

**FOR IMMEDIATE RELEASE**

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**The Rappahannock Tribe Files Challenge to Caroline County’s Water Permit in Order to Protect the Rappahannock River and Tribal Rights.**

**Indian Neck, VA** – In response to the Virginia Department of Environmental Quality’s approval in November 2025 of Caroline County’s permit to **withdraw up to nine million gallons of water per day from the Rappahannock River and transfer the water to the Mattaponi River**, the Rappahannock Tribe has filed an appeal challenging the permit. The appeal is intended to defend both the Rappahannock and Mattaponi Rivers, uphold tribal sovereignty and treaty rights, and demand accountability in the Commonwealth’s water permitting process.

“We raised concerns throughout the permitting process regarding inadequate consultation, impacts on cultural resources, violation of treaty rights, and violation of the Tribe’s constitutional “Rights of Nature” provisions,” said Chief Anne Richardson. “Despite these concerns, the permit was approved without meaningful Tribal consultation.”

The Tribe formally requested that the Commonwealth conduct visual and auditory impact modeling before final site selection and requested an opportunity to discuss ways to reduce negative impacts on the rivers through consultation. These requests were not granted despite the Tribe’s effort to communicate.

The Tribe is also concerned about the impacts the water withdrawal process will have on anadromous (sea-to-river spawning) fish species, including Atlantic sturgeon, which is known to exist near the proposed withdrawal intake area. The affected stretch of the Rappahannock River is designated as a critical habitat for Atlantic sturgeon under the Endangered Species Act, and both state and federal law prohibit harm to this fish species. Again, despite these concerns, DEQ issued the permit without waiting for the completion of a Virginia Institute of Marine Science study on the cumulative impacts of surface water withdrawals.

The Tribe further objects to the interbasin transfer of withdrawn and treated water to the Mattaponi River and is concerned that science-based impact analyses were not conducted before the permit’s approval to assess the potential impact on water quality, salinity, and temperature that could harm ecosystems.

David Reed, Executive Director of the Chesapeake Legal Alliance and counsel for the Tribe, said, “Approving a project that allows nine times the demonstrated water needs for the County, and relying on speculative need and studies that have yet to be completed or even started, is not in the interest of the public, the River, or the Tribe.”

The Tribe is demanding clarity on the condition of the water once it has been used and how its return to the Mattaponi River could affect aquatic life and ecosystems. Once the water has been withdrawn and used, its quality is likely degraded, and fluctuations in salinity could impact fish and ecosystems. Without comprehensive impact studies, the Tribe maintains that potential environmental consequences cannot be known or responsibly addressed.

The Tribe is also concerned about the failure to consider alternative water supply options, such as purchasing finished water from neighboring jurisdictions, enhanced conservation measures, or maintaining partial reliance on groundwater. To the Tribe’s knowledge, neither Caroline County nor DEQ elaborated on why alternatives for a water source were not pursued.

**As a federally recognized sovereign nation**, the Tribe has the right to meaningful consultation when decisions may impact our ancestral waters and compromise the constitutional protections of the Rappahannock River.

“The Tribe specifically requested consultation during this process and the agency chose not to engage them in any meaningful way, instead failing to even notify the Tribe when the permit was approved,” said Reed.

Finally, the Tribe demands transparency regarding the assumptions being used to justify the scale of water being withdrawn. Earlier project documents referenced industrial cooling needs, including potential data center development. While the permit now is purportedly based on projected residential growth, the Tribe has requested clarification regarding the data supporting these projections and the basis for **increasing the County’s usage level from one to nine million gallons per day**.

The Tribe seeks assurance that water management decisions are being made responsibly with consideration for environmental protection, tribal sovereignty, and long-term sustainability. The Tribe will continue to advocate for collaborative approaches that balance demonstrated needs with ecological integrity and pursue all appropriate avenues for legal remedies to protect the Rappahannock and Mattaponi Rivers.

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### ***Land Acknowledgement***

*In the spirit of respect and acknowledgment, we recognize that the Rappahannock River Valley is characterized by deep-rooted traditions and rich history that is woven into the fabric of this region. As we engage with the land today, we honor and acknowledge the Rappahannock people that have nurtured this space long before us. The Rappahannock*

*River Valley is not merely historical, it is alive in our stories, songs, and spiritual practices that embody the wisdom of generations who have walked this very ground.*