

**Bull Run Civil War Round Table (BRCWRT) Preservation Corner**  
**November 22, 2023**

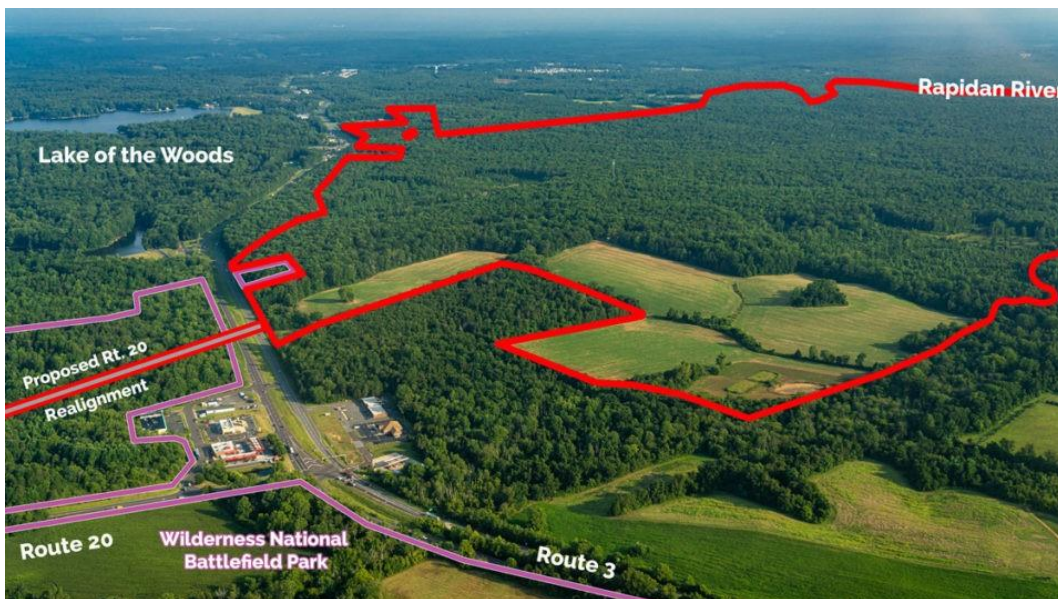


Greetings BRCWRT Members and Friends - This edition of *Preservation Corner* includes updates on the Wilderness Crossing development threat to the Wilderness and Chancellorsville Battlefields, the rezoning applications for the Prince William Digital Gateway (PWDG) data centers, and information regarding the recent Virginia Battlefield Protection Fund Grant Awards

**Wilderness Crossing Development (Wilderness & Chancellorsville Battlefield)**

On May 24, 2023, the American Battlefield Trust (ABT) filed a legal challenge in Orange County, Virginia against a mega-development that would blanket a historic landscape with more than 2,600 acres of residential, commercial, and industrial development, including data centers and distribution warehouses. The filing, made in Orange County Circuit Court, identifies a host of substantive and procedural flaws with the development project and with the County Board of Supervisors' approval - flaws that clearly justify approval invalidation.

Orange County has filed a request for injunction based on its assertion that the preservation organizations and private citizens who filed the lawsuit have no standing to do so, that the Board's authority is unlimited, and no entity has the legal standing to question its decisions, and that only the land inside the National Park qualifies as "battlefield."



*Aerial image of the Wilderness Crossing site across from the Sheetz and McDonald's at the Rt. 3/Rt. 20 intersection in Orange County (Photo by Hugh Kenny, PEC)*

Based on concerns about the proposed development and the desire to learn more details, in September the Piedmont Environmental Council (PEC) submitted a Virginia Freedom of Information Act (VFOIA) request to Orange County for records pertaining to the Wilderness Crossing rezoning application. In its

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initial responses, Orange County redacted sender and recipient names and random words in emails without explanation, disregarding Virginia Code § 2.2-3704 that requires that a VFOIA response withholding any part of a requested record "identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific code section that authorizes the withholding of the records." In subsequent responses, the County asserted attorney-client privilege and exemption of proprietary information as justification for continued redactions. Similarly, Orange County refused to provide nondisclosure agreements, even redacted ones, signed by numerous county officials.

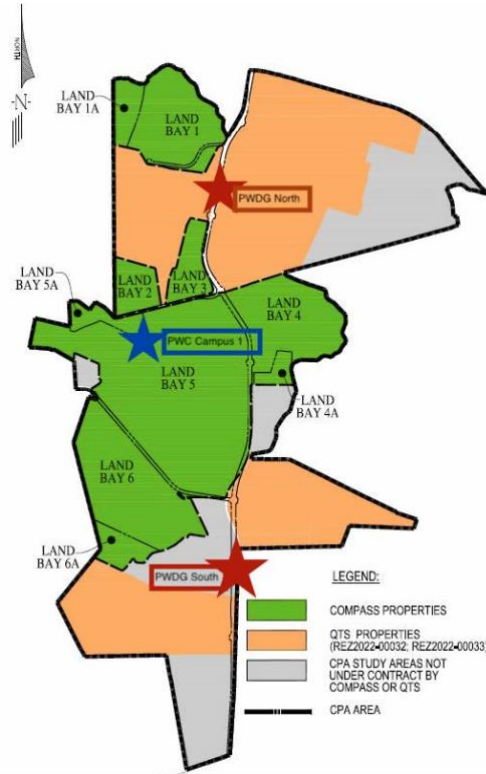
On November 9, 2023, PEC filed a lawsuit against Orange County for improperly denying public access to documents pertaining to a local rezoning application, in violation of the Virginia Freedom of Information Act. The lawsuit came after Orange County officials were unresponsive to PEC's October 26 petition for a Writ of Mandamus, which provided county officials several days to correct their VFOIA deficiencies and reflected PEC's growing concern about the lack of public access to information about land use decisions in Orange County and across the Commonwealth of Virginia. PEC's lawsuit asks that Orange County be required to produce the nondisclosure agreements and identify any additional documents withheld per Virginia Code § 2.2-3705.6(3) or on the basis of privilege. A court hearing was scheduled for Friday, November 17.

On Thursday, November 16, Orange County provided [copies of nondisclosure agreements \(NDAs\)](#) that were previously withheld. Ten local officials, including elected members of the Board of Supervisors, signed NDAs "for the benefit of Amazon.com, Inc. and its affiliates." In addition, the County agreed to re-review other requested documents referenced in PEC's complaint and to provide PEC, by December 8, a privilege log that lists those withheld documents. As a result of these developments, the hearing scheduled for Friday, November 17 in County Circuit Court was deferred.

**Prince William Digital Gateway (PWDG) Data Centers (Manassas National Battlefield Park and Manassas National Battlefield Historic District)**

After a 23-hour public hearing that began on November 8, 2023, the Prince William County Planning Commission voted to recommend denial of all three rezoning applications for the proposed Prince William Digital Gateway data centers. The 6-2 vote on each rezoning application came after three attempts by Commissioner Richard Berry (Gainesville) to defer a planning commission vote until after the county's planning office had sufficient time to review the 5<sup>th</sup> Submissions of the PWDG rezoning applications submitted on November 1 by QTS Data Centers and Compass Datacenters. (The Digital Gateway North 5<sup>th</sup> Submission is 1,705 pages, the Digital Gateway South 5<sup>th</sup> Submission is 1,718 pages, and the PWC Campus One 5<sup>th</sup> Submission is 1,326 pages.)

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*Land Parcels Proposed for PWDG Data Centers*

After Berry could not get a majority to agree to any of three dates for a postponed meeting—Jan. 24, 2024, or Dec. 20 or Dec. 13 — he moved to recommend denial of all three applications. The county planning staff had recommended denial for all three applications on October 27, prior to receiving each applicant's respective 5<sup>th</sup> Submissions.

Voting against the recommendations for denial were Commissioners Tom Gordy (Brentsville) and Joseph Fontanella (Coles). Both had said before the vote that they preferred that the staff spend time reviewing the developers' recent submissions with changes to their applications.

The three applications, the County 'Planning Staff's recommendations for denial, and the Planning Commission's recommendations for denial now go to the Board of County Supervisors, which is currently scheduled to consider the rezoning applications during its December 12 (10:00 AM) Regular Meeting.

The rendering, below, from the American Battlefield Trust (ABT) depicts the proposed data centers' site schematics in relation to adjacent historic sites within the historic district, Manassas Battlefield National Park (MNBP) and Manassas Battlefield Core Area land owned by ABT and planned for eventual incorporation into MNBP.

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A rendering of what would be the largest data center campus proposal in the world – including its relationship to Trust-protected land! [Click here to enlarge.](#)

*Rendering of Proposed PWDG Data Centers (courtesy of American Battlefield Trust)*

## Virginia Battlefield Protection Fund Grant Awards

In October, the Virginia Department of Historic Resources (DHR) awarded more than 1.3 million dollars in grant funding through the Virginia Battlefield Protection Fund (VBPF) to 8 projects, protecting over 211 acres of battlefields across Virginia.

The American Battlefield Trust (ABT) received 7 awards, preserving a total of 209 acres across multiple battlefields. ABT received 2 grants totaling \$507,350 to preserve 2 tracts at Chancellorsville. Additionally, they received \$96,000 towards preserving 42.8 acres of the Cumberland Church

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Battlefield in Farmville. Other ABT awards include, \$80,000 for an 11.37-acre parcel in Henrico County related to the Battles of Glendale, Malvern Hill, Deep Bottom I, and Deep Bottom II; \$300,000 for 98.7 acres at Trevilian Station; \$25,500 to preserve 8 acres at Dinwiddie Courthouse; and \$133,750 for 3 acres at Ream's Station.

The Central Virginia Battlefields Trust received a grant of \$164,071 for the preservation of 2 acres on the Chancellorsville Battlefield.

The Virginia General Assembly established the VBPF in 2010, authorizing the Department of Historic Resources to administer grants to nonprofit organizations to protect, in perpetuity, battlefield lands associated with the Revolutionary War, the War of 1812, and the Civil War.

Thank you for your continued interest in, and support of, Civil War historic preservation in general and BRCWRT's preservation projects, actions, and activities.

Blake Myers, BRCWRT Preservation Chair