

**JAMES RIVER WATER AUTHORITY BOARD OF DIRECTORS**  
**111 Kents Store Way**  
**Kents Store, Virginia**  
**March 11, 2020**  
**9:00 A.M.**

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**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)

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**CALL TO ORDER**

Chairman Watson 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**

Mr. Goodwin requested that the Board allow remarks from Ms. Marion Werkheiser, attorney for the Monacan Indian Nation, during the permit update on the agenda. On the motion of Mr. Wade, seconded by Mr. Dahl, which carried by a vote of 6-0, the agenda was adopted.

**ITEMS FROM THE PUBLIC**

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

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

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

**APPROVAL OF MINUTES OF PRECEDING MEETING**

On the motion of Mr. Dahl, seconded by Mr. Dunning, which carried by a vote of 6-0, the Board approved the minutes of the March 11, 2020 meeting.

**FINANCIAL REPORT**

Mr. Chesser reviewed the bills in the Board packet and noted that two bills which required payment during the period of the pandemic in which the Board did not meet needed to be ratified. In addition to the bills in the packet, the bills requiring ratification were for Aqualaw

(\$22,560.04) and GAI Consultants (\$17,526.89). On the motion of Mr. Dahl, seconded by Mr. Wade, which passed by a vote of 6-0, the Board ratified the prior payments and approved the bills as presented.

## **DISCUSSION/INFORMATION ITEMS**

### **Revised Corps of Engineers (COE) Permit Application**

Mr. Justin Curtis, permit attorney for the JRWA, stated that citizens rightly expect to have clean water available when they need it. He noted that in his experience working with utilities, the public is unaware of the challenges which must be addressed to ensure the availability of this water. Negative sentiments can arise during projects and working through challenges is part of what localities must do to ensure the availability of capable utility systems.

Mr. Curtis stated that as approved by the JRWA Board, the revised application was filed in March, the extended public comment period ended June 7<sup>th</sup>, and the JRWA had yet to receive copies of the comments. According to him, the COE will likely request further input on the application and comments from JRWA.

Mr. Curtis noted that the JRWA has been working with the Monacan Indian Nation on option 1C of the alternatives analysis in accordance with the direction from the Board in March. The project team is also evaluating other options, including a horizontal directional drill (HDD) bore from a point west of Columbia to the pump station. While the pump station location is critical to the current iteration of the project, it became apparent in recent discussions with archaeologists for the Monacan Indian Nation that the current route in the vicinity of the Rivanna River crossing was a primary point of concern. The HDD option would wholly avoid this area, and would arch well below the depths where artifacts may potentially be located with the exception of the pump station footprint itself. The project team conducted a preliminary analysis of this option over the past few weeks and after concluding that it may be technically and financially feasible, met with representatives from the COE, the Department of Historic Resources, and the Monacan Indian Nation. Initial meetings were favorable, but the Monacan Indian Nation still does not want the pump station itself in the current location.

Mr. Curtis stated that the Monacan Indian Nation requested further archaeological study of option 1C, and the JRWA has a proposal for Phase 1 efforts to determine if this option is less historically sensitive. The cost of these efforts is \$100,000-150,000. He stated that the project team is also looking at further siting options, and that he was not in a position to recommend the phase 1 work for a single route when multiple options are still being evaluated.

Mr. Dahl asked what a routing change would require from an application standpoint. Mr. Curtis responded that a minor change would require a revision to the existing application, while a larger change could require a new application.

Chairman Watson asked how deep the HDD option would be in the ground. Mr. Curtis responded that the drill would start at the pump station, and would be 30 feet or more underground and would be intended to stay below the depth of potential resources.

Mr. Chesser asked how the drill rig would be transported down to the pump station site, and Mr. Curtis responded that the existing access road could be used.

Mr. Wade asked if previous studies had found artifacts at the pump station location, and Mr. Curtis responded that artifacts had been found but no buried remains had been found.

Ms. Marion Werkheiser, attorney for the Monacan Indian Nation, addressed the Board. She stated that the COE could require an environmental impact statement which could add a couple of years to the project timeline. If the COE does approve the application, the Monacan Indian Nation will sue the COE, which could take years to resolve. She noted that her review of the permitting process by the COE indicated flaws. Ms. Werkheiser noted that the conversations regarding alternatives have been productive, and that the Department of Historic Resources stated that there was a high likelihood of burials at the pump station. She encouraged the JRWA to fully consider option 1C, stating that landowners along that route had indicated a willingness to talk with the JRWA about the project. She noted that if Phase 1 work on option 1C found a low likelihood of burials, the Monacan Indian Nation would work with the JRWA to ease the permitting process, which would be quicker and less expensive.

Mr. Dunning stated that he understood that Monacan historically used mounds for burials, and asked why no mounds had been found in the vicinity. Ms. Werkheiser responded she was not an archeologist but that archeologists had concluded that there was a high likelihood of burials at that location.

Mr. Dahl asked whether the Monacan Indian Nation would support options other than 1C. Ms. Werkheiser responded it would depend on research, stating that the state's database is limited.

Mr. Wade asked where Rassawek's borders were located, stating that John Smith's map showed it at the confluence of rivers, while other information indicated other borders. Ms. Werkheiser stated that she was unaware of such other information.

### **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 9:42 a.m.

BY ORDER OF:

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