

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS
SPRING CREEK SPORTS CLUB, 109 CLUBHOUSE WAY
ZION CROSSROADS, VIRGINIA**

**March 11, 2020
9:00 A.M.**

Present: D. D. Watson (Chairman), Mark Dunning (Vice Chairman), Joe Chesser (Treasurer) – arrived 9:15 a.m, Eric Dahl, and Christian Goodwin

Absent: Troy Wade

Others Present: Brendan Hefty (Hefty, Wiley, and Gore); Justin Curtis (Aqualaw); Joe Hines (Timmons Group)

CALL TO ORDER

Chairman Watson called the meeting of the James River Water Authority (JRWA) Board of Directors to order at 9:06 a.m., and led the Board in the Pledge of Allegiance.

ADOPTION OF AGENDA

Mr. Dahl requested the addition of an agenda item to consider a budget supplement for GAI Consultants' archeological efforts after Action Items. On the motion of Mr. Dahl, seconded by Mr. Goodwin, which carried by a vote of 5-0, the agenda was adopted as amended.

ITEMS FROM THE PUBLIC

Multiple attendees voiced concerns with the project as proposed, including support for alternative locations, concerns regarding the Monacan village of Rassawek, the location and time of the Board's meeting, and related issues. Speaker names and locations are included below.

Ms. Barbara Seay of Fluvanna voiced concerns regarding the project as proposed.

Mr. Kenneth Branham, Chief of the Monacan Indian Nation, voiced concerns regarding the project as proposed.

Mr. Luis Oyala of Kents Store voiced concerns regarding the project as proposed.

Mr. Terry Clouthier of the Pamunkey Indian Tribe voiced concerns regarding the project as proposed.

Mr. Walter Heinecke of Charlottesville voiced concerns regarding the project as proposed.

Ms. Giselle Jouthari of Charlottesville voiced concerns regarding the project as proposed.

Ms. Lisa Draine of Charlottesville voiced concerns regarding the project as proposed.

Mr. Nicholas McCarthy of Charlottesville voiced concerns regarding the project as proposed.

Mr. Lynn Townsend of Richmond voiced concerns regarding the project as proposed.

Ms. Kylara Miene of Mineral voiced concerns regarding the project as proposed.

Mr. Kirk Bowers of Albemarle and the Piedmont Group of the Sierra Club voiced concerns regarding the project as proposed.

Ms. Donna Shaunessy of Charlottesville voiced concerns regarding the project as proposed.

Ms. Julia Griffin of Louisa voiced concerns regarding the project as proposed.

Mr. Greg Werkheiser of Richmond, attorney for the Monacan Indian Nation voiced concerns regarding the project as proposed.

Ms. Kay Ferguson of Charlottesville voiced concerns regarding the project as proposed.

Mr. Richard Freeman of Crozet voiced concerns regarding the project as proposed.

Ms. Kate Ferguson of Charlottesville voiced concerns regarding the project as proposed.

Ms. Sue Marcus of Fairfax, representing the Regional Quakers Group, voiced concerns regarding the project as proposed and provided written remarks.

Mr. Jeff Hantman of Charlottesville voiced concerns regarding the project as proposed.

Mr. Aaron Hackett of Charlottesville voiced concerns regarding the project as proposed.

Ms. Jess Vegas of Stanardsville voiced concerns regarding the project as proposed.

Ms. Miranda Rader of Charlottesville voiced concerns regarding the project as proposed.

Mr. Winston Barham of Zion Crossroads voiced concerns regarding the project as proposed.

Ms. Suzy Morris of Fluvanna voiced concerns regarding the project as proposed.

Ms. Tammy Purcell of Louisa voiced concerns regarding the project as proposed.

Ms. Karen Eschbach of Louisa voiced concerns regarding the project as proposed.

Ms. Amy Hamburger of Louisa voiced concerns regarding the project as proposed.

Mr. Edmund Frost of Louisa voiced concerns regarding the project as proposed.

Ms. Carol Courtenay of Charlottesville and representing the Southern Environmental Law Center voiced concerns regarding the project as proposed.

Ms. Ellie Gale of Charlottesville and the Center for Healthy Living voiced concerns regarding the project as proposed.

Ms. Mary Kranz of Louisa voiced concerns regarding the project as proposed.

Ms. Sally Thomas of Charlottesville voiced concerns regarding the project as proposed.

Ms. Suzanne Keller of Richmond and the Peace and Social Concerns Committee voiced concerns regarding the project as proposed.

Ms. Robin Patton of Louisa voiced concerns regarding the project as proposed.

Ms. Amanda Welch of Louisa voiced concerns regarding the project as proposed.

Mr. David Copper of Staunton voiced concerns regarding the project as proposed.

Mr. Mack Derry of Fluvanna voiced concerns regarding the project as proposed.

Ms. Karen Corcoran of Louisa voiced concerns regarding the project as proposed.

Mr. Gabe Engle of Charlottesville voiced concerns regarding the project as proposed.

Ms. Suzanne Chambers of Amherst and the Amherst County Democrats voiced concerns regarding the project as proposed.

Ms. Abby Strickland of Louisa voiced concerns regarding the project as proposed.

Ms. Zoe Edgecomb of Charlottesville and representing her parents who live in Gordonsville, voiced concerns regarding the project as proposed.

Ms. Deborah Kushner of Staunton voiced concerns regarding the project as proposed.

Ms. Caroline (last name not provided) of Keswick voiced concerns regarding the project as proposed.

Mr. Graham Evans of Charlottesville and the Alliance of Small Businesses voiced concerns regarding the project as proposed.

Mr. Earl Evans of Hollister, North Carolina, and tribal delegate to the National Congress of American Indians voiced concerns regarding the project as proposed.

Ms. Maya Stewart-Silver of Crozet voiced concerns regarding the project as proposed.

Mr. Tom Lever of Charlottesville voiced concerns regarding the project as proposed.

Mr. Randy Holladay of Louisa voiced concerns regarding the project as proposed.

Ms. Renee O’Leary of Louisa voiced concerns regarding the project as proposed.

Mr. Ali Calimonte of Richmond voiced concerns regarding the project as proposed.

Mr. Kenneth Branham requested that the JRWA’s Board and its attorneys introduce themselves, which they did.

APPROVAL OF MINUTES OF PRECEDING MEETING

On the motion of Mr. Dahl, seconded by Mr. Chesser, which carried by a vote of 5-0, the Board approved the minutes of the February 25, 2020 meeting.

FINANCIAL REPORT

Mr. Chesser reviewed the bills in the Board packet. Mr. Dahl corrected the bill amount to \$9,960 for Aqualaw. On the motion of Mr. Goodwin, seconded by Mr. Dahl, which passed by a vote of 5-0, the Board approved the payments and the Treasurer’s report.

DISCUSSION/INFORMATION ITEMS

(none)

ACTION ITEMS

Revised Corps of Engineers (COE) Permit Application

Mr. Justin Curtis gave a brief update on the status of the COE permit. He briefly reviewed the alternatives analysis prepared by the project’s engineering, environmental, cultural resources, and legal consultants, including the 8 pump station locations and 12 different alternative routes, logistical constraints, the adequacy of quality and quantity of water, and the costs of different options. He stated that following the process as set forth, build alternative 6, the location as currently proposed, was determined to be the only practicable alternative as presented to the Board in February. Mr. Curtis stated that revised materials for the permit application as required by the COE are nearly complete. He stated that counsel for the Monacan Indian Nation provided a letter yesterday offering to engage the Board in further discussions about alternative 1C. He stated that though many conversations have been held with the Monacan Indian Nation, but the most recent attempt to communicate with them had been rebuffed. Mr. Curtis stated that continued consultation with the Monacan was advisable if the Monacan counsel was willing. He then suggested that though some speakers today had asked for a deferral of the decision today,

there was no reason to do so because submission of the materials represents an interim step in the longer permitting process. The current application process could proceed concurrently with consultation with the Monacan counsel on alternative locations. He stated that as part of the individual permit process, another review and public comment would be required prior to a decision by the COE and that the JRWA would be able to concurrently consult with the Monacan counsel regarding alternative locations.

Mr. Goodwin asked about the Forsyth alternative and why it was not practicable. Mr. Curtis responded that this location and route (1C) was roughly four times the length of the proposed route, which would increase costs and likely require significant rock excavation. The route is also not collocated with the existing utilities and would increase wetland impacts by a factor of five, he said. Mr. Curtis stated that this alternative is roughly 85% more cost, and that easements from 26 separate landowners would be required.

Mr. Dahl asked about deferral and its impacts on the project's timeline. Mr. Curtis stated that this would result in a delay which could impact time of year construction requirements associated with river efforts.

Mr. Chesser asked if the JRWA would have to re-apply if a different route or location was employed. Mr. Curtis stated that JRWA would have to modify the current application with the COE, and permit processes with the Department of Environmental Quality (DEQ) and the Virginia Marine Resources Commission would likely have to be restarted.

Mr. Goodwin asked if an analysis of water quantity at the Forsyth location on the river had been performed. Mr. Curtis responded that it had not, and noted that the Forsyth location was upstream of the Cobb's Creek Reservoir, which could trigger further review from DEQ.

Mr. Goodwin asked if the JRWA could simultaneously move forward with the revised application and consult with the Monacan Indian Nation. Mr. Curtis responded that it could, and reviewed the available time in the schedule for such consultation.

Mr. Watson made a motion to authorize Mr. Dahl and Mr. Goodwin sign the revised supplemental information materials on behalf of the Board and to authorize Timmons to submit it to the Corps of Engineers upon completion. Mr. Dunning seconded the motion, which passed by a vote of 5-0.

Mr. Watson encouraged counsel to continue to discuss options and alternatives with the Monacan.

The public expressed displeasure with the Board's action, and the Board engaged in brief question and answer period with several of those present.

Budget Supplement – GAI Consultants

Mr. Dahl reviewed the information related to a budget supplement for archeological efforts performed by GAI Consultants, stating that the consultant's initial budget of \$53,348 has been

nearly expended. The requested addition of \$51,321 is for continued efforts with the permitting process. On the motion of Mr. Goodwin, seconded by Mr. Chesser, the Board approved the supplement by a vote of 5-0.

CONSENT AGENDA

(none)

CLOSED SESSION

(none)

ADJOURNMENT

On the motion of Mr. Watson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board voted to adjourn the meeting at 11:15 p.m.

BY ORDER OF:

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