
**In The
Circuit Court of Prince William County**

CASE NO. CL24-334-00

KATY BURKE, *et al.*,

Petitioners,

v.

**BOARD OF COUNTY SUPERVISORS,
PRINCE WILLIAM COUNTY, *et al.*,**

Respondents.

**MOTION FOR LEAVE TO FILE
BRIEF OF *AMICUS CURIAE* PIEDMONT ENVIRONMENTAL COUNCIL,
NATIONAL PARKS CONSERVATION ASSOCIATION, ASSOCIATION FOR
THE PRESERVATION OF VIRGINIA ANTIQUITIES, NATIONAL TRUST
FOR HISTORIC PRESERVATION IN THE UNITED STATES, COALITION
TO PROTECT AMERICA'S NATIONAL PARKS, AND COALITION TO
PROTECT PRINCE WILLIAM COUNTY
IN SUPPORT OF PETITIONERS**

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The Piedmont Environmental Council (“**PEC**”), a Virginia nonstock corporation, donor-supported 501(c)(3) nonprofit organization and accredited land trust, the Association for the Preservation of Virginia Antiquities a/k/a Preservation Virginia (“**Preservation Virginia**”), a Virginia nonstock corporation and 501(c)(3) nonprofit organization that is privately funded, the National Parks Conservation Association (“**NPCA**”), a Washington, D.C. headquartered nonprofit membership organization, the National Trust for Historic Preservation in the United States (“**National Trust**”), a congressionally chartered and privately funded 501(c)(3) nonprofit organization, the Coalition to Protect America’s National Parks, an Arizona nonprofit corporation and 501(c)(3) nonprofit organization, and the Coalition to Protect Prince William County, a Virginia non-stock corporation and a 501(c)(4) grassroots organization (collectively, the “**Amici**”), by counsel, move for leave to file the attached *Amicus Curiae* Brief in the above-referenced matter.

The Amici respectfully submit the attached in support of Petitioners in this matter. The undersigned certifies that he has sought to obtain consent of all parties. Counsel for the Petitioners have consented to Amici’s filing. Counsel for Respondents do not consent to Amici’s filing.

The Amici and their memberships share Petitioners’ deep concern about the recent action taken by the Prince William County Board of Supervisors (“**Board**”) in approving the three rezoning proposals at issue in this case (the “**Rezoning**”). Indeed, each of the Amici provided written comments to the Comprehensive Plan Amendment and either written or oral comments during the public hearings on the

Rezoning. Despite this opposition, the Rezoning was rushed through by a lame-duck Board and would permit the Prince William Digital Gateway (“**Digital Gateway**”) to pave over and build next to large parts of the Manassas Battlefield.

The Digital Gateway, which would sprawl over 1,700 acres lying contiguous to, and even within, the hallowed ground of the Manassas Battlefield, promises to be the largest cluster of data centers in the world. If the development is allowed to proceed, the solemn nature of this historic site would become marred by sitting in the shadow of the monstrous data centers, along with their associated electrical infrastructure. With 37 data center buildings—with a square footage roughly equivalent to that of 144 Walmart Supercenters—and 14 electric substations proposed, the Digital Gateway promises to transform this idyllic portion of Prince William County into a buzzing hive of industrial activity, sucking up vast quantities of water and electricity and stretching transmission lines across the County and beyond.

Summary of Interests of Amici

The Amici are non-profit organizations who have made a long-standing investment in preserving our Nation’s battlefields and national parks, as well as in the protection of our Nation’s natural resources and environment. Many of the Amici organizations have long been active in conserving Prince William County, the home of one of our Nation’s most sacred sites, the Manassas National Battlefield Park.

PEC is a Virginia nonstock corporation, a donor-supported 501(c)(3) nonprofit organization, and an accredited land trust that is a leader on conservation, restoration, smart growth and climate action. PEC’s mission is to protect and restore

the lands and waters of the Virginia Piedmont, which area includes lands and waters located in Prince William County.

Preservation Virginia is a Virginia nonstock corporation and a 501(c)(3) nonprofit organization that is a privately funded, statewide historic preservation leader founded more than 100 years ago. Preservation Virginia works to ensure the relevancy of the Commonwealth of Virginia's historic places through advocacy, education, revitalization and preservation and stewardship. Preservation Virginia is the nation's first and oldest statewide nonprofit historic preservation organization. Preservation Virginia works with communities to preserve the significant historic and cultural resources that offer a full telling of Virginia's history.

NPCA is a Washington, D.C. headquartered nonprofit membership organization that was founded in 1919 and is the leading voice of the American people in protecting and enhancing our National Park System. With more than 1.6 million members and supporters nationwide, and more than 44,565 members and supporters in Virginia, NPCA and its members work to protect and preserve our Nation's most iconic and inspirational places for present and future generations. NPCA's Mid-Atlantic regional office is located in Washington, D.C., and works to safeguard National Park sites in Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia, including Manassas National Battlefield Park.

The National Trust is a congressionally chartered and privately funded 501(c)(3) nonprofit organization. As set out in the enabling statute, the National Trust's role is to work to save America's historic places; tell the full American story;

build stronger communities; further the historic preservation policy of the United States; and “facilitate public participation” in the preservation of our nation’s heritage. 54 U.S.C. § 312102. The National Trust presented testimony in opposition to the Digital Gateway before the Prince William County Board of Supervisors on November 2, 2022 (at 7:55 AM during an all-night hearing), and on December 13, 2023 (at 8:20 AM during an all-night hearing), and before the Prince William County Planning Commission on November 9, 2023 (at 10:30 AM after an all-night hearing). The National Trust has also been involved for decades in efforts to protect Manassas Battlefield from harmful development proposals, including the Disney’s America proposal in 1994, and the more recent proposals for the Bi-County Parkway.

The Coalition is an Arizona nonprofit corporation, and 501(c)(3) nonprofit organization, comprised of more than 2,100 current and former National Park Service employees united in their mission to study, educate, speak, and act for the preservation and protection of the National Park System and mission-related programs of the National Park Service. With over 40,000 years of collective experience managing and protecting national parks, the members of the Coalition believe that America’s parks and public lands represent the very best of our Nation, and advocate for their protection by speaking out for national park solutions that uphold the law and apply sound science.

The Coalition to Protect Prince William County, a Virginia non-stock corporation, is a non-partisan, nonprofit 501(c)(4) grassroots organization formed in 2014 to defend the rural character of Prince William County and the quality of life of

county residents. The Coalition to Protect Prince William County is entirely composed of volunteers in partnership with county residents, communities, businesses, and nonprofit organizations united to preserve and enhance the quality of life, natural resources, and historical heritage areas of Prince William County.

* * *

For the foregoing reasons and those stated in the attached Brief of *Amicus Curiae*, the Amici respectfully request that this Court grant this Motion, consider the attached Brief of *Amicus Curiae* and accompanying exhibits, and (1) deny the Demurrers filed by the County and the developers of the Digital Gateway, and ultimately (2) find that the Board's precipitous decision was made in violation of the law, and so (3) invalidate the Rezoning.

Date: October 3, 2024

Respectfully submitted,

Counsel for Amicus Curiae Parties



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CERTIFICATE OF SERVICE

I certify that on this 3rd day of October 2024, a true copy of the foregoing was served via first-class mail and electronic mail on the following:

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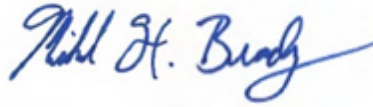
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A handwritten signature in blue ink that reads "Will H. Brady". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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