



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Matt Strickler
Secretary of Natural Resources

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Julie V. Langan
Director

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September 6, 2019

Mr. Eric Dahl, Fluvanna County Administrator
James River Water Authority
132 Main Street
Palmyra, VA 22963

RE: Permit Application for Archaeological Excavation of Human Remains
Point of Fork, Fluvanna County
DHR File No. 2015-0984

Dear Mr. Dahl:

This is to advise the James River Water Authority (JRWA) that the Department of Historic Resources (Department) will not be able to issue a permit under the existing application that is in process for the following reasons:

1. It has come to the attention of the Department that the archaeological consultant associated with this project does not meet the requirements established by the Secretary of the Interior and promulgated through 36 CFR 61 as the Professional Qualifications Standards for Archaeology, which are the minimum requirements that must be met under the Virginia Administrative Code (see 17VAC5-20-40). The project must be designed and supervised by a person or persons who meet these qualification standards. We have sent a separate letter to the consultant, a copy of which is enclosed.
2. The failure of the archaeological consultant to meet the above requirements renders the information previously provided regarding the scope of the permit application and associated plans unreliable. The existing research design and data recovery plan must be reviewed and revised by a qualified archaeological consultant to meet both the Department's standards and the approval of the Monacan Indian Nation (Monacan), who are directly affected by this project. We understand that this information was omitted from the original application in deference to the Monacan, but we will not proceed in its absence.
3. JWRA has not obtained landowner permission for access to those portions of the project area not with the legal ownership of JWRA. Although we appreciate and acknowledge the presence of

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utility easements in favor of JRWA across these properties, the Virginia Administrative Code (see 17VAC5-20-40(A)(3)) specifically requires the permission of the owners.

If you wish, you may resubmit a revised permit application that complies with these requirements.

The existing application also requested a waiver of the public notice requirement, which the Department will not be able to accommodate. The Monacan have specifically requested that notification take place, and we encourage you to proceed in accordance with the Virginia Administrative Code (see 17VAC5-20-50). We will be happy to assist you in developing a notice for publication as required, to assist in finding acceptable locations for physical posting, and to manage any resulting public comment. We further recommend that you plan for a public meeting to allow interested parties to attend and comment directly. We will be happy to assist with this process as well.

We understand that you wish to move forward with permitting as expeditiously as possible, and we hope that you also understand our great caution given the importance of this land area to Virginia's federally-recognized tribes as this area contains multiple archaeological sites likely associated with Rassawek, the ancestral capital of the Monacan. Please do not hesitate to contact me with any questions, thoughts, or concerns about this process

Sincerely,



Julie V. Langan
Director

c: Carol Tyrer, Circa~
Joe Hines, Timmons