

Name of endangered place:

Wilderness Battlefield Area

Location of endangered place (address):

35347 Constitution Highway

Locust Grove, VA 22508

Additional comments on location of endangered place (if applicable):

Wilderness Battlefield anchors a larger network of protected land, the Fredericksburg and Spotsylvania Battlefields National Military Park. Additionally, nearby tracts associated with the Battle of the Wilderness and the Battle of Chancellorsville are preserved by the American Battlefield Trust, the Central Virginia Battlefields Trust, and the Commonwealth of Virginia. While this nomination focuses on National Park Service-owned land, we selected the “Wilderness Battlefield Area” title to reflect that the threat extends to the Congressionally-designated Study Area and other historically significant sites in the vicinity.

In addition to the land formally protected as the Wilderness Battlefield, the larger Study Area encompasses the historic extent of the battle as it unfolded across the landscape. Consideration of the Study Area, which likely contains undiscovered historic resources, allows for a more comprehensive historical understanding. The Wilderness Battlefield Area is currently endangered by the planned “Wilderness Crossing” development on privately-owned land adjacent to NPS holdings.

150/150 WORDS

Name of person submitting nomination:

Ava Hampton

Is this the same person who submitted the LOI?:

(options **yes**, no, or same organization, different individual)

Email address of person submitting application:

ava@jthg.org

Phone number of person submitting application:

(978) 809-4455

Are you submitting this application on behalf of an organization? (you are not required to represent an organization - individuals are more than welcome to apply):

(options **yes**, no, unsure)

Tell us about the endangered place - what is its history? Please elaborate on the answer provided in the LOI. (What is the story of your historic place? When was it built, who built it?

Who has used it and cared about it over time?):

When President Abraham Lincoln named Ulysses S. Grant the Union general-in-chief in March 1864, Grant immediately began planning a major offensive towards the Confederate capital in Richmond. The Battle of the Wilderness was the first stage in the Overland Campaign. Between May 5-7, 1864, a total of 162,920 forces engaged in the woods south of the Rapidan River. After two days of brutal combat, the battle was inconclusive. Both sides suffered heavy losses, with almost 18,000 Union and 13,000 Confederate casualties. Brush fires raged, adding to the battle's tremendous toll as soldiers struggled to escape the acrid smoke and flames. Grant, however, did not retreat. Instead, the site threatened today became quite literally a turning point—his forces headed south to the Spotsylvania Court House and ultimately, to Richmond.

The Battle of the Wilderness marked the first combat engagement for Company K of the 1st Michigan Sharpshooters, the most famous Native American unit in the Union army. The company was composed mostly of Ottawa, Delaware, Huron, Oneida, Potawatomi, and Ojibwe (Chippewa) men. Many of these indigenous people served in the military in hopes of protecting their traditional homelands—Saginaw Chippewa Chief Nockkechickfawme (or Naakchigaawme) warned that if Confederate forces were to prevail, “there will be no protection for us; we shall be driven from our homes, our lands, and the graves of our friends.” It was with this additional level of existential threat looming that Company K entered the Battle of the Wilderness. The Native soldiers fought bravely, engaging the Confederate army at Saunders Field. The company suffered its first fatality during the battle, when Sergeant Charles Allen was mortally wounded. The Battle of the Wilderness, therefore, is particularly important in understanding and honoring Native American contributions during the Civil War. Saunders Field, where they fought, is one of the areas most under threat today.

Long before the arrival of Company K, the Wilderness Battlefield Area was the territory of the Manahoac (or Mannahoak) tribe. The area retains substantial resources related to early contact between indigenous people and European settlers in the Chesapeake Bay, not least because the landscape appears much as it did during that time. The land in question also played an important role in Virginia's industrial history. The area has several historic gold mines, documenting an era that lasted from 1804 to 1937. One, the Vaucluse mine, is the largest gold mine in Virginia. These unreclaimed (and mercury-contaminated) sites pose an environmental and health risk that development would exacerbate. The larger Wilderness Battlefield Area includes sites that illuminate regional African American history, like the Pilgrim Baptist Church. The original church was built just north of the Wilderness Battlefield by Black worshippers in 1877, and speaks to the lives of formerly enslaved people and their descendants after the Civil War. The area was also an early site of industrial slavery. Alexander Spotswood, the lieutenant governor of Virginia beginning in 1710, was heavily dependent on enslaved people in his iron-making operations. Industrial slavery is viewed as a 19th-century phenomenon, so preserving an area in which it was prevalent a century earlier is crucial to our understanding of American slavery.

In recognition of its rich past, Wilderness Battlefield was acquired by the National Park Service for conservation. It was established by an act of Congress as part of the Fredericksburg and Spotsylvania National Military Park on February 14, 1927. Since then, local citizens and

nonprofit organizations alike have worked diligently to protect not only the land owned by the National Park Service but also the larger, interconnected Wilderness Battlefield Area from threats like the one that it currently faces.

600/600 WORDS

Why is this place still important today - to you, your community, and/or your organization?:

The Wilderness Battlefield Area preserves the site of a historically important event, existing as a physical manifestation of the complex legacy of the Civil War that we inherit as Americans. Wilderness Battlefield was identified by the Congressionally authorized Civil War Sites Advisory Commission (CWSAC) as a Priority I Class A battlefield in its 1993 report to Congress and the Secretary of the Interior. This designation was reconfirmed by NPS in 1998 and 2009 reports. Importantly, this rank communicates both the site's historical significance and its ability to be effectively preserved. In order to achieve both Priority I and Class A ranking, a site must retain good or fair integrity and confront high or moderate threats to that integrity. Wilderness Battlefield retains enough historic integrity to convey the battlefield's sense of place, making it somewhat of a rarity among Civil War sites and particularly valuable for place-based learning. Landscapes like these are essential in helping visitors to inhabit and learn from our shared national past and understand the ways in which it continues to shape our contemporary character.

The endangered place is also a key site for recreation and heritage tourism. Wilderness Battlefield boasts 12.2 miles of maintained trails and an eight-stop driving tour enjoyed by Orange County residents and tourists alike. Heritage tourism is an important local industry, and NPS estimates that over the past 10 years, Wilderness Battlefield has seen an average of 481,000 visitors annually. Wilderness Battlefield is the gateway to the Fredericksburg and Spotsylvania Battlefields National Military Park. Wilderness anchors the area, providing an entry point to the interconnected network of historically and culturally significant places in Orange County and the surrounding areas.

Concerned individuals and organizations have led significant preservation and conservation activity in the area, particularly in the past decade and a half. Beginning in 2009, preservationists and conservationists, some still involved in protecting the area, urged Walmart to find an alternative site for a supercenter proposed within the Wilderness Battlefield Study Area. The campaign came to a hard-won and mutually satisfying conclusion when the store was relocated to a less historically and environmentally sensitive location nearby and the 50-acre parcel where it had originally been proposed was conserved in a Virginia Department of Historic Resources preservation easement. After this decision in 2013, local citizens and preservation organizations have taken major steps to protect the place. American Battlefield Trust has since acquired 230.86 acres of land, aiming to make it publicly accessible in a state that prioritizes preserving its Civil War-era landscape conditions. Because the community has fought so determinedly to protect the site, it is especially important to local identity and cultural heritage.

The Wilderness Battlefield Area is characteristic of Orange County's rural identity. The proposed 2,600-acre Wilderness Crossing site adjacent to Wilderness Battlefield currently consists of farmland, forest, and riverfront. To turn this entire area into mixed-use development, including 732 acres of data centers and distribution warehouses, would fundamentally alter the character of the local landscape. This development would also have massive environmental implications. Most of the rezoned land has been identified as a top conservation priority by the Commonwealth's ConserveVirginia strategy, which identifies unprotected lands providing critical ecosystem services through improved air and water quality, carbon sequestration, and enhanced fish and wildlife habitat. In recognition of the importance of the Rapidan River to the regional water supply, the City of Fredericksburg has obtained conservation easements on hundreds of acres along the river directly across from the Wilderness Crossing property. Thus, the landscape, as it currently exists, provides benefits that extend far beyond the immediate development area.

598/600 WORDS

Does the endangered place have any historic designations? (historic designations are not required in order to nominate a site):

(options **local historic designation**, **state historic designation**, **National Register of Historic Place designation**, designation process is underway but not complete, other designation, no historic designation, or not sure or don't know)

How is the place endangered? Please expand on your answer in the LOI. Have there been any changes to the situation since the LOI was submitted? (How and why is the place threatened? What people, organizations, or agencies are involved in the issue, both in support and opposition?):

On April 25, 2023, the Orange County Board of Supervisors voted 4-1 to approve the Wilderness Crossing rezoning of over 2,600 acres, including 732 acres of industrial development that would allow data centers and distribution warehouses by right. This decision was unfortunately consistent with a growing regional trend of local governments approving highly-impactful data centers, often with a troubling lack of transparency or consideration for historic and natural resources. Of these 2,600 acres abutting Wilderness Battlefield, hundreds are part of the Study Area. The rezoning application also mentioned the proposed realignment of Route 20 through lands within the Congressionally authorized boundary of the park. This major construction project would have a direct and devastating impact to core battlefield, in addition to myriad other negative effects the proposed development would have on the Wilderness Battlefield Area.

In addition, the developer wants to build an estimated 5,000 new homes in Wilderness Crossing. The Center for Neighborhood Technology's "Housing + Transportation Index" calculates that the proposal would add 31 million vehicle miles traveled on area roads annually, significantly increasing traffic. Wilderness Crossing would be dependent on water from the Rapidan River. The local water authority has warned that under drought conditions there would not even be enough water for current residents, much less thousands of new residents, and water-hungry data centers. Construction activities at Wilderness Crossing could also exacerbate

the existing problem of mercury contamination and ongoing environmental harm caused by unreclaimed historic gold mines in the area.

In addition to direct destruction of Wilderness Battlefield lands through the proposed Route 20 realignment and the negative impact of increased traffic, water shortages, and mercury contamination, Wilderness Crossing also threatens historic viewsheds in the Wilderness Battlefield Area. This is partly because of last-minute changes to the rezoning application that could significantly increase the scale of the industrial portion. The initially proffered 5 million square foot cap on data center development was removed hours before the Board of Supervisors' vote, creating a material difference from the rezoning application that had been considered by the Planning Commission and county staff. This uncertainty could mean significant consequences for the historic viewshed. Looming industrial development would significantly diminish the interpretive potential of NPS holdings, which replicate 19th-century landscape conditions. The massive industrial development is also partially located on the battlefield's Study Area, directly endangering it.

A coalition of 11 local, regional, and national historic preservation and environmental conservation groups has fiercely and publicly opposed the development. This group, known as the Wilderness Battlefield Coalition (the Coalition), includes the American Battlefield Trust (ABT), Central Virginia Battlefields Trust (CVBT), Friends of Wilderness Battlefield (FWB), Piedmont Environmental Council (PEC), National Parks Conservation Association (NPCA), Journey Through Hallowed Ground National Heritage Area (JTHG), and other organizations. We are joined in our opposition by a number of Orange County residents, as well as the National Park Service (NPS), which repeatedly expressed its concerns about the project.

The threat to the Wilderness Battlefield Area has been advanced by the Orange County Planning Commission and the Orange County Board of Supervisors, as well as KEG Associates III (the King family), who own and are seeking to develop the Wilderness Crossing land. Amazon has also shown interest in the project, a fact not initially made public because of NDAs signed by members of the Board of Supervisors and a concerted effort to keep details about the project secret. This lack of transparency, including alleged Virginia Freedom of Information Act violations, is being challenged in Orange County Circuit Court by two lawsuits from Coalition members.

590/600 WORDS

How can the endangered place be saved? (What are the possible solutions for saving this place? What things could the general public do to help save this place - for example sign a petition or write to an elected official? How could an "11 Most Endangered" listing help save this place?):

At the current stage of the development process, there is still opportunity to save the Wilderness Battlefield Area. Residents and concerned preservationists can sign letters found on ABT's webpage about the fight against Wilderness Crossing. Public pressure, as well as the pending legal action in the Orange County Circuit Court, has already led the Board of Supervisors to concede and reverse certain elements of the rezoning approval. Most notably, the height limit on

the 732 acres of data center development has again been implemented after being suddenly and inexplicably lifted before the vote. While this is encouraging, the initially proffered 5 million cap on data center square footage has not been reestablished. With these threats still active, other impact mitigation measures in combination with the height restriction would be necessary to significantly protect historic viewsheds in the Wilderness Battlefield Area.

These measures could best be identified through stakeholder working groups that include all invested parties. There should be a series of meetings, including some open to the public, to identify smart growth strategies that comply with Orange County's comprehensive plan while protecting historic resources. Developers and local decision makers must put forth a sincere effort to hear and address the concerns of stakeholders like NPS, ABT, and CVBT who own and steward land that would be directly impacted by Wilderness Crossing.

Significantly, this process of soliciting community input on sustainable development has happened before, in the same threatened area. In 2012, after more than a year-long research process, a diverse group of stakeholders including many Coalition members put forth the Wilderness Gateway Study. The study, underwritten in part by the National Trust for Historic Preservation, proposes a strategy to develop portions of the Wilderness Battlefield Area while protecting sensitive historic and environmental resources. It also suggests measures to preserve the quality of life for Orange County residents. The Wilderness Gateway Study is strong, direct evidence these conflicts can often be amicably and productively resolved if there is mutual willingness to cooperate. The Coalition has called upon the developer and the Board of Supervisors to comply with the recommendations put forth in the Wilderness Gateway Study, some of which were ultimately incorporated into Orange County's Germanna Wilderness Area Plan. The study itself models a process of community engagement and collaborative decision making that Wilderness Crossing planners and developers would do well to emulate. An 11 Most Endangered designation would create leverage to bring developers to the table.

The Wilderness Battlefield Area could also move towards being protected through a positive resolution of the legal challenges by Coalition members. However, because it's impossible to predict the outcome or even a timeline, an 11 Most Endangered designation would be most helpful in other areas of the campaign to protect the Wilderness Battlefield Area.

An 11 Most Endangered designation would underscore that this is an issue with significance beyond Orange County. Data center developers across the region have acted with little regard for community input or historic and environmental impact. This designation would communicate that this has not gone unnoticed or unchallenged. It would aid in the effort to address a regional problem through a regional solution—government action on a statewide or regional level could establish necessary guardrails for the industry. Nearly 300 data centers already exist in Loudoun, Fauquier and Prince William Counties, Virginia. Hundreds more will be built over the next two decades in surrounding counties and states as developers seek cheaper land. Now is the time to regulate that process at a higher level, and an 11 Most Endangered designation for Wilderness Crossing would encourage states to do so.

598/600 WORDS

Have there been other steps taken to try to save the endangered place?:

There have been numerous efforts to save the Wilderness Battlefield Area. Leading up to the approval of the rezoning proposal, Orange County citizens and concerned organizations, including Coalition members, spoke overwhelmingly in opposition to Wilderness Crossing at public hearings held by the Planning Commission and the Board of Supervisors. Ultimately, the Board of Supervisors chose to approve the rezoning despite this opposition.

Orange County residents and concerned preservationists have also sent numerous letters, signed petitions, written op-eds, and otherwise made their feelings known to decision makers. Hundreds of Orange County residents signed a letter on ABT's website urging the board to reign in the proposed development to protect the Wilderness Battlefield Area, and 1,461 people added their names to the corresponding letter for preservationists, among many other channels through which opposition has been expressed. Especially in a county with under 40,000 residents in total, these numbers are notable.

Perhaps the most significant effort to protect the Wilderness Battlefield Area has been the extensive Wilderness Gateway Study, which was underwritten in part through a National Trust for Historic Preservation grant. The Coalition announced its findings in April 2012, after over a year of in-depth research and community involvement. The study was a remarkable collaborative endeavor, bringing in stakeholders from a wide variety of groups, including County officials, to identify sustainable development solutions that protect the area's irreplaceable historic and natural resources. In addition to holding multiple meetings with stakeholders, the consulting firm that ran the project scheduled several sessions that were open to the public, so that residents could make their voices heard in the Wilderness Gateway Study.

Phase II of the study's findings was released in November 2012, and consisted of a Preferred Development Plan that established focused direction for managing development in the Wilderness Battlefield Area. The study outlined a more measured and broadly acceptable proposal for a mixed-use development in the area, which also included solutions to preserve the quality of life of Orange County residents. The findings found life beyond the project's pages: elements of the Gateway Study were ultimately incorporated into the County's Germanna Wilderness Area Plan. The thorough, collaborative process of conducting and sharing the study resulted in a more effective plan for development, where the needs of a wide range of stakeholders were taken into account. For its advocacy efforts, the Coalition was awarded the NTHP's 2011 John H. Chafee Trustees' Award for Outstanding Achievement in Public Policy.

The Wilderness Battlefield Area has also been placed on Preservation Virginia's state-level list of the most endangered historic places. Originally listed during the Walmart fight, the site is currently on the organization's map as "still endangered," as multiple waves of threats have come and gone over the past decades. These designations have been helpful in raising awareness and encouraging local government officials to consider historic resources in their decisions. It is our hope that an 11 Most Endangered designation would do this on an even

larger scale. The recognition of the National Trust would also help to make it clear that data center development is a regional threat, not confined to a single site or even a single state.

Another major part of preservation efforts in the Wilderness Battlefield Area after the Walmart advocacy campaign has been land acquisition. ABT and CVBT have acquired 471.76 acres to add to the total area of protected land. Because of the high prices data center developers are willing to pay, however, it has not been possible for these nonprofits to purchase all of the area that is of sufficient historic value that it should be preserved.

600/600 WORDS

Who is leading the effort to save this place? (Who are this place's most outspoken advocates? What groups are involved and supportive? Who would take the lead promoting the "11 Most Endangered" designation, if selected - including working with the National Trust and media to get the word out about the endangered place? Are there other groups that might be supportive?):

Throughout the process, the Wilderness Battlefield Coalition has spearheaded the effort to protect the site. The Coalition currently consists of 11 organizations, including those previously named in this nomination as well as other local historic preservation and environmental conservation groups. All Coalition members would help to promote the designation, through a combination of posting on our respective websites, issuing press releases, sharing the designation through social and traditional media, and sending email announcements to our subscribers. Between our organizations, we have a combined reach of over 2.6 million people through email alone. Because this is a regional issue, other organizations not directly involved in this effort but who are engaged in parallel fights in their areas would likely be supportive as well. In Prince William County to the north, for instance, local organizations like the Prince William Conservation Alliance could cite an 11 Most Endangered nomination for the Wilderness Battlefield Area to underscore the seriousness of the data center threat when advocating against the Prince William Digital Gateway that has been proposed next to Manassas National Battlefield Park. The Virginia Data Center Reform Coalition, a group with several overlapping member organizations, would also be supportive.

196/200 WORDS

If this place is selected for the 11 Most Endangered list, how would the endangered designation be promoted? (For example, how would you or your organization promote the endangered designation - online, in the media, at the endangered site? Are there any other organizations you might partner with to help share the news about the endangered designation?):

Similar proposals for data center developments that threaten historic and environmental resources are being put forth across the region. An 11 Most Endangered designation for the Wilderness Battlefield Area would be shared in news stories and public hearings across VA, MD, PA, DE, and WV. In addition, Coalition organizations would promote the designation via email, social media, and using a PR firm under retainer by ABT. Signage announcing the designation may be erected at the site or nearby.

497/500 CHARACTERS

Who are the decision-makers – people, groups, politicians, or others who have the most influence over whether this place is saved?:

The Orange County Board of Supervisors has an ongoing ability to influence the fate of the Wilderness Battlefield Area regardless of the outcome of the pending legal challenges. If the Wilderness Crossing development progresses, there will be further permits that will require approval from the Board of Supervisors. If Board members were to take historic and environmental concerns fully into account, they could decide not to approve proposals that will have significant negative impacts for adjacent protected areas like Wilderness Battlefield. An 11 Most Endangered designation would encourage them to do so.

Professional planners working for Orange County also have the opportunity to review applications and make recommendations to the Planning Commission and the Board of Supervisors about whether a project should be approved. In cases of data center development throughout the region, however, rushed approval processes and political pressure have limited the ability of planning staff to thoroughly review applications and make informed recommendations. In Orange County specifically, staff had little time to evaluate late Wilderness Crossing proffer changes. As such, the decision-making power that staff should have because of how the process is structured may be significantly curtailed in the case of data center development. State government agencies like the Virginia Department of Environmental Quality will also play a role. These entities have an ability to recommend if not require certain steps during the planning, construction, and operation phases that could significantly impact the Wilderness Battlefield Area.

At the moment, there are two pending lawsuits brought by Coalition members in Orange County Circuit Court. Possible outcomes of those lawsuits could protect the Wilderness Battlefield Area. First, certain withheld information about the rezoning application, including nondisclosure agreements signed by members of the Board of Supervisors, may become public. While this itself may not halt development, it would give a clearer idea of all involved parties and their interests in the matter. The Court could also order the Board of Supervisors to reverse or revise certain elements of their approval of the rezoning proposal. By changing what is permitted on the Wilderness Crossing property, the Wilderness Battlefield Area could end up significantly more protected.

KEG Associates III and any other entity involved in developing the Wilderness Crossing property has a tremendous ability to influence the fate of the Wilderness Battlefield Area. The tenets of the 2012 Wilderness Gateway Study previously accepted by the developer, the County and the preservation community have not been meaningfully incorporated in the plan. The developer holds the ability to reduce the scale of development to those thresholds agreed to in the Gateway Study. Furthermore, the developer holds the decision making ability to relocate the development to better safeguard the vast cultural and environmental resources identified, and whose protection was supported through the Gateway Study.

In every county where a data center is proposed, local entities can influence the process through a system parallel to the one described above. Because data center development is a growing regional issue, however, state and federal lawmakers and government agencies have also become important decision-makers. Already, lawmakers are taking note of the data center threat—in a letter about Prince William Digital Gateway, Congresswoman Jennifer Wexton expressed concern that the proposal would have “a significant negative impact on the surrounding environment and community, including Manassas National Battlefield Park.” If statewide or national regulation on data center development is established, it would give Orange County and every other local government considering similar proposals a set of standardized guidelines. This step could not only save the Wilderness Battlefield Area, but other historic sites currently or soon to be threatened by data center development.

600/600 WORDS

Is there a timeline for decisions to be made about the future of the endangered place? Please explain the urgency of the threat and list any key dates.:

The time frame in which decisions will be made about the future of the Wilderness Battlefield Area depends at least in part on the timeline and outcome of pending litigation. A lawsuit brought by ABT and several other plaintiffs was filed in Orange County Circuit Court in spring of 2023, and at the time of this nomination they are in the discovery phase. It is likely, however, that the lawsuit will be underway well into 2024. PEC also filed a lawsuit against Orange County alleging violation of the Virginia Freedom of Information Act on November 9, 2023. While these legal challenges are pending, the fate of the Wilderness Battlefield Area is somewhat uncertain. There has been no active development over the past several months, but with the rezoning proposal now approved, things could again begin moving very quickly. The transmission line that runs nearest to Wilderness Battlefield is currently in consideration for an upgrade to 765-kV, a high-capacity line that would support the data centers and industrial development of Wilderness Crossing. Although no deadline has been set, this proposal will likely come under review in future planning windows. This upgrade to the existing infrastructure could further accelerate development.

198/200 WORDS

Are there any groups, individuals, or organizations who oppose saving this place? Why do they oppose it?:

The King family and its associated LLC, KEG Associates III, oppose saving the Wilderness Battlefield area. As the owners and developers of the Wilderness Crossing property, they stand to make a significant amount of money from selling their land. Although we do not have an exact figure, there are strong points of comparison elsewhere in the region. In Prince William County and Loudoun County to the north, land purchases for data center development have approached \$1 million and \$2 million per acre respectively, according to Prince William County's assistant finance director. Some Orange County citizens may oppose saving Wilderness Battlefield because of perceived economic benefits. These perceptions may have been encouraged by a fiscal impact study, paid for by the developer, that makes claims about the net fiscal benefits that Orange County will receive over the next forty years as a result of the Wilderness Crossing development. The Orange County Planning Commission and Board of

Supervisors, citing economic benefits associated with development (and unwilling to commission an independent fiscal analysis), have also opposed saving the Wilderness Battlefield Area through approving the Wilderness Crossing rezoning.

184/200 WORDS

Is there any ongoing legal action around the threat (that you are aware of), or do you think future legal action is likely?:

Legal action related to the threat is already underway in the Orange County Circuit Court. On May 25, 2023, ABT announced in a press release that it, joined by CVBT, FWB, and private citizens who own property in the immediate vicinity, had filed a lawsuit challenging the development project and the process through which the County approved it. The lawsuit raises several substantive and procedural issues with the submission and approval of the rezoning application for Wilderness Crossing.

One of the issues raised is that during the public hearing for the rezoning proposal, the Orange County Board of Supervisors lifted the proffered cap on the amount of square footage permitted for data center and warehouse distribution development. Initially limited to 5 million square feet, the development can now permissibly include as much data center square footage as they can fit in 732 acres. This sudden and material change to the application meant that the Board of Supervisors approved a very different submission than had been reviewed by County planning staff and the Orange County Planning Commission. Such last-minute maneuvering by developers (and Orange County's willingness to entertain it) illustrates a larger regional pattern. Local governments, looking to entice data center developers, will cater to their whims at the expense of a transparent and thorough process. If the legal challenge is successful, there will likely be efforts in other counties to challenge the rushed approval of data centers, pushed through local government entities with little regard for transparency and public input.

ABT and its fellow plaintiffs are currently in the discovery phase as of this nomination's drafting in November 2023. While it is difficult to predict the exact timeline that the case will follow, it seems likely that litigation will be ongoing well into 2024.

In addition to providing support to the ABT lawsuit, PEC has filed its own lawsuit against Orange County in Circuit Court, alleging that the local government had denied public access related to the Wilderness Crossing rezoning application, thereby violating the Virginia Freedom of Information Act. In response, and in an attempt to avoid a hearing, the County provided copies of nondisclosure agreements 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 has agreed to re-review other requested documents referenced in PEC's complaint and to provide by Dec. 8, a privilege log that lists those withheld documents.

Both of the lawsuits seek to remove a veil of secrecy that has surrounded the development of the Wilderness Battlefield Area. The ongoing lack of transparency directly inhibits public participation in historic preservation, which the National Trust for Historic Preservation is

committed to promoting by its charter. Such secrecy makes it more challenging for members of the public and invested organizations to hold government officials and developers accountable. Further legal action may arise depending on what is revealed by the two lawsuits that have already been filed. Particularly if Orange County is found to have violated the VFOIA and forced to reveal previously withheld knowledge about involved parties, information shared, and implicated areas, the legal landscape surrounding the Wilderness Battlefield area might change significantly.

Either way, this situation is in conversation with parallel projects being proposed and fought across the region. Other historical sites threatened by data centers are looking to what is unfolding in Orange County for guidance on how to proceed and what their prospects might be if they choose to take legal action. Similarly, Coalition members are responsive to what is happening in other districts.

600/600 WORDS

Who owns the endangered place? (Please include the name of the person, organization, municipality, or agency that legally owns the site being nominated. You are not required to notify the property owner before submitting a nomination. If the site you are nominating is selected as one of this year's "11 Most Endangered Historic Places," the National Trust **will contact** the property owner prior to announcement of the list, but not without first discussing it with the person/organization filling out this nomination):

Wilderness Battlefield is owned by NPS. The proposed Wilderness Crossing property is owned by the King family and KEG Associates III. ABT, CVBT, and the Commonwealth of Virginia own other preserved properties in the Wilderness Battlefield Area.

244/250 CHARACTERS

Have you spoken to the property owner(s) about the threat to this place? (speaking to the property owner(s) is not required):

(options **yes**, no, unsure)

Are the owner(s) of the endangered place aware that you are submitting this nomination? (speaking to the property owner(s) is not required) (We don't require that applicants tell the property owner before submitting an application to the "11 Most Endangered" list, but please see above - if the site you are nominating is selected as one of this year's "11 Most Endangered Historic Places," the National Trust **will contact** the property owner prior to announcement of the list, but not without first discussing it with the person/organization filling out this application.):

(options **yes**, **no**, not sure)

Besides the property owner(s), who are the other key stakeholders for this property?:

All members of the Coalition are organizations and individuals invested in protecting the site and its historic and natural resources. CVBT, ABT, and the Commonwealth of Virginia are also stakeholders in their capacity as owners and stewards of nearby protected land that is also threatened by the proposed development. KEG Associates III and the King family are the

owners/developers of the proposed Wilderness Crossing property. They stand to profit significantly from developing the land.

491/500 CHARACTERS

Please provide links to any websites dedicated to the threatened place. (Please provide links for any websites focused on the history of the threatened place and/or the advocacy effort to save the place.):

History

- <https://www.nps.gov/frsp/planyourvisit/wildernessbattlefield.htm>
- <https://www.battlefields.org/learn/civil-war/battles/wilderness>
- <https://www.cvbt.org/wilderness>
- <https://www.ocaahs.org/post/history-of-pilgrim-baptist-church-locust-grove-virginia>
- <https://www.battlefields.org/learn/videos/battle-wilderness-saunders-field>

Advocacy Efforts

- <https://www.battlefields.org/preserve/speak-out/fight-continues-wilderness-battlefield>
- <https://www.pecva.org/region/orange/wilderness-crossing/wilderness-crossing-an-in-dept-h-look/>
- <https://wildernessgateway.files.wordpress.com/2012/04/wbgs-final-report-reduced-resolution.pdf>

Legal Action

- <https://www.cvbt.org/post/cvbt-joins-abt-and-others-as-a-plaintiff-in-appeal-of-wilderness-crossing-development-decision>
- <https://www.battlefields.org/news/trust-appeals-controversial-wilderness-crossing-development>
- <https://www.pecva.org/resources/press/pec-sues-orange-county-for-vfoia-violations/>

918/1000 CHARACTERS

Please provide links to any recent media coverage of the threatened place. (If there has been substantial coverage, please select a few representative articles.):

- <https://tinyurl.com/4dt48dv4>
- <https://tinyurl.com/52tsxwxa>
- <https://www.cbs19news.com/story/48786311/orange-county-resident-dont-like-the-idea-of-new-wilderness-crossing-development>
- https://dailyprogress.com/news/community/orangenews/spotsylvania-county-says-its-been-left-out-of-talks-over-neighboring-wilderness-crossing-development/article_ebc17170-e389-11ed-be86-9be6117a2a78.html
- https://dailyprogress.com/news/community/orangenews/orange-county-oks-wilderness-crossing-despite-outpouring-of-opposition/article_43567ad4-e484-11ed-bafe-434a2dc2e33d.html

Legal Action

- https://fredericksburg.com/news/local/lawsuit-challenges-wilderness-crossing-rezoning-in-orange/article_039890fe-fc0c-11ed-8f61-17c9e11618e3.html

Past Advocacy Efforts

- https://www.washingtonpost.com/blogs/house-divided/post/walmart-announces-a-new-location-for-controversial-virginia-store/2011/05/23/AFZ5Wx9G_blog.html
- <https://www.historynet.com/walmart-withdraws-from-wilderness-battlefield/>

953/1000 CHARACTERS

Upload PDFs or images of any recent media coverage, if available.

- N/A

3 photos

1. Aerial image of the Wilderness Crossing site

Photo: 2 MB OR BETTER

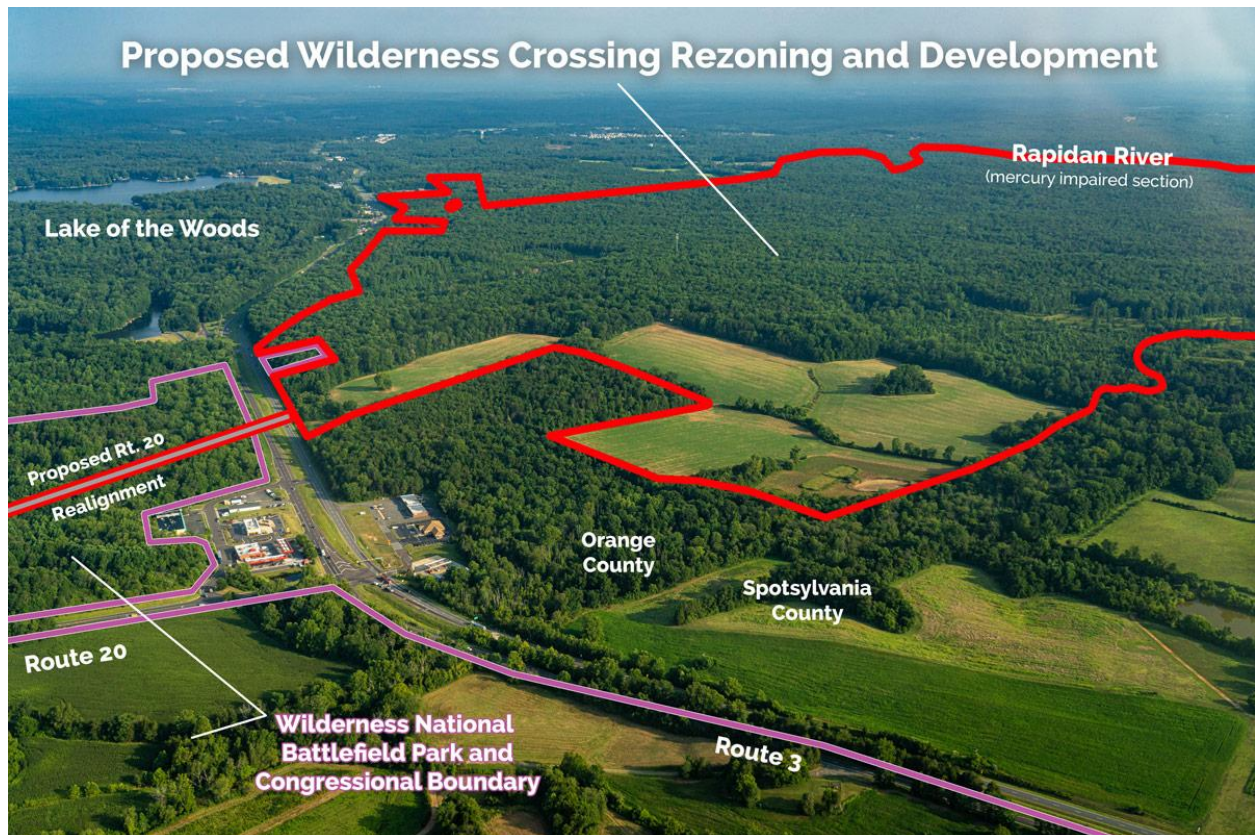


Photo caption - describe the image. What does the image show?:

The image shows the Wilderness Battlefield Area as it currently exists, with an overlay of the proposed development and Route 20 realignment. It illustrates the landscape's rural character and how development would directly impact the battlefield.

247/250 CHARACTERS

Photo credit - who took the image? Provide all names including photographer, videographer, and/or organization that owns copyright and is providing permission for use.:

The aerial photo was taken by Hugh Kenny. The image, including the added text and other components, is provided by the Piedmont Environmental Council. PEC also owns the copyright.
179/250 CHARACTERS

Year photo was taken (can be approximate if you aren't sure):
The photo was taken in 2021. The text and additional components were added in the same year.
92/100 CHARACTERS

2. Zoomed out map with troop movement

Photo: 2 MB OR BETTER

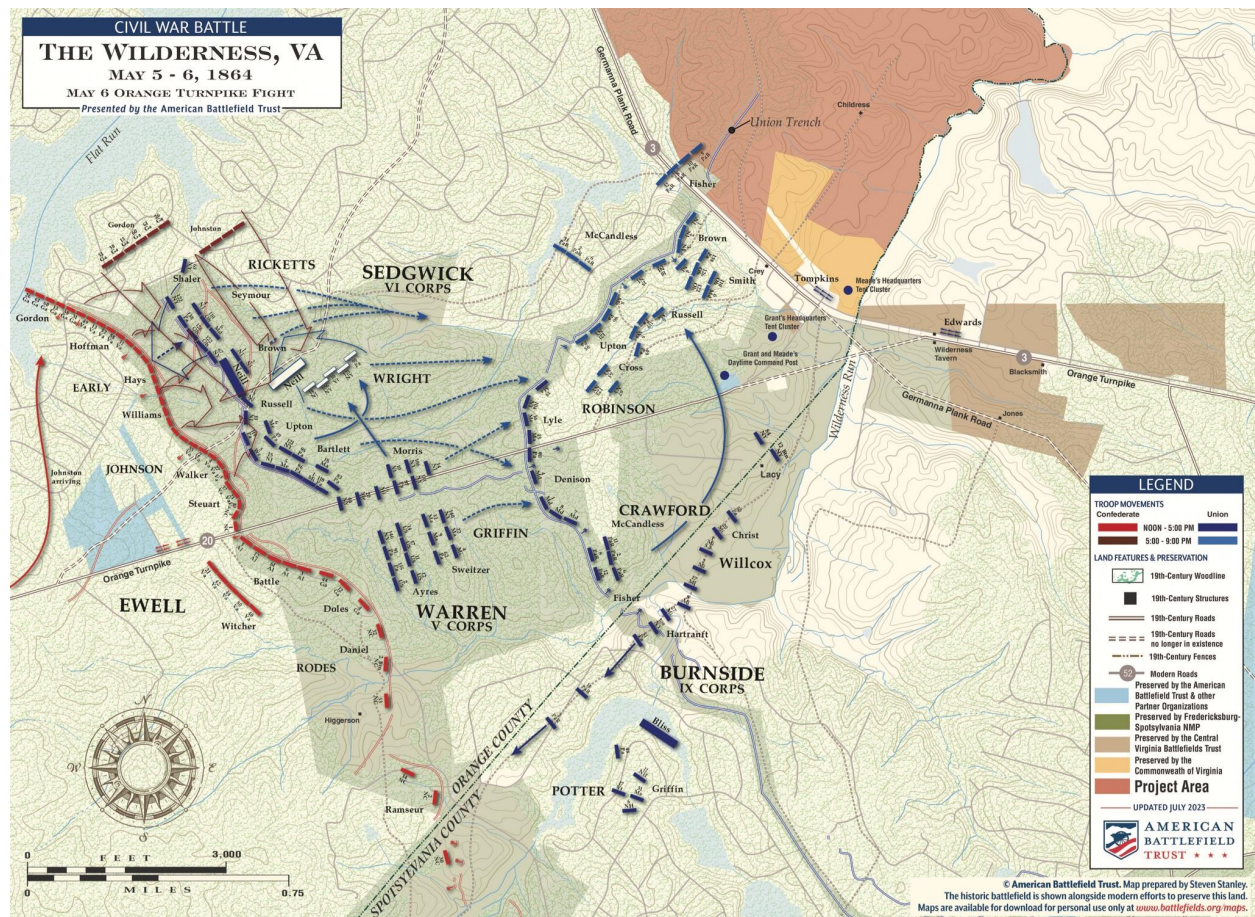


Photo caption - describe the image. What does the image show?:
This map displays troop movements during the Battle of the Wilderness, as well as the project area and current landowners. It demonstrates the ways in which the Wilderness Battlefield Area extends beyond the boundary of the land protected by the NPS.
250/250 CHARACTERS

Photo credit - who took the image? Provide all names including photographer, videographer, and/or organization that owns copyright and is providing permission for use.:

The map was prepared by Steven Stanley. Its copyright is owned by ABT and they have given permission for it to be used as a part of this nomination.

148/250 CHARACTERS

Year photo was taken (can be approximate if you aren't sure):

This map was prepared in 2023.

32/100 CHARACTERS

3. Plan of development from ABT

Photo: 2 MB OR BETTER

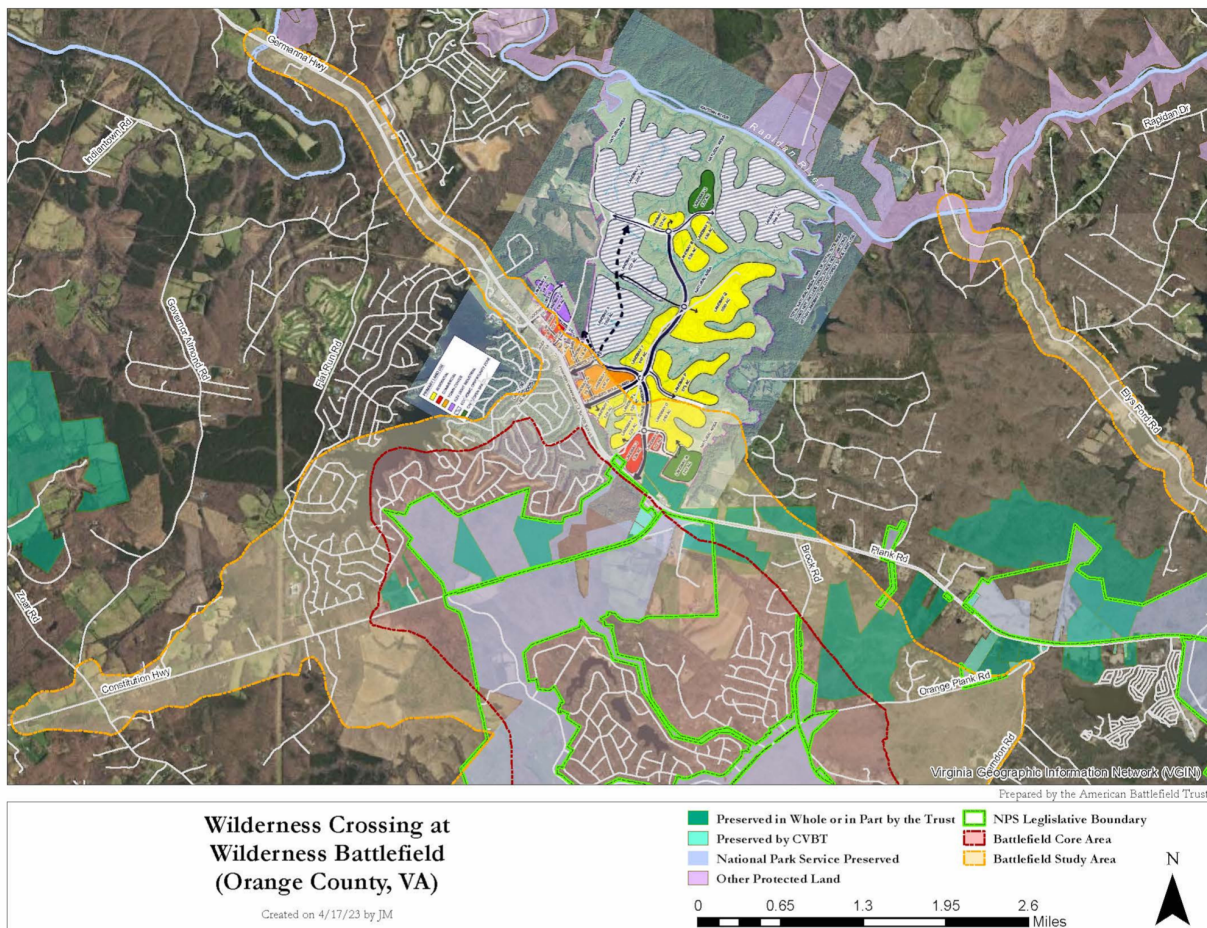


Photo caption - describe the image. What does the image show?:

This map illustrates the different Wilderness Crossing development zones, as well as who currently owns the surrounding land of the Wilderness Battlefield area. It also indicates the boundaries of the Wilderness Battlefield Study Area.

235/250 CHARACTERS

Photo credit - who took the image? Provide all names including photographer, videographer, and/or organization that owns copyright and is providing permission for use.:

The map was prepared by Jon Mitchell. Its copyright is owned by ABT and they have given permission for it to be used as a part of this nomination.

136/250 CHARACTERS

Year photo was taken (can be approximate if you aren't sure):

This map was prepared in 2023.

30/100 CHARACTERS