



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

JOINT MEETING

STATE REVIEW BOARD and BOARD OF HISTORIC RESOURCES

9:30 a.m. September 19, 2024

The Omni Homestead Resort

7696 Sam Snead Highway, Hot Springs VA 24445

EASEMENT PROGRAM
BOARD PACKET

PROJECT SUMMARIES

**Provided to the
Virginia Board of Historic Resources**

September 6, 2024

**CULPEPER BATTLEFIELDS
STATE PARK**

Easement Summary

Culpeper Battlefields State Park

Phase II—Cedar Mountain

Wiseman Tract Easement Assignment

| | | |
|---|------------------------------|-----------------------------------|
| BHR Meeting Date: September 19, 2024 | Staff: Wendy Musumeci | DHR File No. 023-0045-0008 |
| Applicant: N/A | County: Culpeper | Acres: ±155.7199 |

Property Features and Current Use:

Located just southwest of the town of Culpeper, the ±155.7199-acre Wiseman Tract (the “Property”) is comprised of a single tax parcel. James Madison Highway (Route 15), a National Scenic Byway, bisects the Property creating two distinct areas of land north and south of the road. To the east, the Property is visible from Dove Hill Road (Route 642) and to the west by General Winder Road (Route 657), both of which are public rights-of-way. Access is via General Winder Road to a parking area and trailhead on an adjoining parcel. Characterized by a gently rolling topography, the Property is a mix of open grass meadow and wooded cover. It is improved with multiple structures and amenities associated with its use as a publicly accessible battlefield park. This includes items such as monuments, trails, foot bridges, fencing, wayfinding signs, markers, and interpretative signs. The American Battlefield Trust (the “Trust”) acquired the Property in 1998, in part, with grant funding from the American Battlefield Protection Program (“ABPP”; GA-2255-98-121) for the purpose of preserving it as a Civil War battlefield and historic, scenic, and open-space resource for the benefit of the public. The Property is subject to an open-space easement held by the Virginia Outdoors Foundation (“VOF”). Within the next year, the Trust intends to transfer ownership of the Property to the Virginia Department of Conservation and Recreation (“DCR”) for incorporation into the Cedar Mountain Unit (Phase II) of Culpeper Battlefields State Park. As part of this project, VOF will assign the Wiseman Tract easement to the Board of Historic Resources (“BHR”). Similar to the process for the Brandy Station Unit (Phase I) of the park, DCR and BHR will subsequently amend and co-hold one consolidated easement over the Wiseman Tract and six other Cedar Mountain easement properties (detailed below).

Project Background:

1. Virginia Budget Item C-51.10 (FY23-FY24) established the framework for development of Culpeper Battlefields State Park. Per the budget language, DCR shall accept donation of at least 1,700 acres of real property in Culpeper County to create the park. DHR and VOF must assign any easements held on associated acreage to DCR.
2. DCR’s acquisition of lands for the new Culpeper Battlefields State Park will occur over multiple phases and years. The Brandy Station Unit (Phase I) opened on June 8, 2024. Upon completion, the park will be comprised of discontinuous areas associated with multiple Civil War battlefields and sites in Culpeper County, including Brandy Station (1863), Cedar Mountain (1862), Rappahannock Station I (1862), Rappahannock Station II (1863), Kelly’s Ford (1863) and the Hansbrough Ridge Winter Encampment (1863-1864).
3. Phase II incorporates the following Cedar Mountain Battlefield properties subject to BHR easements: the Hulvey Tract (±2.0461 acres), Broomfield Tract (±4.467 acres), Proctor I Tract (±6.0 acres), Cedar Run/Trimble Tract (±86.539 acres), and Pegram’s Battery Tract (±44.752 acres), in addition to the Proctor II Tract (±8.095 acres; not yet eased) and the Wiseman Tract (±155.7199 acres; subject to VOF easement).
4. After assignment of the Wiseman Tract easement to the BHR, DCR and BHR will amend and co-hold one consolidated easement over the Cedar Mountain Phase II properties. This will be accomplished in one recorded deed of Assignment, Amendment, Consolidation, and Restatement of Easement.

Proposed Assignment of Easement:

VOF currently holds an open-space easement over the Wiseman Tract, recorded on November 9, 2000. On September 5, 2007, the VOF Board of Trustees passed a resolution authorizing VOF to assign or transfer certain open-space easements on historic battlefield properties as are mutually agreed upon by VOF and the Department of Historic Resources (“DHR”). VOF confirmed in June 2024 that it will assign the Wiseman Tract easement to BHR pursuant to this resolution.

Conservation Values:

Historical/Landscape:

1. The Property is entirely within the core area of the Cedar Mountain Battlefield, which has been given a Preservation Priority Rating of II.2 Class B by the Civil War Sites Advisory Commission (“CWSAC”). Sites with a priority rating of II are those in relatively good condition with opportunities for “comprehensive preservation”. Class B sites had a direct and decisive influence on their campaign, in this instance, the Northern Virginia Campaign from June to September 1862.
 - In early August 1862, the Union Army of Virginia commanded by Major General John Pope marched to the town of Culpeper on their way to capture the Gordonsville rail depot. While the Union forces awaited reinforcements from

McClellan, Stonewall Jackson saw an opportunity to attack an isolated Union corps of 8,000 at Cedar Mountain just southwest of Culpeper. On the hot afternoon of August 9, Jackson's forces engaged with the Union artillery under the command of Nathaniel Banks. Union artillery and infantry appeared to be making headway when a strong counterattack led by General A. P. Hill caused the Union forces to fall back. The two armies remained on the battlefield until the Confederate army moved towards Orange on August 11. The result of the battle was a Confederate victory with estimated total casualties of 2,707 men. The Battle of Cedar Mountain changed the focus of fighting in Virginia from the Peninsula to Northern Virginia.

2. The Property is within the Journey Through Hallowed Ground National Heritage Area ("NHA"), a 180-mile corridor from Gettysburg, Pennsylvania to Monticello, near Charlottesville, Virginia that was designated a NHA by Congress in 2008.

Archaeological: The Property contains two historic cemeteries. Although the Property has not been subjected to professional archaeological survey, in the opinion of the DHR, the Property has the potential to contain other archaeological sites, features and or deposits associated with the Battle of Cedar Mountain and domestic and agricultural use of the Property.

Open Space: The Property includes ±155.7199 acres of land, about half of which is in forested cover.

Water Quality: The Property contains one pond with intermittent outflow, one intermittent stream and is within the Chesapeake Bay watershed.

ConserveVirginia: The Property lies partially within the "Water Quality Improvement" layer of ConserveVirginia, Virginia's land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

National Scenic Byway: The Property fronts James Madison Highway (Route 15), a designated National Scenic Byway.

Existing Buildings and Structures:

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|--|--|
| Throckmorton Family Cemetery | At least 20+ Grimsley/Gordon Commemorative Stone Markers (erected c. 1900) Multiple Wayfinding and Informational Signs Donor Plaque (1) Virginia Highway Marker (1) Local Historical Marker (2) Interpretative Signs/Markers (9) Cannons |
| Willis Family Cemetery | |
| Monument to 3 rd Wisconsin Infantry (erected 1906) | |
| Battle of Cedar Mountain monument erected by United Daughters of the Confederacy (circa 1920s) | |
| Pervious trails/footpaths | |
| Wooden foot bridges | |
| Multiple benches | |
| Multiple metal sculptural infantry silhouettes | |

Existing Easement Terms:

Division: no subdivision or division permitted; conveyance to VDOT for Route 15 road improvements permitted.

Existing Buildings and Structures: no alteration to existing structures without VOF approval and BHR/DHR concurrence; protects any remains or foundation of the Crittenden House/nearby cabin and existing historic monuments and markers.

Permitted New Buildings, Structures and Amenities: permits new buildings and structures such as a visitor center, parking facilities, footpaths, roads, and utilities that serve permitted buildings, and signs for interpretation of property as a Civil War battlefield; VOF approval and concurrence of BHR/DHR required.

New Construction: development limited to preservation and interpretation of historic battlefield and accommodation of public through visitor facilities and other amenities.

Archaeology: archaeologically significant sites, deposits, or features shall not be disturbed except under supervision of professionally qualified archaeologist and plans receive prior approval of DHR/BHR; artifacts must be curated according to state standards; requires protection of sites from looting, erosion, vandalism, etc.

Ground Disturbance: grading, blasting, or earth removal shall not materially alter topography except for construction of permitted buildings, structures, amenities, etc. Mining is prohibited.

Forest Management: management of forest resources must be according to forest stewardship plan that includes best management practices for erosion control, protection of water quality, and primary goal of restoration and maintenance of historic tree cover related to the battlefield. Forest activities must preserve environmental and scenic quality of the area.

Trash: prohibits accumulation of trash or refuse.

Signs: prohibits billboards and signs greater than 9 square feet, except for interpretative purposes and with prior approval.

Grant Funding: contains language for Section 6(f)3 of Land and Water Conservation Fund Act per ABPP grant.

Existing Wiseman Tract Easement Language on Assignment:

1. The language of the Wiseman Tract easement generally provides for assignment as follows:

- Page 2 of the easement states that VOF may not transfer or convey the easement unless such assignment is conditioned on the requirement that (1) all restrictions and conservation purposes set forth in the easement will be continued in perpetuity, and (2) the transferee is an organization that qualifies as an eligible donee as defined by section 170(h)(3) of the Internal Revenue Code of 1986, as amended, and the applicable Treasury Regulations promulgated thereunder.

- Page 5 of the easement states that assignment of the easement is governed by Section 10.1-1801 of VA Code which permits VOF to convey, or otherwise dispose of, any real property, or any estate or interest therein, as may be necessary and proper in carrying into effect the purposes of the Foundation.
2. VOF, DHR (on behalf of BHR), and DCR (for purposes of conversion/diversion review per the ABPP grant) were all signatories to the original easement and will likely need to sign the assignment.
 3. By letter dated 07/22/24, DHR notified VOF, ABPP and DCR of its request for VOF to assign the easement.
 4. By letter dated 07/26/24, the Trust stated its support for the proposed assignment.
 5. By letter dated 08/23/24, DHR notified VOF, ABPP and DCR of the Easement Acceptance Committee's recommendation to approve assignment of the easement from VOF to BHR.

Documentation Information:

Tax Map Number: 61-25

Property Address: 9517 General Winder Road, Rapidan, Virginia 22733 **USGS Quad:** Culpeper West

Easement Acceptance Committee Recommendation:

The Easement Acceptance Committee recommends acceptance of the Wiseman Tract easement assignment from the Virginia Outdoors Foundation, subject to the following condition:

1. Final review of the draft assignment and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.

Dove Hill Rd

Dove Hill Rd

Wiseman_Tracts

Price Ln

Dove Hill Rd

Cedar Tree Ln

Cedar Tree Ln

General Winder Rd

James Madison Hwy

0 235 470 940 Feet

DHR VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Created By: D. Bascone, 8/16/2024
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years and the representation depicted is based on the field observation date and may not reflect current ground conditions. The map is for general illustration purposes and is not intended for engineering, legal or other site-specific uses. The map may contain errors and is provided "as-is". Contact DHR for the most recent information as data is updated continually



Wiseman Tract, Cedar Mountain Battlefield Culpeper County, Culpeper West Quad DHR ID: 023-0045-0008

**NEW
EASEMENT OFFERS**

| | | |
|--|------------------------------|-----------------------------------|
| BHR Meeting Date: September 19, 2024 | Staff: Wendy Musumeci | DHR File No. 500-0008-0001 |
| Applicant: Rappahannock Tribe/The Conservation Fund | County: Richmond | Acres: ±933.76 |

Property Features and Current Use:

Located along Cliff’s Road (State Route 625) and Carter’s Wharf Road (State Route 622) in the town of Warsaw, the Fones Cliffs Phase III tract contains three tax parcels totaling ±968.72 acres. Of this, ±933.76 acres (the “Property”) will be subject to an historic preservation and open-space overlay easement held by the Virginia Board of Historic Resources (“BHR”). Rising more than 100 feet above the Rappahannock River in Richmond County, Fones Cliffs is a geological formation comprised of a four mile stretch of sandstone bluffs along the river’s north bank. The tidal river separates Virginia’s Northern Neck from its Middle Peninsula on the Chesapeake Bay’s western edge. Before colonization, archaeological and historical evidence indicates that people inhabited the river valley over 10,000 years ago. At the time of contact with British colonists in 1608, this area included three major towns occupied by the Rappahannock Tribe (the “Tribe”). Capt. John Smith documented at least 43 densely populated communities. Fones Cliffs is a traditional cultural place of the Rappahannock people and is of immeasurable historic, cultural, archaeological, ecological, and spiritual significance to the Tribe. Historically, Fones Cliffs was a crucial element to Rappahannock life, in which many towns were located on the north bank of the river to cultivate prime farmland, while hunting, gathering, and fishing occurred on the south side of the river and along the river itself. The cliffs also provided a defensive position and strategic vantage point. The Tribe retains an enduring connection to Fones Cliffs and the tidal landscape of the Rappahannock River. Today, the Property is primarily an unimproved, forested landscape with roughly one mile of river frontage. Several perennial and intermittent streams, wetland areas, and various natural and wildlife habitats are present. Access is via earthen roads located throughout the Property. In recent years, the Tribe initiated a “Return to the River” program to reacquire their ancestral homelands along Fones Cliffs. This project represents the third phase of the campaign. Prior owner VA True Corp. rezoned the larger property for a golf resort with residential housing units. The development failed and VA True Corp. declared bankruptcy in 2017. The Conservation Fund (“TCF”) subsequently acquired the ±968.72-acre property at auction in 2017. TCF plans to transfer ownership of the property to the Tribe. There are multiple grant funding sources associated with the project, including from the United States Fish and Wildlife Service (“USFWS”), Land and Water Conservation Fund, Virginia Land Conservation Foundation (“VLCF”), and the Virginia Outdoors Foundation (“VOF”) Preservation Trust Fund (“PTF”), among others. Prior to transferring fee-simple title to the Tribe, TCF will convey a conservation easement to the USFWS and an overlay easement to the Virginia Board of Historic Resources (“BHR”) on ±933.76 acres. Three areas of land totaling ±34.96 acres will be excluded from the easements. The Tribe will construct a small welcome center in one of the excluded areas to serve as an educational facility and trailhead. The Tribe intends to conserve the Property as a natural area and use it for educational purposes befitting the Tribe and the public. They will also install permeable trails to facilitate public access onto the Property.

Conservation Values:

Historic/Archaeological:

- Fones Cliffs is a Traditional Cultural Place (“TCP”) of the Rappahannock people. Composed of the Rappahannock River, adjacent land formations, and the archaeological remains of indigenous village and town sites, the Fones Cliffs TCP encompasses an area along both sides of the river associated with traditional Rappahannock lifeways that extend millennia into the past and up to the present day. In September 2023, the Virginia Department of Historic Resources (“DHR”) determined the Property eligible for listing on the National Register of Historic Places (“NRHP”) and Virginia Landmarks Register (“VLR”) as part of the Fones Cliffs TCP at the statewide level of significance under Criterion A (Ethnic Heritage: Native American: Rappahannock; Religion; Military; and Exploration/Settlement).
- The Property lies along the Captain John Smith Chesapeake National Historic Trail (“Chesapeake Trail”).
- The Property contains four known archaeological sites, including: (i) a prehistoric indigenous site of undetermined age; (ii) an Archaic period indigenous site; (iii) the remains of a historic road trace; and (iv) the remains of an early to mid-twentieth century domestic site. Archeological evidence of Rappahannock ancestral towns was also documented in the Indigenous Cultural Landscape Report conducted by the Tribe in 2016. The previously identified archaeological sites serve as indication that the Property is likely to contain additional sites, deposits or features associated with its prehistoric and historic use and occupation.

Open-Space/Forestal:

- The Property contains ±933.76 acres, of which ±896 acres are forested cover belonging to the Southern Mesic Beech -

Oak - Mixed Deciduous Forest group associated with mesic mixed hardwood forests of the South Atlantic Coastal Plain.

- The Virginia Department of Forestry (“DOF”) ranks more than 50% of the Property as belonging to categories 4 (Very High) or 5 (Outstanding) of Forest Conservation Value (“FCV”). The FCV model strategically identifies the highest priority forestland for conservation in Virginia. The model ranks all forestland in Virginia from 1 (lowest) to 5 (highest) FCV.

Water Quality/Watershed/Wetlands:

- The Property contains roughly one mile of frontage along the Rappahannock River and ±20,277 linear feet of frontage along other perennial or intermittent streams or bodies of water.
- The Property is within the Lower Rappahannock watershed and the Rappahannock River-Brockenbrough Creek subwatershed. The Rappahannock River drains into the Chesapeake Bay/Chesapeake Bay watershed.
- The National Wetlands Inventory (“NWI”) maintained by the USFWS shows the Property contains estuarine and marine deepwater (0.54 acre), freshwater emergent (9.92 acres), freshwater/forested shrub (47.57 acres), and riverine (4.07 acres) wetland areas.

Natural and Wildlife Habitat:

- Most of the Property is within an area ranked as a C2 Ecological Core (Very High; Core ID 48969) by the Virginia Department of Conservation and Recreation’s (“DCR”) Virginia Natural Landscape Assessment (“VaNLA”).
- The Virginia Department of Wildlife Resources’ (“DWR”) *Wildlife Corridor Action Plan* indicates the Property is within a “Wildlife Biodiversity Resilience Corridor.” Wildlife Biodiversity Resilience Corridors represent relatively intact, representative, and biologically diverse habitat connections designed to provide refuge and facilitate species distribution shifts as the climate changes and the landscape becomes more developed.
- A large breeding population of bald eagles is located at Fones Cliffs, which plays a significant role for eagle reproduction and movement along the east coast of North America. Fones Cliffs is also part of the National Audubon Society’s Lower Rappahannock Important Bird Area (“IBA”) based on the high concentration of bald eagles and the presence of other rare avian species or species of conservation concern.

ConserveVirginia: The Property lies entirely within the Cultural and Historic Preservation category and partially within the Natural Habitat and Ecosystem Diversity, Floodplains and Flooding Resilience, Scenic Preservation, and Protected Landscapes Resilience categories in ConserveVirginia, Virginia’s data-driven land conservation strategy that identifies the highest priority lands and sites for protection and conservation.

Conserved Lands Corridor: The Property adjoins the Fones Cliffs unit of the USFWS Rappahannock River Valley National Wildlife Refuge. A small section of the Property also adjoins 465 acres of land owned by the Tribe and subject to a conservation easement held by the USFWS. Conveyance of this easement will contribute to a corridor of ±1,800 acres of continuous conserved lands on the north side of the Rappahannock River.

Scenic River: The Property fronts the Rappahannock River, which is designated a Virginia Scenic River pursuant to Virginia Code Section § 10.1-415.

Other Supporting Governmental Policy:

Federal: (i) National Historic Preservation Act of 1966 (54 U.S.C. §§ 300101-307108), which authorizes the NRHP; (ii) standards and guidelines promulgated by the Secretary of the Interior for the appropriate treatment of historic properties listed on the NRHP (36 C.F.R. Part 68); (iii) NWI, USFWS; and (iv) the Chesapeake Trail.

State: (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, §§ 10.1-2200 through 10.1-2214 of the Virginia Code; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, §§ 10.1-1700 through 10.1-1705 of the Virginia Code; (iv) Virginia Land Conservation Foundation, Chapter 10.2 of Title 10.1, §§ 10.1-1017 through 10.1-1026 of the Virginia Code; (v) VOF PTF; (vi) Virginia Forest Conservation Value Model; Virginia Watershed Model (viii) VaNLA; (ix) DWR Wildlife Corridor Action Plan; (x) Lower Rappahannock Important Bird Area; (xi) ConserveVirginia; (xii) Virginia Scenic Rivers Program, Virginia Code § 10.1-415; (xiii) Virginia Outdoors Plan (“VOP”)(2018) Region 17: Northern Neck Recreational Planning Region (12.2, 12.3, 12.7, 12.8, 13.105); (xiv) Chesapeake Bay Program for permanent land conservation in Bay watershed; and (xv) the BHR’s practices in reviewing and accepting an easement over this Property, which include review by DHR’s Easement Program staff, review by a committee comprised of DHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR’s written adopted policies.

Local: The Property is currently zoned A-1 (Agriculture) and its future land use designation is “Rural Areas” in *Plan to Stay Richmond County’s 2042 Comprehensive Plan* (adopted November 10, 2022). The plan provides support for preservation of historic and cultural sites through easements, protection of rural character, and conservation of environmentally sensitive areas in Chapter 6 and preservation of rural character and natural resources in Chapter 3. Per letter dated August 12, 2024, Richmond County confirmed that the placement of an open-space easement on the Property is consistent with the County’s current comprehensive plan.

Existing Buildings, Structures, Amenities, and Features:

Four known archaeological sites; earthen roads; access gate; portion of a gravel road

General Terms for Historic Preservation and Open-Space Overlay Easement:

Note: Provisions in italics below indicate non-standard easement template language:

Maintenance and Preservation: Property shall be maintained, preserved, and protected in same or better condition.

Ground Disturbance: (i) any Ground Disturbing Activities (e.g. grading, topographic changes, blasting, earth removal, and activities incidental to forest or timber management) are subject to prior written approval; (ii) mining by any method, dredging on or from the Property, or drilling for oil, gas, or any natural resource (excluding fresh water), is prohibited.

Archaeology: (i) Ground Disturbing Activities may require “Archaeological Survey and Investigation” (“AS&I”) by a professional archaeologist; (ii) AS&I undertaken only if a scope of work receives prior written approval and is performed in accordance with professional standards; (iii) any artifacts recovered from AS&I shall remain the personal property of the landowner; (iv) provision related to curation of artifacts; (v) provision regarding discovery and treatment of human remains; (vi) landowner shall take reasonable precautions to protect artifacts, human remains, archaeological deposits, sites, and features from vandalism, erosion, mutilation, or destruction from any cause; and (vii) relic hunting prohibited.

Forest Management: (i) forested land may be managed by selective, minimal cutting, pruning, and planting for non-commercial purposes; (ii) any Forest Management Activity, including planting, harvesting, or removal of trees, is subject to prior, written approval; (iii) prior to any Forest Management Activity, Grantor must submit: a written forest management plan meeting or exceeding professional qualification requirements and a pre-harvest plan prepared according to DOF guidelines; (iv) requires Best Management Practices to control erosion and protect water quality when any forest activity undertaken; and (v) specific number of acres shall remain in forest cover in perpetuity.

Riparian Protection Zone: minimum 100-foot-wide vegetated riparian/forested buffer extending landward from both edges of perennial or intermittent streams or bodies of water; certain activities are prohibited within the buffer while specific activities are permitted; livestock shall be excluded from the buffer.

Public Access: *Property shall be accessible to the public a minimum 180 days per calendar year. Access may be subject to reasonable restrictions to ensure security of the property and safety of the visitors.*

Conversion/Diversion: *per VOF PTF grant, VOF and BHR/DHR shall determine whether conversion or diversion complies with the provisions of Section 10.1-1704 of the Open-Space Land Act.*

Grant Funding: *VLCF grant requires specific easement language regarding conversion/diversion, public access, riparian buffer, natural and wildlife habitat, and forest management; VOF PTF grant requires VOF to be a Grantee and signatory to the easement for purposes of Conversion/Diversion only.*

Documentation Information:

Tax Map Numbers: 4-1 (portion), 4-3 (portion) and 5-30 | USGS Quad: Champlain

Property Address: At or near Cliff’s Road (State Route 625) and Carter’s Wharf Road (State Route 622), Warsaw, VA 22572

Statement of Public Benefit:

Fones Cliffs is of historic and archaeological significance and is within the boundaries of the Rappahannock Traditional Cultural Place. Restrictions on ground-disturbing activities and alterations of historic and landscape resources on the Property, including archaeological sites, and requirements for the maintenance of such resources will ensure the Property retains its historic integrity. Preservation of the Property will augment efforts to preserve historic properties in Richmond County, including approximately ±1,914 acres of land already subject to perpetual easements held by the BHR. Additionally, restrictions on development, new construction, and ground disturbing activities and requirements for forest management in the easement will protect the forestal and ecological resources on the Property and the natural benefits associated with forest conservation such as clean air and water. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. The Property is visible from two public rights-of-way and the Rappahannock River. The easement will also require physical public access a minimum of 180 days per year. Protection of the Property will fulfill the intent of the VOP to protect Virginia’s historic and cultural resources, and to place historic preservation and open-space easements on historic properties.

Easement Acceptance Committee Recommendation:

The Easement Acceptance Committee recommends approval of the Fones Cliffs Phase III easement offer by the Virginia Board of Historic Resources subject to the following condition:

- 1. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the Property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.

500-0008-0001



DHR VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Created By: D. Bascone, 9/6/2024
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years and the representation depicted is based on the field observation date and may not reflect current ground conditions. The map is for general illustration purposes and is not intended for engineering, legal or other site-specific uses. The map may contain errors and is provided "as-is". Contact DHR for the most recent information as data is updated continually



Fones Cliffs
Richmond County, Champlain Quad
DHR ID: 500-0008-0001

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| BHR Meeting Date: September 19, 2024 | Staff: Wendy Musumeci | DHR File No. 085-0001-0017 |
| Applicant: Shenandoah Valley Battlefields Foundation (“SVBF”) | County: Shenandoah | Acres: ±146.078 |

Property Features and Current Use:

The ±146.078-acre French Tract (the “Property”) is comprised of four tax parcels located on Battlefield Road, approximately 1.5 miles west of the village of Fishers Hill. The Property is bounded on the northeast by Battlefield Road, on the north by Tumbling Run Lane and an unnamed intermittent stream, and on the west and south by other residential/agricultural parcels. The South Fork of Tumbling Run runs through the northern section of the Property and drains to Tumbling Run. The northern area of the Property is generally flat and used for crop production (±43.64 acres). The southern area of the Property features a rolling terrain and is under forested cover (±98.44 acres). The French Tract has been in agricultural and residential use since the late 18th century and includes the log and frame Funkhouser House (ca. 1790-1810 with later 19th and 20th century additions), stone outbuilding (ca. 1831), collapsed bank barn (ca. 1800-1850), silo (ca. 1920), cooling/milk house (ca. 1920), metal shed (ca. 1980) and a frame tenant house (ca. 1910). The Funkhouser House has been vacant for two years and is in fair condition with a roof leak and signs of animal infiltration. The 1831 stone outbuilding is also in fair condition with vegetation covering the exterior. SVBF plans to stabilize and secure the Funkhouser House and the stone outbuilding. SVBF intends to demolish the remaining outbuildings and the tenant house. SVBF will also install a gravel parking area near the Funkhouser House. The Property also contains the Funkhouser Family Cemetery which dates to the early 19th century. The cemetery includes 16 marked graves and possibly other unmarked graves. SVBF acquired the Property in 2022 and has recorded an agricultural lease and a hunting license and indemnity agreement, both for the lifetimes of the lessees and their minor children. SVBF plans to use the Property for open space, agricultural and battlefield interpretation purposes and will install three to five interpretive signs. The Property will be accessible to the public. SVBF has been awarded two Virginia Land Conservation Foundation (“VLCF”) grants and will apply for an American Battlefield Protection Program (“ABPP”) grant to assist with its acquisition costs. Conveyance of an easement to the Board of Historic Resources (“BHR”) is a condition of these grants.

Conservation Values:

Historical/Landscape:

- The Property is partially within the core and entirely within the study area of the Fishers Hill Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the Civil War Sites Advisory Commission (“CWSAC”). Sites with a priority rating of I are those that have a critical need for action. Battlefield sites rated Class B are those that had a direct and decisive influence on their campaign, in this instance, the Sheridan’s Shenandoah Valley Campaign from August to December 1864.
 - Following his defeat at Third Winchester (Opequon) on September 19, 1864, Confederate Lieutenant General Jubal Early withdrew his forces to defensive positions along a four-mile stretch of earthworks dug into the line of high hills and ridges south of Tumbling Run, an area known as Fisher’s Hill. Entrenched on high ground, Early hoped to deter the advance of Union Major General Philip Sheridan’s troops marching south from Strasburg. However, they were thinly spread over the four-mile line and vastly outnumbered. On September 21, the Union army advanced and captured the high ground opposite the Confederate earthworks, driving back skirmishers positioned along the heights. On the 22nd, Union troops commanded by General George Crook moved around North Mountain (to the west) and behind the Confederate position. Crook attacked Early’s left flank from the rear while Sheridan mounted a frontal assault on the ridge. Taken by surprise, the Confederate defense collapsed from west to east. Early retreated south to Rockfish Gap near Waynesboro, opening the Valley to a Union invasion. Mills and barns from Staunton to Strasburg were burned in what became known as the “Burning” or “Red October,” leaving the Shenandoah Valley devoid of supplies and ineffective in the Confederacy’s war effort.
 - Confederate forces under the command of Major General Stephen D. Ramseur were entrenched on the eastern side (the Confederate left flank) of the Property as part of the four-mile line defending Fishers Hill. Following the Union’s advance on the high ground on the morning of September 22, Confederate forces were ordered to withdraw by nightfall. However, Crook’s attack from the west coupled with the advance of Union forces under Major General William W. Averell and Brigadier General James B. Ricketts led to the complete collapse of the Confederate lines and the immediate retreat of the entire Confederate Army.
- The Property is partially within the study area of the Cedar Creek Battlefield, which has been given a Preservation Priority Rating of I.1 Class A from the CWSAC. Battlefields with a priority rating of I are those that are in critical need of action,

while those rated Class A had a decisive influence on a campaign (in this instance Sheridan’s Shenandoah Valley Campaign from August to December of 1864) and a direct impact on the course of the war.

3. The Property is within the Shenandoah Valley Battlefields National Historic District, an eight-county region in the Shenandoah Valley of Virginia designated by Congress in the 1996 “Shenandoah Valley Battlefields National Historic District and Commission Act” (P.L. 104-333).

Archaeological: The Property includes two recorded archaeological sites consisting of (i) two lines of Civil War earthworks and (ii) the Funkhouser Family Cemetery. Although the Property has not been subjected to professional archaeological survey, in the opinion of the Department of Historic Resources, the Property has the potential to contain other archaeological sites, features and or deposits associated with the battles of Fisher’s Hill and Cedar Creek as well as the domestic and agricultural use of the Property.

Open Space: The Property includes ±146.078 acres of land, of which approximately ±98.44 acres is under forested cover.

Agricultural: The Property includes ±40 acres of land in active agricultural production. As identified in the Natural Resources Conservation Service (“NRCS”) Web Soil Survey of the United States Department of Agriculture, the Property contains ±30.5 acres of Prime Farmland.

Water Quality: The Property includes ±5,552.7 linear feet of frontage on the South Fork of Tumbling Run (perennial), ±1,821.4 linear feet of frontage on an unnamed intermittent stream, ±0.97 acre of riverine and ±0.13 acre of freshwater pond wetland areas. The Property is within the Chesapeake Bay watershed.

ConserveVirginia: The Property lies entirely within the “Cultural & Historic Preservation” and partially within the “Water Quality Improvement” layers of ConserveVirginia, Virginia’s land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

Other Supporting Governmental Policy:

Federal: (i) “The Report on the Nation’s Civil War Battlefields,” issued by the CWSAC in 1993, authorized under 54 U.S.C. § 100507; (ii) Battlefield Land Acquisition Grant Program administered by ABPP (54 U.S.C. §§ 30801 – 308103); (iii) The Land and Water Conservation Fund Act, 54 U.S.C. §§ 200301 – 200310; (iv) 1996 “Shenandoah Valley Battlefields National Historic District and Commission Act (P.L. 104-33); (v) NRCS Web Soil Survey; and (vi) National Wetlands Inventory.

State: (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) BHR practices in reviewing and accepting an easement over this Property, which include review by VDHR’s Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR’s written adopted policies; (v) Virginia Outdoors Plan (2018) Region 7: Northern Shenandoah Valley (12.2, 12.3, 12.7, 12.8, 13.44); (vi) ConserveVirginia; and (vii) Virginia land Conservation Foundation, Chapter 10.2 Title 10.1, Virginia Code §§ 10.1-1017 through 10.1-1026.

Local: The future land use designation for the Property is Agricultural. The Shenandoah County Comprehensive Plan (adopted June 28, 2005, amended in 2014, 2016 and 2019) provides support for historic preservation generally at Chapter 1, page 1-8, and Chapter 10, page 10-2. The plan provides support for the placement of conservation easements at Chapter 2, pages 2-21. By letter dated June 17, 2022, Shenandoah County has confirmed that DHR’s proposed historic preservation and open-space easement is consistent with the current comprehensive plan.

Existing Buildings and Structures:

| | |
|---|----------------------------|
| Funkhouser House (ca. 1790-1810 with later additions) | Metal shed (ca. 1980) |
| Stone Outbuilding (ca. 1831) | Funkhouser Family Cemetery |
| Collapsed Bank Barn (ca. 1800-1850) | Cement bridge |
| Silo (ca. 1920) | Fences |
| Cooling/Milk House (ca. 1920) | Gravel roads |
| | Wells and septic systems |

General Easement Terms:

Note: Provisions in italics below indicate non-standard easement template language:

Maintenance and Preservation: Property shall be maintained, preserved, and protected in same or better condition.

Division: no subdivision or division permitted.

Existing Buildings and Structures: *The Funkhouser House and Stone Outbuilding must be stabilized and secured within one year from the date of approval of the easement offer by the BHR. Treatment of the remaining buildings/structures (bank barn, silo, cooling house, metal shed and tenant house) in the easement shall be consistent with any determinations of eligibility for listing on the historic registers per the Section 106 Review process associated with the ABPP’s Battlefield Land Acquisition Grant.*

Permitted New Buildings, Structures and Amenities: (i) reconstructions of documented historic buildings/structures; (ii)

pervious roads/drives/parking areas; (iii) pervious paths/trails; (iv) utilities that serve the Property (v) fences, gates, mailboxes; (vi) outbuildings/structures ancillary to use as a historic site or battlefield park; (vii) (tentative) replacement dwelling for Funkhouser House if damaged or destroyed; (viii) outbuildings/structures associated with residential use.

New Construction: construction of new buildings, structures, and amenities, requires prior written approval; use “Secretary of the Interior’s Standards for Treatment of Historic Properties” as standard for review.

Archaeology: ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

Cemetery: subject to a Cemetery Management and Maintenance Plan

Impervious Surface Coverage: cap at 1% or less.

Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

Ground Disturbance: (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of property, except as for construction of permitted buildings, structures, and roads; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

Forest Management: easement shall address forest management including timbering, replanting, landscape rehabilitation and land conversion consistent with the current standard easement template; review and approval required prior to battlefield landscape rehabilitation.

Riparian Protection Zone: minimum 35-foot-wide forested/vegetated buffer along perennial stream.

Agricultural Conservation Plan: *plan with BMP’s required per VLCF grant if five acres or more are in active agricultural use.*

Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

Signs: restrictions on size and location of signs on property; interpretative signage permitted.

Public Access: easement requires 2 days minimum public access (*except during months of April and November per hunting license*) and Property is also visible from a public-right-of way; *VLCF grant may require 365 days of public access per year.*

Subordination: *recorded agricultural lease and hunting license must be subordinated in easement deed and lessees/licensees must sign the easement.*

Grant Funding: ABPP grant requires specific easement language for Section 6(f)3 of Land and Water Conservation Fund Act; VLCF grant requires specific language and easement restrictions per Virginia Code Section 10.1-1017 *et. seq.*

Documentation Information:

Tax Map Numbers: 23-A-136, 23-A-138F, 23-A-138C, and 23-A-154B

Property Address: 428 Tumbling Run Lane, Strasburg

USGS Quad: Toms Brook

Statement of Public Benefit:

The Property is of historic and archaeological significance and is within the boundaries of two Civil War battlefields which have preservation priority ratings from the CWSAC. Restrictions on ground disturbance, archaeological resources and historic resources will ensure the Property retains its historic integrity as a Civil War battlefield landscape. Preservation of the Property will augment efforts to preserve historic properties in Shenandoah County, including approximately 1,193.77 acres of land already subject to perpetual easements held by the BHR. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. Additionally, restrictions on development, new construction, and ground disturbing activities and requirements for forest management in the easement will protect the forested landscape, forest and ecological resources on the Property and the natural benefits associated with forest conservation such as clean air and water. The Property includes frontage on the South Fork of Tumbling Run, a perennial stream, and an unnamed intermittent stream and is within the Chesapeake Bay watershed. Limiting new construction, timbering, ground disturbing activities and uses of the Property and requiring riparian buffers in the easement will support protection of water quality in the Chesapeake Bay. The Property is visible from Battlefield Road (Virginia Route 106), a public right-of-way. In addition to visibility from a public right-of-way, the easement will require physical public access. The protection of the Property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia’s historic and cultural resources, including Civil War battlefield landscapes and resources, and to place historic preservation and open-space easements on historic properties.

Easement Acceptance Committee Recommendation:

The Easement Acceptance Committee recommends acceptance of the French Tract easement offer by the Virginia Board of Historic Resources, subject to the following conditions:

1. The Funkhouser Family Cemetery will be preserved and maintained according to a Cemetery Management and Maintenance Plan developed by DHR and incorporated into the easement either directly or by reference.
2. The Funkhouser House and Stone Outbuilding will be stabilized and secured within one year from the date of BHR approval. Stabilization shall include repair of the roof, and the connection of utilities (e.g. water, electricity, heating, and air conditioning) to maintain stable interior climate conditions and avoid the threats of mold, water infiltration, fire or

other damage to the building. Security shall include securing the building envelope to protect against intruders (both human and animal), and regular monitoring visits or tenant occupation. If these conditions cannot be met, both buildings must be mothballed according to *Preservation Brief #31, Mothballing Historic Buildings* within one year from the date of BHR approval.

3. Treatment, including any permitted demolition, of the remaining buildings/structures (bank barn, silo, cooling house, metal shed and tenant house) in the easement shall be consistent with any determinations of eligibility for listing on the historic registers per the Section 106 Review process associated with the American Battlefield Protection Program's Battlefield Land Acquisition Grant.
4. The existing agricultural lessees and hunting licensees must sign the historic preservation and open-space easement to subordinate their interests in the Property to the easement.
5. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.



0 312.5 625 1,250 Feet

French Tract, Fishers Hill Battlefield
Shenandoah County, Toms Brook Quad
DHR ID: 085-0001-0017



Created By: D. Bascone, 3/31/2023
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years and the representation depicted is based on the field observation date and may not reflect current ground conditions. The map is for general illustration purposes and is not intended for engineering, legal or other site-specific uses. The map may contain errors and is provided "as-is". Contact DHR for the most recent information as data is updated continually.



Easement Summary Campbell's Bridge Mills Tract, Campbell's Bridge Mill Workers District

| | | |
|---|-----------------------------|------------------------------------|
| BHR Meeting Date: September 19, 2024 | Staff: Kyle Edwards | DHR File No. 0020-5567-0001 |
| Applicant: Capital Region Land Conservancy | County: Chesterfield | Acres: ±3.65 |

Property Features and Current Use:

Located at the fall line of the Appomattox River in the town of Ettrick, the Campbell's Bridge Mills Tract (the "Property") is comprised of a single ±3.65-acre parcel, adjacent to Campbell's Bridge which connects Ettrick and the City of Petersburg. The Property includes frontage along the Appomattox River, a Virginia Scenic River, and is also bounded by Chesterfield Avenue (Route 36). The Property was first developed as a mill site in the late eighteenth century. As demand for mills increased, this small property eventually included four mills and a trunk factory by the end of the nineteenth century. As the need for different types of mills evolved, so too did the types of buildings. Brick and frame mill buildings, a brick manufacturing building, as well as tenements, stables, sheds, tail and headraces covered the almost the entire ±3.65 acres. The Property remained an active mill/industrial complex until the early to mid-twentieth century, by which time all the mill buildings were demolished. In the 1980's Joshua Greenwood acquired the Property, the canal and ±34.645 acres west of the mill complex. Greenwood built a small hydroelectric generator building on the foundations of one of the old mills and produced power for Virginia Electric and Power Company for an unknown period. Greenwood conveyed the ±3.65-acre Property along with the additional ±34.645 acres to the Capital Region Land Conservancy ("CRLC") in 2022. CRLC placed the western ±34.645 acres under easement to the Virginia Outdoors Foundation ("VOF") and conveyed ±16.14 acres adjacent to the Property to Chesterfield County (the "County") on April 26, 2024. CRLC will convey an easement to the Board of Historic Resources on the ±3.65-acre tract and then convey the Property to the County by December 2024. The County plans to include the entire ±19.79 in its Appomattox River Park System. The main entrance to the park property as well as major amenities such as parking, restrooms and picnic shelters will be located on the VOF parcel. The County plans to add a small parking area with ADA accessibility as well as a vehicular bridge over the canal near the existing hydroelectric generator building. A new pedestrian bridge will be built across the canal to connect the Property with the adjacent island. The County will also add trails to make the ruins accessible to the public. CRLC was awarded a Virginia Land Conservation Foundation grant in 2021. Conveyance of an easement to the Board of Historic Resources is a condition of this grant.

Conservation Values:

Historic/Landscape:

1. The Property is a contributing resource to the Campbell's Bridge Mill Workers Historic District, a district determined eligible for listing on the Virginia Landmarks Register ("VLR") by the Department of Historic Resources ("DHR") under Criterion A (places associated with events that have made a significant contribution to the broad patterns of history), C (places that embody the distinctive characteristics of a type, period, or method of construction), and D (places that have yielded, or may be likely to yield, information important in prehistory or history).
 - The Campbell's Bridge Mill Workers Historic District encompasses former mill sites and worker housing along the north (Ettrick) and south (Petersburg) sides of the Appomattox River. Following the construction of dams upriver in the late eighteenth and early nineteenth centuries, several mill complexes were built on both sides of the river with housing for the workers serving these mills located in the immediate area. One of the larger mill complexes was located on the north side of the river at Campbell's Bridge. The first canal and mill were constructed on the Property in 1791 by Luke Wheeler. In the 1830's and early 40's, owner Benjamin Boisseau built several mill buildings, raceways and tailraces on the Property. Following Boisseau's death in 1845, the Property was subdivided into smaller parcels with multiple owners and mill buildings of various types including corn, flour, planning and sawmills. By the 1860's the Property was well established as a mill complex with four large mill buildings on stone foundations and two frame buildings. Like most mills on the Appomattox at Petersburg, this mill complex continued operation during and after the Civil War. Photographer Timothy O'Sullivan took several photographs of the mills on both sides of the Appomattox following the end of the war, six of which document the Property in detail. During the late nineteenth century, the Property saw further development as an industrial site with the addition of the Seward & Munt Trunk Factory alongside the existing corn, planning, and flour mills. The Property continued to be used as a milling complex into the early twentieth century, serving as one of the main industrial sites for the surrounding communities. Slowly the need for smaller mills died out, leading to the closure of the mills until all were gone by the late 1950's. The buildings were demolished but many of the foundations, some partial ruins and several tail and headraces remain on the Property.

Archaeological:

1. The Property includes one recorded archaeological site consisting of the architectural and archaeological remains of four mill sites and one factory site and their associated infrastructure operating along the Northside Canal west of Campbell's Bridge from the 18th through the 20th century. The site contains multiple stone ruins related to the mills and factory that once occupied the Property, including the foundations of mill buildings, water control structures, mill races, sluices, and ancillary structures. The site is a contributing resource to the Campbell's Bridge Mill Workers Historic District.

2. On July 24, 2024, DHR's Archaeological Evaluation Team determined that the archaeological site was individually eligible for the VLR and the NRHP under Criteria A and D.

3. Due to its location along the falls of the Appomattox River, the Property has moderate potential to contain intact archaeological resources related to pre-contact Native American occupation of the area.

Open Space: The Property includes approximately ±3.65 acres of open-space land, of which ±2.97 acres is under forested cover.

Water Quality: The Property contains ±652 linear feet of frontage along the Appomattox River, ±0.78 acres of freshwater/forested shrub wetlands and ±2.13 acres of riverine wetlands. The Property is within the Chesapeake Bay watershed.

Scenic Rivers: The Property contains ±652 linear feet of frontage along the Appomattox River, a Virginia Scenic River.

ConserveVirginia: The Property lies partially within the "Scenic Preservation" layer of ConserveVirginia, Virginia's land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

Other Supporting Governmental Policy:

Federal: (i) National Historic Preservation Act of 1966 (54 U.S.C. §§ 300101-307108), which authorizes the National Register of Historic Places (NRHP); (ii) standards and guidelines promulgated by the Secretary of the Interior for the appropriate treatment of historic properties listed on the NRHP (36 C.F.R. Part 68); and (iii) National Wetlands Inventory.

State: (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) DHR staff's formal determination on December 15, 2021 that the District and on July 24, 2024 that the Known Archaeological Site meet the criteria for listing on the Virginia Landmarks Register; (v) BHR practices in reviewing and accepting an easement over this Property, which include review by VDHR's Easement Program staff, review by a committee comprised of DHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR's written adopted policies; and (vi) Virginia Outdoors Plan (2018) Region 15: Richmond (12.2, 12.3, 12.7, 12.8, 13.93); (vii) Virginia Scenic Rivers Act of 1970, Virginia Code §10.1-400; (viii) ConserveVirginia; (ix) Virginia land Conservation Foundation, Chapter 10.2 Title 10.1, Virginia Code §§ 10.1-1017 through 10.1-1026.

Local: The Property's future land use designation is Neighborhood Business. Per *Moving Forward: The Comprehensive Plan for Chesterfield County* (adopted May 22, 2019), support for historic preservation generally is found at Chapter 3, page 2; and Chapter 8. Support for the use of historic preservation easements is found at Chapter 8, page 12. The *Ettrick VSU Special Area Plan*, a subplan of the comprehensive plan, supports the use of easements to facilitate public access to the Appomattox River and to a trail system along the river, at pages 10 and 21. By letter dated December 30, 2021, Chesterfield County confirmed DHR's proposed historic preservation and open-space easement is consistent with the current comprehensive plan.

Existing Buildings and Structures:

Ruins/Foundations of at least five mill buildings, associated mill races and sluices and ancillary structures (19th century)

Crenelated wall/dam (19th century)

Water discharge pipe (19th century)

Turbine (19th century)

Water control gate (20th century)

Frame hydroelectric generator building (ca. 1980)

Metal bridge (ca. 1980)

Utility transformer boxes (2)

Gravel road

General Easement Terms:

Note: *Provisions in italics below indicate non-standard easement template language:*

Maintenance and Preservation: Property shall be maintained, preserved, and protected in same or better condition.

Division: no subdivision or division permitted.

Existing Non-Historic Improvements: *Frame hydroelectric structure must be stabilized and maintained in current or better condition. In the event that the Grantor does not stabilize the structure and it must be removed with consultation and prior approval of grantee.*

New Dwellings: no new residential dwellings permitted.

Permitted New Buildings, Structures and Amenities: (i) reconstructions of documented historic buildings/structures; (ii) pervious roads/drives; (iii) pervious paths/trails; (iv) utilities that serve the Property (v) fences, gates, mailboxes; (vi) outbuildings/structures ancillary to use as a historic site; (vii) safety infrastructure to allow for visitor access

New Construction: construction of new buildings, structures, and amenities, requires prior written approval; use *Secretary of the Interior's Standards for Treatment of Historic Properties* as standard for review.

Archaeology: ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

Impervious Surface Coverage: *cap at 3% or less for all new construction, impervious surfaces, and existing structures excluding existing historic resources.*

Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

Ground Disturbance: (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of property, except as for construction of permitted buildings, structures, and roads; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

Riparian Protection Zone: minimum 50-foot-wide forested/vegetated buffer along the Appomattox River.

Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

Signs: restrictions on size and location of signs on property; interpretative signage permitted.

Public Access: easement requires 2 days minimum public access and Property is also visible from a public-right-of way and navigable waterway.

Grant Funding: VLCF grant requires specific language per Virginia Code Section 10.1-1017 et. seq.

Documentation Information:

GPIN: 796609868300000

Property Address: at or near Chesterfield Avenue, Ettrick

USGS Quad: Petersburg Quad

Statement of Public Benefit:

The Campbell's Bridge Mills Tract is of historic and archaeological significance and is within the boundaries of the Campbell's Bridge Mill Worker Historic District. Restrictions on ground disturbance, archaeological resources and historic resources will ensure the Property retains its historic integrity. Preservation of the Property will augment efforts to preserve historic properties in Chesterfield County, including approximately 72.63 acres of land already subject to perpetual easements held by the BHR. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. The Property includes frontage the Appomattox River, a Virginia Scenic River, and is within the Chesapeake Bay watershed. Limiting new construction, timbering, ground disturbing activities and uses of the Property and requiring riparian buffers in the easement will support protection of water quality in the Chesapeake Bay. The Property is visible from Chesterfield Road (Route 36) and the Appomattox River. In addition to visibility from a public right-of-way, the Property will be open as a public park 365 days per year. The protection of the Campbell's Bridge Mills Tract by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources and to place historic preservation and open-space easements on historic properties.

Easement Acceptance Committee Recommendation:

The Easement Acceptance Committee recommends acceptance of the Campbell's Bridge Mills Tract easement offer by the Virginia Board of Historic Resources, subject to the following condition:

1. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.

020-5567-0001



0 50 100 200 Feet

Campbell's Bridge Mills Tract
Chesterfield County, Petersburg Quad
DHR ID: 020-5567-0001



Created By: D. Bascone, 11/13/2023
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years and the representation depicted is based on the field observation date and may not reflect current ground conditions. The map is for general illustration purposes and is not intended for engineering, legal or other site-specific uses. The map may contain errors and is provided "as-is". Contact DHR for the most recent information as data is updated continually



| | | |
|---|---------------------------|-----------------------------------|
| EAC Meeting Date: January 22, 2024 | Staff: W. Musumeci | DHR File No. 043-5090-0010 |
| Applicant: Capital Region Land Conservancy ("CRLC") on behalf of Roland Dowdy, III, PhD and Patricia Dowdy | County: Henrico | Acres: ±138.7736 |

Property Features and Current Use:

Camp Holly Farm (the "Property") is composed of six tax parcels totaling ±138.7736 acres located approximately 9.5 miles southeast of the City of Richmond in Henrico County. Sections of the Property are bounded on the west by Turner Road. Most of the Property occupies a slight plateau with 60' escarpments along its eastern and southern boundaries. Approximately ±103.58 acres are under forested cover, with ±30 open space acres in agricultural use. The Property includes frontage on one unnamed intermittent stream and one unnamed perennial stream, both of which drain to Bailey Creek. The Property also serves as an important recharge area for the Camp Holly Springs aquifer which has provided natural spring water to the area for at least 300 years and is the source for the Crystal Springs Bottling Plant (located on GPIN 831-688-1711; this plant and its access to Turner Road are excluded from the proposed easement area). Due to its proximity to the bottling plant, the Property also includes a well and four test wells. A cell tower is located along the northern edge of the Property and will be excluded from the proposed easement area. Historic topographical maps indicate that there were at least three former dwellings on the property, but only the ruins of one dwelling are still extant. The Property is currently improved with a frame shed, frame garage and a frame corn crib. The Property also includes an unnamed family cemetery consisting of two to three graves. Capital Region Land Conservancy ("CRLC") will apply for an American Battlefield Protection Program ("ABPP") grant and has been awarded a Virginia Battlefield Preservation Fund ("VBPF") grant to assist with the acquisition of a historic preservation and open-space easement. Conveyance of an easement to the Board of Historic Resources ("BHR") is a condition of these grants. The owners also intend to apply for Virginia Land Preservation Tax Credits and a federal income tax deduction for the donative value of the easement; the amount of these incentives will depend on the value of various battlefield and land conservation grants awarded.

Conservation Values:

Historic/Landscape:

- The Property is entirely within the within the core area of the Deep Bottom II Battlefield, which has been given a Preservation Priority Rating of I.3 Class B by the Civil War Sites Advisory Commission ("CWSAC"). Sites with a priority rating of I are those with a critical need for action. Battlefield sites rated Class B are those that had a direct and decisive influence on their campaign, in this case the Richmond-Petersburg Campaign from June 1864 to March 1865.
 - In the early morning hours of August 14, 1864, Union troops under Major General Winfield S. Hancock crossed the James River at Deep Bottom in a second attempt to outflank Confederate forces and deplete the defenses of Petersburg and Richmond. Union commanders believed the Confederate forces had been reduced at Fussell's Mill following the Battle of Deep Bottom I in June. However, the Union Army's slow advance north from the river in the August heat allowed the Confederates to send reinforcements to engage the Union's repeat offensive. Union forces attacked the main Confederate line at Fussell's Mill on August 16, breaking through the line and briefly pushing the Confederates back. Confederate troops under Brigadier General Dudley M. DuBose moved from their position at or near Camp Hill (located just southwest of the Property) northeast across the Property to reinforce the main Confederate line. The Confederate counterattack forced Union forces back resulting in lost ground. Following continued skirmishing, the Union Army withdrew to the southside of the James River for a second time. The Battle of Deep Bottom II resulted in a Confederate victory with 4,600 estimated casualties.
- The Property contains ±56.55 acres of land within the core area and ±138.886 acres within the study area of the Deep Bottom I Battlefield, which has been given a Preservation Priority Rating of II.3 Class C by the CWSAC. Sites with a priority rating of II are those that are in relatively good condition with opportunities for "comprehensive preservation." Battlefield sites rated Class C are those having an "observable influence" on the outcome of their campaign, in this case the Richmond-Petersburg Campaign from June 1864 to March 1865.
- The Property contains ±40.87 acres of land within the core area and ±118.71 acres within the study area of the Chaffin's Farm/New Market Heights Battlefield, which has been given a Preservation Priority Rating of I.3 Class C by the CWSAC. Sites with a priority rating of I are those with a critical need for action. Battlefield sites rated Class B are those that had a direct and decisive influence on their campaign, in this case the Richmond-Petersburg Campaign from June 1864 to March 1865.
- The Property may include part of Camp Holly, a Revolutionary War site located just west of the Property where American troops were stationed and discharged. During the War of 1812, American Major Henry Heth's First Cavalry occupied

Camp Holly until 1815.

Archaeological: The Property includes two known archaeological sites that contain features associated with a family cemetery and a former dwelling site, which sites are formally recorded in the VDHR’s permanent archive. The Property is further significant for its archaeological potential as a Civil War battlefield. The Property may contain archaeological sites or deposits associated with the Battles of Deep Bottom I and II, and Chaffin’s Farm/New Market Heights due to the number of troops and equipment that crossed the Property and the intensity of the fighting that occurred on the Property. The Property may also be significant for its archaeological potential as a Revolutionary War and War of 1812 campsite.

Open Space: The Property contains ±138.7736 acres of open space land of which ±89.05 acres are under forested cover.

Agricultural: The Property contains ±30 acres in active agricultural production. According to the Natural Resources Conservation Service (“NRCS”) Web Soil Survey of the USDA, the Property contains ±82.8 acres of Prime Farmland.

Water Quality: The Property includes frontage on one unnamed perennial stream and one unnamed intermittent stream, both of which drain to Bailey Creek. The Property is located within the Chesapeake Bay watershed.

ConserveVirginia: The Property lies entirely within the “Cultural and Historic Preservation Category” and partially within the “Water Quality Improvement Category” in ConserveVirginia, Virginia’s land conservation strategy that identifies high value lands and conservation sites across the Commonwealth of Virginia.

Other Supporting Governmental Policy:

Federal: (i) “The Report on the Nation’s Civil War Battlefields,” issued by the CWSAC in 1993, authorized under 54 U.S.C. § 100507; (ii) Battlefield Land Acquisition Grant Program administered by ABPP (54 U.S.C. §§ 308101-308103); (iii) The Land and Water Conservation Fund Act, 54 U.S.C. §§ 200301 – 200310; and (iv) NRCS Web Soil Survey.

State: (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) BHR’s practices in reviewing and accepting an easement over this Property, which include review by VDHR’s Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR’s written adopted policies; (v) Chesapeake Bay Preservation Act, Virginia Code Sections 62.1-44.15: 67-97; (vi) Virginia Outdoors Plan: Region 5: Richmond Regional (12.2, 12.3, 12.7, 12.8, 13.93); and (vii) ConserveVirginia.

Local: Future land use for the Property is designated as Suburban Residential 1 and Environmental Protection Area in the Henrico County Comprehensive Plan (adopted August 11, 2009). The comprehensive plan supports the use of conservation and open-space easements at General Development Policy 12 (page 282), provided the easements do not adversely impact planned infrastructure or the pattern of development in the area. Other objectives in support of conservation easements include Land Use and Community Character Objective 38, Natural, Cultural and Historic Resource Objectives 8 and 22 and Rural Keystone Policy 1. By letters dated February 23, 2022 and April 19, 2022, Henrico County confirmed that a historic preservation and open-space easement on the Property is consistent with its current comprehensive plan if DHR’s easement includes language allowing for the widening of Turner Road to 80’ and an allowance for the construction of a 30’ sewer line on Parcel No. 830-686-9264.

Existing Buildings and Structures:

| | |
|---------------------------|-------------------------------------|
| Frame garage | Well |
| Frame shed | Test wells (4) |
| Frame corn crib | Utility transmission and pole lines |
| Cemetery (2-3 graves) | Fences |
| Former dwelling sites (3) | Dirt and gravel roads |

General Easement Terms:

Note: Provisions in italics below indicate non-standard easement template language:

Maintenance and Preservation: Property shall be maintained, preserved, and protected in same or better condition.

Division: Permits one division of the Property into no more than two parcels.

New Buildings, Structures, and Amenities: (i) *one residential dwelling (size TBD)*; (ii) *outbuildings/structures associated with residential use*; (iii) *reconstructions of documented historic buildings/structures*; (iv) *agricultural buildings and structures*; (v) *pervious roads/drives/parking areas*; (vi) *pervious paths/trails*; (vii) *utilities that serve the Property*; (viii) *fences, gates, mailboxes*; and (ix) *outbuildings/structures ancillary to use as a historic site or battlefield park*.

New Construction: construction of new buildings, structures, and amenities, requires prior written approval; use “Secretary of the Interior’s Standards for Treatment of Historic Properties” as standard for review.

Permitted Infrastructure Expansion: *permits future widening/improvement of Turner Road, installation of a 30-foot-wide utility corridor, subject to conditions regarding archaeological survey and avoidance of known archaeological sites; acquisition of land for such purposes shall not be considered a division of the Property.*

Archaeology: ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

Impervious Surface Coverage: cap at 1% or less.

Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

Ground Disturbance: (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of property, except as for construction of permitted buildings, structures, and roads; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

Forest Management: addresses forest management including timbering, replanting, landscape rehabilitation and land conversion consistent with standard easement template; review and approval required prior to battlefield landscape rehabilitation. BMP's required to control erosion and protect water quality when any forest activity undertaken.

Riparian Protection Zone: minimum 35-foot-wide forested/vegetated buffer along the perennial stream and (tentative) intermittent stream; certain activities are prohibited within buffer; livestock shall be excluded from buffer.

Agricultural Conservation Plan (tentative): plan with BMP's required if five acres or more are in active agricultural use.

Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

Signs: restrictions on size and location of signs on property; interpretative signage permitted.

Public Access: easement requires 2 days minimum public access and Property is also visible from a public-right-of way.

Grant Funding: ABPP grant requires specific language for Section 6(f)3 of Land and Water Conservation Fund Act.

Documentation Information:

GPIN Numbers: 830-684-6372, 830-684-9306, 831-683-6383, 831-685-2105, 830-686-9264 and 831-688-1711

Property Owners: Camp Holly Springs, Inc., Camp Holly Holdings, LLC, and Turner Road Preservation, LLC held under The Patricia LaVeri Dowdy Revocable Living Trust dated July 24, 1998; Patricia LaVeri Dowdy, Trustee, and Roland D. Dowdy, III Successor Trustee.

Property Address: 8079 Turner Road, Henrico, VA 23231

USGS Quad: Dutch Gap

Statement of Public Benefit:

Camp Holly Farm is of historic and archaeological significance and is within the boundary of three battlefields with preservation priority ratings from the CWSAC. Restrictions on ground disturbing activities and alterations of historic and landscape resources on the Property, including archaeological sites, and requirements for the maintenance of such resources will ensure the Property retains its historic integrity as a Civil War battlefield landscape. Preservation of the Property will augment efforts to preserve historic properties in Henrico County including approximately 1,505.9 acres already under easement to the BHR. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. Additionally, restrictions on development, new construction, and ground disturbing activities and requirements for forest management in the easement will protect the forested landscape, forest and ecological resources on the Property and the natural benefits associated with forest conservation such as clean air and water. The Property includes frontage on one unnamed intermittent stream and one unnamed perennial stream and is within the Chesapeake Bay watershed. The Property also serves as an important recharge area for the Camp Holly Springs Aquifer. Limiting new construction, timbering, ground disturbing activities and uses of the Property in the Easement will support protection of water quality in the Chesapeake Bay. The Property is visible from Turner Road, a public right-of-way. The easement will require physical public access two calendar days per year. The protection of the Property by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia's historic and cultural resources, including Civil War battlefield landscapes, and to place historic preservation and open-space easements on historic properties.

Staff Recommendation:

The Easement Acceptance Committee recommends acceptance of the Camp Holly Farm easement offer by the Virginia Board of Historic Resources, subject to the following conditions:

1. Prior to easement recordation, receipt of documents authorizing the deed of trust that encumbers a portion of the Property to be subordinated to the easement.
2. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.

043-5080-0010



Camp Holly Springs Tract, Second Deep Bottom Battlefield
Henrico County, Dutch Gap Quad
DHR ID: 043-5090-0010



Created By: D. Bascone, 1/5/2024
Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2020
Records of the Virginia Department of Historic Resources (DHR) have been gathered over many years and the representation depicted is based on the field observation date and may not reflect current ground conditions. The map is for general illustration purposes and is not intended for engineering, legal or other site-specific uses. The map may contain errors and is provided "as-is". Contact DHR for the most recent information as data is updated continually



| | | |
|---|----------------------------|-----------------------------------|
| BHR Meeting Date: September 19, 2024 | Staff: Kyle Edwards | DHR File No. 036-5313-0001 |
| Applicant: Fairfield Foundation ("Foundation") | County: Gloucester | Acres: ±9.241 |

Property Features and Current Use:

The Fairfield II Tract (the "Property") is comprised of a single ±9.241-acre tax parcel located on Cedar Bush Road (Route 633), approximately six miles south of the town of Gloucester. The Property has a generally flat topography and is entirely under forested cover. The Fairfield II Tract is unimproved and currently used for open-space purposes. The Property is adjacent to the Fairfield Tract, a ±229.117-acre property owned by the Fairfield Foundation ("Foundation") and under easement to the Board of Historic Resources ("BHR"). Both properties are part of the Fairfield Archaeological District, a district determined eligible for listing on the Virginia Landmarks Register. The boundaries of the Fairfield Archaeological District are based on the 1847 survey of Fairfield Plantation, an 849-acre property that included a 1649 dwelling, outbuildings and agricultural lands along Carter Creek. Following the Civil War, African Americans formerly enslaved at Fairfield Plantation established their own communities in areas of the former plantation. The Piney Swamp Community was located along Cedar Bush Road in an area that includes the Fairfield II Tract. The Foundation acquired the Property in fee-simple in September 2022 and plans to install a trail and interpretive kiosk. The Property will be open to the public as part of the Fairfield Archaeology Park. A recent survey of the property revealed that a neighbor's shed is currently encroaching on the Property. The Foundation will work with the neighbor to have the shed removed prior to easement recordation. The Foundation was awarded a Virginia Outdoors Foundation ("VOF") Preservation Trust Fund grant. The conveyance of an easement to the BHR is a condition of the grant.

Conservation Values:

Historic/Landscape:

1. The Property is part of the Fairfield Archaeological District, a district found eligible for listing on the Virginia Landmarks Register on June 20, 2024 under Criteria A and D:
 - The Property is eligible for listing under Criterion A as part of "a place that is associated with events that have made a significant contribution to the broad patterns of our history". The Property was once part of Fairfield Plantation, a vast property settled by Lewis Burwell I in the mid seventeenth century. Fairfield Manor (constructed 1694 with later additions), located in the western part of the ±229.117-acre Fairfield Tract, served as the center of plantation life until the Civil War. Following emancipation, several African-American communities remained on lands that were previously part of the plantation. These communities included free African Americans and previously enslaved African Americans. One such community was Piney Swamp located along Cedar Bush Road and extending south and east to Piney Swamp Road. The Piney Swamp Community, composed primarily of farmers and watermen, grew during the late nineteenth and early twentieth centuries to include its own school, Piney Swamp School (active 1893 to 1947), and church, Antioch Church (active 1906 to present). The Property is located directly across Cedar Bush Road from Antioch Church, a cultural and religious center of the Piney Swamp Community.
 - The Property is eligible for listing on under Criterion D as a place that "may be likely to yield, information important in prehistory or history". Given its proximity to Antioch Church and its position along Cedar Bush Road, one of the main thoroughfares of the Piney Swamp Community, it is possible that the Property includes archaeological sites relating to the Piney Swamp Community. Historic map research by Fairfield Foundation also indicates that the Property may include part of a historic road trace.

Archaeological: Although the Property has not been subjected to professional archaeological survey, in the opinion of DHR, the Property has the potential to contain archaeological sites, deposits and features associated with Fairfield Plantation and/or the African American Piney Swamp Community.

Open Space: The Property includes approximately ±9.241 acres of open-space land entirely under forested cover.

Water Quality: The Property contains ±5.69 acres of freshwater/forested shrub wetlands. The Property is located within the Chesapeake Bay watershed.

Other Supporting Governmental Policy:

Federal: (i) The National Historic Preservation Act of 1966 (54 U.S. Sections 300101-307108 (2015, as amended) and Federal Regulations (36 C.F.R. Parts 60.4, 61, 63, and 68); (ii) standards and guidelines promulgated by the Secretary of the Interior for the appropriate treatment of historic properties listed on the NRHP (36 C.F.R. Part 68); and (iii) National Wetlands Inventory.

State: (i) Section 1 of Article XI of the Constitution of Virginia; (ii) Chapter 22 of Title 10.1, Sections 10.1-2200 through 10.1-

2214 of the Code of Virginia; (iii) The Open-Space Land Act, Chapter 17 of Title 10.1, Sections 10.1-1700 through 10.1-1705 of the Code of Virginia; (iv) State Review Board’s determination at a public meeting on June 20, 2024 that the Property meets the criteria for listing on the Virginia Landmarks Register; (v) BHR practices in reviewing and accepting an easement over this Property, which include review by VDHR’s Easement Program staff, review by a committee comprised of VDHR staff from different divisions and review and acceptance by the BHR at a public meeting, as set forth in the BHR’s written adopted policies; (vi) Virginia Outdoors Plan (2018) Region 18: Middle Peninsula (12.2, 12.3, 12.7, 12.8, 13.110); (vii) Chesapeake Bay Preservation Act, Virginia Code Sections 62.1-44.15: 67-79; and (viii) VOF Preservation Trust Fund.

Local: The Property’s future land use designation is Suburban Countryside. The Gloucester County’s *Comprehensive Plan 2016-2036* (adopted February 2, 2016, amended 2022) provides support for the placement historic preservation easements at page 187, the placement of conservation easements at page 205, and support for the preservation efforts of Fairfield Foundation at page 187. By letter dated August 8, 2024, Gloucester County has confirmed that DHR’s proposed historic preservation and open-space easement is consistent with the current comprehensive plan.

Existing Buildings and Structures:

Frame shed (encroachment – to be removed prior to easement recordation)

General Easement Terms:

Maintenance and Preservation: Property shall be maintained, preserved, and protected in same or better condition.

Division: no subdivision or division permitted.

Permitted New Buildings, Structures and Amenities: (i) reconstructions of documented historic buildings/structures; (ii) pervious roads/drives; (iii) pervious paths/trails; (iv) utilities that serve the Property (v) fences, gates, mailboxes; (vi) outbuildings/structures ancillary to use as a historic site.

New Construction: construction of new buildings, structures, and amenities, requires prior written approval; use *Secretary of the Interior’s Standards for Treatment of Historic Properties* as standard for review.

Archaeology: ground disturbance may require professional archaeological survey; owner must take reasonable precautions to protect archaeological sites; no relic hunting.

Impervious Surface Coverage: cap at 1% or less for all construction.

Activities: prohibits activities inconsistent or incompatible with the Conservation Values protected by easement.

Ground Disturbance: (i) grading, blasting, earth removal, or other ground disturbing activities shall not alter topographic aspects of property, except as for construction of permitted buildings, structures, and roads; (ii) mining by any method, dredging on or from the property, or drilling for oil, gas or any natural resource (excluding fresh water), is prohibited.

Forest Management: easement shall address forest management including timbering, replanting, landscape rehabilitation and land conversion consistent with the current standard easement template; review and approval required prior to landscape rehabilitation.

Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.

Signs: restrictions on size and location of signs on property; interpretative signage permitted.

Public Access: easement requires 2 days minimum public access and Property is also visible from a public-right-of way.

Grant Funding: VOF Preservation Trust Fund Grant; easement to include recitals and restrictions for this grant program.

Documentation Information:

Tax Map Number: 38-120

Property Address: at or near Cedar Bush Road (Route 633) | **USGS Quad:** Clay Banks

Statement of Public Benefit:

The Fairfield II Tract is of historic and archaeological significance and is within the boundaries of the Fairfield Archaeological District, a district found eligible for listing on the Virginia Landmarks Register. Restrictions on ground disturbance, archaeological resources and historic resources will ensure the Property retains its historic integrity. Preservation of the Property will augment efforts to preserve historic properties in Gloucester County, including approximately 638.66 acres of land already subject to perpetual easements held by the BHR. Preservation of the open-space and wooded character of the Property preserves a local landscape that attracts tourism and commerce to the area and enhances the quality of life for area residents. The Property is visible from Cedar Bush Road (Route 633) and adjoins the ±229-acre Fairfield Tract, a property already under easement to the BHR. In addition to visibility from a public right-of-way, the easement will require physical public access two calendar days per year. The protection of the Fairfield II Tract by the easement will also fulfill the intent of the 2018 Virginia Outdoors Plan to protect Virginia’s historic and cultural resources, including Civil War battlefield landscapes and resources, and to place historic preservation and open-space easements on historic properties.

Easement Acceptance Committee Recommendation:

The Easement Acceptance Committee recommends acceptance of the Fairfield II Tract easement offer by the Virginia Board of Historic Resources, subject to the following conditions:

1. Final review of the title work, title commitment, survey, draft easement, and other recorded and unrecorded documents affecting title to the property by the Office of the Attorney General. Per this review, counsel may identify additional issues that require documentation or action.

036-5313-0001

Cedar Bush Rd

0 95 190 380 Feet

Providence Rd

DHR VIRGINIA DEPARTMENT OF HISTORIC RESOURCES

Created By: D. Bascone, 7/24/2024
Sources: VDHR 2024, ESRI 2024, VDOT 2024, VGIN 2024
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Fairfield II, Cunningham Tract
Gloucester County, Clay Banks Quad
036-5313-0001

VIOLATION

Notification of Easement Violation

Powell-Ablard House, City of Alexandria (100-0121-0431_ep)

| | | |
|---|---------------------------------|--------------------|
| Board Meeting Date: 9/19/2024 | Staff: Elizabeth Lipford | |
| Owners: Christopher and Courtney Cox | City: Alexandria | Acres: 0.09 |

Property Features and Current Use:

The property consists of a three-bay brick three-story, semi-detached Federal townhouse constructed ca. 1790 and a green space which occupies the south lot. The façade features a detailed terra cotta cornice, decorative wrought iron window boxes at the ground level, and a neo-classical recessed entry. The house is a side-hall plan with a flounder (date unknown) and sunroom addition (2001) to the rear. A flounder is a term used to describe a type of building with a flat elevation and a single roof slope. The historic area of Alexandria is known for its numerous flounders, often constructed as rear additions during the 18th and 19th centuries. A two-story, single bay wood-sided breezeway connects the main house to the flounder. A brick wall extends across the Pitt Street side of the garden space; a small garden shed is in the southeast corner of the yard.

The Powell-Ablard House is a contributing resource in the Alexandria Historic District, a National Historic Landmark District. Alexandria was established in 1749 with its streets laid out in a uniform grid plan. It quickly became the principal seaport of Northern Virginia, witnessing the construction of numerous mansions, town houses, churches, and commercial buildings. Surviving in the Alexandria Historic District’s nearly one hundred blocks is the largest concentration of 18th- and 19th-century urban architecture in the state, constituting one of the finest historic cityscapes in Virginia and the nation. Especially important are the district’s many Federal town houses, of which the Powell-Ablard House is one example. Old Town Alexandria remains one of the few urban areas in the nation to survive intact in such a way as to still convey the built environment of an early town. The Alexandria Historic District was designated a National Historic Landmark in 1966.

The Powell-Ablard House is a private residence, purchased by the current owners in March 2022.

Easement Violation:

On February 8, 2024, DHR staff conducted an easement monitoring visit. A representative of Historic Alexandria Foundation, co-holder of the easement, was present at the monitoring visit. During the visit, DHR staff observed a violation of the 1986 deed of easement. Additional information regarding the modifications to the property by the current owners was requested. This information was received via email on July 1, 2024.

The violation concerns the extensive modifications to the floor plan, interior finishes and the basement. This work included: refinishing of existing historic floors; widening of existing openings; wholesale removal of the historic rear service stair; installation of a new bath; relocation of the kitchen; excavation of the basement to achieve full head height; the addition of two basement level egress windows; and the enclosure of the bedroom firebox. According to the additional information provided by the owner, permits for the work were issued by the City of Alexandria in the Fall of 2022. Additionally, the excavation of the existing basement to one of a full height space necessitated extensive removal of earth. DHR was not contacted for review and approval of the scope of work, nor was a summary archaeological report received for the basement excavation. The owners have conveyed to DHR that they were misinformed as to the purview of the easement protections during the 2022 real estate transaction; however, no contact was made with DHR to confirm such understanding. While this is unfortunate, is incumbent upon a property owner to conduct the necessary due diligence.

On July 30, 2024, DHR issued a formal letter informing the property owner that these incidents conformed to the definition of “major violation” as provided in Easement Program Policy #7.

Pertinent Easement Terms and Restrictions:

An easement over the property was conveyed to the Board and The Historic Alexandria Foundation, Inc. in 1986.

Provision 1 of the 1986 easement states:

The parties at the time of execution of this Deed of Easement shall document the appearance of the Easement Property through photographic or other means acceptable to the Grantees. For the purposes of this easement, the photographs of the Easement Property taken December 19, 1986 (Division of Historic Landmarks negative number 8771) shall constitute the photographic documentation. Thereafter, the Town House will be maintained and preserved in its documented state as nearly as practicable, though structural changes, alternation or additions or improvements as would not in the opinion of the Grantee fundamentally alter the architectural significance or historic character of the house and its setting may be made

thereto by the owner provided that the prior written approval of the Grantee, Virginia Historic Landmarks Board to such change, alternation, addition or improvement shall be obtained.

Provision 2 states:

No building or structure shall be built or maintained on the Easement Property other than (i) the Town House, and (ii) an off-street parking space for no more than two automobiles screened from visibility from Pitt Street by a gate of appropriate height and aligned with the façade. After this Deed of Easement, no building or other structure described herein shall be constructed, altered, restored, renovated or extended on the Easement Property except in a way that would in the opinion of the Grantees be in keeping with the historic character of the Town House and its setting, and provided that the prior written approval of the Grantee Virginia Historic Landmarks Board to such action shall have been obtained.

Provision 6 states:

No archaeological features on the Easement Property shall be disturbed or excavated without having been surveyed by an archaeologist approved by the Grantee Virginia Historic Landmarks Board. A copy of any archaeological report on features on the Easement Property shall be given to the Grantees.

Easement Program Policy #7: Violations:

A violation is defined as (i) any action or event or lack of maintenance that has caused or has the potential to cause harm to the historic resources and features and/or the conservation values of the property that are protected by the easement, or (ii) any action, event, or failure to act that conflicts with or contradicts any restriction or covenant contained in the easement.

The extensive modifications to the floor plan and interior finishes, the excavation of the basement floor and the introduction of two new basement exterior windows absent the review and approval of DHR constitutes a Major Violation of the property's deed of easement. A *Major Violation* is defined as "a violation that results in irreversible damage to the historic resources, features, or conservation values of the property that are protected by the easement".

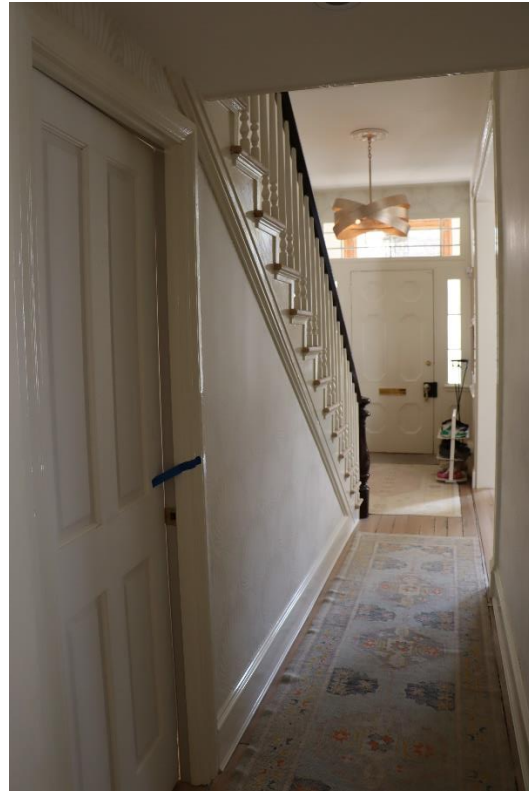
Recommended Remediation Options:

Because the impact to the historic interior and building fabric cannot be restored, it is recommended that the property owners commission the preparation of a Historic Structures Report (HSR). The Powell-Ablard House is a contributing resource to the Alexandria Historic District and has an important history, the details of which are not all known. Such a report will formally document the changes that have transpired at the property, while providing important historical context. A HSR is an important preservation planning tool that will assist in the perpetual stewardship of this property. This report should be completed in a manner consistent with the National Park Service guidance provided in *Preservation Brief 43: Historic Structure Reports*. (<https://www.nps.gov/orgs/1739/upload/preservation-brief-43-historic-structure-reports.pdf>).

Following receipt of the violation notice and a subsequent phone call, the property has agreed to pursue commissioning of an Historic Structures Report for the property. Status updates will be provided to DHR.



1986: Side-passage, two parlor doors



2024: Side-passage, new parlor opening



2024: Side-passage, new parlor opening



1986: Former dining room, view towards side-passage



2024: Former dining room, view towards side-passage



1986: Former dining room, view towards former kitchen and service stair



2024: Former dining room, view towards former kitchen and service stair and new opening to sunporch addition



1986: South wall of main block, view east toward N. Pitt Street



2024: South wall of main block, new basement windows and window wells