



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 21, 2023

The Institute for Advanced Learning and Research
Conference Room 207 (2nd Floor),
150 Slayton Avenue, Danville, Virginia

EASEMENT PROGRAM
BOARD PACKET

PROJECT SUMMARIES

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

September 14, 2023

**NEW
EASEMENT OFFER**

BHR Meeting Date: September 21, 2023	Staff: W. Musumeci	DHR File No. 030-5152-0009
Applicant: The Conservation Fund on behalf of Thomas Ashe, III	County: Prince William	Acres: ±0.93225

Property Features and Current Use:

The ±0.93225-acre Buckland Church property (the “Property”) is composed of a single parcel located along Lee Highway (Routes 15 and 29) in the town of Buckland in Prince William County. Buckland Church (originally known as St. Mark’s Methodist Church) was built in 1856 by local builders Leslie Sanders and Thurston Brown. The two-story frame building originally had two doors on the front facade, one leading to the first-floor sanctuary and a second for direct access to the gallery used by enslaved African Americans (a drawing of the church with its original door configuration is included in Alfred J. Waud’s October 19, 1863 Civil War battlefield drawing, *Buckland from Mr. Hunton’s House, Scene of cavalry engagement with Stuart*). Following the Civil War, a steeple was added to the Church and the two front doors were replaced with a single door providing access to both the sanctuary and the gallery. Later additions include a single-story addition at the back of the church (date unknown) and a single-story portico (ca. 1975). The Methodist Church discharged the building from Methodist use in 1988 when the Property was conveyed to Thomas Ashe, Jr. However, the building continues to be used for religious purposes as it is currently leased to a local congregation. The Church parcel also includes a cemetery with 35 marked graves and an unknown number of unmarked graves. The earliest grave in the cemetery dates to 1861. The cemetery has been inactive for several years and the current owner has no plans to allow future burials. The Conservation Fund (“TCF”) is applying for an American Battlefield Protection Program (“ABPP”) grant to assist with the conveyance of an easement on the Property. Conveyance of an easement to the Virginia Board of Historic Resources (“BHR”) is a condition of the ABPP grant.

Conservation Values:

Historic/Landscape:

- The Property is located entirely within the core and study areas of the Buckland Mills Battlefield, which has been given a Preservation Priority Rating of II.4 Class D by the Civil War Sites Advisory Commission (“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 D are those that had “a limited influence on the outcome of their campaign or operation but achieved or affected important local objectives.”
 - The Battle of Buckland Mills took place on October 19, 1863, following the Union Victory at Bristoe Station and the destruction of a section of the Orange & Alexandria railroad. Union cavalry under Major General Hugh Judson Kilpatrick pursued Major General J.E.B. Stuart’s cavalry along the Warrenton Turnpike (present day Lee Highway, Route 29) but were lured into an ambush near Chestnut Hill and routed. Federal troops were scattered and chased five miles. This retreat became known as the “Buckland Races.” The battle ended in a Confederate victory with a total of 230 casualties.
 - The Property is the location of both the approach and retreat of Brigadier General George Armstrong Custer’s troops during the October 19, 1863 cavalry battle. The Property is visible in Alfred R. Waud’s October 19, 1863 battlefield drawing entitled: *Buckland from Mr. Hunton’s House, Scene of cavalry engagement with Stuart*.
- The Property is a contributing resource to the Buckland Historic District (076-0313), which was listed on the Virginia Landmarks Register in 1987 and the National Register of Historic Places in 1988, with a boundary increase in 2007, and an additional documentation update in 2019.
- The Property is within the Journey Through Hallowed Ground National Heritage Area, a 180-mile corridor stretching from Gettysburg, Pennsylvania to Monticello, near Charlottesville, Virginia designated a National Heritage Area by Congress in 2008.
- The Property is within the Virginia Piedmont Heritage Area, an 1,800-acre area of Northern Virginia designated a Heritage Area by the Commonwealth of Virginia in 1995.

Archaeological:

- The Property is significant for its archaeological potential as the site of a church with associated cemetery.
- 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 Battle of Buckland Mills due to the number of troops and equipment that crossed the Property and the intensity of the fighting that occurred on the Property.

Open Space:

The Property contains ±0.93225 acre of open space land, of which 0.34 acres is under forested cover.

Scenic:

The Property fronts Lee Highway/U.S. Route 15/29, a designated Virginia Byway.

ConserveVirginia:

The Property lies entirely within the “Cultural and Historic Preservation Category” and partially (0.81 acre) within the “Scenic Preservation 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. §§ 30801 – 308103); (iii) National Historic Preservation Act (NHPA) of 1966 (54 U.S.C. §§ 300101-307108), which authorizes the National Register of Historic Places (NRHP); (iv) 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); (v) review and formal recommendation by the State Review Board of the Commonwealth of Virginia of eligibility for listing on the NRHP, made on 12/08/1987; (vi) formal determination by the Keeper of the NRHP that the Property meets the Criteria for Evaluation and subsequent listing of the Property on the NRHP on 6/17/1988; (vii) The Land and Water Conservation Fund Act, 54 U.S.C. §§ 200301 – 200310; and (viii) Journey Through Hallowed Ground National Heritage Act of 2008 (15 U.S.C. § 461).

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) Virginia Code § 33.2-405; (v) Virginia Board of Historic Resources’ determination at a public meeting on 12/08/1987 that the Property meets the criteria for listing on the VLR and Board’s designation of the Property for inclusion on the VLR; (vi) The Board’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 Board at a public meeting, as set forth in the Board’s written adopted policies; (vii) Virginia Piedmont Heritage Area (1995); and (viii) Virginia Outdoors Plan (2018) Region 8: Northern Virginia (12.2, 12.3, 12.7, 12.8, and 13.50).

Local: The Property is currently zoned Agricultural (A-1), and the future land use designation is County Registered Historic Site (CRHS) according to the Prince William County Comprehensive Plan (adopted October 17, 2017), Long-Range Land-Use Chapter, Pages LU-26 and LU-31. See also: Cultural Resources (“CR”) Policies 1, 2, 4, 5 and 7; Long-Range Land Use (“LU”) Policies 5, 11, 12 and 13; Open Space (“OS”) Plan Policies 2 and 4; and Environmental Plan (“EP”) Policies 5 and 6. Prince William County Planning Office confirmed by letter dated November 9, 2020 that placement of an easement on this Property would be consistent with the Prince William County Comprehensive Plan.

Existing Buildings and Structures:

Buckland Church (ca. 1856)	Gravel driveway
Cemetery (ca. 1861)	Flagpole
Storage Shed (ca. 2005)	Sign

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: *exterior of Buckland Church must be maintained in existing condition or better; demolition prohibited; alterations/additions to exterior of Buckland Church require prior review and approval.* Easement restrictions will not extend to the interior of the Church to avoid any possible First Amendment conflicts associated with the placement of an historic preservation and open-space easement on a religious property. Easement may include a provision affirming that the donation of the easement is a voluntary action and its restrictions, and the review processes established therein, do not present a substantial burden on religious exercise.

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

New Construction & Alterations: all new construction and alterations to existing buildings/structures 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 precautions to protect archaeological sites; no relic hunting. *Cemetery Maintenance Plan is required.*

Impervious Surface Coverage: cap at 1% or less for collective footprint.

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

Ground Disturbance: (i) any Ground Disturbing Activities 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.
Forest Management: ; trees and vegetation shall be managed to protect the historic building and cemetery; review and approval required prior to battlefield landscape rehabilitation.
Trash: accumulation or dumping of trash/refuse/junk, or hazardous/toxic material is prohibited.
Signs: restrictions on size and number of signs permitted.
Public Access: easement requires 2 days minimum public access.
Grant Funding: ABPP grant requires specific easement language for Section 6(f)3 of the Land and Water Conservation Fund Act.

Documentation Information:

Tax Map Number: 7196-88-1704

Property Address: 16211 Lee Highway, Gainesville, VA

USGS Quad: Thoroughfare

Statement of Public Benefit:

Buckland Church is of historic and archaeological significance and is within the boundaries of a battlefield 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 and as a contributing resource to the Buckland Historic District. Preservation of the Property will augment efforts to preserve historic properties in Prince William County, including approximately 541 acres of land already subject to perpetual easements held by the Board. 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 Lee Highway, a public right-of-way, and a Virginia Scenic Byway. The easement will require physical public access two calendar days per year. 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 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.

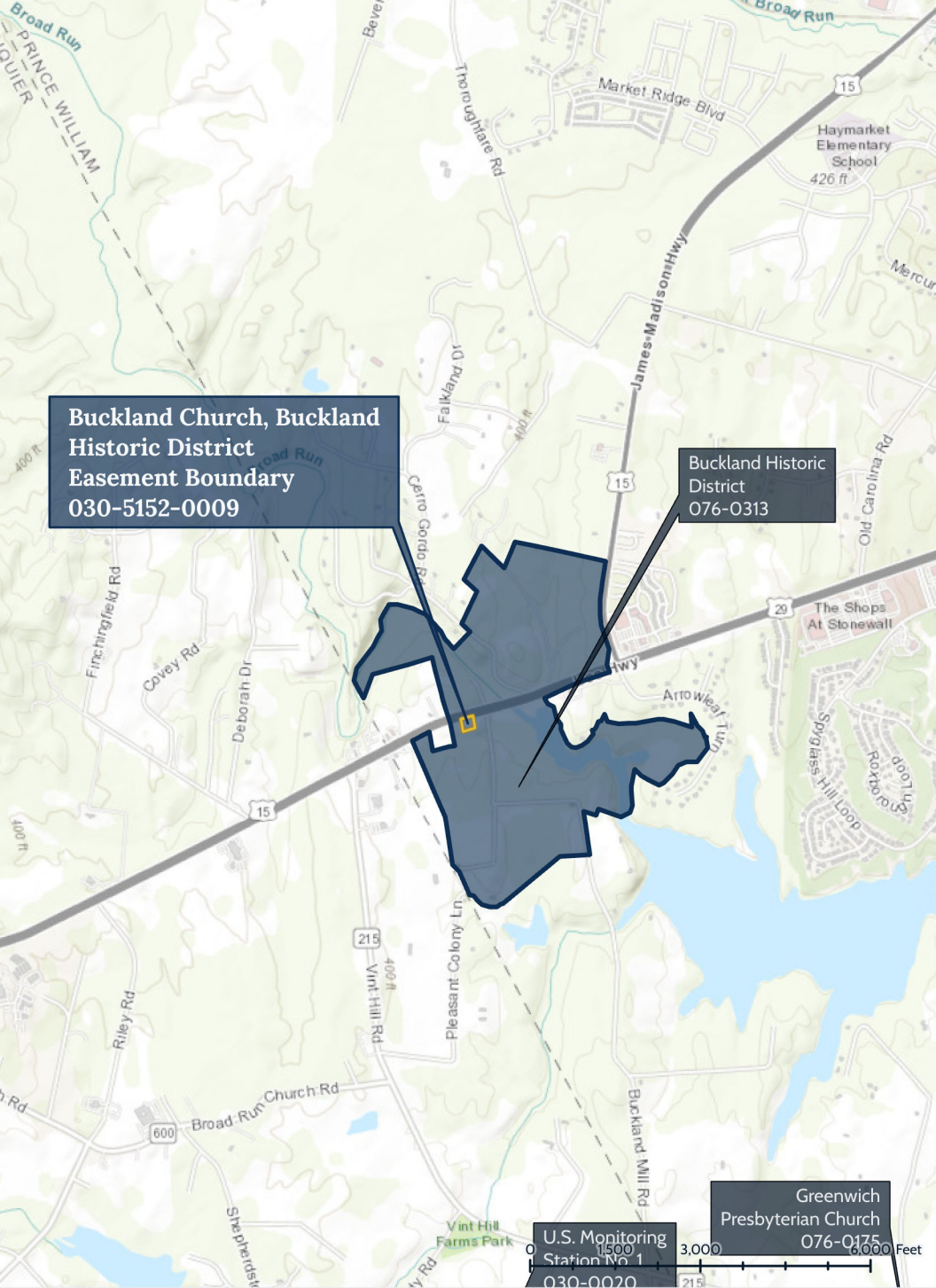
Complexities:

1. The owner plans to continue leasing the Property to a local congregation for religious purposes. DHR has determined that easement restrictions will not extend to the building interior to avoid any First Amendment conflicts.
2. Because the planned use of the Property is for religious services, DHR has requested that the easement includes a term affirming that the conveyance of the easement is a voluntary action, and that the easement does not present a substantial burden on religious exercise.
3. A recent boundary survey revealed that there is an undocumented utility line and two undocumented utility vaults on the Property along Lee Highway. Documentation of these utilities, in the form of an existing utility easement(s), new easement(s) or containment letter(s), is required.

Easement Acceptance Committee Recommendation:

Easement staff recommends approval of the Buckland Church easement offer subject to the following conditions:

1. Inclusion in of a term in the easement that protects the exterior (and not the interior) of the Church.
2. Inclusion of a term in the easement that affirms that the conveyance of the easement is a voluntary action, and the easement, its restrictions, and the review processes established therein do not present a substantial burden on religious exercise.
3. Documentation for the existing utility line and utility vaults along Lee Highway; documentation may consist of an existing easement(s), new easement(s) or containment letter(s) and must be received prior to easement recordation.
4. The Property will be subject to a Cemetery Maintenance Plan to be incorporated into the easement either directly or by reference.
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.




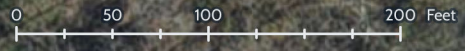
Buckland Church, Buckland Historic District Easement Boundary
030-5152-0009

Buckland Historic District
076-0313

Greenwich Presbyterian Church
076-0175

U.S. Monitoring Station No. 1
030-0020

 030-5152-0009
 Listed Resources



Buckland Church, Buckland Historic District
Prince William County, Thoroughfare Quad
DHR ID: 030-5152-0009

Created By: D. Bascone 8/11/2023
Sources: VDHR 2023, ESRI 2023, VDOT 2023, VGIN 2023
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



VIOLATION

Notification of Easement Violation Berry Hill, Halifax County (041-0004_ep)

Board Meeting Date: 9/21/2023	Staff: Elizabeth Lipford	
Owner: Founders Land SPE LLC	County: Halifax	Acres: 680.69

Property Features and Current Use:

Inspired by the Parthenon, Berry Hill’s monumental mansion is one of America’s grandest expressions of Greek Revival. It was designed by John E. Johnson and completed in 1844 for James Coles Bruce. The entire composition is on as grand a scale as any of Virginia’s domestic architecture. Listed in the National Register of Historic Places and as a National Historic Landmark for its architectural significance, this easement protects the historic mansion, numerous historic outbuildings, historic ruins, two cemeteries, as well as the vast acreage.

The property is entered by a driveway lined with trees leading to the Manor House. Around the manor house are gardens and stone walls. A modern hotel, spa, aquatic complex, and tennis courts are situated southwest of the house. Southeast of the house are several historic farm outbuildings. East of the house is the family (Bruce) cemetery and a terraced yard. There is an intact slave house and modern multi-bay equipment building along the road known as ‘Berry Hill Lane’. This road continues south and then east through open fields and forested areas where the Diamond Hill slave cemetery, tobacco barn, and the stone, three room slave dwelling ruin is located. The northern portion of the property features four stone slave house ruins, the foundation of a historic stable, a small lake with a fisherman’s cottage, and the overseer’s house near the main entrance from River Road.

Berry Hill operates as a resort and conference center. The property is also used for private weddings and events. Darby Tavern, located in the historic dependency wing, is open to the local community in the evenings as a bar, restaurant, and pool room. Visitors are welcome to tour the grounds.

Easement Violation:

On April 18, 2023, DHR conducted an easement monitoring visit. During the visit, staff observed a violation of the 2001 amended deed of easement. This violation concerns the partial demolition of the protected historic outbuilding identified in the deed of easement as the “two-part overseer’s house.” Staff observed that the rear east wing and its connecting hyphen had been removed from the dwelling. The exact date of construction of the rear wing is unknown, however, it had been previously identified as a nineteenth century addition and is part of the historic period of significance for the property. In addition, the rear yard of the house had considerable demolition debris still present and the area where the wing originally connected to the main body of the house had not been properly secured. This demolition occurred without DHR’s review and approval.

Furthermore, the DHR Present Conditions Report from 2011 noted “*The Two-Part Frame Overseer’s House is one of the ancillary structures specifically protected by the provisions of the easement. At a minimum, this building requires immediate stabilization and mothballing.*” Annual Monitoring Reports from 2016, 2017, and 2019 all noted the poor condition of the building and the report from 2019 stated, “*The original house appears to be in generally sound, however the east addition is in poor condition and should be stabilized.*”

On July 27, 2023, in consultation with the Director of Preservation Incentives, 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:

Easements over the property were conveyed to the Board in 1991, 1992 and 1993. On October 18, 2001, an amended easement was conveyed to the board encompassing the provisions of the previous easements.

Paragraph 2 of the 2001 easement states:
*No building or structure shall be built or maintained on the Easement Property other than (i) the manor house with its historic service wing and modern dining wing; (ii) the following historic ancillary buildings and structures: the temple-front dependencies, the log tenant house, the log corn crib, the antebellum granary, the carriage house, the ice house, the smokehouse, the frame granary, the stone foundations of the barn, **the two-part frame overseer’s house**, the intact east slave house, the ruins of the northeast slave house, the ruins of the two west slave houses, the (iii) other buildings or*

structures existing on the Easement Property as of the date of this Amended Easement; (iv) fences, walls, or other structures necessary or appropriate for the protection and respectful commemoration of the Berry Hill slave cemetery and the Bruce family cemetery; (v) buildings or structures necessary or appropriate for the use of the property for business or institutional use, including but not necessarily limited to guest facilities, employee quarters, recreational amenities, and maintenance buildings and structures; (vi) on each parcel which is subdivided from the parcel containing the manor house, as permitted under Paragraph 16 herein, one single-family residence and buildings or structures commonly or appropriately incidental thereto, including but not limited to a garage, garden structures, and guest house; (vii) farm buildings and structures; and (viii) reconstructions of historic outbuildings or structures which are documented through professional historical or archaeological investigation to have been located on the Easement Property. All new buildings and structures are expressly made subject to the provisions of Paragraph 4 herein.

Paragraph 3 of the 2001 easement states:

The manor house and the historic ancillary buildings and structures listed in Paragraph 2 shall not be demolished or removed from the Easement Property, nor shall they be altered, restored, renovated, or extended, except in a way that would, in the opinion of the Grantee, be in keeping with the historic character of the Easement Property, and provided that the prior written approval of the Grantee to such actions shall have been obtained.

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 neglect and demolition of the east wing and connecting frame hyphen of the two-part overseer's house 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:

National Register of Historic Places nomination form update: Berry Hill was listed on the Virginia Landmarks Register in 1968 and on the National Register of Historic Places in 1969. In 1971 it was designated a National Historic Landmark by the Secretary of the Interior. The 1969 National Register nomination form is brief, consisting of two paragraphs that generally describe the property and a one paragraph statement of significance. While this was common practice for nomination forms in the early years of the historic register program, nomination forms from this era offer little information on the history of a property and few details on existing resources, thereby, minimizing their usefulness as a preservation planning document. Current standards and guidelines for nominating properties to the National Register of Historic Places require scholarly based research, well developed historic context, justifiable statements of significance and thorough descriptions of every resource, both contributing and non-contributing, within the nominated boundaries.

An updated nomination for Berry Hill, in accordance with current National Park Service standards, will assist the owners of Berry Hill in comprehensive planning for the property by providing clear statements of significance and a complete inventory of resources, including those specifically protected by the easement. The updated nomination will also benefit the Board of Historic Resources and the DHR easement staff as they continue to advise the owners on stewardship and appropriate protection strategies for this nationally significant landmark.

The updated National Register nomination form shall be consistent with the procedures established by the U.S. Department of the Interior, National Park Service *National Register Bulletin 16A: How to Complete the National Register Registration Form (1997)* and all requirements as outlined in DHR's *National Register of Historic Places and Virginia Landmarks Register Nomination Process*. Land SPC LLC will be responsible for procuring the services of qualified professionals who meet or exceed the standards for professional qualifications as specified by the U.S. Secretary of the Interior (*The Secretary of the Interior's Professional Qualification Standards 48 FR 44738-9, September 29, 1983*). The National Register criteria, the areas of significance and the period of significance for the nomination update will be determined in consultation with DHR.

Archaeological Investigations at the two-part frame overseer's house: According to DHR's VCRIS database, Site 44HA0126 is the corresponding archaeological resource associated with the overseer's house structure. Although this resource was initially identified in 1992, the existing site form includes minimal data given that the site area was only visually inspected with no excavation taking place. With the loss of the east wing and connecting hyphen on the overseer's house, a

professional archaeological survey of the yard area surrounding the structure may yield evidence that will lead to a better understanding of the use and evolution of the structure as well as its relationship to the larger plantation landscape.

This survey effort should include the systematic close interval shovel testing of the entire yard area. The testing effort may then be supplemented by the excavation of additional test units in areas exhibiting dense artifact concentrations or potential for subsurface cultural features as evidenced by the shovel test program. While the test area should extend over the entire yard, particular attention should be focused on the area around the former foundation of the east wing addition. Following the completion of the fieldwork, a technical report summarizing the project results will be prepared. Both the fieldwork and technical reporting will be conducted in manner consistent with DHR's *Guidelines for Conducting Cultural Resources Survey in Virginia* (2011, rev. 2017) and by qualified professionals who meet or exceed the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9, September 29, 1983) in archaeology, anthropology, or a related discipline. DHR requests the review and approval of the scope of work and project research design prior to the beginning of the field survey as well as review of the final technical report summarizing the fieldwork results.

Archaeological management plan and predictive model: According to DHR's VCRIS database, there are currently 17 previously recorded archaeological resources located within the boundary of the Berry Hill easement property. Most of these sites are associated with the 19th century plantation landscape, including the remains of stone dwellings for enslaved laborers on the property, industrial quarry sites, and a well-preserved cemetery for the enslaved community. Although this universe of resources has been identified, much of the information contained in the site forms should be considered preliminary as none of these resources appears to have been subjected to any type of formal archaeological survey or investigation. Further, given the general lack of systematic professional survey, there are undoubtedly additional resources on the approximately 680 conserved acres that comprise the property that have yet to be identified.

Given this, the creation of an archaeological management plan and predictive model for the entire property would be a valuable resource for the future management and stewardship of the property's cultural heritage. This plan should include the following: 1) a condition and integrity assessment for all previously recorded archaeological resources on the property, 2) recommendations for stabilization and treatment of the existing ruinous structures, 3) a historic context for the property, 4) communication and best practices protocols for responding to unexpected archaeological discoveries, and 5) creation of an archaeological predictive model for the entire property. This predictive model should include, but not be limited to, the analysis of multiple datasets such as, previously identified archaeological resources in the region, regional hydrology and pedology information, topographic analysis, and review of historic map and aerial photographic material. Taken together, these various data groups should be utilized to delineate areas of probability or likelihood for archaeological sites for the property. These areas for high, moderate, or low probability should be delineated on a map of the property with corresponding survey and management recommendations for each.

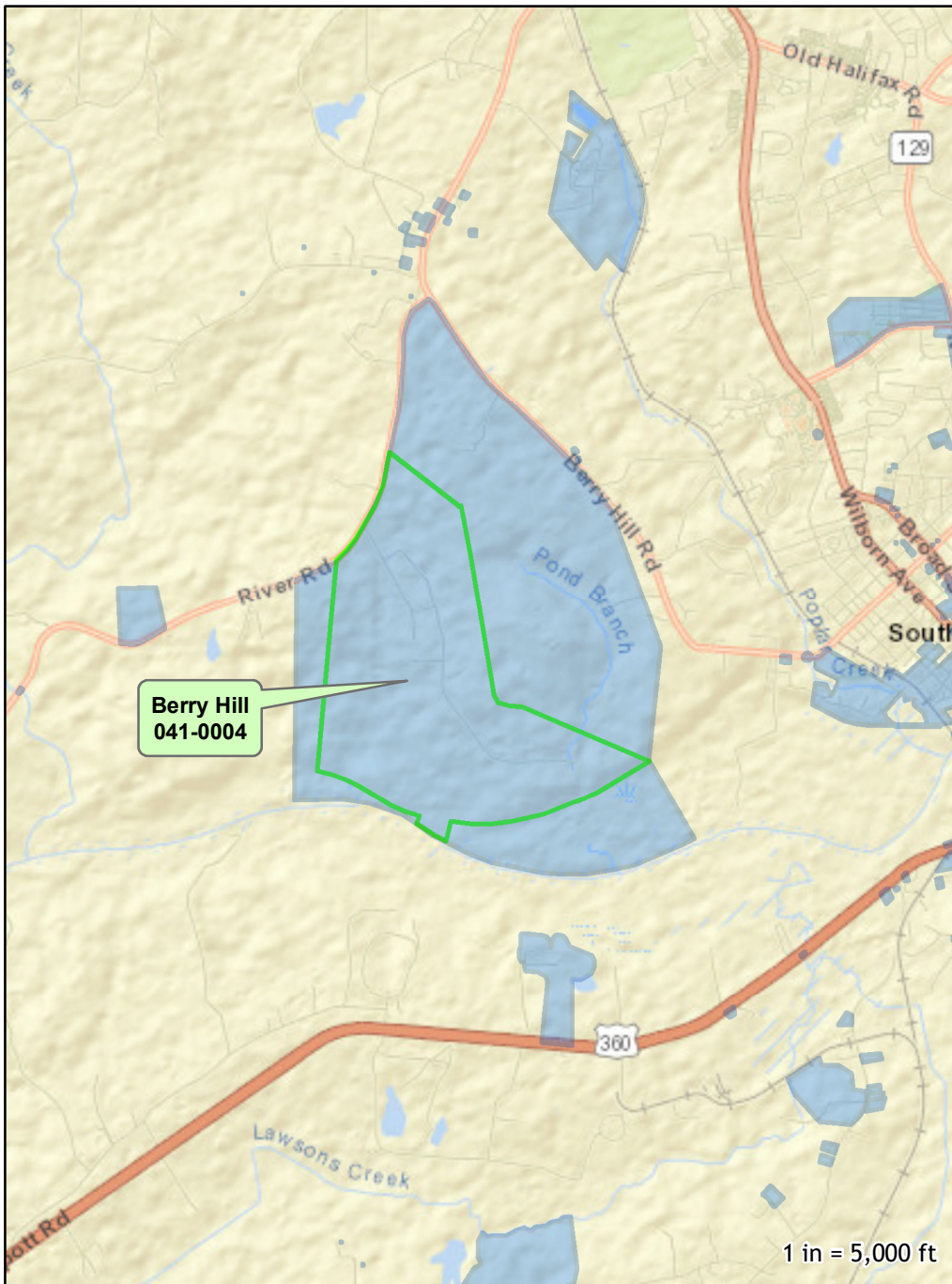
The research, field analysis, and technical reporting will be conducted in manner consistent with DHR's *Guidelines for Conducting Cultural Resources Survey in Virginia* (2011, rev. 2017) and by qualified professionals who meet or exceed the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9, September 29, 1983) in archaeology, anthropology, or a related discipline. DHR requests the review and approval of the scope of work and project research design prior to the beginning of the project as well as review of the final technical report summarizing the plan and modeling results.



2019



2023



Berry Hill
Halifax County, South Boston Quad
DHR ID: 041-0004_ep

- Architecture Resources
- DHR Easements



Created By: B. McDonald September 11, 2023
 Sources: VDHR 2020, ESRI 2020, VDOT 2020, VGIN 2022
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DHR
 Department of Historic Resources

**EASEMENTS RECORDED
SINCE THE
JUNE 15, 2023 MEETING**

BHR Meeting Date: September 21, 2023	Staff: W. Musumeci	DHR File No. 043-5080-0008
Donor: Richmond Battlefields Association	County: Henrico County	Acres: ±2.724

Property Description:

The Richmond Battlefields Association ("RBA") has conveyed a perpetual historic preservation and open-space easement to the Virginia Board of Historic Resources ("BHR") over the Perreault Tract in Henrico County. The easement protects 2.724 acres of historically significant open-space land. Located off Yahley Mill Road in eastern Henrico County, the Perreault Tract is situated in a rural residential and agricultural area of the county. The property is currently vacant but was most recently used for residential purposes. Primarily in wooded cover, the topography of the land is relatively level before sloping to a ravine/drainage area along an intermittent stream that forms the eastern boundary. The remains of a well-preserved, intact portion of a linear Confederate defensive earthwork constructed during the American Civil War is located along the west property boundary. This earthwork was built prior to the 1864 Battles of First and Second Deep Bottom, as a northward extension of the Confederate position at New Market Heights.

The property contains ±2.724 acres of land 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") as described in The Report on the Nation's Civil War Battlefields (1993). The Battle of Second Deep Bottom was part of a larger attempt by Union General Ulysses S. Grant to capture the city of Petersburg. In August 1864, Grant called upon Major General Winfield S. Hancock's II Corps to attack Confederate General Robert E. Lee's fortifications around Richmond. On August 13-14, the Union II Corps, X Corps, and a cavalry division crossed the James River at Deep Bottom, moving north and east. Confederate forces led by Major General Charles W. Field were already entrenched on or near the property, in a defensive line located west of Fussell's Mill and millpond. On August 15, Grant instructed Hancock to shift the X Corps from west of Four Mile Creek to the right and east of Bailey's Creek near the property. During the Fussell's Mill phase of the battle on the next day, Union Brigadier General Alfred H. Terry's division pushed through the Confederate defenses, delivering a heavy assault. As part of this action, Union Brigadier General Robert S. Foster moved across the property against earthworks and rifle pits defended by Confederate Brigadier General C.C. Sanders' Alabama brigade. Foster captured several north-south ravines in front of the main Confederate line, but not the line itself. Confederate forces under Field's command fled into the woods and awaited reinforcements. After help arrived, the Confederates surged back across the Property and eventually restored their line. Several days of inconclusive skirmishing followed the August 16 engagement.

The Battle of Second Deep Bottom is significant because of its association with African American military heritage and the contributions made by the United States Colored Troops ("USCT") during the Civil War. The United States government authorized and encouraged the enlistment of black military units in 1862. Units of the 29th Regiment Connecticut Infantry (Colored) and the 7th and 9th USCT infantry regiments engaged in activity north of the James River and Deep Bottom between August 13 and 20, 1864. The presence of the USCT at Deep Bottom and Fussell's Mill represents the importance of these troops not only to these battles, but also the ultimate victory of the Union Army toward the end of the war. The Perreault Tract is also entirely within the study area of the 1864 Deep Bottom I Battlefield, which has a Preservation Priority II.3 Class C Rating from the CWSAC.

Additional conservation values associated with the property and protected in the easement include ±2.42 acres of forested cover and ±200.3 feet of frontage on an unnamed intermittent stream. The stream, which is a tributary of Bailey Creek and feeds into the James River and the Chesapeake Bay, has an existing forested riparian buffer at least 35-feet wide. The Property adjoins ±30.5 acres of land and lies near another ±24.89 acres of land owned by RBA and protected as Civil War battlefield lands, and the preservation of the property by the easement will create a contiguous corridor of perpetually protected historic landscape on the east and west sides of Yahley Mill Road.

RBA acquired the property in 2018 and used a Virginia Battlefield Preservation Fund grant to assist with fee-simple acquisition of the tract. Conveyance of a perpetual historic preservation and open-space easement is a requirement of the grant. In accordance with the conditions for approval set by the BHR, the Virginia Department of Historic Resources and RBA have executed a written Rehabilitation and Management Plan for demolition and removal of the non-historic residential improvements on the property and rehabilitation of the battlefield landscape. RBA intends to install trail and signage for interpretation of the property as a Civil War battlefield and provide battlefield tours led by RBA and/or National Park Service historians.

Documentation Information:	
Tax Map Number: 835-688-4546	
Property Address: 7945 Yahley Mill Road, Richmond, Virginia 23231	USGS Quad: Dutch Gap
Board Approval:	Easement Recordation Date:
March 17, 2022	July 27, 2023



BHR Meeting Date: September 21, 2023	Staff: W. Musumeci	DHR File No. 043-0307-0002
Donor: CRLC Land Holdings, LLC	County: Henrico County	Acres: ±49.09

Property Description:

CRLC Land Holdings, LLC has conveyed a perpetual historic preservation and open-space easement to the Virginia Board of Historic Resources over the Haskins Tract in Henrico County. The Capital Region Land Conservancy (“CRLC”), a Virginia nonprofit corporation and sole Member of CRLC Land Holdings, LLC, stewards and manages the property. The easement protects ±49.09 acres of historically significant open-space land. Located near the intersection of Virginia Route 5 and Interstate 295 in eastern Henrico County, the Haskins Tract is an irregularly shaped tract of vacant land. Its topography consists of forested terrain with a gently sloping upland terrace that drops to a lower and relatively flat area between the terrace and a perennial stream. This northeast flowing stream is an unnamed tributary of Four Mile Creek and aligns with a portion of the eastern and southern property boundaries.

The property contains a historically significant landscape that was the site of five different battles associated with the American Civil War: Glendale (1862), Deep Bottom I (July 1864), Deep Bottom II (August 1864), Chaffin's Farm/New Market Heights (September 1864), and Darbytown and New Market Roads (October 1864). Of these, the Battle of Chaffin's Farm/New Market Heights is noteworthy, as the entire property falls within the core area of the battlefield as determined by the Civil War Sites Advisory Commission in *The Report on the Nation's Civil War Battlefields* (1993). In late September 1864 Lt. Gen. Ulysses S. Grant sought to divert Confederate forces from Petersburg by ordering an attack on the fortified Confederate position southeast of Richmond along New Market Road (present day Virginia Route 5). Constructed during the summer of 1864, these fortifications, known as the “New Market Line,” became a primary point of resistance for Confederate infantry during the battle. At dawn on the morning of September 29, troops under Maj. Gen. David Birney X Corps attacked the heights above New Market Road while a second column attacked Fort Harrison further to the west. The easternmost wing of Birney’s forces crossed the James River at Deep Bottom, pushed north and west through swampy terrain and abatis in the direction of the Haskins Tract, and assaulted the Confederate defenses along the front slope of the heights just south of New Market Road. Three brigades of United States Colored Troop (“U.S.C.T.”) regiments under Brig. Gen. Charles Paine engaged in much of the fighting that occurred on or near the property. Under the overall command of Confederate Brig. Gen. John Gregg, the Texas Brigade, Richmond Howitzers artillery, and dismounted calvary under Gen. Martin W. Gary defended New Market Heights. Birney’s attack on the high ground was initially successful, capturing the Confederate position along the New Market Road and cutting through the property. The Confederates fought back, containing the breakthrough, but were unable to retake their original positions in counterattacks on September 30. While the Battle of Chaffin’s Farm/New Market Heights resulted in a stalemate with approximately 5,300 total casualties, Grant’s objective was achieved as Lee was forced to move troops from Petersburg to strengthen Richmond’s defenses.

The property includes a well preserved 650-foot segment of the “New Market Line” system of earthen fortifications and is located near the successful breakthrough made by the 22nd U.S.C.T. Critical features present during the Civil War battles also remain intact on the property, including the military fortification, as well as the property’s undeveloped open-space land, the presence of the unnamed creek along the south-southeastern boundary, and the alignment of New Market Road to the north of the property. The Battles of First Deep Bottom, Second Deep Bottom and Chaffin’s Farm/New Market Heights are also significant because of their association with African American military heritage and the contributions made by the U.S.C.T. during the Civil War. The United States government authorized and encouraged the enlistment of black military units in 1862. Service records indicate that multiple U.S.C.T. regiments as well as the 29th Connecticut (Colored) and 2nd U.S. Colored Cavalry (dismounted) fought at Chaffin’s Farm/New Market Heights. Many of these regiments also fought during the Battles of Deep Bottom I and Deep Bottom II. The presence of the U.S.C.T. represents the importance of these troops not only to individual battles, but also the ultimate victory of the Union Army toward the end of the war.

Additional conservation values associated with the Haskins Tract and protected in the easement include ±46 acres of forested cover, ±20.3 acres of soils identified as Prime Farmland, ±5.92 acres of non-tidal freshwater/forested shrub, freshwater emergent, and riverine wetland habitat, and ±2,300 feet of frontage on an unnamed perennial stream. The stream, which is a tributary of Four Mile Creek feeds into the James River and the Chesapeake Bay and has an existing forested riparian buffer at least 100-feet wide. The property adjoins the Lower James River Important Bird Area (“IBA”) for migratory species. The IBA is an effort to identify, monitor, and protect the most important places for birds. The property is also documented by the Department of Conservation and Recreation to be a predictive habitat for natural heritage resources. Conservation of this property adds to the ±1,111 acres of land already protected by historic preservation and open-space easements held by the Board of Historic Resources in Henrico County.

Acquisition of the property in 2023 by CRLC Land Holdings, LLC was funded, in part, with an American Battlefield Protection Program Battlefield Land Acquisition Grant and a Virginia Land Conservation Fund grant. Conveyance of a perpetual historic preservation and open-space easement to the Virginia Board of Historic Resources is a requirement of the grants. BHR easements are administered by staff at the Virginia Department of Historic Resources. CRLC intends to interpret the property for its historic battlefield significance through a publicly accessible pedestrian trail, signs, tours, educational programming, and other similar activities.

Documentation Information:

Tax Map Number: 821-682-4167

Property Address: No 911 Address; Off Frontage Road "F", Henrico, VA 23231 **USGS Quad:** Dutch Gap

Board Approval: **Easement Recordation Date:**

March 16, 2023 August 29, 2023

