



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Molly Joseph Ward
Secretary of Natural Resources

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

October 4, 2017

James River Water Authority
Attn: Mr. Steven M. Nichols
Fluvanna County Administrator
132 Main Street
Palmyra, VA 22963

Re: Application for the Removal and Temporary Curation of Human Remains Located at Point of Fork, Fluvanna County, Virginia
DHR File No. 2015-0984

Dear Mr. Nichols:

In accordance with Section 10.1-2305 of the *Code of Virginia*, final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register on July 15, 1991, and following review by the Department, the Department of Historic Resources on this 4th day of October, 2017, hereby grants to the James River Water Authority permission to remove and temporarily curate human remains that may accidentally be disturbed by, or identified during laboratory analysis resulting from, planned archaeological investigations in and around property associated with the James River Water Authority's proposed raw water intake and pipeline at Point of Fork in Fluvanna County, Virginia. Any such removal and temporary curation shall take place only after consultation with the affected Indian Tribes/Nations (defined below). This is not a recovery permit and does not provide legal permission for the purposeful archaeological recovery of buried human remains. Any such activity must receive a separate permit issued by this office. This permit is to be considered effective as of today's date.

The granting of this permit signifies that:

1. The Department is aware that the recovery is part of the James River Water Supply Project, which is under review by the Review and Compliance Division (DHR Project Review No. 2015-0984).

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
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

2. The Department is aware that archaeological sites 44FV0019, 44FV0020, 44FV0021, and 44FV0022, 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.
3. The Department is aware that the federally-recognized Pamunkey Indian Tribe and Delaware Nation, as well as the Commonwealth-recognized Monacan Indian Nation, Rappahannock Tribe, and Upper Mattaponi Indian Tribe, have requested consulting party status pursuant to the federal project, and are hereinafter defined for the purposes of this permit as the "affected Indian Tribes/Nations".
4. The Department understands that the Permittee, an authority created pursuant to Code of Virginia Chapter 51, Title 15.2 §§ 15.2-5100 *et seq.*, incorporates two (2) municipal authorities (Fluvanna and Louisa Counties) that receive federal funding and thus meet the definition of "museum" under the Native American Graves Protection and Repatriation Act of 2001 (Public Law 101-601; 25 U.S.C. 3001-3013) (NAGPRA). As such, any action pertaining to the discovery, inadvertent disturbance, removal or subsequent treatment of human remains conducted pursuant to this permit must meet the terms and requirements of NAGPRA.
5. The Department has received from the Permittee and has approved a statement detailing the goals and objectives of the project.
6. The Department has reviewed the vita of the professionally-qualified archaeologist responsible for the proposed work and has found her qualified to complete the work.
7. The Department has received accurate information as to the location of the project area and the proposed investigations, to include both shovel and deep testing, designed to evaluate soil strata and composition, and to preliminarily identify archaeological deposits and features within the project area.
8. The Department has received assurances that there are adequate resources to carry out the research design and treatment plan, and to ensure the respectful treatment of all human remains and associated funerary items that may accidentally be disturbed during archaeological delineation of the possible unmarked cemetery.
9. The Department has worked with the federally-recognized Pamunkey Indian Tribe and Delaware Nation in the development and implementation of this permit pursuant to the terms and conditions of NAGPRA, and understands that the Pamunkey Indian Tribe and Delaware Nation have expressed their intent to participate in the federal process as consulting parties.

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
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

10. The Department has consulted with the state-recognized Monacan Indian Nation, Rappahannock Tribe, and Upper Mattaponi Indian Tribe at their request and in recognition of their interest in the project area.
11. The Department has concluded that issuance of this anticipatory burial permit is necessary in order to ensure that any and all buried remains and associated funerary items inadvertently disturbed during archaeological investigation of the James River Water Supply project area will be properly treated, and that important information about Fluvanna County's history will be properly recorded.

This permit is granted subject to the following conditions:

1. The Permittee shall ensure that the project archaeologist carries a copy of this permit at all times during fieldwork associated with this permit.
2. The Permittee shall proceed in accordance with the approved research design as proposed in the permit application, with the exception that no human remains or known/presumed funerary objects will be purposefully removed from the property absent the prior written approval from the Department and the affected Indian Tribes/Nations. Any changes to this methodology must receive the prior written approval of the Department.
3. Under no circumstances shall burial chambers be excavated or *in situ* human remains archaeologically recovered under this permit. Should it become necessary to disinter buried human remains, the Permittee must apply for a recovery permit in consultation with the Pamunkey Indian Tribe and Delaware Nation as required by NAGPRA and the Monacan Indian Nation, Rappahannock Tribe, and Upper Mattaponi Indian Tribe as required by Code of Virginia §10.1-2305 and its implementing regulations.
4. The Permittee shall ensure that all earthmoving activity within the project area takes place at the direction and under the supervision of the supervising archaeologist, who shall be allowed to dictate the terms under which soil is removed.
5. Upon discovery of human remains or funerary objects, all ground disturbance shall cease and the area of discovery shall be secured from further disturbance. The Permittee shall notify the Department and the affected Indian Tribes/Nations by telephone within twenty-four (24) hours of discovery. This notification must be followed up in writing (email is sufficient). The Permittee shall take all necessary precautions to avoid additional disturbance or displacement, including establishment of a minimum fifty (50)-foot buffer around the discovery location. There shall be no additional activity within the established fifty (50)-foot buffer until consultation with the affected Indian Tribes/Nations has concluded and an approved treatment plan is in place.

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
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

6. Posting or otherwise publishing written descriptions, digital images, or any other information about or involving human remains discovered on this site in print media, digital media, or in any other fashion is strictly forbidden. Any such action will result in immediate revocation of this permit.
7. The Permittee shall, in consultation with the affected Indian Tribes/Nations, prepare a plan for final disposition of any remains and associated funerary items and submit it to the Department for review and comment. The Department will itself consult with the affected Indian Tribes/Nations and will reach a decision on final disposition within sixty (60) days of receipt. No reburial or other disposition shall take place in the absence of the Department's prior written approval.
8. The Permittee shall inform the Department and affected Indian Tribes/Nations in writing of the commencement of field work conducted under this permit.
9. The Permittee shall inform the Department and affected Indian Tribes/Nations in writing of the completion of field work involving the recovery of human remains and/or associated funerary artifacts, and the completion of the final disposition of those remains and associated artifacts, within two (2) weeks of implementation.
10. The Permittee shall ensure that the architectural and archaeological resource forms, mapping, and other archival data associated with this property are updated and accepted by the Department prior to submittal of the final report.
11. Prior to April 4, 2018, the Permittee shall prepare a technical report(s) of the field investigations involving the recovery of human remains conducted under this permit and submit one copy of it (them) to the Department for review and approval, with a copy to affected Indian Tribes/Nations for review and comment. All reports shall meet the federal standards entitled *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-44742, September 29, 1983) and the Department's *Guidelines for Historic Resources Survey in Virginia* (2011 and as amended or revised). All comments received within thirty (30) days of report receipt shall be addressed in the final report(s).
12. All archaeological materials (with the exception of human remains and associated funerary or ceremonial objects) resulting from investigations conducted under this permit, including artifacts, field records and photographs, shall be placed in the Department's collections upon completion of the study and shall be curated in accordance with the Department's *State Curation Standards* (2011 and as amended or superseded).
13. The Department retains the right to revoke this permit upon the initiative of the Director, or upon the request of any interested party, for violations of any of the above conditions or if good cause is otherwise demonstrated.

Western Region Office
962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
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

14. The Department retains the right to inspect the field investigations conducted under this permit. The Permittee shall make a reasonable effort to ensure that Department representatives have access to the work site during the field investigations

This permit shall be valid for six (6) months from the date of issuance. This permit is not transferable.

Sincerely,



Julie V. Langan
Director