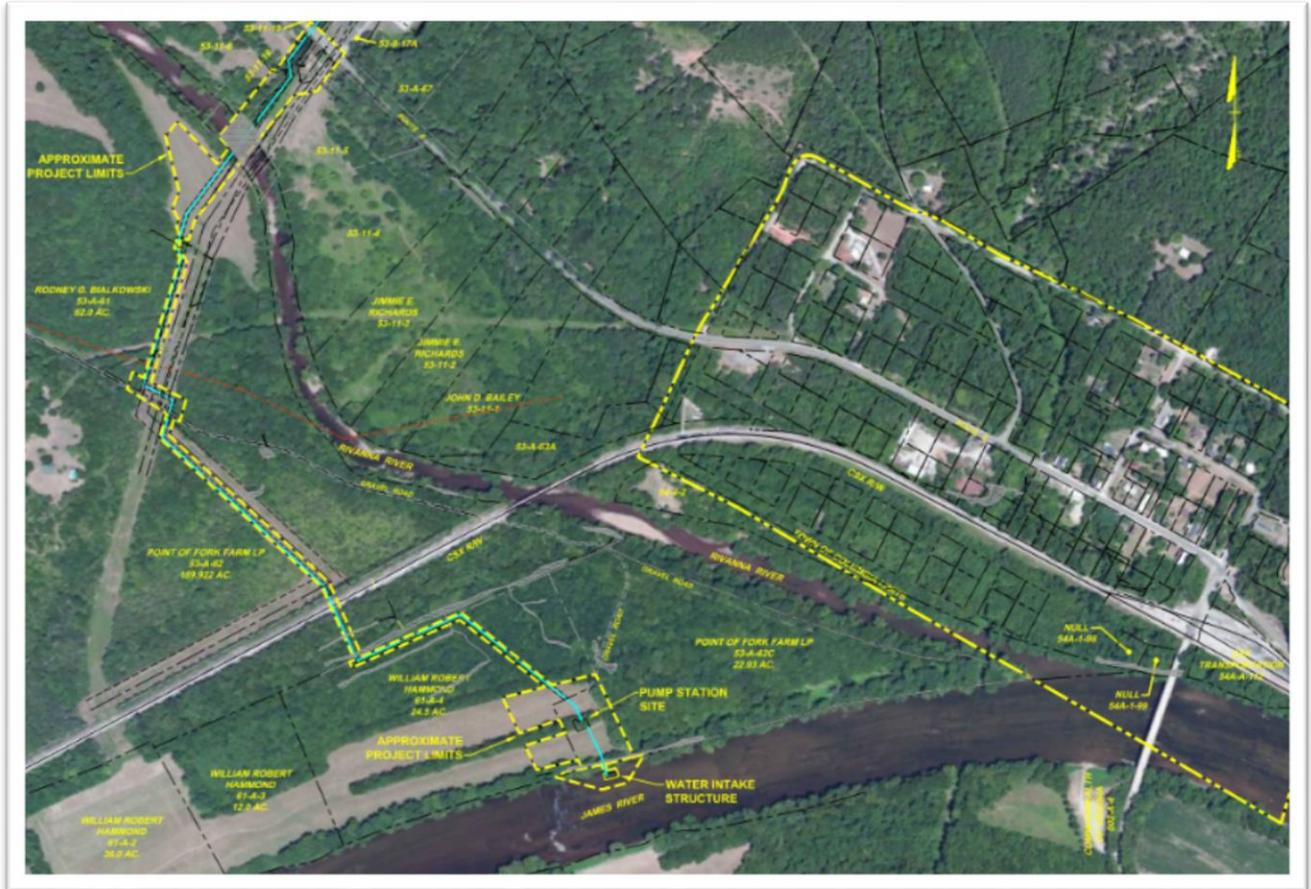


Figure 1 - Project Route / Siting (blue line represents water line)

## 1. Why are the Counties of Louisa and Fluvanna planning to withdraw water from the James River?

The 2002 statewide drought led then Governor Mark Warner to issue Executive Order 39 (the Virginia Water Supply Initiative), which mandated statewide long-range water supply planning to ensure growth projections could be met. Through the development of their long range (50 year) water supply plans (Louisa’s plan is online [here](#); Fluvanna’s is [here](#)) and growth forecasts for the entirety of both localities, both counties identified a need for a sustainable water source. Existing groundwater and surface water sources in the area are insufficient (for example, Lake Anna cannot be used as a water supply due to its purpose to support the operations of the Dominion Energy Lake Anna Nuclear Power Plant). Without a sustainable water supply, existing residents could face increasing water use restrictions and new growth would eventually come to a stop. The James River Water project is intended to serve not only existing needs (such as the Zion Crossroads area of Louisa and Fluvanna), but current and future needs of both residential and commercial users throughout both counties.

**2. Is there an urgent need to complete the James River Water Supply Project?**

Yes. Louisa and Fluvanna are growing. Homes, businesses, and industries need water. Current water capacities are unsustainable, and therefore the counties will not be able to sustain responsible, forecasted growth without the Project.

**3. What does the James River Water Supply Project entail?**

The project consists of three main parts. First, a water intake will be constructed in the James River. The intake will be fully submerged so it is not visible to recreational users of the river and will have a slow gravity water flow intake to avoid impacts to fish and other aquatic life. Second, a small building housing water pumps will be constructed a short distance from the river. The pump station has been sited so it cannot be easily seen from the river, and tree plantings will further shield it from view. It has been designed to operate quietly and blend into the surroundings visually. Third, a 24” diameter water main will be constructed to carry the water nearly one mile where it will connect to an existing Louisa County Water Authority water main. The new water main will follow existing utility corridors as closely as possible to minimize environmental impacts. A map of the project can be found [here](#).

**4. When did the effort begin?**

A joint water withdrawal project in this area has been informally discussed for decades, and with increasing focus since the 2002 drought and state mandate referenced in Question 1. The Virginia Department of Environmental Quality (DEQ) issued the initial withdrawal permit to Fluvanna on behalf of both localities in June 2006. The James River Water Authority (JRWA) was formed in 2009 for the purpose of coordinating the counties’ effort to develop a joint water supply. The project was contracted and formal permitting efforts at the current site began in 2014. DEQ issued a permit for withdrawal from the James River at the current location in November 2015.

**5. Are transparent, public procedures observed?**

Yes. The JRWA and its localities have met or exceeded all public involvement requirements throughout the development of the project. The Authority has held numerous public meeting discussions, Public Hearings, and Town Halls over the years for zoning/local permitting, debt issuance, procurement, and general consideration of the effort. Six Fluvanna County Comprehensive Plan meetings referencing the project took place in the latter half of 2014, followed by two Town Hall meetings specific to the project in December of 2014 and April of 2015. A project-specific Special Use Permit was required by Fluvanna County, and this process involved a Technical Review Committee Meeting, a Neighborhood meeting, a Community Meeting, and Public Hearings for both the Planning Commission and the Board of Supervisors – all of which occurred in 2015. Another Special Use Permit process involved a similar set of meetings in early 2016. Each of these meetings was [publicly noticed](#) and open to the public. The governing bodies of both Louisa and Fluvanna County have discussed the project at numerous public meetings over the past decade, or longer. The JRWA itself continues to hold regular monthly meetings which are [publicly noticed](#) and open to the public. In addition, the water supply project

requires permits from DEQ, VMRC, and the U.S. Army Corps of Engineers. Each of these agencies has followed a process for public notice and comment on the project.

## **6. Why has this location and routing been chosen?**

The proposed location and water main route were selected because they represent the best option among the various alternatives considered. There are many important factors to consider in determining where to locate a project such as this. Among other considerations, the JRWA has worked diligently to site this water supply project in a manner which satisfies the following objectives:

Sufficient Water Quantity and Quality. The counties eventually will need to withdraw millions of gallons of water per day. The James River can safely and sustainably accommodate a withdrawal of that volume without causing impacts to aquatic life and other water supplies along the river, but other potential sources in the area, such as the Rivanna River or groundwater, cannot. The quality of water in the James River at the location of the intake also is suitable for use as a public water source. Lastly, the river must be deep enough at the intake location to provide water even during the lowest flows. The chosen withdrawal location is ideal from a water quantity and quality perspective.

Physical Access. Given the need to access the intake and pump station for periodic maintenance and operational requirements, this site will utilize an existing former public road railroad crossing and right of way to provide safe access without having to add an additional crossing

Regulatory Restrictions. This location meets the requirement to be at least 5 miles downstream of existing wastewater treatment plant outfalls.

Minimize Environmental Impacts. The water main route follows roughly the shortest route between the river and the interconnection point, which minimizes impacts to forests, streams, wetlands, and other environmentally sensitive resources. The water main also stays primarily within an existing utility (gas/electric) easement, thereby minimizing new land disturbance and impacts to forest cores. For the same reason, the pump station has been located in a field that was in active agricultural use prior to being purchased by JRWA for this purpose.

Minimize Impacts to Historical Resources. The banks of the James River are an incredibly historically and culturally rich area. JRWA worked to minimize potential impacts to buried historical resources by locating the project on previously disturbed areas, including agricultural land and existing utility corridors, and by selecting the shortest feasible route for the water main. Co-locating the water main with existing utilities also minimizes the visual impact of the water main corridor on the landscape.

Remain Fiscally Responsible. Constructing new water infrastructure is costly. Roughly 60,000 taxpayers in both counties will bear these costs, which imposes practical limitations on the project's budget. Costs have been minimized by selecting a shorter route for the new water main. Other locations evaluated for the project—which generally involved much longer water main routes—were prohibitively costly.

Reduce Burden on Local Landowners. Only four property owners will be affected by construction of the project and all necessary property was acquired without the need to condemn any private property.

**7. Concerns about the current location have been raised. Why doesn't JRWA just move it?**

The current location was selected because it represents the best option for the project considering all relevant criteria. There is no alternative location available that is technically and financially feasible.

Even if a reasonable alternative location were available, moving the project cannot be done at this time for several reasons:

A new water supply is needed now. The environmental review and permitting process to date has lasted five years. This process would need to be restarted for not only one, but for three necessary permits. DEQ must permit any new withdrawal point, the VMRC must permit any impacts to river bottoms, and a Corps permit is required to mitigate impacts to streams and wetlands, as well as address concerns about impacts to sensitive species and historic resources. The Zion Crossroads area is facing imminent water shortages. JRWA cannot risk restarting multiple multi-year permit application processes at this time.

A move would be prohibitively costly. The alternative locations evaluated by JRWA are substantially more costly—and that's before considering the costs associated with restarting the multi-year permitting process. Those costs would include acquiring new land for the pump station and water main, conducting new environmental studies and surveys, engaging engineering and technical consultants to design a new pump station and water main route, and escalating construction costs each year.

New sites carry significant risks. There is no guarantee that JRWA would not encounter greater challenges in permitting the project at a different location. Except for a potential route through the Town of Columbia that presents significant engineering and water quality challenges including the sediment load carried by the Rivanna River), every alternative location involves constructing a substantially longer water main. With a longer project route, JRWA will have to obtain property from many new landowners who may object to the project. Longer water main routes will impact more streams, wetlands, and other environmental resources, which increases the challenge, risk, and cost of obtaining the necessary permits. The area, like so many in the region, is rich historically and has been occupied for thousands of years, so the likelihood of encountering other significant historical resources is high with any alternative route.

**8. What alternative locations were considered?**

JRWA considered a number of alternate locations for the pump station, intake and associated water lines over the years. Bremono Bluff (where withdrawal was initially contemplated and permitted by DEQ in June 2006) would have increased the length of water main to nearly 10 miles, which increases the associated disturbance, cost, and potential historic impacts. Upon further study by JRWA before the 2014 permit applications were filed, this option was abandoned as being impracticable. Another potential site was located further east on Point of Fork closer to the confluence of the James and Rivanna Rivers, but this option was ultimately discarded because it presented historic resource concerns and greater environmental impacts. JRWA considered a location downstream of Point of Fork in the Town of Columbia, but that option was deemed infeasible due to poor water quality at that location and other obstacles. JRWA is preparing a more detailed summary of its evaluation of alternative locations, which will be made publicly available.

**9. Will the counties or the JRWA benefit financially from this effort?**

No. This is a public water supply project meant to service the needs of the Counties' citizens and businesses, and to support future responsible growth requirements. Again, the project was developed to meet both localities' short- and long-term water supply needs. Both counties currently rely primarily on groundwater wells and other unsustainable sources. It will actually be more expensive for the counties to pump and treat water from the James River than from current groundwater sources. If those groundwater sources could sustainably meet the counties' long-term water supply needs, this project would not be necessary.

**10. Who will get the water?**

The 2015 Service Agreement between the Fluvanna and Louisa Counties allocates 50% of the JRWA system's capacity to each county. Initially, the raw water will be piped to and treated by a plant in the vicinity of Ferncliff in Louisa County for provisioning to homes and businesses in both counties. However, the JRWA project is planned to serve other needs in the future. The interconnection point between the JRWA project and the existing Louisa County water main is a "T" section designated to be tapped at a future date to supply additional water to Fluvanna County consistent with its long-term water supply plan.

**11. Will the river be adversely impacted?**

No. To obtain a withdrawal permit from DEQ, JRWA had to demonstrate that the withdrawal would not adversely impact other "beneficial uses" of the river—including aquatic life habitat and other municipal water supplies. JRWA conducted extensive river analysis to ensure that the intake location would be operable even in historic low-flow conditions and DEQ performed a "cumulative impacts analysis" (which included extensive modeling of existing withdrawals along the James River) and determined the project "will protect existing beneficial uses while meeting the permittee's (JRWA) purpose and need." Moreover, JRWA's permit requires that it coordinate its withdrawals with the nearby [Cobbs Creek Reservoir](#), which is under construction and will withdraw water during high river flows and release water, a short distance upstream from JRWA's intake, during low-flow conditions to ensure that the river is minimally impacted. The intake sits on the bottom of the river and will be submerged even during low flows in the river. It is gravity fed and designed such that aquatic life and recreational usage of the river is not impacted. Further, the JRWA's permitted withdrawal (5.82 million gallons per day initially, eventually increasing to 8.57 million gallons per day) from the river is comparatively low with regard to other permitted withdrawals from the river. The City of Richmond, for example, is permitted to withdraw over 330 million gallons per day from the James.

**12. How has the JRWA responded to concerns?**

JRWA has willingly and responsibly addressed every reasonable concern brought to its attention by regulatory agencies, the public, and other interested stakeholders.

**13. Is the project located on tribal land?**

No, there are no tribal lands near the water supply project. JRWA owns the land on which the water intake and pump station building will be constructed. The water main will be located within a utility easement owned by JRWA.

**14. Is this the location of Rassawek?**

The location of Rassawek (once a prominent village of Monacan Indian Tribe) is not precisely known, and many believe it to be more of an “area” than a “dot”. It should be noted that at the time of the JRWA’s project design and permit application process, the Virginia Cultural Resource Information System (VCRIS, the state’s historic resource database) showed the name “Rassawek” on a map but included no detail. Typically, resources are precisely delineated in the system and accompanied by detail so that appropriate planning by applicants can take place.

Furthermore, the VCRIS map of the Fluvanna region shows numerous historic resources, specifically clustered along the James River to include the continuous James River and Kanawha Canal – unsurprising given the fact that civilization has historically relied on the availability of water in the same manner it does today. The boundaries of these noted historic resources nearly touch each other in many areas and do not include other resources that may be discovered upon further study, making complete avoidance of historical resources in this area an challenging if not impossible task.

This situation creates a high probability that nearly any location selected along the river would be in a historically sensitive area. This lends credence to the historic resources component of the COE permitting process, which is intended to mitigate concerns – not necessarily avoid them altogether. Such projects, responsibly performed, are an opportunity for learning. If complete avoidance of all resources was a requirement, it would be difficult for any project to take place.

The JRWA team conducted onsite cultural resource surveys and evaluations of the project site between May 2017 and January 2018. The results were published in a May 2018 report. The report discussed previous archeological studies of the area that have attempted to identify the precise location of Rassawek, which was identified as the “chiefest town” of the Monacans by John Smith in 1612. There is no general consensus that Point of Fork is specifically and positively the location of Rassawek or, if the village was located in the vicinity, whether its boundaries overlap with the project area. As Professor Dan Mouer stated in a 1980 report on the site: “To decide once and for all whether or not the site is, indeed, Rassawek will require considerably more archaeological excavation.”

The project team’s surveys did confirm what previous studies had observed – that the project area had once been occupied by Native Americans and that it is an important historical site. However, no burial remains were found by the team and no study to date has definitively identified the project area as being within Rassawek.

**15. What has the JRWA done to mitigate concerns from the Monacan Indian Nation?**

JRWA took the initiative to individually reach out to numerous tribes in the area, including the Monacans, in advance of the regulatory agencies' required consultation processes. Meetings with those representing the Monacan tribe at the time were reasonably positive, and both parties viewed the project as an opportunity to provide further historical context (possibly including a more precise identification of Rassawek's location) where there might otherwise be none.

In 2018, the Monacan Indian Nation received federal recognition, appointed new leadership, and hired legal representation. The Monacans' new attorney made a list of demands on the project in September 2018. JRWA agreed to all of the requests except for a demand for nearly \$700,000 plus a future amount to be determined. The majority of the requested payment (\$500,000) was identified in the attorney's request as "unrestricted funds" to be paid to the tribe. JRWA responded that such a payment is legally inappropriate. The previously productive dialogue with the Monacans took an unfortunate turn at that time. It was only after JRWA rejected the payment demand that the tribe changed its position to oppose construction of the water supply project.

Nevertheless, the JRWA continues to make a good faith effort to engage the tribe in discussions. JRWA has committed to donating \$125,000 to the Monacans to refurbish its tribal museum and to paying long-term storage and preservation costs for any tribal artifacts found during the process. JRWA also will conduct an extensive and costly archeological study of the site prior to construction, and included an unprecedented offering of tribal role in authoring historic reports and related public information. JRWA also offered the tribe unrestricted access during excavation and a funded onsite position. This study will greatly enhance our understanding of the history of the site and will identify and preserve historic resources that may be located there.

**16. Will tribal burials be disturbed?**

Preliminary archeological field studies have been conducted for the water supply project's footprint. No burial grounds or graves were located. Due to the project's location within a floodplain and the decision to locate the water main within previously disturbed areas, the project has been designed to minimize the chances that any previously unknown burial sites will be disturbed during construction.

**17. What is the current status of the project?**

JRWA has completed project design and engineering, acquired necessary land, and received two of the major permits (Department of Environmental Quality – Withdrawal Permit and Marine Resources Commission – Wetlands Disturbance) necessary for the project. The final major permit issued by the United States Army Corps of Engineers (COE) is under consideration. The Virginia Department of Historic Resources (DHR) is also requiring an Anticipatory Burial Permit should the JRWA encounter any previously unknown burial sites in the process.

In September 2019, DHR inexplicably deemed JRWA's principal archeologist unqualified, despite the fact that the archaeologist and her team had authored or participated in hundreds of reports, studies, and permitting efforts through DHR over the past 35 years. JRWA protested the DHR decision, and a letter explaining the situation and JRWA's response can be found [here](#). JRWA continues to engage with all relevant agencies and parties to bring the now five-year permitting process to an orderly conclusion.