BATTLEFIELD LAND ACQUISITION GRANTS*

To Preserve America's Endangered Civil War Battlefields

*As authorized by the American Battlefield Protection Act (16 USC 469k)

Guidelines and Application Instructions

The National Park Service (NPS) makes available funds from the Land and Water Conservation Fund (LWCF) to help States and local communities acquire and preserve threatened Revolutionary War, War of 1812, and Civil War Battlefields. The Battlefield Land Acquisition Grants (BLAG) are administered by the American Battlefield Protection Program (ABPP) and awarded through a competitive process. Each grant requires a dollar-for-dollar non-Federal match. Grants are available to purchase 1) land in fee simple or 2) permanent, protective interests in land (easements) at Battlefields listed in the Civil War Sites Advisory Commission's (CWSAC) 1993 *Report on the Nation's Civil War Battlefields*, or ABPP's 2007 *Report to Congress on the Historic Preservation of Revolutionary War Sites and War of 1812 Sites in the United States* (Reports). Foremost consideration is given to application packages for acquisition proposals at battlefields defined as Priority I or II sites in the Reports. The Reports and a listing of battlefields' priority status can be found at on the Web at https://www.nps.gov/abpp/battleswars.htm

Potential applicants should carefully review the following guidelines before preparing an application package. The ABPP also encourages applicants to contact the ABPP staff before submitting an application package.

Who May Apply?

Battlefield Land Acquisition Grants will be awarded to units of State and local governments. In any case where a private non-profit organization seeks to acquire battlefield land with assistance from this program, that organization must apply in partnership with a State or local government agency sponsor. The government agency may then subgrant the Federal funds to the non-profit organization.

In any case where a local government or a private non-profit organization acquires land or an interest in land with assistance from this program, it **must** convey a perpetual protective easement on the land to the State Historic Preservation Officer or other governmental agency acceptable to the National Park Service, in accordance with the "Administrative and Funding Requirements" set out below.

What is Funded?

Grants must be used to acquire battlefield land or to acquire a permanent, protective interest (i.e., a perpetual protective easement) in battlefield land. Additional costs associated with the acquisition – such as appraisal costs, survey fees, title insurance, and other closing costs – are also eligible grant costs. Grant funds cannot be used for acquisition of interests in land that is already permanently protected.

Eligible battlefields are those listed in the CWSAC's 1993 *Report on the Nation's Civil War Battlefields*, or ABPP's 2007 *Report to Congress on the Historic Preservation of Revolutionary War Sites and War of 1812 Sites in the United States* Proposals for purchases at Priority I and II sites will be given highest consideration. Eligible acquisitions should lie within the "core" areas of CWSAC battlefields (CWSAC "core" and "study" area maps are available from the ABPP). Proposals to acquire land outside of the "core" area but within the "study" area are eligible, but will be considered a lower priority than proposals to purchase "core" area land only. Land lying entirely outside of the CWSAC "study" area is not eligible for assistance from this program. If the land to be acquired lies partially within the "study" area and partially outside the "study" area, a majority (more than 50%) of the land must be within the "study" area in order for the proposal to be eligible for funding.

No lands located within the legislative boundaries of National Parks may receive funding through this program.

When Are Grants Awarded?

Ordinarily, the NPS will award the grant as "last money in" prior to acquisition of battlefield land or a protective easement. This means the grant will provide the final funds necessary to close on the property or interest in property.

However, if a non-profit organization has borrowed money to acquire land to prevent its imminent sale for development, and if the land in question is not then protected by public ownership or by a perpetual protective easement, a State or local government may apply on behalf of the non-profit organization to retire the debt. Grant assistance for the retirement of such debt must result in either public ownership of the land or public ownership of a perpetual, protective easement, in accordance with the other terms of this guidance. The fact of such prior purchase creates no additional priority for funding assistance from the NPS.

Administrative and Funding Requirements

Matching Share

Battlefield Land Acquisition Grants may be used to pay up to 50% of the total cost—the sum of both the cost of the land or protective easement to be purchased and any necessary fees—of the real estate transaction. A dollar-for-dollar non-Federal match is required. Non-Federal matching share may be in cash, loans (see below), landowner donations of lands or interests in lands (also partial donations, such as bargain sales that reduce the cost of the acquisition below its fair market value), or any combination thereof. Federal appropriations or other Federal grants **may not** be used to match Battlefield Land Acquisition Grants. Other Federal grants, however, may be part of the overall financing package, as long as non-Federal monies are used to match the Battlefield Land Acquisition Grant portion of the transaction.

Matching funds should be "in-hand" or otherwise committed at the time that the application package is submitted to the NPS. The NPS will accept application packages from applicants who have not yet secured their matching share, but it reserves the right to provide such applicants with a conditional response pending the availability of matching funds within a specified period of time. Parties committing matching funds must provide a letter to the applicant verifying their contribution. If third parties will not commit matching funds without the leverage provided by this grant, applicants must provide a letter from potential funding sources guaranteeing that receipt of a Battlefield Land Acquisition Grant will release matching funds.

Applicants who have not yet secured matching funds must submit a specific, credible plan for raising the necessary matching funds in a timely manner (usually within 120 days of award of Battlefield Land Acquisition Grant). The plan must identify potential sources of funds and include a proposed schedule for securing funds or commitments of funds.

For the purposes of this program, applicants may use a loan as non-Federal match. However, if the loan is secured by the land to be acquired, the lending institution must agree, in writing, that it will subordinate its own interest in the property to the terms of the grant, especially the 6(f)(3) "non-conversion" and protective easement requirements. (See "Legal Requirements" below.) The applicant must include this explicit, written agreement from the lending institution in the application package. (This provision is not required if the loan is secured by means other than the land to be acquired or if the Battlefield Land Acquisition Grant will retire the entire debt.)

Legal Requirements

The American Battlefield Protection Act (ABPA) of 1996, as amended (54 USC 308101), authorizes this grant program. The ABPA allows Land and Water Conservation Fund monies to be used to provide the Federal share of the cost of acquiring interests in eligible Civil War battlefield land. The ABPA requires that any interest in land acquired under this program "…shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l-8(f)(3))." Section 6(f)(3) requires that any land acquired with these funds be preserved and not converted to other uses without the express written consent of the Secretary of the Interior.

All grantees must agree to record with or in the deed and record in the easement (as applicable) the following:

1) That the property was acquired with assistance from Federal Land and Water Conservation Act funds pursuant to the American Battlefield Protection Act (16 USC 469k);

2) That the property, therefore, is subject to the provisions of Section 6(f)(3) of the Land and Water Conservation Act;
3) That the property, therefore, may never be converted to other than preservation uses without the written approval of the Secretary of the Interior;
4) That in the event of a breach of the requirements of Section 6(f)(3) (unauthorized conversion), the only remedy is immediate compliance with Section 6(f)(3); and
5) That grant funds cannot be repaid to the NPS to nullify the requirements of Section 6(f)(3).

Because the Section 6(f)(3) "non-conversion" clause governs the use of the land but is not necessarily sufficient to protect the historic features of the battlefield, the NPS also requires additional legal assurances that the battlefield land will be preserved appropriately.

In cases where a State government agency will acquire and manage the property, the State must enter into a letter of agreement with the NPS. The letter must assert that the State will hold the property forever, allow for public access, maintain and protect the historic features and landscape, restrict development to that needed for interpretation and visitor access, and pursue site development only after appropriate environmental and cultural studies are completed to inform best possibilities for low impact design and construction. If the agency is other than the State Historic Preservation Office, the letter must also state that pre-development site planning (such as surveys to identify significant landscape and historic features, and archeological investigations) and final construction designs are subject to approval by the State Historic Preservation Officer. The letter must also acknowledge the 6(f)(3) restrictions on the property. This letter will be recorded with the deed for the property and will run with the land in perpetuity.

In all other cases, grantees or subgrantees must encumber the title to the acquired battlefield property with a preservation easement, in favor of and enforceable in court by the State Historic Preservation Officer, or by another government agency acceptable to the NPS, in perpetuity. Both the letters of agreement and easements must acknowledge Section 6(f)(3) restrictions and must be sent to the NPS for review and approval prior to their execution and recordation.

The fundamental purpose of the Land and Water Conservation Fund is to help acquire and/or develop public outdoor recreation areas. Accordingly, grantees must provide for public access to lands or interests in lands acquired with assistance from this program, subject to necessary and reasonable measures on the part of the grantee to protect the historic features of the battlefield from damage or loss. Where the grantee will place an easement on the property, the grantee must include language in the easement that indicates the type and degree of public access to be made available to the property. At a minimum, lands purchased with LWCF funds must be visible from public rights-of-way.

Appraisals

Before the NPS will release grant funds, the NPS must receive and approve a property appraisal to the NPS that supports the proposed acquisition cost. The appraisal must be completed within 180 calendar days of the signing of the contract to purchase the property. The cost of the appraisal is an allowable cost for this grant.

In September 2006, the Department of Interior's Appraisal Services Directorate established requirements for reviewing appraisals funded through grants-in-aid within the Department. In accordance with these new requirements, Battlefield Land Acquisition Grant grantees must consult DOI's Appraisal Services Directorate **before selecting an appraiser** for the project. The DOI Appraisal Services Directorate will work with grantees to find an "assignment qualified" appraiser in a timely fashion and guide grantees through the appraisal and review process. The DOI Appraisal Services Directorate can be found on the Web at http://www.nbc.gov/Appraisalservices/

The DOI Appraisal Services Directorate will only accept appraisals 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, in the State where the appraised property is located. Appraisal preparation, documentation, and reporting must be made in conformance with the standards and practices of the **Uniform Appraisal Standards for Federal Land Acquisitions** (UASFLA), as codified in 49 CFR 24.103, and the **Uniform Standards of Professional Appraisal Practices** (USPAP Standards 1 and 2) published by the Interagency Land Acquisition Conference.

These standards are available from the Department of Justice on the Web at http://www.usdoj.gov/enrd/land-ack/

Grant Administration

Grantees may not charge costs for administering the project to the grant or to the required matching share.

Application Instructions

The funding opportunity is announced via Grants.gov, but the ABPP is not accepting submissions through Grants.gov at this time. Application packages must be submitted in hard copy. The ABPP will not accept faxed or e-mailed application packages. The ABPP will not act on incomplete application packages. The ABPP will accept application packages from government applicants or, where applicable, from the proposed non-profit sub-grantee. Each application package must include the following elements:

1) Cover Sheet/Check List

Applicants must complete the Battlefield Land Acquisition Grants Cover Sheet/Check List (see below) with an original signature of an authorizing official within the applicant's organization. The name of the battlefield, identifying number, and its priority listing should be written as they appear in the 1993 CWSAC *Report on the Nation's Civil War Battlefields* or the 2007 *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 sites in the United States.*

2) Standard Form 424 – Application for Federal Assistance

The Standard Form 424 (SF424) Application for Federal Assistance is to be completed by the **government sponsor**. The responsible official of the government sponsor must sign this form, not the official at the non-profit organization. The SF424 can be found here. (http://www.nps.gov/abpp/grants/LWCF/LWCFSF424.doc).

3) Standard Form 424A - Budget Information for Non-Construction Projects

The Standard Form 424A (SF 424A) Budget Information for Non-Construction Projects can be completed by the government sponsor or non-profit applicant. Be sure to include the purchase price and associated closing costs in the budget calculation. The SF 424A and instructions can be found here (http://www.grants.gov/web/grants/forms/sf-424-family.html#sortby=1).

4) Certification Letter – Acknowledgement of 6(f)(3) and Matching Fund Disclosure

Applicants must provide a letter, signed by or on behalf of the head of the agency or organization (or their designee), certifying the accuracy of the information included in the application package. This letter must acknowledge that the applicant understands that Section 6(f)(3) of the Land and Water Conservation Act of 1965 applies, in perpetuity, to the land proposed for purchase using LWCF funds, and that the applicant accepts the perpetual land use restrictions of Section 6(f)(3).

The letter must also disclose all sources of secured matching funds making up the required non-Federal match. In the letter, the applicant must certify that the non-Federal matching funds are either "in-hand" or otherwise committed at the time of application.

Parties committing matching funds must provide a letter to the applicant verifying their contribution. These letter(s) must be included with the application package. If third parties will not commit matching funds without the leverage provided by this grant, applicants must provide a letter from potential funding sources guaranteeing that receipt of a Battlefield Land Acquisition Grant will release matching funds.

Applicants who have not yet secured matching funds must submit a specific, credible plan for raising the necessary matching funds in a timely manner (usually within 120 days of award of Battlefield Land Acquisition Grant). The plan must identify potential sources of funds and include a proposed schedule for securing funds or commitments of funds.

For the purposes of this program, applicants may use a loan as non-Federal match. However, if the loan is secured by the land to be acquired, the lending institution must agree, in writing, that it will subordinate its own interest in the property to the terms of the grant, especially the 6(f)(3) "non-conversion" and conservation easement requirements. The applicant must include this explicit, written agreement from the lending institution in the proposal package. (This provision is not required if the Battlefield Land Acquisition Grant will retire the entire debt.)

5) Statement of Threat

Applicants must include a statement that demonstrates the nature, extent, and level of severity of the threat(s) to the battlefield landscape and/or known battlefield archeological resources. Explain how and to what extent the proposed acquisition addresses and mitigates the described threat(s). In cases of minimal threats, provide a compelling reason for why the acquisition of the property **at this time** is the most appropriate preservation strategy for the battlefield.

6) Property Use Statement

Applicants must include a statement that explains the current and proposed future use of the parcel(s). Provide the parcel(s) current land use (e.g. residential, agricultural, industrial, etc.), proposed or known future land use(s), a list of current structures on the parcel(s) and their approximate age, and any planned alterations to those structures and/or the

battlefield landscape. In cases where a property is currently in commercial use (excluding agricultural uses), the ABPP requires that the commercial activity cease within two (2) years of the purchase. Areas where probable/known new construction not relating to the property as a battlefield is proposed should not be included in the acreage purchased using these Federal grant funds. Those areas can be purchased solely from non-federal matching funds, but will not be subject to LWCF Act Section 6(f)(3) provisions. See the LWCF Battlefield Land Acquisition Grant Manual for more information.

7) Battlefield and Parcel Map
Applicants must document that the proposed acquisition lies within the battlefield's Core and/or Study Area. Include a USGS 1:24,000 scale, 7.5 minute **topographic** map (or similar) marked with the boundaries of the battlefield's Core and Study Areas and marked with the boundary of the parcel(s) to be acquired. Applicants may submit a GIS shapefile of the parcel boundary instead of a paper map. If submitting GIS data, applicants must ensure that the parcel shapefile includes Federal Geographic Data Committee compliant metadata and can be read with ESRI ArcGIS 10.x.

8) Willing Seller
Applicants must demonstrate in writing that the owner of the property to be acquired is willing to sell or donate the land at an agreed-upon price. Acceptable documentation includes a signed contract or contingent contract to buy the land, or a signed letter from the owner indicating willingness to enter into such a contract at a specified price.

9) Government Sponsor/Grantee
Non-profit applicants must include a letter from the State or local government sponsor indicating its agreement to receive and administer the Battlefield Land Acquisition Grant for the proposed acquisition.

10) Agreement to Hold Easement or Preservation Letter
In cases where the State will not take ownership of the land to be acquired, applicants must include a letter from the appropriate State Historic Preservation Office (or other agency acceptable to the NPS) indicating its agreement to hold the required preservation easement in perpetuity.

11) Schedule for Acquisition
Applicants must include a schedule for completion of the acquisition, noting final tasks and closing date.

*** AN APPLICATION PACKAGE IS NOT COMPLETE UNLESS IT MEETS ALL OF THE APPLICATION PACKAGE REQUIRED ELEMENTS***

Application Deadlines

Applicants may submit their proposals to the NPS at any time, with grant awards made as funds are available. The NPS will review all **complete** application packages as they are received. The NPS will review projects at Priority I and II battlefields of within 60 days of receipt of a **complete** application package. The NPS will review projects at Priority III and IV battlefields after it considers pending Priority I and II application packages but no later than 120 days after receipt of a **complete** application package. If an applicant at a Priority III or IV battlefield gives a compelling reason to expedite a decision on an application package, the NPS may agree to do so.

Where to Send Applications

Via Courier Service (Fed Ex, UPS, DHL) or U.S. Postal Service*
American Battlefield Protection Program
National Park Service
1849 C Street, NW
Room 7228
Washington, D.C. 20240
(202) 354-2037

*Note: U.S. Postal Service mail will be irradiated as a precaution before it is delivered. The irradiation process can cause **significant delays** in delivery. It will also damage materials such as photographs.

Contacting the ABPP

Please address any questions or requests to ABPP Staff at abpp@nps.gov, or by phone at (202) 354-2037.

Battlefield Land Acquisition Grants
Cover Sheet

(This page *must* be filled out, signed, and included with the grant application package or the application package will be considered incomplete)*

Date:
Applicant:
Government Sponsor:

CWSAC Priority Number (1993):
Rev War/War of 1812 Priority Number (2007):

Battlefield:
Property to be Purchased:
Tax Parcel(s):
County/City:

Total Acreage:
State:

Type of Purchase: ❒ In Fee Simple ❒ Easement
Organization/Govt. Agency to Own Property in Fee Simple:
Govt. Agency to Hold Conservation Easement:

Federal Requested Amount: $
Non-Federal Matching Amount: $
Total: $

Check each box below to signify that the item is included in the grant proposal.

- ❒ Signed and completed SF424 Application for Federal Assistance (Filled out and signed by Government Sponsor).
- ❒ Completed SF 424A Budget Information for Non-Construction Projects
- ❒ Letter from Applicant that 1) certifies accuracy of application information, 2) acknowledges 6(f)(3), and 3) discloses sources of non-Federal matching funds and associated/closing costs.

  Also, if applicable:
  - ❒ Third party letter(s) verifying matching fund contribution
  - ❒ Potential funding sources letters guaranteeing that receipt of a Battlefield Land Acquisition Grant will release matching funds
  - ❒ Plan for raising necessary matching funds in a timely manner, if funds not yet secured
  - ❒ Lending institution agreement to subordinate interest in property (if loan secured for land to be acquired)
- ❒ Statement of Threat.
- ❒ Property Use Statement.
- ❒ .shp file of target property and battlefield boundary (if applicable).
- ❒ USGS 1:24,000 scale, 7.5 min topographic map showing battlefield boundaries and parcel boundaries
  - ❒ and/or GIS shapefile of parcel boundaries with FGDC compliant metadata.
- ❒ Documentation of owner willingness to sell at a specific, agreed-upon price. Either a:
  - ❒ signed contract or contingent contract to buy land/easement or a
  - ❒ signed letter from owner indicating willingness to enter into contract at a specified price.
- ❒ Letter from State or local government agreeing to sponsor and administer the grant.
- ❒ Letter from State Historic Preservation Office or other approved agency agreeing to hold easement in perpetuity or a preservation letter from state agency acknowledging 6(f)(3) (whichever is applicable).
- ❒ Schedule for completion of acquisition including final tasks and closing date.

_____ _____

Signature of Authorizing Official (Applicant) Date

***The ABPP will not act on incomplete grant application packages.** Application reviews (both 60-day and 120-day determinations) will begin only after the ABPP receives a complete grant application package with an original signature of a