

Chris French Review of Phase I Cultural Resource Survey of the ±87.9-Hectare (±217.4-Acre) Project Tiger Report, conducted by Dutton and Associates. Final Report.

Report File Name - D+A FINAL_Project Tiger with VCRIS.pdf

Obtained via Freedom of Information Act Request to VA Department of Historic Resources

Overall, this appears to be a very well-done report. I reviewed the draft report with a critical eye and believe it to be a solid Phase I site evaluation. However, there are a few shortcomings associated with the report. These include an inaccurate conclusion the Brown Grove School lies offsite of the ±217.4 property and no corresponding investigation for the school and a failure to include in the study design any search for human remains other than visual searches for depressions that might imply sunken graves.

My Background:

This document reflects a summation of the recently conducted and currently known (to me) archaeological research of this property. Recommendations are based on both limited professional cultural & historical resources training I've had and volunteer/leadership work and experience as a Board member of the Archaeological Society of Virginia, the Past President of the Thomas Jefferson Chapter of the Archaeological Society of Virginia, and as a field consultant during the development of the Virginia Indian Heritage Trail system. Any opinions and suggestions offered are solely my own.

High level highlights:

Field techniques used include initial visual observations (via field walks), Shovel Test Pits (STPs) at the maximum distance recommended by VA Dept. of Historic Resources, and use of metal detectors in extremely limited areas (adjacent to Ashcake Road). All are appropriate techniques for a Phase I archaeological survey.

Survey resulted in further identification of site that may be related to the former Merry Oaks Tavern. The study team (and that of a past archaeological survey in the 1990's) notes research indicates the structural remains may have been the residence of the tavern owner. The location of Merry Oaks Tavern was not discovered as part of this study, and 2 others previously done in the 1990's.

Per the draft report, "The current survey identified early-nineteenth century materials and relatively intact soils that extend far beyond the originally recorded site boundary, suggesting a potential for other secondary buildings or intact features in the yard space around the main dwelling. Based on these factors, D+A recommends Site 44HN0326 eligible for inclusion in the NRHP (*National Register of Historic*

*Places**). Avoidance or data recovery is recommended. No additional archaeological work is recommended for the remainder of the project area.”

* I spelled out what NRHP is for the reader who might be unfamiliar with it. rcf

Potential Archaeological Report Shortcomings:

- Survey is limited to only a Phase I survey. This is puzzling since 2 past archaeological surveys were done on site – a Phase I and Phase II level studies. At a minimum, I would have expected a more extensive focus around the building site, which was previously discovered with past surveys. That said, the research team did find additional features that justified expanding the potential boundaries of this historical feature/building site. It is enough of a feature that D+A recommends it for registration with the National Register of Historic Places (see quotation above).
- The almost exclusive use of STPs @ 50’ intervals leaves a lot of space between the pits for items to be missed. The land gap between 4 STPs over two transects side by side would be approximately 2500 square feet. That is a lot of ground that was not looked at, especially considering the site has previously documented with historic resources. Although the spacing meets the maximum distance allowed by the state for such surveys, the question remains why were smaller distances for STPs not used in areas where historical features were previously identified?
- The report incorrectly states the Brown Grove School is not located on the project property. On page 5-25 of the report, the project boundary is shifted to the west of obvious landmark road boundaries located on the 1938 USGS topographic map. As a result, the report erroneously concluded the Brown Grove School was not on the property. In subsequent topographic maps, the property boundary is properly georeferenced and shifted towards the east with the roads being the proper boundary. This suggests that, in fact, the school is on the property.
 - Brown Grove School was the segregated school used by the historic African American Brown Grove community until it was destroyed by a fire.
 - Such a school would have acted as a community focal point, as did the Brown Grove Church located directly across the street. Several minority communities in VA had close relationship between churches and schools, including several indigenous communities.
 - I have personally observed and photographed foundation remains in the area that the Brown Grove School should have been located at directly across the road from the church. These photos have been provided to VDHR.
- The draft report did not include any information to indicate surveys for human remains or cemeteries occurred other than visual observations for sunken graves.
 - This is concerning given there is approximately 25 years of written correspondence stating there are graves/human remains on the property.
 - Under the 1995 proffers developed for this property when it was rezoned from agricultural to light industrial land use, there is a condition that explicitly states any development should occur around any graves/remains on site.
 - There was enough credible evidence there were remains on the property that a specific proffer was developed to protect them.

- This local proffer is currently proposed to be changed from preserving graves/remains on site to allow for the removal of human remains following current DHR guidelines.
- STP's are not generally considered a method for finding potential graves, so this survey cannot be used to state a survey to locate potential unmarked graves has been undertaken.
 - I confirmed the first part of this statement (use of STP's for identifying potential grave sites) with a professor and archaeologist at a VA public University who I previously served with on the Archaeological Society of Virginia Board of Directors.
- Metal detectors might have been useful in determining post-contact graves, but would be generally useless for identifying any indigenous remains onsite if they are present. The same statement may be true for any former African/African American slaves who might have been buried on site.
- Comment – at this moment, few individuals seem to know definitively if human remains are on the property or not. A map posted online previously suggests there may be, but I do not know what the map origin is or context. The only way this can be adequately addressed is with a proper survey prior to any construction activity. Otherwise, if remains are turned up during construction, it will result in construction work in that area immediately being shut down, per state rules.
- STP's did find some pre-historical artifacts, but it is difficult to say whether there is any significant presence of indigenous occupation on this site based on the Phase I study. With the STP transects being at the maximum distance allowed by VDHR guidelines, it is possible significant features could have been missed given the total of 2500 square feet allowed between STPs.

From a separate email obtained as part of the FOIA requests, D+A suggested they would consider obtaining a VDHR permit to address potential human remains in the event any were found during construction.

My individual recommendation/suggestions:

- Should this project proceed, there should be a Phase III archaeological survey at the Site 44HN0326 area. The report notes there may be other buildings that were not identified).
 - Requiring further surveys, reports, and information dissemination would be in the public interest given the financial incentives provided for this project.
- Investigation and preservation/recovery of the Brown Grove School should be conducted. This is a significant historical feature tied to a long recognized African American community that has had parts of their community cut up due to industrial pressure, the Hanover County Airport, residential development, and a landfill sited in their vicinity. See https://www.richmond.com/business/fighting-for-survival/article_d16fb93b-446d-5bf7-97ad-af2e888c3320.html and https://www.richmond.com/news/plus/williams-hanover-county-values-its-confederate-heritage-it-needs-to/article_fec938b2-a36f-58a3-a568-7b681e20ddce.html for background.

- At a minimum, a Phase II and/or a Phase III archaeological survey should be conducted on this significant historical resource. A determination should be made as to whether the structural remains would qualify for listing under the NRHP.
- Serious questions regarding environmental justice exists with the Brown Grove community given their history and their past written/verbal comments and concerns regarding the impacts of development on their community. These appear to have been historically disregarded and/or minimized.
- **The rumors of there being graves on this property cannot at this time be validated or dismissed.** As a result, I offer the following suggestions:
 - A formal archaeological survey – in consultation with VDHR, VA’s federally recognized (and state recognized) indigenous communities, and representatives/leaders from the adjacent Brown Grove community – should be designed and implemented prior to any construction activity occurring.
 - Based on this and previous studies, **it is premature to change the 1995 proffer regarding the handling of potential human remains until consultation with the state and stakeholder communities (listed above) occurs.**
 - As proposed, the 1995 proffer regarding human remains is more protective/stringent than the proposed proffer Wegmans’ is seeking. See <https://www.hanovercounty.gov/DocumentCenter/View/4270/1995-vs-2020-Zoning-Case-Exhibit-Layout-Comparison-Provided-by-Applicant> for information, where the applicant acknowledges this fact. There is a question as to whether a change in the proffer is truly in the public interest or is solely in the interest of the developer.
- Last, consideration should be given to a Phase II archaeological survey in areas where indigenous artifacts were found. VA’s federally recognized (and state recognized) indigenous communities should be consulted in the study design.