
**In The
Court of Appeals of Virginia**

RECORD NOS. 1584-25-4, 1590-25-4, 1592-25-4 (Consolidated)

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

Appellants – Defendants,

v.

OAK VALLEY HOMEOWNERS ASSOCIATION, INC., *et al.*,

Appellees – Plaintiffs.

**MOTION FOR LEAVE TO FILE BRIEF OF 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 AS
AMICI CURIAE IN SUPPORT OF APPELLEES**

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INTRODUCTION

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 (“**National Parks Coalition**”), an Arizona nonprofit corporation and 501(c)(3) nonprofit organization, and the Coalition to Protect Prince William County (“**Prince William Coalition**”), a Virginia non-stock corporation and a 501(c)(4) grassroots organization (collectively, the “**Amici**”), by counsel, move under Rule 5A:23(c), for leave to file the attached *Amici Curiae* Brief in the above-referenced matter.

1. The Amici respectfully submit the attached *Amici Curiae* Brief in support of Appellees (collectively, “**Oak Valley**”) in this matter. 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 (the “**Park**”).

2. 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.

3. 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, 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.

4. 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 1.9 million members and supporters nationwide, and more than 50,000 members and supporters in Virginia alone, 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 in Washington, D.C., and works to safeguard national park sites in Delaware, the District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia, including the Park.

5. 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 protecting Manassas Battlefield from harmful development proposals, including Disney’s America proposal in 1994, and the more recent proposals for the Bi-County Parkway.

6. The National Parks Coalition, an Arizona nonprofit corporation and 501(c)(3) nonprofit organization, is comprised of more than 4,700 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 50,000 years of collective

experience managing and protecting national parks, the members of the National Parks 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.

7. The Prince William Coalition, 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 Prince William Coalition is entirely comprised of volunteers who partner with county residents, communities, businesses, and nonprofit organizations to preserve and enhance the quality of life, natural resources, and historical heritage areas of Prince William County.

8. The Amici and their memberships share Oak Valley’s concern about the action taken by the Prince William County Board of Supervisors (“**Board**”) in approving the three rezoning proposals at issue here, Rezoning #REZ2022-0032, Rezoning #REZ2022-0033, and Rezoning #REZ2022-0036 (the “**Rezoning**s”). 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, as well as the adjoining residences owned by Oak Valley.

9. With at least 37 data center buildings sprawling over 1,700 acres—with a square footage roughly equivalent to that of 144 Walmart Supercenters—and 14 electric substations proposed, the Digital Gateway promises to be the largest cluster of data centers in the world.

10. The Digital Gateway lies contiguous to, and even within, the hallowed ground of the Manassas Battlefield. If the development proceeds, the solemn nature of this historic site would be overshadowed by monstrous data centers and crisscrossed by the long tenacles of their associated electrical infrastructure. Once complete, the Digital Gateway would 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.

11. The Rezoning's' flagrant disregard of the processes required by the Virginia Code and County Ordinance, and the Digital Gateway's threat to the Park, thus strike twin blows at Amici's core activities and organizational missions. As advocates for responsible land use decision-making affecting the Commonwealth's historic, cultural, and environmental resources, Amici have a strong interest not only in protecting the Digital Gateway, but also in the Court giving full effect to those Virginia Code provisions and County Ordinances that ensure democratic involvement and mature deliberation.

12. The undersigned certifies that he has sought to obtain consent of all parties. Counsel for Oak Valley has consented to Amici's filing. Counsel for Appellants do not oppose Amici's filing, but reserve the right to respond and object to any arguments therein.

For the foregoing reasons, those stated in the attached Brief of *Amici Curiae*, and those advanced in the briefing of Oak Valley, the Amici respectfully request that this Court: (1) grant this Motion and consider the Brief of *Amici Curiae* and accompanying exhibits; (2) conclude the Rezoning's to have been adopted in violation of the Virginia Code and Prince William County Ordinance; (3) affirm the Circuit Court of Prince

William County in Case No. CL24000375-00; and so (4) hold the Rezoning void *ab initio*.

Date: January 5, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that the foregoing complies with the Rules, and that on this 5th day of January, 2026, I caused a true copy of the foregoing and attached to be filed electronically in the Clerk's Office of the Court of Appeals of Virginia under the Rules of the Supreme Court of Virginia and the VACES Guidelines, and to be served via electronic mail on the following counsel of record in these cases and in the case with which they have been paired for oral argument, *Burke v. Board of County Supervisors*, Record No. 2025-24-4:

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