

VIRGINIA BATTLEFIELD PRESERVATION FUND

2015 Grants Program Manual

May 9, 2015

Administered by the Virginia Department of Historic Resources

Virginia Battlefield Preservation Fund Grants
Guidelines for Applications, Prioritization, and Award of Grants
State Fiscal Year 2016 Grants
Application Deadline: 5:00 PM on August 7, 2015

AUTHORITY

Chapter 22 Title 10.1 of the Code of Virginia entitled “Historic Resources” created the Virginia Department of Historic Resources (hereinafter referred to as the “Department” or “DHR”) and was enacted to support the preservation and protection of the Commonwealth of Virginia’s significant historic, architectural, archaeological, and cultural resources. Section 10.1-2202.4 of the Code of Virginia as amended, stipulates that the Department shall establish, administer, manage and make expenditures and allocations from a special non-reverting fund to be known as the Virginia Battlefield Preservation Fund (hereinafter referred to as the “Fund”) to be used for the purpose of making grants to private nonprofit organizations for the permanent protection of Virginia battlefield lands.

GENERAL PURPOSE OF GRANT PROGRAM

As Virginia’s historic preservation agency and state historic preservation office, the Department’s mission is “to foster, encourage, and support the stewardship of Virginia’s significant historic architectural, archaeological, and cultural resources.” With a renewed focus on the educational and tourism benefits associated with Virginia’s Revolutionary War, War of 1812, and Civil War battlefields, the Department has been charged with administration of this grant program to facilitate public-private partnerships to preserve rapidly disappearing battlefield properties. This includes the purchase of battlefield lands, and interest in such lands, which will result in the private ownership, preservation, and management of said lands by private entities in conjunction with perpetual easements that will protect the public benefit and interests of the Commonwealth.

For the purposes of this grant round and in accordance with these guidelines and the authority and guidance established in Sections 10.1-2202 and 2202.4 of the Code of Virginia, the Department may provide grants for the fee simple purchase of, or purchase of protective interests in, a Virginia battlefield that meets the eligibility requirements of this program. DHR has established the following guidelines and criteria to facilitate the award and administration of grants made through the Fund.

GRANT PROGRAM OVERVIEW

The Director of the Department of Historic Resources is charged with establishing, administering, managing, and making expenditures and allocations from the Fund and establishing guidelines for applications, evaluation, and award of grants from the Fund in consultation with appropriate battlefield preservation interests. Monies in the Fund (up to \$2 million in General Funds subject to final appropriations) shall be used by the Department solely for the purpose of protecting battlefield sites through acquisition of lands and/or interests in lands (easements) by means of grants to private nonprofit organizations (hereinafter referred to as “organizations”) to match federal and other public and private funds.

All such grants shall be made solely for the fee simple purchase of, or purchase of permanent protective easements on, any Virginia battlefield property listed in the following reports issued by the National Park Service’s American Battlefield Protection Program: “Report on the Nation’s Civil War Battlefields (1993),” as amended (available at the following web link:

<http://www.nps.gov/abpp/battles/tvii.htm>), or “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States (2007),” as amended (available at the following web link: http://www.nps.gov/abpp/Rev1812_Final_Report.pdf).

Grants will be evaluated on the eligibility of the organization and the project as defined in Section 10.1-2202.4 of the Code of Virginia, and in accordance with eligibility, selection, administrative, and funding requirements, and application requirements stated in these guidelines and the grant announcement. Grant applications shall include documentation providing proof of the applicant’s tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code. Organizations that are organized or established in a state other than Virginia must document that the organization is duly registered and in good standing with the Virginia State Corporation Commission. All applicants must document that they are currently registered with the Virginia Department of Agriculture and Consumer Affairs pursuant to Virginia’s Charitable Solicitation of Contributions Law, Sections 57-48 through 57-69 of the Code of Virginia.

Applications that meet all eligibility, administrative, funding, and application criteria will be evaluated and ranked in accordance with the “Eligibility and Evaluation Criteria” stated below and in the grant announcement. Applications that do not meet the eligibility, administrative, funding, and application criteria will not be considered. Applications that are incomplete as of August 7, 2015 will not be considered. Additional information or documentation necessary to complete an application will not be accepted after August 7, 2015.

The Department reserves the right to make awards less than the amounts requested based on the Director’s assessment of the project proposal including the eligibility, administrative, funding, and application criteria and the Eligibility and Evaluation Criteria, when total requests exceed available funds and/or to achieve the maximum benefit for the use of public funds. The Director has absolute discretion in evaluating project proposals and in determining which projects will receive funding and how much funding will be allocated to a particular project.

PROJECT COMPLETION DEADLINE

The Department anticipates that funds available for 2015-16 grants will be awarded in August 2015. Unless other arrangements are made with the Department, all projects awarded funds in this call for proposals are expected to be completed by April 1, 2016 and all required final documentation and payment requests received by the Department by June 1, 2016. Applicants must demonstrate that they have the necessary funding and administrative resources to complete the project by the applicable deadline. Awards will not be made for projects that cannot demonstrate with a high degree of certainty that they will be completed by the applicable deadline. If a project is not substantially completed by April 1, 2016 without an alternate schedule approved in writing in advance by DHR, those funds may be subject to release in order to be re-awarded to a different project.

ELIGIBLE ORGANIZATIONS

Private nonprofit organizations with 501(c)(3) status may apply. Such applicants must demonstrate that Virginia battlefield preservation or conservation is part of their mission and that the organization has the capacity and expertise to carry out land management, stewardship, and conservation and preservation activities consistent with the purposes of the Fund and professional historic preservation and land conservation practices.

ELIGIBLE PROJECTS

1. Projects may be either acquisition of real property in fee simple or full or partial purchase of a permanent protective easement over real property; and
2. The proposed project must be for a specific Virginia battlefield or site designated in one of the following reports issued by the National Park Service's American Battlefield Protection Program: (i) "Report on the Nation's Civil War Battlefields", as amended, or (ii) "Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States," as amended.
 - a. For battlefields and sites associated with the Civil War, the property must have an assigned priority rating in the "Report on the Nation's Battlefields"; or
 - b. For battlefields and sites associated with the Revolutionary War and the War of 1812, the property's association with either war must be established by historic documentation to the satisfaction of the Director.

GENERAL REQUIREMENTS

Match Requirements: Organizations seeking grant monies from the Fund shall be required to provide at least \$1 in matching funds for each \$1 received from the Fund for the proposed project. As used herein, the term "matching funds" shall include both cash and the value of any contribution due to a bargain sale or the donation of land or interest therein made by the landowner as part of the proposed project. No state funds may be included in determining the amount of the match.

Applicants must demonstrate that they have the appropriate match amount from eligible sources. A bank statement and certification from the applicant organization's president or executive director may be used to meet this requirement. Such statement and/or certification should specify the source of the funds to ensure that no state funds are used as part of the match.

Eligible Costs: Eligible costs for which monies from the Fund may be allocated include 1) acquisition of land and any improvements thereon (collectively referred to herein as "land") or 2) permanent protective easements, and/or 3) costs associated with such acquisitions, including the cost of appraisals, environmental reports, any survey, title searches, and title insurance, and other closing costs. Grants from the Fund shall not exceed 50 percent of the appraised value of the land or permanent protective easement for which the grant is sought.

Prospective and Prior Purchase Eligibility: Grants may be awarded for prospective purchases or for prior acquisition in fee simple on which the applicant has already closed. In the case of the latter, the applicant must demonstrate:

- The closing occurred on or after August 7, 2014 (i.e. no more than 12 months prior to the deadline for application for this grant);
- A specific, identifiable threat to the resource or compelling preservation need that existed at the time of the purchase; and
- The land is not currently protected by public ownership or a permanent protective interest in the land for conservation purposes.

Applications for prospective purchases will be given priority over those for acquisitions that have already closed.

Perpetual Easement Required: Any eligible organization making an acquisition of land or interest therein pursuant to this section shall grant to the Commonwealth of Virginia, Board of Historic Resources, a perpetual easement placing restrictions on the use or development of the land as a condition for the use of public funds. In cases where the easement is granted to a holder other

than the Commonwealth of Virginia, Board of Historic Resources, all terms and conditions of the easement shall be reviewed by and found by the Department to accomplish the perpetual preservation of the battlefield property. Such other holder shall demonstrate to the Department that it has the capacity and expertise to manage and enforce the terms of the easement. Applicants who intend for a holder other than the Board of Historic Resources to acquire the perpetual conservation easement must submit the draft deed of easement to the Department for approval as part of the application.

Nothing in this section shall preclude the subsequent transfer or assignment by a state agency or other holder or owner of any property interest acquired pursuant to this section to the United States of America to be incorporated into a national park, national wildlife refuge, or other national conservation area in accordance with 16 U.S.C. §§ 1, 551, 742(a), or 1131, as amended and applicable. Easements on lands purchased in fee simple with monies from the Fund shall be recorded within twelve (12) months of land acquisition or the recipient risks being required to return the grant funds awarded. Fee simple interests acquired with monies from the Fund may not be subsequently sold, conveyed, or encumbered by the applicant before the land is protected by a perpetual conservation easement whose terms and conditions have been approved by the Department and which is recorded in the land records where the property is located..

Compliance with State and Local Plans: Pursuant to Section 10.1-1701 of the Code of Virginia, applicants must submit documentation that the proposed use of the property as open-space land and/or placing a perpetual easement on the property conforms to the official comprehensive plan for the locality or localities in which the property is located as of the date of the application. Such documentation shall include copies of the relevant sections of the comprehensive plan and copies of the current and future zoning or land use maps. The application should also document the current zoning of the property, and its designation on the locality's future land use map, as well as its consistency with the VDOT six-year statewide transportation plan and the Virginia Outdoors Plan. If there are conflicts with the local comprehensive plan or zoning, then official documentation from the appropriate authority within that locality authorizing the proposed conservation/preservation use must be provided.

Integrity: The applicant must submit information regarding all improvements on the property as of the date of the application and the current use(s) being made of the property. Such documentation shall include current photographs and a written description of all existing buildings, structures, and amenities that would convey with the property, and a written description of the land uses and activities being conducted on the property.

Appraisal Required: Prior to the expenditure of grant funds, a current appraisal must be obtained. This appraisal must have an effective date within 180 calendar days of the signing of the contract to purchase the property or of the proposed date of execution of the deed of easement by the property owner. The appraisal must be completed by a professional appraiser licensed and certified in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), as amended. A copy of the appraisal must be submitted to the Department for review to support the proposed acquisition cost. Please note that, depending on the funding structure of the transaction, a second appraisal meeting the Uniform Standards of Professional Appraisal Practice (USPAP) may be necessary.

Ownership and Title: The applicant must provide a continuous chain of title for at least forty (40) years prior to the date of the application including all encumbrances and liens. Copies of the deed of conveyance naming the current landowner as grantee and copies of all encumbrances, including any public utilities and access easements and associated maps/plats, must be included in the application. Such documentation can be prepared by a title insurer, attorney, title searcher, surveyor, or other experienced title professional.

Willing Seller: Applicants must demonstrate that the owner of the property is willing to sell the land or perpetual easement to the applicant. If the applicant does not have a contract of sale or contingent contract of sale, a signed and notarized letter from the property owner indicating his or her willingness to enter into such a contract must be supplied.

Management Plans/Capacity: Applicants who intend to acquire fee simple interests must demonstrate that they have realistic plans and the organizational and financial capacity to ensure appropriate treatment and ongoing management of historic resources on the land once the sale is complete. Applicants who are acquiring real property in fee simple whose integrity has been compromised by modern improvements may be required to rehabilitate the property and to execute a management plan for that rehabilitation work.

ELIGIBILITY and EVALUATION CRITERIA

Eligibility criteria that must be met prior to evaluation/ranking:

- Location of the proposed project in relation to core and study areas of the battlefield for Civil War sites; or historic documentation, such as contemporaneous battle maps, contemporaneous battle accounts, establishing that the proposed project area is within the boundaries of Revolutionary War or War of 1812 battlefield or site;
- Financial and administrative capacity of the applicant to complete the project. If a fee simple acquisition, demonstration of the applicant's ability to maintain and manage the property consistent with the public investment, public interests, and professional historic preservation practices must be met;
- Consistency with local comprehensive plan, Virginia Outdoors Plan, and VDOT six-year statewide transportation plan; and
- Documented threat or compelling preservation need.

Evaluation Criteria used to prioritize eligible projects:

- Significance of the battlefield as designated in the: (i) "Report on the Nation's Civil War Battlefields", as amended; (ii) "Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States", as amended, and/or (iii) application of the National Register of Historic Places criteria, set forth in 54 U.S.C. Section 302101 and 36 CFR 60.4. Priority will be given to battlefields that are listed as Priority I or II sites in "Report on the Nation's Civil War Battlefields", or as Class A or B sites in "Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States";
- Degree to which the property falls within the core and/or study areas of the specific battlefield or other applicable measure of association established by the American Battlefield Protection Program, as applicable;
- Proximity to other protected or conserved lands;
- Degree of threat to and integrity (degree or level of preservation) of the features associated with the battle in question;
- Financial and administrative capacity of the applicant to complete the project;
- For fee simple acquisition, financial and administrative capacity of the applicant to maintain and manage the property in a manner that is consistent with the public investment and public interests, such as education, recreation, research, heritage tourism promotion, or orderly community development;
- Additional compelling preservation and/or public benefit opportunities that the project will address;
- Public access (note: a minimum of two days per year is mandatory for all easement projects);

- Special priority will be given again this year to projects that protect larger tracts of land;
- Proportion of match greater than 50% of project costs (bargain sale does not count toward extra consideration);
- Priority will be given to projects that protect “new lands” not already purchased;
- Record of timely submission of progress reports to DHR and timely completion of projects by past recipients of monies from the Fund;
- Extent of encumbrances on the property such as utility easements that may interfere with preservation purposes of the easement; and
- Environmental concerns or hazards, such as underground storage tanks or prior uses that may have resulted in contamination, that may complicate implementation of a battlefield easement.

The following types of projects/costs are **not** eligible:

- Land/property that is in public ownership and protected for purposes consistent with this program;
- Indirect costs (staff time or overhead);
- Acquisition projects that include costs for maintenance, operation, development, or interpretation of lands and facilities. Any such cost must be excluded from the total project costs and will not be considered as match contribution; and
- Projects in which the entire match is through “bargain sale” or donation of land value by the landowner.

APPLICATIONS

All applications must be submitted on the DHR Application Form and include the following:

- A cover sheet providing the name of applicant organization, project name, and property location;
- A narrative project summary that describes the project and demonstrates how the project and/or applicant meets all eligibility criteria outlined above as required for funding and includes supporting documentation.
- A narrative project summary that describes how the project and the applicant and/or landowner’s intended use of the property meet the Eligibility and Evaluation Criteria outlined above and includes supporting documentation.
 - This summary must address the project in sufficient detail to apply all evaluation criteria—including verification of inclusion as a Civil War, Revolutionary War or War of 1812 site identified in either the “Report on the Nation’s Civil War Battlefields” or “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States”, the degree to which all or parts of the parcel are within the core or study areas of the battle or closely associated with a particular battle, as applicable; the degree of integrity of historic resources associated with the battle on the property; documentation of specific threats to the integrity and/or significance of the property; public benefits provided by the project, etc. for this particular parcel/project.
 - The narrative should include any special and compelling preservation consideration (such as filling in the last gap protecting the entire battlefield or an otherwise unique preservation opportunity provided by this particular project);
- IRS letter verifying the applicant’s 501(c)(3) status;
- IRS W-9 form;
- Verification of registration as charitable organization for solicitation of contributions with the Virginia Department of Agriculture and Consumer Services;
- In the case of organizations registered or established in other states, verification that the applicant is duly registered and in good standing with the Virginia State Corporation Commission;

- A 7.5 minute USGS quadrangle map (color copy or electronic/GIS version acceptable) **clearly** marked with the following information:
 - The boundaries of the land for which the grant is sought;
 - The boundaries of the core and/or study areas of the battlefield, or other association metric established by the American Battlefield Protection Program shown in a way that clearly demonstrates the relationship of the project to those areas; and
 - Locations of other nearby protected parcels shown in relation to the project/property, if applicable.
- A statement indicating whether the acquisition is to be fee simple or acquisition of an easement, and one of the following (consistent with the type of project for which funding is sought):
 - Evidence of the applicant's financial and administrative capacity to manage the land following acquisition of fee simple (the applicant's most recent audited financial statements, if available, are recommended); or
 - Completed copy of DHR Easement Application Form.
- A contract of sale, contingent contract of sale, or letter from the property owner indicating willingness to sell the land to the applicant or to convey a perpetual conservation easement to the Virginia Board of Historic Resources For prior purchase, provide verification of the date on which the applicant closed on the sale of the property.
- Verification of eligible matching funds.
- A valid appraisal of the value of the property to be acquired or of the easement.

APPLICATION DEADLINE

Completed applications must be RECEIVED at the DHR Richmond Office (address below) or via electronic submission by **5:00 PM, August 7, 2015**. Applications must be submitted in PDF format either on a CD, USB drive, or via email. Unusually large documents may not be receivable via email. If the document is greater than 5MB in size, applicants should use DHR's VITAShare site: <https://vitashare.virginia.gov/fcweb/jsp/logon.jsp>

Submit Applications To:

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 540-868-7030

For questions contact David Edwards at 540-868-7030 or by email at:
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