

REPORT OF THE
DEPARTMENT OF HISTORIC RESOURCES ON

~~Brandy Station Battlefield and~~
Bristoe Station Battlefield Study

• TO THE GOVERNOR, THE GENERAL ASSEMBLY OF VIRGINIA,
AND THE BOARDS OF SUPERVISORS OF THE COUNTIES
OF CULPEPER, FAUQUIER AND PRINCE WILLIAM



SENATE DOCUMENT NO. 3

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PREFACE

In 1992, the General Assembly passed S 514 directing the Virginia Board of Historic Resources to reconsider its previous designations of the Brandy Station Battlefield in Culpeper and Fauquier counties and of the Bristoe Station Battlefield in Prince William County by July 1, 1993. To assist the Board in that reconsideration, the Assembly directed the Department of Historic Resources to examine several questions pertaining to those designations. The Department's study included an examination of a range of non-historical issues related to community planning and the two designations; an examination of priority areas and strategies for preserving those areas within the two battlefields; and an examination of documentary information related to the historical significance of the two battlefields. The study included close consultation with the local governments and owners of property affected by these previous state landmark designations.

Hugh C. Miller, Director of the Department of the Historic Resources, led the public participation process for the study. In cooperation with Department staff, Al Stem, a private management consultant, facilitated a series of interactive citizen focus group meetings and public meetings in Culpeper and Fauquier. Robert A. Carter served as staff team leader, principal investigator, and principal author of this report. Virginia E. McConnell researched and prepared the study findings on current and future land use in Culpeper, Fauquier and Prince William counties. Julie L. Vosmik designed and coordinated the Department's field investigation of the Brandy Station study area, which was conducted by Ashley Neville, an independent consultant. Bruce J. Larson compiled findings on likely federal undertakings associated with expected development in the two study areas. Ann M. Andrus assisted in the consultation with local governments and property owners as a member of the staff study team. John S. Salmon, who prepared the original nomination documentation for the Brandy Station Battlefield, assisted in the preparation of maps for several public presentations. Sandra D. Mayer provided invaluable secretarial support for the study. Margaret T. Peters coordinated arrangements for the three public hearings and two public meetings related to the study.

The Department wishes to acknowledge the following members of the General Assembly of Virginia who followed the progress of the study with special interest and attention: the Hon. Charles J. Colgan and the Hon. Kevin G. Miller of the Senate of Virginia; and the Hon. John J. Davies, the Hon. Robert G. Marshall, the Hon. Harry J. Parrish, and the Hon. Jerry M. Wood of the House of Delegates of Virginia.

The Department thanks the Culpeper County Board of Supervisors, Jack E. Fincham, Chairman; the Fauquier County Board of Supervisors, Georgia H. Herbert, Chairman; and the Prince William County Board of Supervisors, Kathleen Seefeldt, Chairman, for their cooperation and support. Culpeper County Administrator Norma Dunwody and her staff, Fauquier County Administrator G. Robert Lee and his staff, and Prince William County Administrator James Mullen and his staff responded with alacrity to all requests for information and provided

invaluable assistance in many other ways throughout the study. The assistance of the following County staff members, who served as the Department's points of contact for the study, proved indispensable: John C. Egertson, Culpeper County Planning Commission Director; Albert Goldsmith, Fauquier County Planning Commission Director; and Douglas James, Prince William County Planning Commission Director. Prince William County Planner Thomas W. Eitler also provided invaluable assistance to the Department.

The following property owners and citizens accepted the Department's invitation to participate in this study either by submitting written comments or by participating in focus group meetings related to the study: Kaye Andrus, Michael H. Armm, Audrey Austin, Mr. & Mrs. John R. Aylor, John A. Berna, Candace Bowen, Edward Byrnes, Judith A. Covell, Robert Edward Lee Currier, David W. Evans, William F. Foster, Robert Foster, Mr. & Mrs. William R. Frazier, Helen Geisler, Lena Groves, Paul M. Groves, Francis D. Griffith, Jr., Charles K. Gyory, Mr. & Mrs. Peter G. Gyory, Clark B. Hall, Mr. & Mrs. Eugene F. Hankinson, Ms. Sue Hansohn, Mr. & Mrs. E.D. Hopkins, Wayne E. Lenn, Mr. Guy H. Lewis, III, Mr. & Mrs. Benjamin B. Mitchell, III, James H. Marshall, Dewane and Tyree Pelan, Mr. and Mrs. Robert Postens, David R. Riso, Albert Rollins, Claire Rollins, Milton C. Rollins, Lillian M. Rollins, Veronica Rollins, St. James Vestry, Beaulah Setti, William A. Spillman, III, Phillip Scott Stratton, and William V. and Marcus Wren.

The Department thanks all citizens who attended public meetings or presented comments at the three public hearings conducted by the Department. A transcript of comments by all participants in the three public hearings is part of the official record of this study.

The following staff members of the Virginia Department of Transportation gave timely assistance and information: Commissioner Ray D. Pethel, Earl T. Robb, Ken Phillips, Cooper Walmsley, E.C. Cochran, Dennis Gilbert, Lennie Delarlie, William C. Jeffrey, Robert Connock and Larry Garber. Robert Henson and Phil Lownes of the Virginia Department on Game and Inland Fisheries also provided helpful information on various study issues.

EXECUTIVE SUMMARY

The Department of Historic Resources has completed a study of several questions related to the Board of Historic Resources' previous designations of the Brandy Station Battlefield in Culpeper and Fauquier counties and the Bristoe Station Battlefield in Prince William County as Virginia Historic Landmarks. Pursuant to S 514, passed by the 1992 General Assembly of Virginia, the study addressed the following issues:

1. An examination of (i) all land uses permitted by existing zoning within the designated areas, (ii) possible land uses pursuant to any zoning changes currently contemplated by the counties or indicated by their current master plans, and (iii) all development proposals made known to the Department of Historic Resources by the counties or by the property owners;
2. An identification of those development proposals that may by necessity or choice be dependent upon federal funding or licensure, and thus subject to the consultation process required by Section 106 of the National Historic Preservation Act and, to the extent practicable, an identification of probable outcomes of that consultation process and of possible strategies for successful resolution of any disagreements;
3. An analysis of the Virginia Department of Transportation's continuing ability to meet existing transportation needs, as well as those needs created by anticipated development, in the historic districts;
4. An identification of any smaller areas within the designated historic districts that the Department of Historic Resources believes should be high priority areas for preservation and an identification of strategies for accomplishing that preservation in a manner that is fair to current property owners; and
5. An examination of the documentary information that led to the designation and of any new or additional documentary information presented to the Department, in order to determine whether either or both of the designations or the boundaries of the historic districts were based on any error of fact and whether these findings provide grounds for recommending that the designations be amended or withdrawn;
6. An analysis of whether either or both of the designations by the Board of Historic Resources of the battlefields as historic districts, or the determinations of eligibility for the National Register of Historic Places made by the National Park Service pursuant to the National Historic Preservation Act, should be amended or withdrawn as the development identified in item 2 is carried out.

In gathering information and gauging public opinion on the full range of questions presented to its staff for study, the Department consulted closely with the local governments and the property owners affected by the two previous designations.

What Conclusions Does the Department Draw from Its Findings?

While the Department believes the Board's previous designations of the Brandy Station and Bristoe Station battlefield were based on accurate historical research, it acknowledges that there appears to remain strong opposition to the scope of the previous designations within the affected communities. Consultation with local residents has so far failed to identify any workable alternative resource-based designations that would have the support of a majority of the affected property owners.

In the event that the current designations are removed due to owner objection, the Department has no plans to prepare or sponsor alternative designation proposals. However, the Department will present to the Board of Historic Resources for serious consideration any alternative resource-based designation proposal that is prepared by property owners or other interested parties.

Whatever may be the result of efforts to identify and designate the entire Brandy Station Battlefield or the Bristoe Station Battlefield, the Department affirms that land-use planning for preservation is the province of local government. While consultation with local residents has so far failed to identify any overall agreement on preservation strategies for the battlefields, the Department commends Culpeper County, Fauquier County and Prince William County for acknowledging the importance of historic resources in their community planning and encourages them in their efforts to develop planning strategies that are sensitive in some measure to the battlefields.

A detailed plan initiated by local government for managing preservation and development within the Brandy Station Battlefield could serve as the basis for private preservation initiatives, for review of federal undertakings under the 106 review process, and for VDOT's planning.

The proposed establishment of a sector plan for the Bristow area of Prince William would appear to present a timely opportunity to develop appropriate goals, objectives and performance criteria for preservation and development within the Bristoe Station Battlefield and the larger sector of which it is an important element.

While the Department cannot recommend any alternate designations to the Board for its consideration at this time, **the Department recommends that the Board take the opportunity of its reconsideration to remove the state historic landmark designations from the Brandy Station Battlefield and the Bristoe Station Battlefield, if that is what a majority of the property owners want.**

Current and Future Land Use

Based on information provided by the Counties regarding current and future land use within the designated battlefields, the Department found that:

The Culpeper comprehensive plan anticipates significant development within the area which the Board designated as the battlefield. However, the plan acknowledges the existence of the battlefield and lists several specific sites within the battlefield as preservation areas that should somehow be protected within the overall development scheme. The plan also talks more generally about the need for sensitivity to the battlefield in developing the area.

The Fauquier plan anticipates that the area designated in Fauquier will remain essentially rural in character. It also generally recognizes the need to be sensitive to historic resources in the County.

Prince William's comprehensive plan identifies a number of local planning tools which could be used effectively to ensure that the most significant areas within the Bristoe Station battlefield are preserved and interpreted. The County assumes that a higher density of development within Bristoe Station Battlefield is inevitable, unless a third party steps in to purchase the land from the current property owners at fair market value for preservation purposes. The Prince William plan calls for any applicant for rezoning to address various policies and action strategies related to the preservation or development of the Bristoe Station Battlefield.

The comprehensive plans by their nature are not intended to set detailed guidelines for the physical characteristics of new construction, nor do they prescribe the effect which development will have on the character and integrity of the battlefields. Development of a sector plan for the Bristow area of Prince William is now underway.

Meeting Current and Future Transportation Needs

Regarding the ability of the state and localities to meet the current and future transportation needs within the designated areas, the Department found:

Culpeper County is concerned that the inclusion of major transportation routes in the previous designation may prevent or delay needed transportation improvements in the future. Both Culpeper County and VDOT anticipate that flexibility is needed to meet the demand of interstate traffic along the Route 29 corridor. It is also anticipated that local roads within the designated battlefield, some of which are substandard, will need to be improved to accommodate expected growth. Growth is expected to continue within the Route 29 corridor. A study group is now examining future transportation needs within the Route 29 corridor. Issues under study include avoidance of strip development and the possibility of acquiring access rights and compensating landowners.

Prince William County's plans do not regard the current state designation as placing any major obstacle in the way of meeting its current or future transportation needs. The County's proposed long range road network within the area of the battlefield is based on the assumption of buildout at expected future land uses at median densities. The County puts the burden on applicants for rezoning to show that the existing and future roadway network proposed by the applicant is capable of handling the increased traffic volumes that would be generated by the proposed land uses.

While consultation with VDOT on its ability to meet transportation needs within the two areas is continuing, the Department has worked successfully with VDOT in the past in other historic areas to ensure that needed transportation improvements are carried out in ways that minimize damage to historic resources. The Department's working relationship with VDOT is designed to encourage discussion of alternatives and compromise, not to stop projects. The Department's role in reviewing transportation projects is consultative and advisory. The Department does not have veto authority over VDOT.

Development and the 106 Review Process

The Department's consultation with the Counties and property owners found that:

It is not generally understood that federal law requires that every proposed federal undertaking with the potential to affect historic resources is reviewed to determine whether such effect exists and, if so, whether that effect is adverse.

These reviews, under Section 106 of the National Historic Preservation Act, will take place whenever and wherever any federal undertaking is proposed, whether or not the project proposed is within a historic district. In other words, the 106 review process is triggered by the proposal of a federal undertaking, not by the known existence of a historic landmark. The goals of the sponsoring federal agency drive the process. The process does not drive land-use decision making. The 106 process is designed to encourage discussion of alternatives and compromise, not to stop projects. The Department's role in the process is consultative and advisory only.

In Culpeper County, property owners and the County expect development in proximity to the Culpeper airport, and within the Route 29 and Norfolk Southern Railroad corridors, which would require federal 106 reviews and, in most cases, a change in zoning from agricultural to industrial.

Recent surveys conducted by the Department and Culpeper County will expedite 106 reviews within the designated battlefield.

Prince William County foresees no planned capital improvements within the Bristoe Station Battlefield in the near future. The County does foresee possible federal involvement in the

expansion of parking facilities serving commuter rail traffic.

The Meaning, Effect, and Scope of the Designation

Based on its consultation with property owners within the two designated battlefields , the Department found that:

There is now some increased understanding of what the 1989 state landmark designation means and does not mean at Brandy Station, but that increased awareness is not universal, nor has it resulted in converting previous opponents to supporters of the designation as it exists today.

Property owners expressed considerable concern that designation sets the property aside, harms market value, "triggers" Section 106 review, encourages subsequent regulatory action by the county, or leads to confiscatory action by the federal government. In general, opponents of designation worry about the "cloud of uncertainty" it creates regarding the sale or development of property.

There appears to be no consensus within the Culpeper community on some smaller area within the existing 13,903-acre designation at Brandy Station that could be designated in accord with official criteria and guidelines. Some property owners continue to see designation not as an effort to identify a resource, but instead to identify only that portion of a resource for which a definite preservation strategy has been developed and agreed upon by all parties concerned.

There is no better understanding of what designation means at Bristoe Station than existed in 1991. The passage of time has not resulted in converting previous opponents to supporters of the designation as it exists today. At Bristoe Station, there remains a complete absence of a constituency for designation of the battlefield among the owners of the designated land. There is no indication of any consensus or support for the designation of some smaller area of the battlefield.

Is There a Consensus on How Much of the Battlefields Should be Preserved or How that Preservation Should be Accomplished?

The Department found there was much hopeful discussion among Culpeper County property owners about the beneficial coexistence of preservation and economic development at Brandy Station. While there appears to be substantial property owner interest in preserving the four engagement areas identified by the National Park Service in a manner that connects them for free public access and interpretation and is fair to the current landowners, the Department believes that there is as yet no identifiable consensus on how much of the Brandy Station Battlefield should be preserved or how that preservation should be accomplished.

Consultation with owners of property within the Bristoe Station Battlefield indicated there was

little interest among them in identifying priority areas or preservation strategies. The Civil War Sites Advisory Commission has identified the two major engagement areas within the core of the Bristoe battlefield, where the most intense fighting and casualties occurred. While there appears to be a common recognition that a dynamic and workable sector plan for the Bristow area could tie together diverse community needs, the Department believes that there is as yet no identifiable consensus on how much of the Bristoe Station Battlefield should be preserved or how that preservation should be accomplished.

Documentation on the Location and Significance of the Events of June 9 and October 14, 1863.

Property owners raised several concerns about the findings of the Board's previous designations of the Brandy Station and Bristoe Station Battlefield: 1) The significance of the two battles; 2) the acreage and boundaries of the two districts; 3) the present integrity of the two battlefields; and 4) the location of specific battle events within the designated areas.

In seeking to respond to these concerns, the Department has closely examined the following: 1) The research methodology and sources on which the Board's previous findings were based; 2) all additional documentary information made known to the Department by property owners; and 3) any other pertinent documentary information which was not considered at the time of the Board's previous designations of the battlefield.

Based on this background research and examination, the Department finds that:

The Battle of Brandy Station and the Battle of Bristoe Station were significant episodes of the American Civil War. The battles of June 9, October 14, 1863 each exerted a major influence on the outcome of the campaign with which they were directly associated. While not all accounts of the battles presented to the Department were in complete agreement, the Board's findings of significance are supported by the preponderance of objective evidence, including contemporary battle reports. The current boundaries of the two districts accurately encompass the salient events of two battles that occurred over relatively large areas.

Despite the presence of non-contributing structures within the two battlefields, the two designated areas retain sufficient integrity to convey authentically an understanding of the significance, location, setting and historical associations of the events of June 9, and October 14, 1863.

The Department found no indication that either designation was flawed due to any error of fact.

INTRODUCTION

Placing properties on the Virginia Landmarks Register is the official means by which the Board of Historic Resources carries out its legal mandate to "designate historic landmarks." (Sec. 10.1-2204, Code of Virginia). Beginning in 1966, the General Assembly acknowledged the public benefit of identifying historic resources, and it created the landmarks designation program as the nonregulatory vehicle for pursuing that public benefit.

The Virginia Landmarks Register is intended to encourage, but not to require, the preservation of a historic property by calling that historic significance to the attention of the owner and all others responsible for land-use decisions that will determine the property's future. These decisions may range from preserving the property through compromises that save part of the property to total destruction of the historic resource. The listing of a property on the Virginia Landmarks Register by itself imposes no restrictions on the private owner of that property. While state designation is designed to encourage local governments and property owners to take the historic resource into consideration in their plans and actions, the designation is a hortatory act by its very nature and cannot by itself regulate the behavior of local governments or property owners.

Benefits for owners of Virginia landmarks include eligibility for financial assistance and technical assistance from the professional staff of the Department. Owners of registered landmarks may also elect to protect their properties with a preservation easement. Each owner of a newly registered landmark receives an official state plaque with the name of the property.

Under 1992 legislation, historic property can no longer be formally designated a landmark if the property owner objects or, in the case of a historic district, a majority of the owners object.

In passing that legislation, the General Assembly directed the Virginia Board of Historic Resources to reconsider its previous designations of the Brandy Station Battlefield in Culpeper and Fauquier counties and of the Bristoe Station Battlefield in Prince William County by July 1, 1993.

Issues Addressed

To assist the Board in that reconsideration, the Assembly directed the Department of Historic Resources to examine the following series of questions related to the history and current and future land use of the two battlefields by July 1, 1993:

1. An examination of (i) all land uses permitted by existing zoning within the designated areas, (ii) possible land uses pursuant to any zoning changes currently contemplated by the counties or indicated by their current master plans, and (iii) all development proposals made known to the Department of Historic Resources by the counties or by the

property owners;

2. An identification of those development proposals that may by necessity or choice be dependent upon federal funding or licensure, and thus subject to the consultation process required by Section 106 of the National Historic Preservation Act and, to the extent practicable, an identification of probable outcomes of that consultation process and of possible strategies for successful resolution of any disagreements;
3. An analysis of the Virginia Department of Transportation's continuing ability to meet existing transportation needs, as well as those needs created by anticipated development, in the historic districts;
4. An identification of any smaller areas within the designated historic districts that the Department of Historic Resources believes should be high priority areas for preservation and an identification of strategies for accomplishing that preservation in a manner that is fair to current property owners; and
5. An examination of the documentary information that led to the designation and of any new or additional documentary information presented to the Department, in order to determine whether either or both of the designations or the boundaries of the historic districts were based on any error of fact and whether these findings provide grounds for recommending that the designations be amended or withdrawn;
6. An analysis of whether either or both of the designations by the Board of Historic Resources of the battlefields as historic districts, or the determinations of eligibility for the National Register of Historic Places made by the National Park Service pursuant to the National Historic Preservation Act, should be amended or withdrawn as the development identified in item 2 is carried out.

The Assembly further required that the study be conducted in close consultation with the local governments and owners of property affected by the two previous designations.

Study Approach

The Department initiated the public participation process for the study in the summer of 1992 with correspondence and presentations to the Boards of Supervisors of Culpeper, Fauquier and Prince William counties on the purpose of the study and on the Department's strong commitment to undertake its work in close consultation with the interested local governments and property owners.

To glean information on property ownership in the designated area, and current and expected future land uses in areas covered by the designations, the Department requested and obtained the following information from the interested local governments:

A current list of owners of any portion of any property lying within the designated battlefields;

Tax parcel maps showing any parcels of land designated in whole or in part as the Brandy Station or Bristoe Station battlefield;

Copies of the Counties' current and proposed comprehensive plans, zoning maps and zoning ordinance;

Current list of owners of property lying adjacent to the designated battlefield or across the street;

Preliminary or final subdivision plats that have been filed for approval with the Counties in the designated areas;

Planned capital improvements by each county that may affect property and roads within the battlefields; and

Information on any project or activity within the designated areas of which the Counties are aware that may require federal funding, a federal permit, a federal license or other federal assistance that might qualify the project or activity as a federal undertaking.

The Department used property owner information supplied by each County in all its correspondence with property owners. Using the planning information provided by each County, the Department examined the issues of current and future land use in the designated battlefield, including development that is likely to require federal funding, licensure or permitting. The Department also examined the same data to determine the possible effect of the designation on the ability of the communities and the state to meet current and future transportation needs.

Consultation with property owners included⁴ writing to every property owner within the designated areas and soliciting their comments on the full range of questions before the Department for study. In response to strong local interest, the Department also sponsored three focus group meetings in Culpeper in late February and early March 1993. The meetings were designed to foster open and informal discussion among interested property owners and to explore the range of preservation priorities and options for the Brandy Station Battlefield. These focus group discussions were followed by two public meetings in Fauquier and Culpeper on April 29 and May 1. The Department also undertook a comprehensive field survey of the Brandy Station Battlefield study area in the February and March, 1993. Consultation with owners of property within the Bristoe Station Battlefield gave no indication or encouragement that focus group discussions of priority areas or preservation strategies would be fruitful.

In cooperation with the interested local governments, the Department conducted public hearings in Fauquier, Culpeper, and Prince William to receive public comment and additional information that may be pertinent to the Board of Historic Resources' reconsideration of its previous

designations of the two battlefields.

The Department also consulted as necessary with the Civil War Sites Advisory Commission, the National Park Service, the U.S. Advisory Council on Historic Preservation, and the Virginia Department of Transportation. Consultation with the Civil War Sites Advisory Commission concerned the range of tools available for battlefield preservation, and the steps needed to define a specific approach that is likely to be successful in the preservation of a Civil War battlefield. Consultation with the National Park Service and the Advisory Council focused on ways to identify priority areas within the designated battlefields and guidance on how such areas should be treated. Consultation with the Virginia Department of Transportation concerned the state's ability to meet current and future transportation needs within the designated battlefields.

The Continuum of Resource Protection Techniques

Techniques which can be used to protect Civil War battlefields range from fee^s simple acquisition of land to designating the battlefield as historic for the purpose of heightening awareness of the resource. Alternatives vary in degree from being the most powerful to least powerful in terms of effective control of land and restrictions on land use. The most effective techniques give consideration to the entire battlefield and all of its constituent elements as a unit. A combination of public and private initiatives is required to achieve a comprehensive vision for managing change within a Civil War battlefield such as Brandy Station.

Fee simple ownership of land and conservation easements provide the greatest land use control for preservation of a battlefield but they are relatively expensive instruments of public policy. Comprehensive planning and zoning ordinances, especially those that incorporate an overlay design review district, can be effective techniques for ensuring adequate battlefield protection. Such districts can specify architectural setbacks, height limitations, signage, vegetation control, and other design details for a specific battlefield area or site that supersede other zoning restrictions. Less powerful in dealing with strong development pressures are public policy statements, tax incentives, local voluntary initiatives, and historic designation.

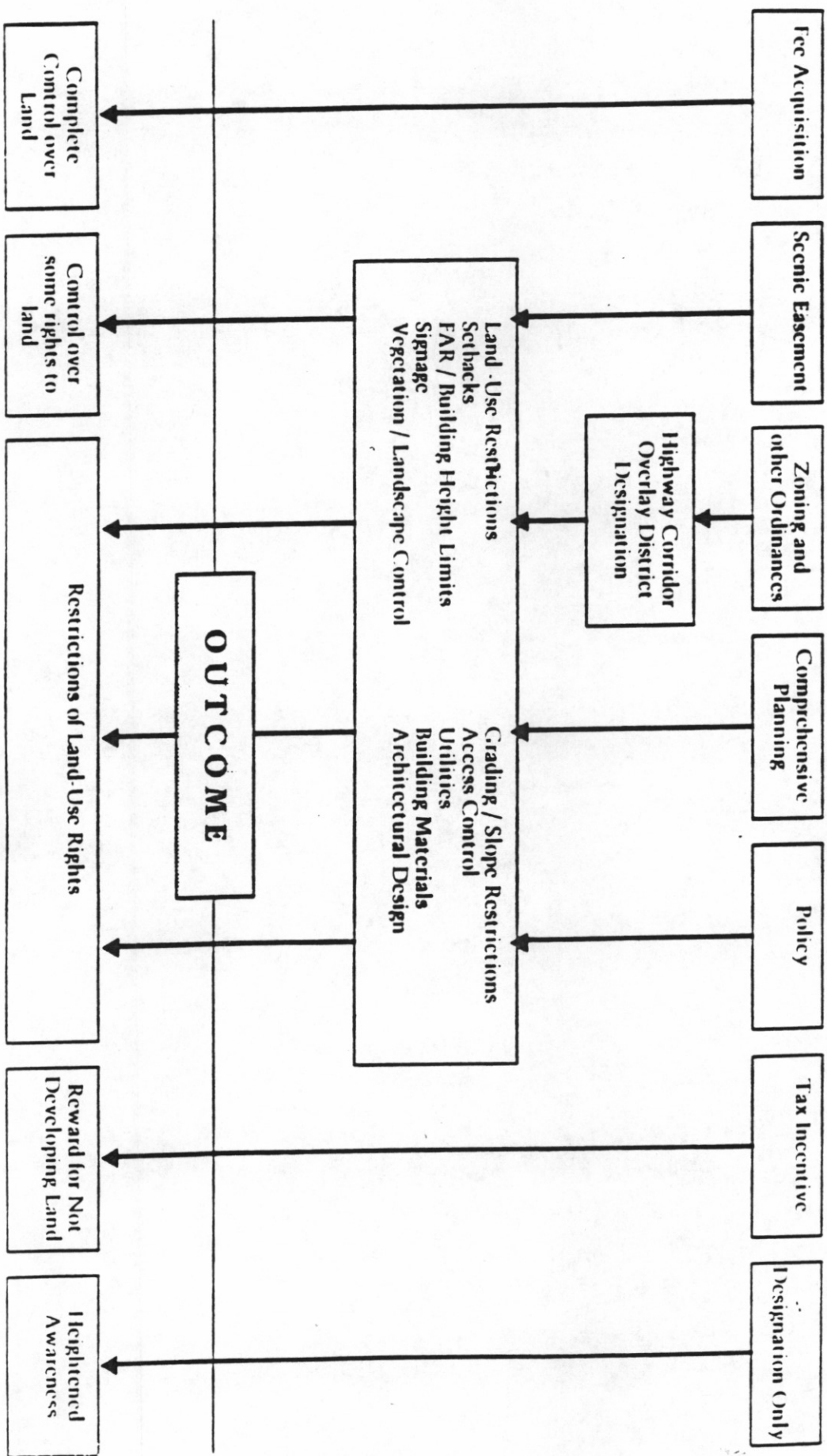
All of the options found on this continuum of resource preservation techniques can be used in combination and they can take a variety of forms. Their most effective use will consider in advance the impact of planned development and tourism, so that future use of the battlefield will not impair its historic quality. Wise management of a battlefield will encourage opportunities for development within a process for orderly and coordinated land-use change.

CONTINUUM OF RESOURCE PROTECTION TECHNIQUES

TECHNIQUE

Most Powerful

Least Powerful



Credit: National Trust for Historic Preservation

Approaching Battlefield Preservation

The Civil War Sites Advisory Commission has identified three major steps involved in developing a protection strategy for a Civil War battlefield:

Characterization of the Site

Battlefield sites can be characterized in terms of the following variables: degree of significance (major or minor); size of the study area (large or small acreage); degree of development pressure (high or low); state/local planning capacity (strong or weak); and degree of integrity (intact or lost).

The Commission has gathered comparative data to determine the military significance of sites in terms of the entire Civil War, the military significance of particular campaigns, the social or economic significance of the event and the interpretive potential of the site. Also gathered was information regarding long-range and immediate threats to the resource and current conditions of the planning environment in which the resource is located. Having assembled this and other data related to the integrity of the site, the information can be used to guide the next two steps in the process: deciding how much to preserve and what preservation strategies to use to accomplish that preservation.

Determination of the portion to be preserved

The American Civil War battlefield inventory has established a study area boundary and core area boundary for 373 significant battlefield sites, including the Brandy Station and Bristoe Station battlefields. Core areas are defined as the portions of the site on which the most intense fighting took place or the most decisive moments in the battle occurred.

Based on that information and several other characteristics it is possible to make one of the following decisions:

- To preserve the entire study area
- To preserve the entire core area
- To preserve a representative portion of the core
- To preserve an interpretive element

The approach selected will depend on an assessment of the value of the site, its degree of integrity, competing demands for use of the site, and available resources. Setting the goal of full or partial preservation is the most important determining factor in considering what preservation alternatives and strategies are most appropriate.

Selection of preservation alternatives

For battlefields which possess major significance and good integrity, but face high development pressure, the Commission recommends that the following preservation alternatives be considered:

Identify core area(s)

Acquire title, easements, or development rights on as much of the core as possible

Purchase and lease for farming

Purchase and resell for farming with easements

Use limited development projects

Promote compatible use zoning on peripheral areas and adjacent lands

Seek easements on land in viewsheds

Seek scenic designation for access corridors

Nominate for the National Register or seek designation as a National Historic Landmark

The Commission regards the degree of development pressure on a site as critical because it will affect the relative values between existing land uses, such as agriculture or forestry, and alternative land uses, such as housing, commercial or industrial activities. This will in turn affect the cost of employing various preservation alternatives. Similarly, the level of integrity that remains at the site is crucial to deciding how much to preserve and how to go about it. Whatever alternatives are selected, any effective preservation path will lead to the building of a partnership to preserve the battlefield. It could be that government in some circumstances will take the lead; in others, the landowners, a land trust or some other private entity will take the initiative.

What is the "Section 106 Process" and how does it work?

In examining the full range of expected development activities within the designated battlefields, the Department sought to identify any activity that is likely to be subject to what is known as the "Section 106 Process." A brief introduction to the legal basis and practical workings of that process will be helpful in understanding findings and recommendations detailed in the body of this report.

The Section 106 process was created by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations. The process allows for a review of the impact of federal undertakings on significant historic, architectural, engineering and archaeological resources. All federal agencies are required to take historic and archaeological resources into account in planning for their own undertakings, or in deciding whether to approve grant projects, or to issue permits and licenses. The agencies must consult with the State Historic Preservation Officer (SHPO) and the federal Advisory Council on Historic Preservation. In Virginia the SHPO is the Director of the Department of Historic Resources. No separate permit is issued as a result of this consultation.

The review process is triggered by the existence of a proposed federal undertaking, not by the known existence of a historic landmark. Every federal undertaking with the potential to affect historic resources is reviewed to determine whether such effect exists and, if so, whether that effect is adverse. Undertakings are reviewed to determine their effect on any properties that are already on or are determined eligible for the National Register of Historic Places. If there has been no previous determination of a property's eligibility for the Register, that judgment must be made at the time the federal undertaking is being reviewed.

The federal project sponsor or its designee must provide the SHPO enough information on the existence and significance of historic and archaeological resources in the project area to allow the SHPO to evaluate the property's eligibility for the National Register, and to make a determination of the proposed project's effect. In some cases, the survey data already on file with the SHPO are sufficient for the project sponsor to use in preparing the necessary environmental documents. Where the SHPO's existing information is not sufficient to make an informed judgment on the resources in the project area, it is the project sponsor's obligation to conduct the field survey.

If the SHPO and the Advisory Council conclude that the proposed project will have either "no effect" or "no adverse effect" on National Register and Register-eligible resources, the 106 process is ended, and the project may proceed as proposed. If the project is deemed to have an "adverse effect," the SHPO, the Council, and the project sponsor begin consultation on ways to amend the project so as to eliminate the adverse effect. Where the adverse effect cannot be entirely eliminated, the consultation focuses on ways to minimize and mitigate the effect. The track record for reaching some compromise agreement from this consultation is excellent.

Authority for determining whether a property is eligible for the National Register rests with the Keeper of the National Register at the National Park Service. Authority to decide the fate of a proposed federal undertaking rests with the sponsoring federal agency. The federal project sponsor is obligated to take historic and archaeological resources into account, and it is obligated to take any comments from the SHPO and the Advisory Council into account. However, the federal project sponsor retains the authority to decide whether and how a project will go forward, even in those very few cases where no compromise agreement can be reached.

The Need for Planning Initiatives, Not Regulatory Reaction

Robert E. Lemire, in his book Creative Land Development: Bridge to the Future (1986), affirms the hope that it is possible for communities to organize themselves effectively to deal with growth pressures and their resultant development initiatives, within a context of fiscal stability. That hope rests on proper planning and a strong community commitment to address five basic needs:

The need to save what needs to be saved.

The need to build what needs to be built.

The need to deal fairly with the dollar interests of landowners.

The need to provide for private sector as well as public involvement.

The need for planning initiatives, not regulatory reaction.

The potential to relate preservation and development in mutually beneficial ways at the Brandt Station Battlefield and Bristoe Battlefield thus offers a challenge for creative action of a very high order.

As a state agency with a prescribed role in the federal 106 review process, working in partnership with local governments and citizens to encourage sensitive treatment of Virginia's irreplaceable historic sites and landmarks, the Department of Historic Resources does not believe that growth in the study areas can be, or should be, stopped. The Department does believe that growth can be planned for and managed so that it does not overwhelm these battlefields. The Department's study revealed some measure of support for preservation initiatives at Brandt Station and Bristoe Station, provided they are respectful of local authority for land-use decision making and fair to the current landowners.

PART II

BRISTOE STATION BATTLEFIELD

**EXAMINATION OF NON-HISTORICAL ISSUES
RELATED TO COMMUNITY PLANNING
AND THE BRISTOE STATION BATTLEFIELD**

PRINCE WILLIAM COUNTY LAND USE

OVERVIEW

Prince William County's 1990 Comprehensive Plan is organized as ten chapters, each dealing with a different aspect of county planning. These chapters address the environment, cultural resources, fire and rescue, schools, parks and open space, potable water, sewer, housing, transportation, and long range future land use. The chapters which are most relevant to the Bristoe Station study area are the chapters which address cultural resources and long range future land use.

The comprehensive plan deals with cultural resources through five policies intended to facilitate the identification and protection of these resources. These policies include enhancing and disseminating information on the county's resources through surveys, studies, and nominations to the National Register; and implementation of various local government tools for preservation such as ordinances, tax incentives, and government acquisition and management of historic sites. The Cultural Resources component of the comprehensive plan also advocates the use of Designated Cultural Resource classifications on the Future Land Use map as a way to ensure that development proposals take significant cultural resources into account. Finally, the Cultural Resources plan establishes a "Historic Resource Management Overlay" for areas of the county where cultural resources are known to exist but are ill-defined, or are suspected to exist. The Bristoe Station study area is not accorded Designated Cultural Resource status, but is identified as an area where the Historic Resource Management Overlay is applicable.

The Future Land Use component of the comprehensive plan divides the Bristoe Station study area into two sections, which are generally in accordance with present use and zoning. To the west of Bristow Road, the study area is considered rural in nature, and is designated as A/E. The A/E designation is intended to protect agricultural areas of the county and to provide for very large-lot residential development. To the east of Bristow Road, the study area is designated LI/F, or light industrial. Light manufacturing business parks or sites, with some associated commercial or retail functions, are appropriate under this designation. The study area is identified as an area of the county requiring more intensive planning efforts than are possible in the general comprehensive planning process. As a result, a "sector plan" is anticipated for the area at some point in the future. The final section of the Future Land Use component of the comprehensive plan sets forth Development Evaluation Criteria which may be used to determine the appropriate intensity or density of development for a particular proposal. These criteria include consideration of cultural resources. Proposals which contemplate preservation of historic or cultural resources may qualify for consideration of higher development intensity or density.

CURRENT LAND USE AND ZONING

The current zoning map shows the Bristoe Station study area to the west of Bristow Road zoned almost entirely A-1. A-1 zoning is intended to encourage conservation and proper use of large tracts of land in order to protect agriculture, open space, and environmental and water quality resources. The minimum lot size under A-1 zoning is ten acres. The single exception to the A-1 zoning in the western section of the study area is a parcel of M-1 (heavy industrial) zoning on the extreme western corner of the study area.

To the east of Bristow Road, the zoning is A-1 to the south of the railroad, and M-2 to the north of the railroad. M-2 zoning is light industrial in nature, intended to promote employment opportunities and enhance the tax base of the county. It is designed to provide areas for research and development centers, light manufacturing, warehousing, wholesaling, and related office and institutional uses in support of the primary uses.

CULTURAL RESOURCES PLAN

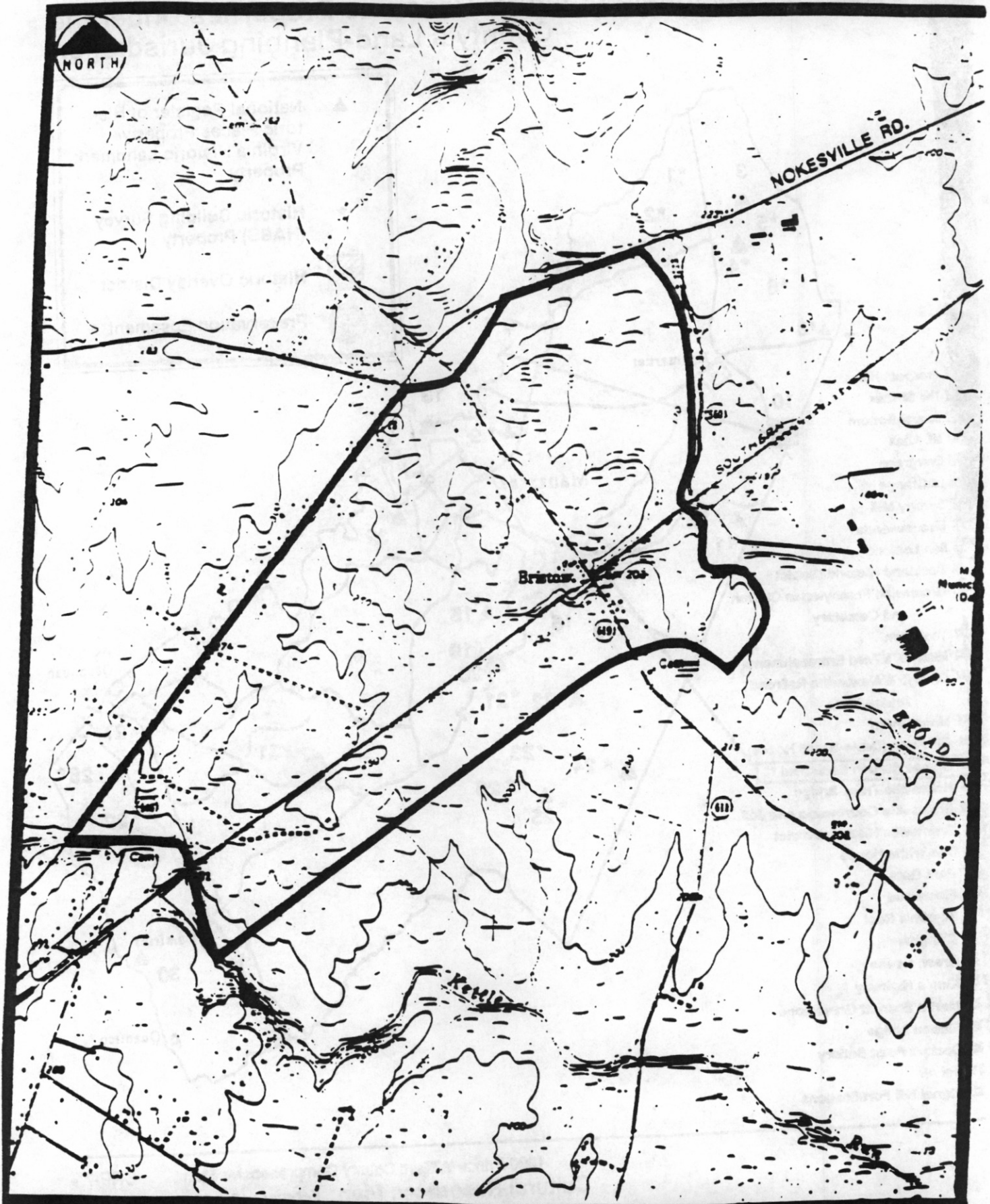
The county's Cultural Resources plan states that its primary purpose is to facilitate and encourage the identification and protection of the county's significant cultural resources. Its secondary intent is to enhance awareness of the history of the county and the importance of preserving properties which are significantly linked with that history. To these ends, the plan identifies five policies and outlines action strategies for implementing these policies.

The first policy is to "Identify and protect Prince William County's significant historical, archaeological, architectural, and other cultural resources for the benefit of the County's citizens and visitors." This is to be accomplished through surveys and studies, maintenance of inventories, and nominations of significant resources to the National Register. The resources to be identified under this policy specifically include historic cemeteries and sites that are of significance to the county's minority communities, as well as other sites which are of architectural and/or archaeological significance.

The second policy identified under the Cultural Resources plan is to "Protect cultural resources that are important for documenting or demonstrating the prehistory or history of the county." Action strategies under this policy include requiring applicants for rezonings and special use permits to conduct agency records checks for cultural resources; encouraging the use of preservation easements; informing property owners of the availability of property tax incentives and federal rehabilitation tax credits, and encouraging them to maintain and protect historic properties; adoption of county ordinances, overlay districts, and conditional zoning procedures which will promote preservation; training of inspectors on issues relating to building codes and historic buildings; acquisition and appropriate management of cultural resources by the county government; and development of a county viewshed policy.

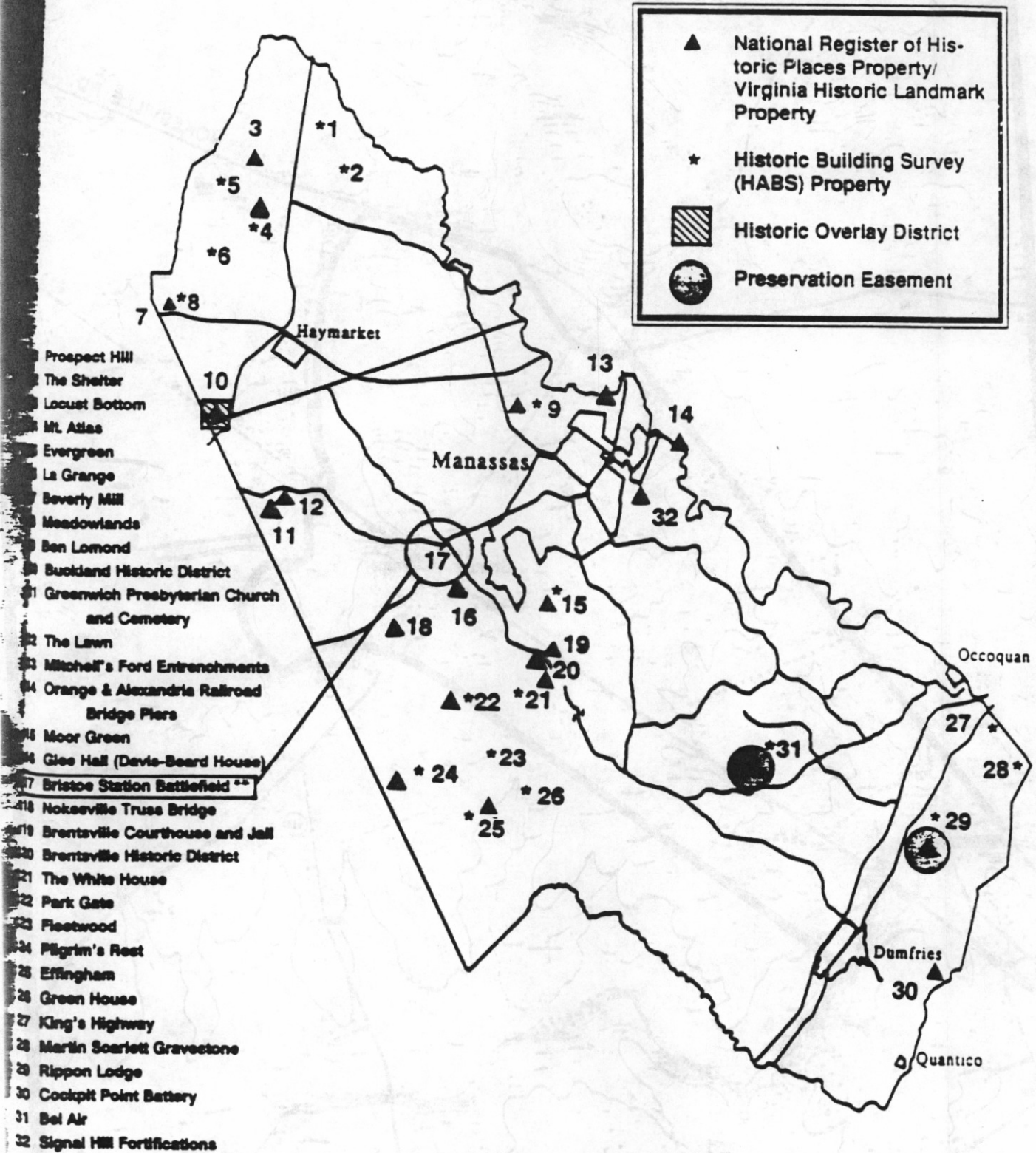
BRISTOE BATTLEFIELD DISTRICT

1" = 2000'



Cultural Resources Plan

Designated Cultural Resource Properties Under the County's Land-Planning Jurisdiction



The third policy identified in the county's Cultural Resources plan is to "Enhance the awareness of Prince William County's history and the importance of the county in the historical development of the Commonwealth of Virginia and the United States." Action strategies under this policy include a variety of suggestions for generating and circulating studies and reports about the county's history and historic resources. This list specifically includes the following action strategy: "Initiate steps to protect appropriate portions of the Bristoe Station Battlefield."

The fourth policy is to "Encourage preservation of the county's most significant historic properties through use of the Designated Cultural Resource (DCR) classification." On the county Future Land Use Map, DCR designation indicates a place where significant cultural resources are known to exist. The classification is applied when a property is 1) listed on the National Register or the Virginia Landmarks Register, 2) included in the Historic American Buildings Survey (HABS) or the Historic American Engineering Record (HAER), 3) protected by a preservation easement, or 4) part of a county Historic Overlay District. An action strategy in the Future Land Use component of the comprehensive plan states that DCR classification is not intended to prevent development, but to identify sites of historical or cultural significance in order that development on these sites can occur in accordance with the Cultural Resources plan.

The county lists 32 Designated Cultural Resources, including the Bristoe Station battlefield. A table located at the end of the Cultural Resources plan identifies current land use and other appropriate primary uses, describes the significance, and lists other pertinent facts about each property. Bristoe Station battlefield, however, is not included in this table, nor does it appear on the Future Land Use map as a Designated Cultural Resource.

The final policy articulated in the Cultural Resources plan is to "Encourage preservation of known (but ill-defined) or expected significant historic properties through application of the 'Historic Resource Management Overlay.'" This overlay is applied to land use classifications in areas where there is concern over 1) the presence of known but ill-defined potentially significant cultural resources, 2) the presence of expected significant cultural resources, or 3) potential impacts to important historic viewsheds. Appropriate actions in overlay areas, according to the Cultural Resources plan, must be determined on a site-specific basis, but may include such measures as archaeological surveys, preserving resources or mitigating impacts to resources, and opting for low-rise buildings or using vegetative buffers or topographic features to minimize visual impacts from new development. The Cultural Resources plan includes sensitivity maps showing areas of potential archaeological or Civil War sites. These maps show the Historic Resource Management Overlay as applicable to the Bristoe Station Battlefield.

LONG RANGE FUTURE LAND USE PLAN

The Future Land Use component of the comprehensive plan includes five elements: 1) a Long Range Concept Area map, 2) a Future Land Use plan map, 3) a land use compatibility matrix, 4) the section in which the county's intent, goals, objectives, and action strategies are

articulated, and 5) Development Evaluation Criteria. Treatment of the Bristoe Station study area under this section of the plan is generally in accordance with present use and zoning.

The county's Long Range Concept Area map subdivides the county into four characterizations based on current and potential use. Of these, two are applicable to the Bristoe Station study area. To the west of Bristow Road, the county has classified the study area under Concept Area IV, which is characterized by agricultural, forestry, and large lot residential areas. Parts of the county classified under Concept Area IV generally are not intended to be served by public water and sewer facilities. To the east of Bristow Road, the study area has been classified under Concept Area II. Concept Area II parts of the county are envisioned as areas where employment uses not inherently compatible with residential uses can be accommodated.

The Future Land Use map amplifies the general categorizations identified in the Concept Area map by indicating actual land use classifications and, for residential areas, densities. Here again, the Bristoe Station study area appears under two classifications. To the west of Bristow Road, the study area is classified as A/E or Agricultural/Estate. The purpose of A/E classification is "to protect existing agricultural lands and provide areas within the county where very large-lot residential development is appropriate." The minimum lot size for residential development is 10 acres, as implemented through A-1 zoning. At present, this entire area, with the exception of a small parcel of M-1 (heavy industrial) is zoned A-1. Located within this part of the study area is Glee Hall, a nineteenth century house and store which is a Designated Cultural Resource. To the east of Bristow Road, the study area is classified as LI/F or Light Industrial/Flex. The LI/F classification is intended to provide for areas where light manufacturing business parks or sites are to be located, and is implemented through M-2 zoning. M-2 zoning is presently in place for a large portion of this area. Primary uses include light manufacturing, warehousing, wholesale/distribution and/or assembly. Some retail and office uses are also permitted under the LI/F classification and M-2 zoning.

The county's Land Use Compatibility matrix chart, according to the comprehensive plan, provides a general framework for evaluating techniques to ensure compatibility in areas where different categories meet. According to this chart, the A/E and LI/F categories are incompatible with each other. Bristow Road, apparently, is considered an adequate separation between the two land use classifications.

The Future Land Use component of the comprehensive plan includes a single goal: "To achieve a high quality living environment through a wise distribution of compatible land use patterns, and to respect the integrity of the natural environment while creating a community which addresses the social and economic needs of Prince William County residents." This goal is to be accomplished through eight objectives. One of these objectives is utilization of a "sector planning process" to address "areas of concern" requiring more detailed planning than is possible through the comprehensive plan. The Bristoe Station study area is identified as an area for which a sector plan will be prepared.

The Development Evaluation Criteria element of the Future Land Use plan notes that the Future Land Use map is not site-specific. Rather, the map sets forth general areas of the county where particular types and levels of development are appropriate and provides for a range of densities/intensities within those areas. The Development Evaluation Criteria section sets forth considerations which may be used to assist in determining the level of development which is appropriate for a specific project. These criteria include consideration of cultural resources. According to this element of the plan, development proposals which affect significant cultural resources are to be evaluated with regard to provision of long-term measures to protect the integrity of such resources. Proposals which contemplate preservation or renovation of historic or cultural resources may qualify for consideration of higher development intensity or density.

Summary Findings on Current and Future Land Use

Based on information provided by the County regarding current and future land use within the designated Battlefield, the Department found that:

Two major elements of Prince William County's comprehensive plan address the significance and preservation of the Bristoe Station Battlefield: the component which addresses cultural resources and the component dealing with long range future land use.

The comprehensive plan includes far-seeing policies for enhancing and disseminating information on the county's resources through surveys, studies, National Register nominations; and implementation of such local preservation tools as ordinances, tax incentives, government acquisition and management of historic sites. The plan also advocates use of locally designated cultural resource classifications on the future land use map as a way to ensure that development proposals take significant cultural resources into account. The plan also establishes a "Historic Resource Management Overlay" for areas of the county where cultural resources are known to exist but are ill-defined or are suspected to exist.

The Future Land Use component of the comprehensive plan divides the Bristow Station study area into two sections, which are generally in accordance with present use and zoning. To the west of Bristow Road, the study area is considered rural in nature and is designated Agricultural/Estate. The A/E designation is intended to protect agricultural areas of the county and to provide for very large-lot residential development. To the east of Bristow Road, the state-designated battlefield is designated Light Industrial/Flex. This designation looks toward light manufacturing business parks or sites, with some associated commercial or retail functions. The County expects this light industrial and related development to be encouraged by the proximity of the area to the Manassas Airport and commuter rail. Such development would meet community goals for job-creation and a stronger tax base.

The Cultural Resources component of the plan does not accord the area currently designated as the Bristoe Station Battlefield as a County-designated Cultural Resource. However, the battlefield is identified as an area where a Historic Resource Management Overlay is applicable.

The currently state-designated battlefield is identified as an area of Prince William County requiring more intensive planning efforts than are possible in the general comprehensive planning process. As a result, a "sector plan" is now under development. Under the development evaluation criteria set forth in the comprehensive plan, proposals which contemplate preservation of historic or cultural resources may qualify for consideration of higher development intensity or density.

EXPECTED DEVELOPMENT, TRANSPORTATION AND THE 106 REVIEW PROCESS

The Department consulted with Prince William County and with property owners regarding the likelihood that expected development and related transportation improvements within the designated battlefield will require federal funding, a federal permit or license or some other federal assistance or involvement. Such activities are subject to what is known as the "Section 106 Process." The Section 106 process was created by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations. The process allows for a review of the impact of federal undertakings on significant historic, architectural, engineering and archaeological resources. All federal agencies are required to take historic and archaeological resources into account in planning for their own undertakings, or in deciding whether to approve grant projects, or to issue permits and licenses. The agencies must consult with the State Historic Preservation Officer (SHPO) and the federal Advisory Council on Historic Preservation. In Virginia the SHPO is the Director of the Department of Historic Resources. No separate permit is issued as a result of this consultation.

The Department's consultation with the County and property owners found that:

According to the County, there are no planned capital improvements within the Bristoe Station Battlefield in the near future. The County does foresee possible federal involvement in the expansion of parking facilities serving commuter rail traffic near the battlefield. Proposed development which may be approved by the County in the future will not be subject to the 106 review process, if federal funding, a federal permit or other federal assistance is not involved.

No property owner provided information on any current or forthcoming development proposal that might be subject to the 106 review process. Based on a proposed sector plan for the Bristoe/Linton Hall area prepared by a consortium of interested property owners, it appears that property owners expect that the intersection of Routes 28 and 619 will become an important community node for development in the future. The expectation for development is based on the current permitted uses in the area, the pattern of recently approved rezonings north along Linton Hall Road and the opportunities presented by commuter rail transportation. Property owners look to the designation of the Route 28 and 619 intersection as a commercial community services node with surrounding residential densities. The County will be using the information provided by the property owners in developing the sector plan called for in the comprehensive plan.

Regarding the ability of the county and the state to meet the current and future community transportation needs within the designated area, the Department found:

The proposed long range road network in the comprehensive plan was derived using buildout of those land uses (A/E and LIF) suggested on the Long Range Future Land Use Plan Map at median densities. The forecast is based on the assumption that higher density of development in this rural area of Prince William is inevitable, unless a third party steps in to purchase the land from the current property owners at fair market value in order to ensure its long-term preservation as a battlefield.

In the Prince William comprehensive plan, Route 28 and Bristow Road are proposed as primary arterials, so designated to handle significant volumes of traffic.

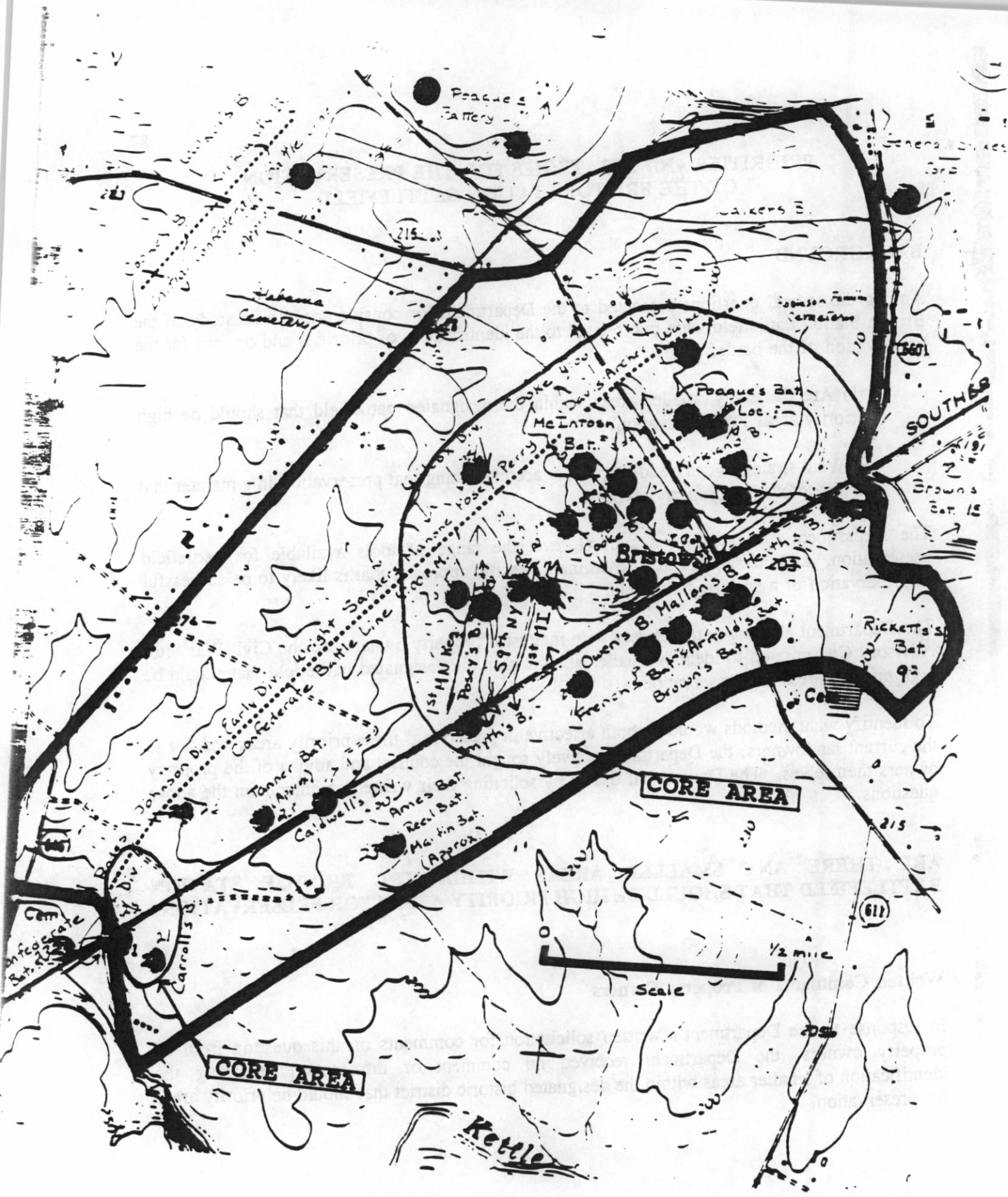
The comprehensive plan proposes the realignment of Vint Hill Road to provide for a safer intersection at Route 28 and Linton Hall Road. It does not propose extension of Vint Hill Road south of Route 28. The comprehensive plan identifies the need for a new Route 28 collector road, to be located less than one-quarter of a mile from Route 28. The proposed land uses under the comprehensive plan provide for bike and trail connections to a new commuter rail station east of the battlefield.

The transportation component of the comprehensive plan puts the burden on applicants for rezoning to show that the existing and future roadway network proposed by the applicant is capable of handling the increased traffic volumes that would be generated by the proposed land uses. The County requires that such detailed transportation analysis employ a County-approved travel demand forecasting model.

Roads developed privately and then turned over to VDOT for inclusion in the state system are subject to no review by the Department of Historic Resources. The County does not regard the current state designation as placing any major obstacle in the way of meeting its current or future transportation needs.

While consultation with VDOT on its ability to meet transportation needs within the designated battlefield is continuing, it is important to emphasize that the Department has worked successfully with VDOT in the past in other historic areas to ensure that needed transportation improvements are carried out in ways that minimize damage to historic resources. VDOT and DHR have found successful mitigation strategies for a wide range of transportation projects in historic areas or projects affecting historic resources.

There are also many examples of projects in which historic properties have been destroyed because transportation needs could not be met without the loss of a historic resource. The Department does not have veto authority over VDOT. The Department's role in reviewing VDOT projects is consultative and advisory.



EVENTS OF THE BATTLE OF BRISTOE STATION

**PRIORITIES AND STRATEGIES FOR THE PRESERVATION
OF THE BRISTOE STATION BATTLEFIELD**

BACKGROUND

Among the several questions presented to the Department for consideration in its study of the Bristoe Station Battlefield were two related to the identification of priorities and options for the preservation of the battlefield:

- 1) Are there any smaller areas within the designated battlefield that should be high priority areas for preservation?
- 2) What strategies can be identified for accomplishing that preservation in a manner that is fair to current property owners?

The Department examined on a general level the range of tools available for battlefield preservation, and the steps needed to define a specific approach that is likely to be successful in preservation of a specific battlefield.

The Department also consulted closely with interested property owners and the Civil War Sites Advisory Commission to identify smaller areas within the designated battlefield that should be high priority areas for preservation.

To identify what methods would be both effective in preserving these priority areas and fair to the current landowners, the Department actively sought the counsel and advice of the property owners themselves. The Department did so by soliciting their written comments on the above questions.

**ARE THERE ANY SMALLER AREAS WITHIN THE BRISTOE STATION
BATTLEFIELD THAT SHOULD BE HIGH PRIORITY AREAS FOR PRESERVATION?**

Written Comments of Property Owners

In response to the Department's written solicitation for comments on this question from 36 property owners, the Department received no comment or information regarding the identification of smaller areas within the designated historic district that should be priority areas for preservation.

The Views of the Civil War Sites Advisory Commission

The Civil War Sites Advisory Commission has identified what it has determined to be two core areas of the battlefield. The cores are those portions of the battlefield where the most intense fighting and decisive action occurred. The larger of the two core areas includes the area of greatest significance to an understanding of the battle; that is, it is the principal engagement area. The smaller core area, at the western end of the study area on Kettle Run, includes the area of the concluding engagement of the battle. In the judgment of the Department, the definition of these two areas is justified by the documentation and is consistent with guidance from the National Park Service. These core areas would appear to be the highest priority areas for long-term preservation and interpretation. These areas also encompass the greatest concentration of sites identified on the interpretive map of the Battle of Bristoe Station prepared by the County Office of Planning in 1989. This map could be a useful tool in the rezoning process to identify and create an interpretive trail loop connecting important features of the resource.

PRESERVATION TOOLS AVAILABLE IN THE COMPREHENSIVE PLAN

Prince William's comprehensive plan identifies a number of local planning tools which could be used effectively to ensure the preservation of the most significant areas within the battlefield.

The entire area of the battlefield is indicated as a Historic Resource Management Overlay in the Cultural Resources element of the plan. While this designation calls for any applicant for rezoning to address various policies and action strategies related to the preservation or development of the resource, it does not ensure a specific amount of open space nor require that an applicant conduct any necessary studies to determine the most significant area or areas for preservation, if not all of the battlefield.

Property owners have opposed the designation of the battlefield as a County Designated Cultural Resource. That designation only applies to places having preservation easements or places which are actually listed on the National Register of Historic Places. Neither of these conditions exists.

The County could, however, consider designating the area as a Special Public Interest Overlay Zone or Historic Overlay District to include the battlefield area, the village of Bristoe and surrounding areas comprising the viewshed. The zoning ordinance specifies that establishment of a historic overlay district can be done without the permission of the affected property owners. This action would ensure appropriate review and oversight of development objectives and development performance criteria.

Other options to be considered include a requirement that rezoning and special use applicants undertake cultural resource studies within the battlefield and a requirement that such applicants propose any necessary mitigation measures for appropriate review prior to site plan approval.

Work now underway to develop a sector plan for the Bristoe area presents an excellent

opportunity for the County and interested property owners to consider the full range of preservation and development options. Ideally, a sector plan would articulate land use, roads, pedestrian circulation, open space, noise sources, viewsheds, historic buildings and landscape preservation, the environment, and building scale, style, and materials within the battlefield. A density/intensity transfer option, as well as clustering, would also be important considerations which could be offered in a sector plan as policies and action strategies.

Is There a Consensus on How Much of the Battlefield Should be Preserved or How that Preservation Should be Accomplished?

While there appears to be common recognition that the Bristoe area presents an excellent opportunity for developing a dynamic and workable plan which would tie together diverse community needs, the Department believes that there is as yet no identifiable consensus on how much of the Bristoe Station Battlefield should be preserved or how that preservation should be accomplished, outside of the need to establish a sector plan for the area.

Consultation with property owners indicated that property owners support the proffer system as a fair one. Strategies for preservation that would seem most fair to the current property owners include private and public purchase of land in fee. While current landowners did not express support for such preservation options as cluster development or density transfer in return for more proffered areas, prospective purchasers may recognize potential benefits in having such options available. It appears that the consensus of property owners at Bristoe Station is that the use of purchase and acquisition strategies should be done under the conditions of (a) a willing seller, and (b) at a fair market-value price agreeable to the seller. The Department does not regard "condemnation" as either economically or politically viable as a strategy at Bristoe Station.

EXAMINATION OF DOCUMENTARY INFORMATION

BACKGROUND

In April, 1991, the Virginia Board of Historic Resources designated the Bristoe Station Battlefield Historic District for listing on the Virginia Landmarks Register against the wishes of many property owners. The designated area is a district of 1,162 acres in Prince William County, Virginia.

The Board's Finding of Significance

The Board's 1991 designation was based upon a finding that the district is associated with significant events related to the American Civil War. The Battle of Bristoe Station, which took place on October 14, 1863, ended the Bristoe Campaign and was the last major military engagement fought in Northern Virginia. After the battle, the Confederacy had lost more than 1,300 dead, wounded, and missing soldiers; the Union Army lost approximately 600 men. The Confederates buried their men, many of whom were from North Carolina, on the battlefield.

The Board found that the Battle of Bristoe Station was a significant defeat for the Confederacy and the low point of General A. P. Hill's military career. Coming so soon after the disastrous Gettysburg campaign, the Confederacy could not afford the loss of these men in an ill-considered attack. The inadequacies first demonstrated by the Confederate Army command during the Battle of Bristoe Station would become more apparent and systematic as the war progressed. Following this campaign, Lee's army would not return to Northern Virginia.

The Board also found that the designated area retains sufficient integrity to convey authentically an understanding of the battle's significance, location, setting, and historical associations.

Boundaries

The Board of Historic Resources designated a 1,162-acre area of privately owned land where significant aspects of the battle took place. The boundaries of the district were drawn to include the site of the Bristoe Station Battlefield.

The district is bounded on the north by the Nokesville Road (Highway 28) and Chapel Springs Road, on the west by Kettle Run, and on the east by Broad Run. Except in the southeastern corner of the district, the southern boundary line is approximately 1,400 feet south of and parallel to the railroad tracks. In the southeastern corner, the boundary angles towards the southeast and skirts the southern edge of a knoll adjacent to Broad Run. All of the existing buildings or structures on the battlefield postdate the Civil War and are non-contributing properties.

ANALYSIS OF SUBSTANTIVE ISSUES RAISED BY PROPERTY OWNERS

Location of the Battle

Three of the writers questioned the location of the battle. Two alleged that it took place to the east of Broad Run while the third suggested that the battle would not have taken place in open ground but in the "hills and ravines"--also to the east of Broad Run--that comprise "a more logical area for a battle."

The first assertion, that the battle occurred to the east of Broad Run, is based on a misreading of the nomination report. The writers refer to the Summary Significance Statement (Section 8, page 1), in which it is stated, correctly, that "A. P. Hill ordered an immediate attack" upon "Sykes's Fifth Army Corps resting to the east of Broad Run." The writers of the letters then do not take notice of the remainder of the report, which shows that before that attack could be carried out, Hill's forces were themselves attacked by Union troops concealed behind the railroad bed to the west of Broad Run (where the battle was in fact fought).

The second statement, that hills and ravines were better locations for a battle, directly contradicts the military doctrine of the day, which stated just the opposite: open ground was suitable for a battlefield, not hills and ravines. Open ground provided room for maneuver, fields of fire, etc., for large bodies of troops massed together, whereas hills and ravines did not. Both armies would have avoided fighting over rough ground if possible.

The contemporary maps and documents produced by those who took part in the battle support the designated area as the location of the battle.

Boundaries of the Battle

Two letters disputed the location of the boundary of the battlefield as drawn for the nomination report. The comments asserted that the boundaries were drawn casually or arbitrarily.

According to National Register Bulletin 40: Guidelines for Identifying, Evaluating, and Registering America's Historic Battlefields, p. 13:

The boundary should encompass, but not exceed, the full extent of the battlefield. Included within the boundary should be the location of the battle and an appropriate setting to convey its significance. . . . It is not necessary to demonstrate that soldiers fought on every square foot of the battlefield. For example, where a battle was fought in a valley formed by two ridgelines, it may be appropriate to draw the boundary at the ridgelines because the topography determined the course of the action.

This is precisely the approach that was followed at Bristoe Station. The long boundaries follow the ridgelines (the northwestern boundary follows Route 28 because it is at the top of that ridgeline); the short boundaries (southwest and northeast) follow watercourses, which generally served as obstructions and helped confine the action to the east of Kettle Run and the west of Broad Run. In addition, a few areas outside the boundaries were excluded either because of a lack of integrity or because the location of the action was considered to be too conjectural. While it is possible to extend the boundaries of the nominated area, the existing boundaries were considered by the Department and the National Park Service to have been fully justified and carefully drawn.

Other comments disputing the boundaries were based upon a misreading of the nomination report. For example, it was asserted in one letter that the report "describes a duel west of Kettle Run where General Posey, according to this document, probably fell. This implies that the west boundary of the proposed Battlefield District is inaccurate also as it stops at Kettle Run." In reality, the report describes an artillery duel that took place between Union and Confederate batteries. One of the Confederate batteries was in fact west of Kettle Run, but that is not where Posey was. He was not far west of present-day Route 619 when he received his fatal wound. Contrary to the letter-writer's assertion, the report accurately states that Posey was wounded during the artillery duel, not that he was located west of Kettle Run.

The boundaries of the designated area were conservatively drawn to encompass the actual battlefield of Bristoe Station. The boundaries are supported by contemporary maps and documentation.

Significance of the Battle

Two of the letters assert that the action at Bristoe Station was not a battle but a skirmish or engagement and therefore not significant. To buttress their argument they cite the modern meanings of those words. They do not cite the contemporary military meanings of the words, which are quite different. Those meanings are (from the October 1991 draft of "Study of Civil War Sites in the Shenandoah Valley of Virginia," p. 25):

a battle was directed by the ranking general of the military district and involved the bulk of the forces under his command; an engagement might be directed by a subordinate leader or involve only a portion of the armies in the field; an action was a conflict, typically limited in scope, that could not be easily labeled a battle or an engagement.

Skirmishes generally were either opening actions in an engagement or battle, or minor actions involving a relatively small number of men who came into contact with each other as outposts or as the forward elements of a larger force.

Using these more meaningful definitions, what happened at Bristoe Station clearly falls at least into the engagement category, and indeed is listed as such in the General Index to the "Official Records" (p. 110). Any imputation of lesser significance from this categorization, however, is strictly the choice of the letter-writers, and is not borne out either by the facts of the engagement or the subsequent assessments of historians. Indeed, N. E. Warriner, compiler of A Register of Military Events in Virginia, 1861-1865 (published by the Virginia Civil War Commission in 1959), refers to the conflict as the Battle of Bristoe Station (p. 32). His compilation was derived from the Official Records.

In its draft report of February 21, 1993 to the Civil War Sites Advisory Commission ("Report on the Nation's Civil War Battlefields, Executive Summary," p. 9), the Commission staff lists Bristoe Station as one of the most significant battlefields "representing an important campaign."

In a April 2, 1991 letter to Hugh Miller, the eminent historian James M. McPherson wrote: "I strongly believe that the strategic significance and human cost of the battle of Bristoe Station warrant the designation of the battlefield as a Virginia Historic Landmark. The 1,162 acres within the boundaries of the proposed Bristoe Battlefield District include the most salient features of the engagement as confirmed by the historical record of a day of bravery and sacrifice that should never be forgotten."

The significance of the conflict at Bristoe Station is unrelated to whether it is more properly classified as a battle or an engagement. Furthermore, its importance is not disputed by professional historians. That importance is perhaps best understood by comparison of the situation in 1863 with that in 1862, when Lee pursued Pope's retreating army with the intention of engaging and destroying it. Robertson, in his biography of A. P. Hill, makes that comparison, writing that during the Bristoe Campaign Lee once again was the aggressor. In 1863, the attempt ended not with a bloody stalemate (the Battle of Chantilly), but with a bloody defeat (Bristoe Station). While Lee succeeded in some of his other objectives for the Bristoe Campaign, the defeat at Bristoe Station greatly influenced the overall results of the campaign.

The Human Burial Issue

The day after the battle Lee instructed Hill to bury his dead. Whether the bodies were buried where they lay or were gathered for burial in mass graves is not clear. It is also not clear whether any remains were removed to other sites after the war. Some preservation advocates argue that one reason to preserve battlefields is because they are also cemeteries.

Two letters assert that there are no combat burials on the battlefield. They refer to a "College of William and Mary study" that "clearly disclaims any archaeological significance" for the battlefield site. That study or survey is: Dennis B. Blanton, William and Mary Archaeological Project Center, A Phase I Cultural Resources Survey of the Proposed Commuter Rail Parking Lot and Layover Yard, Bristow, Prince William County, Virginia, 3 April 1990, Prepared for Virginia Department of Transportation.

The survey was conducted because a commuter rail parking lot and layover yard had been proposed for construction in the Bristow vicinity. Prior to construction (the project subsequently was moved off of the battlefield), the W&M archaeologists were hired by VDOT to conduct a Phase I (preliminary) survey of the area "to provide specific information concerning the nature and distribution of archaeological and architectural resources within the proposed right-of-way of the project corridor" (p. 1).

The investigators surveyed three sites and one location within the project area. The survey method consisted of surface collecting on Sites 1, 2, and 3, and on Location 1. In addition, shovel testing at ca. 75-foot intervals was performed at Site 1; the test holes varied from .5 to 1.2 feet deep, with an average depth of .8 foot (p. 22). The artifacts recovered included lithics, fire-cracked rock, and such historical materials as brick fragments and bottle glass. No Civil War artifacts were recovered.

Several letters made reference to this survey report and asserted that its findings proved that nothing of archaeological significance relating to the Civil War--particularly human burials--exists within the proposed Bristoe Station Battlefield Historic District. Such a conclusion cannot logically be drawn from this report, however, for the following reasons:

1. The project area consisted of only a small part of the battlefield.
2. The project area is a part of the field among the least likely to contain burials. The Union forces to the south of the railroad in the West Parcel would have removed their casualties when they withdrew; the East Parcel was in part a Union artillery position that probably suffered no casualties, much less burials.
3. The area of likely or known burials to the north of the railroad was not surveyed or tested, because it lay outside of the project area.
4. The East Parcel was shovel-tested to a maximum depth of only 1.2 feet--nowhere near deep enough to uncover a human battlefield burial. Most burials probably were at a depth of 2-3 feet.

In short, the archaeological testing was conducted in that portion of the battlefield least likely to contain human burials, using methods least likely to uncover human burials. To proceed from the unsurprising fact that the archaeologists found no human burials to the assertion that no burials therefore exist anywhere else on the battlefield is illogical. The only way to determine whether burials exist is to conduct an archaeological survey of those parts of the battlefield most likely to contain burials, using the methodology most likely to uncover them.

Distinct from the survey report but related to the foregoing discussion is the assertion in one of the letters that plowing had failed to uncover burials. Again, most burials may have been below the average plow zone. In addition, many of the burials that occurred just north of the railroad may be covered by another 6 inches of earth because of erosion from the hills to the north.

Neither the much-cited William and Mary survey report nor any other evidence offered precludes the possible existence of human burials on the battlefield.

Based on its background research and examination of the pertinent documentary evidence, the Department finds that:

The letters of comment offered no new or substantial evidence to support their contentions that the battlefield was improperly located, that the boundaries of the battlefield were not accurately drawn, that the battle was not significant, or that the possibility of human remains on the battlefield should be dismissed.

The Battle of Bristoe Station was a significant episode of the Civil War, which had a major influence on the outcome of a campaign that involved over 100,000 soldiers from both armies. The Board's finding of significance is supported by the preponderance of objective evidence and contemporary battle reports and maps. The current boundaries accurately encompass the salient events of the battle.

The integrity of the battlefield is best described as in fair condition, compared to other surviving Civil War battlefields of its level of significance in the nation. While the landscape has changed over time, the designated area overall retains sufficient integrity to convey authentically an understanding of the battlefield's significance, location, setting, and historical associations.

In sum, the Department found no indication that the designation was flawed due to any error of fact.

CONCLUSION: BRISTOE STATION BATTLEFIELD STUDY

While the Department believes the Board's 1991 designation was based on accurate historical research, it acknowledges that there remains adamant opposition to the designation among property owners within the designated battlefield.

While consultation with local residents has so far failed to identify any workable alternative designation or agreement on preservation strategies, the Department affirms that land-use planning for preservation is the province of the local government.

The Department commends Prince William County for acknowledging the importance of historic resources in its community planning and encourages the County in its efforts to develop planning strategies that are sensitive in some measure to the battlefield.

The establishment of a sector plan for the Bristoe area would appear to present a timely opportunity to develop appropriate goals, objectives and performance criteria for preservation and development within the battlefield and the larger sector of which it is an important element. While existing plans do not make clear where expected development exactly will be and what it will look like, conventional approaches to development of the site would put the integrity of the battlefield at serious risk. On the other hand, creative approaches to development, in which the preservation of open space and the resource are made an integral part of project planning, could enhance the values that make the battlefield significant and give it integrity.

While the Department cannot recommend any alternate designation to the Board for its consideration, **the Department recommends that the Board take the opportunity of its reconsideration to remove the state historic landmark designation from the Bristoe Station Battlefield, if that is what a majority of the property owners want.**