



JAMES RIVER WATER AUTHORITY

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March 21, 2019

By Email (Steven.A.Vanderploeg@usace.army.mil)

Mr. Steven VanderPloeg
Environmental Scientist
US Army Corps of Engineers,
Norfolk District
9100 Arboretum Parkway, Suite 235
Richmond, Virginia 23236

Re: James River Water Authority Project
Revised Treatment Plan
USACE Action ID Number: NAO-2014-00708
DHR File No. 2015-0984

Dear Mr. VanderPloeg:

The James River Water Authority (JRWA) is pleased to submit this revised *Treatment Plan for Architectural Resources 032-0036 and 032-5124 and Archeological Sites 44FV0022, 44FV0024, and 44FV0268* (March 2019).

Summary of Revisions to the Treatment Plan

JRWA appreciates the thorough comments that were received from the Virginia Department of Historic Resources (VDHR) and consulting parties on the August 2018 version of this Treatment Plan. This revision represents a significant undertaking by the project team to address all comments. We are confident that all comments by VDHR and all reasonable suggestions and requests from consulting parties have been appropriately satisfied.

Since before the National Historic Preservation Act Section 106 consultation process formally commenced, JRWA has made a good faith and proactive effort to solicit input and respond to requests from the Monacan Indian Nation and other tribes. With this Treatment Plan, JRWA has taken special care to ensure that mitigation requests of the Monacans have been accommodated to the greatest reasonable extent. Many of those requests were accommodated in the revised Memorandum of Agreement (MOA) that was submitted to the Corps on January 11, 2019. The remaining requests that were not addressable in the MOA have been incorporated into this revised Treatment Plan. Revisions to respond to the Monacans' requests include the following:

- Monetary Compensation to Monacan Indian Nation. In response to the tribe's September 28, 2018 request for "monetary compensation," JRWA has agreed to make a significant monetary contribution of \$125,000 dedicated to the Monacan Indian Museum. Section 7.0 of the Treatment Plan proposes to provide \$25,000 towards a needs-assessment for the museum and an additional \$100,000 contribution for upgrades to the facility. These contributions are consistent with the intent of Section 106 because they will facilitate the Monacans' ability to properly store or curate artifacts associated with their history, including those that may be discovered at the Project site. These contributions will be in addition to curation fees that will be paid to the Monacans if they are willing and able to take possession of the artifacts. While this is a significant financial burden for our small rural utility and ratepayers, we are proud to be able to make this substantial commitment to historic preservation and education about our community's rich history.
- Dissemination of Public Information Developed in Consultation with the Monacans. Similar to revisions to the MOA, Section 8.0 of the Treatment Plan extends an invitation to the Monacans to participate in the development of materials publishing the results of the archaeological study. Responding to specific requests from the Monacans, the Treatment Plan also adds a commitment that those materials will "draw a connection between the archeological sites at Point of Fork and present-day tribes in Virginia to rebut the historical misunderstanding perpetuated by persons such as Walter Plecker that there are no Virginia Indians." We look forward to collaborating with the Monacans to this positive end.
- Greatly Expanded Evaluation of Previous Research and Investigations. Both VDHR and the Monacans requested that the Treatment Plan take a more thorough look at existing research and investigations relevant to the Project site. Section 3.0 of the Treatment Plan has been greatly expanded to include additional relevant research uncovered by the project team or suggested by VDHR or the Monacans. JRWA also added a commitment in Section 5.4 to reevaluating artifacts and field notes housed from other relevant collections held by institutions including Virginia Commonwealth University, University of Virginia, the Smithsonian Institute, and VDHR. Again, although this is a significant investment by our ratepayers, we are glad to know that this project will greatly increase our understanding of Native American history in the area.
- Refinement of Research Questions. The additional evaluation of previous research and investigations has been utilized to refine the research questions in Section 4.0. In particular, the research questions have been focused to further explore the Monacans' historical ties to the site and to identify linkages to other historical sites in the area, as requested.

Other significant revisions have been made to the Treatment Plan in response to the technical comments provided by VDHR and other consulting parties. Those revisions include the following:

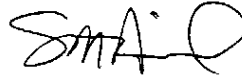
- Clarification of Sampling and Testing. Section 5.3 of the Treatment Plan identifies the types and minimum number of laboratory analyses that will be conducted, as well as the laboratories that are planned to perform the analyses.
- Clearer Picture of Site Stratigraphy. In various sections of the Treatment Plan, the JRWA team endeavored to ensure that the site stratigraphy and excavation depths are readily understandable.
- Increased Number of Units at Site 44FV0268. As requested, the number of 3x3-foot units at northeastern portion of this site has been increased to nine.
- Clarification of Deep-Testing Protocols. There was an apparent misunderstanding that the project team was proposing “salvage archaeology” for deep testing at Sites 44FV0268, 44FV0024, and 44FV0022. That was never the intent. The description of the protocols has been substantially revised to avoid confusion and more clearly outline the testing protocols that were intended.
- Site 44FV0269 Removed. Following consultation with VDHR, Site 44FV0269 has been removed from the Treatment Plan. The JRWA team recently commenced a Phase II evaluation of that site, which is expected to be concluded shortly. If Site 44FV0269 is found to be eligible and adversely affected, JRWA will prepare an appropriate treatment plan for that impact.
- Other Clarifications and Corrections. Numerous factual and technical clarifications, corrections, and citations have been made to the Treatment Plan to respond to comments from VDHR and others.

Review and Finalization of Treatment Plan

JRWA believes this revised Treatment Plan fully addresses all appropriate comments received from consulting parties. Moreover, it reflects a level of effort, technical rigor, and expense that goes far above and beyond standard treatment plans. We trust it is readily approvable. If the Corps elects to distribute this revised Treatment Plan to the relevant parties for another round of review, however, JRWA respectfully requests that the process be commenced promptly.

Furthermore, this Treatment Plan need not be approved before the MOA may be finalized. JRWA therefore respectfully reiterates its January 11, 2019 request that the MOA be distributed for final execution.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.M. Nichols', with a stylized flourish at the end.

Steven M. Nichols
James River Water Authority

Copy:

Ms. Julie Langan, VDHR Director
Mr. Roger Kirchen, VDHR
Mr. Greg LaBudde, VDHR
Ms. Jennifer Frye, USACE
Mr. D.D. Watson, James River Water Authority Chair
Mr. Christian Goodwin, Louisa County Administrator