

Shenandoah Valley Battlefields Foundation

Policies for Management of Property

(Compiled)
30 December 2004

General Philosophy:

This is the philosophy with which the Shenandoah Valley Battlefields Foundation, through the Property Management Committee, approaches the management and use of real property under its ownership.

Land is being purchased and placed in the Battlefields Foundation's stewardship using taxpayer's money. Consequently, we are obliged to make every effort to make this land available to the widest range of people possible while ensuring the protection and enhancement of the underlying historic, cultural, archaeological, and natural resources.

Contents:

Attached are nine policies regarding the management of real property resources that have and will in the future become the responsibility of the Shenandoah Valley Battlefields Foundation (SVBF). All ten (10) policies covering the following areas have been approved by the Board of Trustees of the Battlefields Foundation:

- Agricultural Land Use (page 2);
- Archeological Excavations and Relic Hunting (page 6);
- Historical Reenactments (page 8);
- Hunting and Fishing (page 10);
- Infrastructure Improvements (page 12);
- Leasing of Property (page 16);
- Recreational Activities (page 25).
- Vegetation Management (page 27)
- Payment of Real Property Taxes (page 29); and
- Commemorative Works and Plaques, (Page 30).

One other area of property management been identified for which formal policies are under development: signs and boundary marking policies. It is not included in this draft. The Battlefields Foundation welcomes suggestions of other areas that should be investigated and addressed.

An additional Land Management Policy, **Commemorative Works and Plaques**, is included in this packet, approved by the Board of Trustees on 21 October 2002. This Policy has been modified and revised in the same format as the other policies.

Property Management Policy
Agricultural Land Use on SVBF Property
Approved 20 September 2004

Purpose:

To establish guidelines pertaining to agricultural land use on Shenandoah Valley Battlefields Foundation (SVBF) property.

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land and structures owned in fee simple by SVBF and to tenants to whom this land is leased.

The Valley's natural heritage is an essential element of the Shenandoah Valley Battlefields National Historic District's character and played an important role in its history.

Where possible, SVBF concludes lease agreements on land it owns to encourage agricultural uses to continue and to transfer responsibility for routine maintenance.

SVBF also strives to provide public access and interpretation on its land.

Therefore, the SVBF Board of Trustees adopts the following policies regarding agricultural land use.

General Guidelines and Provisions:

Agricultural land use shall be according to a farm plan agreed upon by SVBF and the tenant, and in accordance with federal, state, and local law as follows. All activities that damage historic, prehistoric, or archaeological resources are prohibited.

Term – SVBF shall negotiate long term (five to ten year) leases to encourage the investment by tenants in properties and to encourage the use of best management practices.

Plans – A farm plan, including a nutrient management plan where appropriate, will be devised for each property to outline appropriate farming practices and to define proper management zones.

Hunting – Tenants may hunt wildlife on SVBF property in accordance with applicable federal, state, and local law and special population guidelines. Guests of tenants may also hunt wildlife in accordance with applicable federal, state, and local law but only when accompanied by the tenant. This hunting privilege is not transferable.

General Maintenance – Tenants will be asked to agree to maintain SVBF property in a good condition and state of repair, normal wear and tear and depreciation and damage from causes beyond the tenant's control excepted. This shall include maintenance of all fences, barns, farm outbuildings, and other improvements leased by the tenant.

Best Management Practices – Tenants shall cultivate, fertilize, and manage SVBF property to prevent soil erosion in accordance with soil and water conservation district guidelines and recommendations.

Grazing Practices – Pasture shall continue to be grazed and will be mowed at least twice annually to keep fields open and to limit the growth of invasive weeds and brush. Grazing land shall be grazed by not more than a specified number of cattle, sheep, goats, horses, or other livestock. Livestock shall be excluded from earthworks or other historically significant areas that may be damaged by their presence. Hay may be cut from the grazing land.

Cropping Practices¹ – Tenants will not be allowed to do any of the following:

- plow permanent pasture or meadowland;
- cut live trees for personal uses (however dead and down timber designated by SVBF may be taken for personal use);
- allow livestock other than their own on SVBF property;
- deep plow (although sub-soiling will be allowed but only in those areas of low or no archaeological potential to avoid further disturbance of archaeological deposits);²
- spread sludge or other material for fertilizing or other purposes that contains raw or processed sewage. (This prohibition does not include the appropriate use of animal manure when governed by a nutrient management plan.)

Livestock Practices – In caring for livestock tenants shall follow good husband-like health and sanitation measures, inoculate all livestock according to veterinary recommendations for the Shenandoah Valley area, and guard against disease. SVBF shall be notified promptly of any disease found in a tenant's livestock. All diseased animals shall be quarantined or disposed of according to the advice and recommendations of a licensed veterinarian, which veterinarian shall be approved by SVBF.

Pesticide and Hazardous Waste Materials – Tenants shall follow all Environmental Protection Agency and other applicable governmental regulations and guidelines as to the labeling, use, storage, and disposal of fungicides, herbicides, pesticides, and fertilizer. Tenants shall not allow any hazardous waste, including, but not limited to petroleum waste products, to be stored, used, or placed on or in the property or in or near any adjoining waterways.

Land Used for Interpretation – Land actively used for interpretation will normally be segregated from land leased for agricultural purposes by the terms of the lease and physically, using fencing and signs.

¹ VDHR suggested that preference should be given to crops that have been historically cultivated in the Shenandoah Valley. The Executive Committee recommends against this suggestion because it could limit the economic uses of agricultural lands and hence their attraction to tenants. It could also deter the cultivation of crops that best foster the conservation and preservation of natural and cultural resources.

² Subsoiling and deep plowing are both terms used to refer to the performance of tillage operations below the normal tillage depth to modify the physical or chemical properties of a soil, according to the Natural Resource Conservation Service. Subsoiling intrudes less deeply into the soil than deep plowing.

Historically Significant Buildings, Structures, and Objects – Before any project or activity is undertaken that may alter any buildings, structures, or objects on SVBF property, a determination shall be made as to its significance in American history, architecture, archeology, engineering, and culture. Buildings, structures, and objects shall be deemed significant if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- are associated with events that have made a significant contribution to the broad patterns of our history; or
- are associated with the lives of significant persons in or past; or
- embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- have yielded or may be likely to yield, information important in history or prehistory.

Determinations of significance will be made in consultation with the SHPO, as detailed in the SVBF property management policy Infrastructure Improvements on SVBF Property.

Buildings, structures, and objects deemed significant will be managed according to the Secretary of the Interiors *Standards for Rehabilitation* which define rehabilitation as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. The *Standards for Rehabilitation* follow.

- A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

- New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Property Management Policy
Archeological Excavations on SVBF Property
Approved 20 September 2004

Purpose:

To establish guidelines regarding the approval of archeological excavations and policies regarding the search for or collection of historic or prehistoric artifacts or resources on Shenandoah Valley Battlefields Foundation (SVBF) property.

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land owned in fee simple by SVBF and to its tenants, the general public, visitors to SVBF land, staff and members of the SVBF Board of Trustees, guests, and others.

Relic hunters who excavate and remove archaeological artifacts can cause the loss not only of the objects themselves, but also of important information about the location and context of these objects—information that could enhance the accuracy of the historical record.

Collection of artifacts and metal detecting activities by untrained persons are destructive to historic resources and result in the irretrievable loss of information. This loss can compromise the eligibility of an historic resource or site for inclusion in the National Register of Historic places and the Virginia Landmarks Register.

Therefore, the SVBF Board of Trustees adopts the following policies regarding archeological excavations and relic hunting or any other search for or collection of historic or prehistoric artifacts or resources on SVBF property.

General Guidelines and Provisions:

It is the intent of this policy to preserve archaeological resources in place unless a proposed archaeological undertaking is determined by SVBF to further archaeological knowledge or battlefield interpretation. SVBF will allow metal detecting and relic hunting with permission under the supervision of a trained archaeologist meeting or exceeding the Secretary of the Interior's *Professional Standards*, according to the Secretary of the Interior's *Standards for Archaeology and Historic Preservation*.

Archaeological projects on SVBF land must be a project or program of an established educational, governmental, or historical institution. SVBF will approve archeological excavations after a formal review process outlining the scope, purpose, and exact goals of the project including resource reclamation goals.³

During excavations on SVBF property, a trained archaeologist will be on hand at all times. All excavation, collection, and exploration for artifacts on SVBF property will be conducted by trained professionals.

³ VDHR suggested that all excavation, collection, and exploration of archaeological resources be conducted only pursuant to an approved research design, reviewed and commented upon by Virginia's State Historic Preservation Officer prior to implementation. The Executive Committee recommends against this suggestion, favoring an internal review by SVBF of research designs.

Artifacts uncovered in such excavations will belong to SVBF. Artifacts uncovered will be curated in a facility that meets federal standards as promulgated under 36 CFR 79 *Curation of Federally Owned and Administered Archaeological Collections*.

Prohibitions:

SVBF prohibits all unauthorized and / or unsupervised artifact collecting, relic hunting, and metal detecting, including all private or commercial artifact collecting, relic hunting, and metal detecting of prehistoric or historic artifacts on its property other than that conducted by a qualified archaeologists under a research design authorized by SVBF.

All excavation, collection, and exploration for artifacts on SVBF property by untrained, non-professional persons is prohibited.

The Battlefields Foundation will prosecute unauthorized artifact collecting, relic hunting, and metal detecting on its land to the fullest extend of the law.

Tourists, residents, workers, and reenactors all can degrade the historical value of archaeological sites by leaving behind trash and other modern day objects. Consequently SVBF prohibits all forms of littering in these and other contexts. This prohibition will be promoted through educational and signage programs and enforced to the extent of the law.

Property Management Policy
Historical Reenactments on SVBF Property
Approved 20 September 2004

Purpose:

To establish guidelines regarding historical reenactments and other living history programs on Shenandoah Valley Battlefields Foundation (SVBF) property.

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land owned in fee simple by SVBF and its tenants, the general public, visitors to SVBF land, staff and members of the SVBF Board of Trustees, guests, and others.

Popular and well attended battlefield reenactments are expected to continue and to offer unique interpreting and fundraising opportunities. However, reenactments can also be the source of much damage to historic sites, even when staged with the best intentions. Sponsors of reenactments are encouraged to contribute to the development of SVBF's interpretive plans, in particular with specific ideas for battlefield protection during reenactments—particularly how to avoid confusing the archaeological record with reproductions of artifacts left behind in these events.

Therefore, the SVBF Board of Trustees adopts the following policies regarding historical reenactments and other living history programs on SVBF property.

Definitions:

A Civil War battlefield reenactment is an event when individuals or groups of people dress in period costumes and portray Civil War soldiers and noncombatants. They gather to “re-create” an actual battle or Civil War event at or near the actual location relative the event's historical date.

A Civil War battlefield living history performance is a prescribed or scheduled event in which actors demonstrate historical periods, costumes, or activities not relative to a specific date or event.

Variations or combinations of reenacting and living history may include step-on tour guides wearing or demonstrating period costumes and uniforms.

General Guidelines and Provisions:

SVBF will generally host battlefield reenactments on land it owns in fee, after an evaluation of the proposed activities for appropriateness, historic relevance, and contribution to the mission of the Battlefields Foundation, under the following conditions:

- if an adjacent or nearby property owner hosts a reenactment then use of SVBF property for the same is possible on a case by case basis upon the approval of SVBF; and
- if SVBF determines to commemorate an event of significance that would best be demonstrated by a coordinated reenactment; and

- if SVBF determines that a specific event will not damage the historical, archaeological, or natural resources of a property; and
- if all parties involved in the reenactment hold SVBF harmless for any liability involved in the event.

Application Process:

Persons or groups wishing to host a reenactment or living history event on SVBF land should send a letter describing in detail the event and stating the method to be used to transfer liability from SVBF to the event organizer.

Before SVBF approves a reenactment upon property it owns a disclaimer is to be signed by the sponsor and applicant absolving SVBF of all liability for the event. (A standard disclaimer is being developed.)

Reenactment events must be carefully planned and coordinated to ensure that historic integrity is not compromised.

If a reenactment is permitted, SVBF reserves the right to approve or deny the participation of individuals and / or groups based upon their past and current performance at similar events.

Before SVBF approves a reenactment upon property it owns SVBF shall require indemnification of the organizers of reenactments and a deposit ample to compensate for any damage or clean up cost.

Conditions Placed on Permitted Reenactments:

When SVBF permits a reenactment or living history event on its land, the following conditions shall apply.

Earth-disturbing or compacting activities and heavy visitation shall be prohibited on or near areas of known or presumed archaeological significance, earthworks, and other historically significant buildings, structures, and objects, including but not limited to:

- the creation of fire pits or hut holes,
- use of heavy tent stakes and other devices that are driven into the ground,
- use of tired or tracked vehicles including motor vehicles and all terrain vehicles, and
- the establishment of temporary or permanent camping grounds, concession areas, or restrooms.

Where possible, activities that might be most disruptive of historic resources, including but not limited to automobile use and parking, concessions, restrooms, overnight camping, and camp fires shall be conducted off of SVBF property, in areas that have already lost their historic integrity, and / or outside the core area of the battlefield.

Rigorous “leave-no-trace” practices shall be followed. All trash and other modern refuse or other evidence of modern activity shall be removed and / or erased before the conclusion of the event. Land used in the event will be policed by the participants under SVBF supervision to ensure that nothing is left behind.

Property Management Policy
Hunting and Fishing on SVBF Property
Approved 20 September 2004

Purpose:

To establish guidelines permitting hunting and fishing on Shenandoah Valley Battlefields Foundation (SVBF) property.

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land owned in fee simple by SVBF and its tenants, the general public, visitors to SVBF land, staff and members of the SVBF Board of Trustees, guests, and others.

There is a long tradition of allowing regulated hunting and fishing on federal, state, and local land in the Valley, with the exception of the National Park Service at Shenandoah National Park and at some state and local parks. SVBF's mission is to protect the battlefields as part of a working, rural landscape, where possible. Hunting and fishing are essential components of a working rural landscape. Controlled hunting and fishing will enable the Battlefields Foundation to better manage its land and to avoid over-population of game on its land that could negatively impact neighboring properties and crops.

Therefore, the SVBF Board of Trustees adopts the following policies regarding hunting and fishing on SVBF property.

General Guidelines and Provisions:

SVBF will permit hunting and fishing within the limits of federal, state, and local law on land it owns in fee simple. Hunting and fishing policies will be implemented on a site-by-site basis and communicated to the general public through on-site signs and brochures. SVBF staff will be responsible for granting hunting and fishing permits with the assistance and advice of volunteers. Permission to hunt and fish on SVBF land will be granted to individuals and / or groups through written permits which will be carried by the permit holder while in use.

Persons who hunt and fish on land of the Battlefields Foundation will, like other users of those properties, hold SVBF harmless for any injury or other damage they may incur while visiting SVBF property.

Where there is a tenant on SVBF land, the right to hunt may be conveyed through lease to the tenant.

As is the case with other recreational activities, hunters and fishers are prohibited from engaging in the following activities on SVBF land.

- Motorized or non-motorized vehicles including bicycles and horses are prohibited from SVBF land except when operating on public roadways and designated paths or trails. This includes all-terrain vehicles, off-road vehicles of any type, and motorcycles because of the potential for disruption to historical resources. (This does not include the provision of access to the physically disabled.)

- Open air fires are prohibited on battlefield lands. (Reenactments will be considered independent of this policy.)
- Engaging in any type of motorized or gliding aviation activities is prohibited.
- Launching boats into streams or lakes from SVBF property is prohibited.
- Over-night camping is prohibited. (Reenactments will be considered independent of this policy.)

Persons permitted to hunt and fish on SVBF property will agree not to engage in any activity that harms or degrades historically significant buildings, structures, or objects; archaeological sites, or earthworks.

Property Management Policy
Infrastructure Improvements on SVBF Property

Approved 20 September 2004

Purpose:

To establish guidelines for infrastructure improvements on land owned by the Shenandoah Valley Battlefields Foundation (SVBF).

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land and structures owned in fee simple by SVBF. It applies to the construction of parking, trails, stream crossings, interpretive and directional signs, interpretive facilities, or other development and all activities involving earth disturbance and / or the alteration of potentially historically significant buildings, structures, or objects.

Guidelines for Development Projects, created by the Shenandoah Valley Battlefields National Historic District Commission are found in Appendix I of the *Shenandoah Valley Battlefields National Historic District Final Management Plan*.

Therefore, the SVBF Board of Trustees adopts the following guidelines for development projects on land and buildings owned by SVBF, based on those found in the *National Historic District Final Management Plan*.

General Guidelines and Provisions:

The following procedures will be followed when sites are selected for the development of new facilities or the alteration of existing buildings, structures, or objects on SVBF land:

Assure the need for the improvements – Need for the project should be confirmed through planning and analysis and knowledge of planned and existing interpretive programs, audiences, and relationships to other sites.

Know the environmental and cultural impacts – A thorough understanding of topography, natural features, flora and fauna, historic structures, archaeological sites, historic views, and important features in the cultural landscape such as earthworks or other earthen features, fence lines, field patterns, woodlots, specimen trees, and road traces is required before the selection of a site for development.

Know the impacts on the community– A thorough understanding of impacts on neighbors and nearby communities is required before the selection of a site for development.

Baseline Study – To ensure a full understanding of these factors, a baseline study will be completed for each property, including a natural resource inventory, will be conducted before any earth disturbing activities are planned.

Boundary Survey – An up-to-date boundary survey of each property will be kept on file as part of the baseline study. If no boundary survey exists, SVBF will commission the same.

Archaeological Study – A Phase I archaeological study will be conducted before any earth disturbing activities are planned on SVBF property. Only those archaeologists meeting

or exceeding the Secretary of the Interior's *Professional Standards* shall perform such activities.

Follow all applicable laws – SVBF will follow all applicable federal, state, and local laws and regulations in its development projects.

Archiving of Reports – Copies of all reports, site forms, or other materials resulting from survey activities will be maintained by SVBF and forwarded to the Virginia Department of Historic resource for archiving and research purposes.

Criteria for Improvements:

Adaptive re-use – Re-use of existing buildings is preferred over new construction.

Standards – SVBF will follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties* in the management of historic buildings and landscapes.

Create unobtrusive designs – Any new development on SVBF land must respect the integrity of the battlefield and contribute to a satisfactory visitor experience by complementing existing buildings and landscapes.

Minimize impervious surface – The area to be covered by paving, buildings, and other impervious surface should be minimized.

Seek ways to positively impact natural resources – Where possible, landscaping and new plantings should be designed with native plants and provide forage, cover, and other wildlife benefits.

Riparian Areas – Care should be taken to buffer and filter runoff created by development projects that might impact intermittent and perennial streams and wetlands using natural processes.

Evaluation:

To ensure that future actions have appropriate project review and comply with Section 106 of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), SVBF shall use the studies described above and other research to prepare a report that identifies and evaluates historic properties that may be affected by any development project or earth disturbing activity undertaken on property owned by SVBF. Copies of this report shall be provided to the SHPO prior to the undertaking.

If the SHPO does not object to the recommendations made in the resulting survey report within 30 days of receipt, SVBF will assume concurrence. If no potentially eligible historic resources are present in the area surveyed, SVBF may proceed to implement the undertaking.

Prior to affecting any potentially eligible historic resource, SVBF will develop and implement a testing program of sufficient intensity to provide an evaluation of eligibility for the National Register of Historic Places, in consultation with the SHPO, following the regulations outlined in 36 CFR 800.4 (c).

Treatment:

If, as a result of the testing program, historic properties are identified that are eligible for the National Register of Historic Places, SVBF shall develop a treatment plan in consultation with the SHPO. The treatment plan may include, but need not be limited to, any one or more of the following: avoidance, protection in place, stabilization, recordation, data recovery, incorporation into protected areas, curation, publication, public interpretation, repatriation, long term management, and co-management.

SVBF shall submit the plan to the SHPO for review and approval prior to implementation. Any comments received within 30 days of SHPO receipt of the plan shall be addressed in the final document.

All archeological data recovery plans prepared under the terms of this agreement shall include the following elements:

- information on the archeological property or properties where data recovery is to be carried out, and the context in which such properties are eligible for the National Register;
- information on any property, properties, or portions of properties that will be destroyed without data recovery;
- discussion of the research questions to be addressed through the data recovery, with an explanation/justification of their relevance and importance;
- description of the recovery methods to be used, with an explanation of their pertinence to the research questions;
- information on arrangements for regular progress reports or meetings to keep the SHPO up to date on the course of the work;
- expected timetable for excavation, analysis, and preparation of the final report;
- description of the proposed disposition of recovered materials and records and a plan for regarding curatorial responsibilities;
- proposed methods for disseminating results of the work to the interested public (e.g. slide packet for use in local schools, and exhibit in libraries during Archeology Month, etc.); and
- proposed method by which any relevant Indian tribes, and other specific groups/interested parties will be kept informed of the work, and if human remains or grave goods are expected to be encountered, information on consultation with the Virginia Council on Indians, the United Indians of Virginia and any other relevant Indian tribe regarding final disposition of the materials.

Discoveries

SVBF shall ensure that construction documents for any undertaking involving ground disturbance arising from this program contain a plan for the treatment of unexpected discoveries, as follows:

In the event a previously unidentified archeological resource is discovered during ground disturbing activities, all construction work involving subsurface disturbance will be halted in the area of the resource and in the surrounding area where further subsurface remains can reasonably be expected to occur. An archeologist meeting or exceeding the Secretary of the Interior's *Professional Standards* will immediately inspect the work site and determine the area and the nature of the affected archeological property. Construction work may then continue in the project area outside the site area. Within 10 working days of the original notification of discovery, the SVBF in consultation with the SHPO, will determine the National Register eligibility of the resource.

Work in the affected area shall not proceed until either (a) the development and implementation of appropriate data recovery is completed or (b) the determination is made that the resource is not eligible for inclusion on the National Register.

If the resource is determined to meet the National Register criteria, SVBF will either avoid the area entirely or follow the conditions and guidelines outlined in The Advisory Council on Historic Preservation's *Recommended Approach to Consultation on Recovery of Significant Information from Archeological Sites*.

Any human remains encountered during the implementation of this agreement shall be treated in accordance with the "Regulations Governing Permits for the Archeological removal of Human Remains" (VR 390-01-02) found in the Code of Virginia (10.1-2305, et seq., Virginia Antiquities Act).

The grantee must obtain a permit from the Department of Historic Resources for the removal of human remains in accordance with the regulations stated above. In reviewing a permit involving removal of Native American human remains, the SHPO will notify and consult with the Virginia Council on Indians, the United Indians of Virginia, and other tribal leaders as appropriate. If previously unidentified historic properties, including archeological sites, are discovered during project construction, that portion of the project will stop immediately. SVBF will immediately contact the SHPO and the FRSP and the requirements of 36 CFR Section 800.11 will be satisfied.

Property Management Policy

Leasing of SVBF Property

Approved 20 September 2004

Purpose:

To establish guidelines permitting leasing of Shenandoah Valley Battlefields Foundation (SVBF) property.

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land and structures owned in fee simple by SVBF and to tenants to whom that land is leased.

Like the Civil War, farming is part of the heritage of the Shenandoah Valley. Agriculture has been one of the defining features of the Valley's culture for more than three centuries and was one of the reasons the Valley was so fiercely contested during the Civil War. The mostly agricultural use of the land has serendipitously protected many of the Valley's Civil War battlefields from other development and allowed them to survive into the 21st century substantially intact.

In most areas of the Shenandoah Valley Battlefields National Historic District, productive agriculture and forestry can continue to help protect Civil War battlefields. By leasing land it owns to its neighbors, SVBF keeps that land in productive agriculture and supports the farm economy.

SVBF does not have, and does not anticipate having in the future, staff that can perform the ground maintenance or land management practices. Therefore, the SVBF Board of Trustees adopts the following policies regarding leasing of SVBF land and buildings.

General Guidelines and Provisions:

Where possible, SVBF will conclude lease agreements on land it acquires, based on leasing guidelines provided by the Virginia Cooperative Extension Service (Attachment A), that encourage agricultural uses to continue and to transfer responsibility for routine maintenance.

Among the uses that can be conveyed by lease are:

- farming in accordance with accepted best management practices;
- hunting and fishing within the limits of federal, state, and local law (including special population management programs);
- harvesting of dead and down timber; and
- the right to occupy and use houses, barns, and other structures.

Rent for leased properties can include cash payments and / or services rendered to SVBF. When appropriate, cash lease payments will at least equal the amount of real property taxes SVBF owes on the property.

Rent should also cover the costs for property insurance and property improvements such as fencing, general maintenance, seeding, and other items specified by SVBF for a particular

property. Rent or leasing fees should cover basic improvements, insurance, and maintenance costs, in addition to taxes. The rental payment survey conducted annually by the Virginia Cooperative Extension Service will be used as a guide to determine rental rates (Attachment B).

Leases shall not be sold, assigned, or in any manner transferred or encumbered by tenants, nor shall properties or any part thereof be sublet, without SVBF's prior written consent.

SVBF will conduct inspection visits to leased properties at least twice a year. Inspectors will record information found on the SVBF Lease Inspection Checklist (under development).

A designated staff member will serve as the point-of-contact for each leased property and tenant. All communication with the tenant on behalf of SVBF will be conducted through the point-of-contact. Volunteers assisting staff in monitoring properties will communicate any issues that arise to staff who will be responsible for documenting those issues and resolving them with the tenant.

When a tenant performs maintenance or repairs on historically significant buildings, structures, or objects, those repairs will be carried out in conformance with according to the Secretary of the Interiors *Standards for Rehabilitation* as stated in the *Property Management Policy Agricultural Land Use on SVBF Property*.

The Basics of Farm Leasing

Farm Management Update, August 13, 1996

By Frank E. Smith of the Department of Agricultural and Applied Economics, Virginia Tech

Any farm lease that is made should be written. The value of a written contract is in helping the landowner and the tenant think about and agree upon the essential considerations of leasing and operating the farm.

To arrive at an equitable lease, the interested parties should talk over the basic considerations involved in the leasing arrangement and in managing the farm. They should then make a contract, preferably written, based on the following minimum considerations: 1) names of parties and description of property; 2) term of lease; 3) rental rates and arrangements; and 4) signatures.

1. Names of parties and description of property. This section lists and identifies the parties entering the lease contract and gives the legal description of the property or properties involved. In addition to the legal description, the distance and direction from town, road name(s), rural route, popular name of farm, etc., might be given.
2. Term of lease. The term, or length of time the lease is to be in effect, should always be agreed upon and should be stated in the contract. A clause or section should be included that provides a way for each individual to terminate the contract if the provisions of the agreement are not followed by the other party.

The length of the lease is important. The lease agreement can be for either one year or longer, as desired. Most agreements include an automatic renewal clause and also allow some flexibility in the terms of the lease if the parties under contract give adequate notice. However a long-term lease is often necessary to develop a profitable business because of the need for permanent capital investments. The tenant will not want to share in the investment in permanent facilities on a short-term lease. Usually, landowners favor a short-term lease on the basis that a longer-term lease lowers the market value of the farm because it cannot readily be sold. This problem can be solved by including a termination clause that would apply in the case of sale.

3. Rental rates and arrangements. Rental rates and arrangements for payment or disposition of the rent are a significant part of any lease.

Basically, there are three methods of paying rent: cash rent, crop-share rent, and livestock-share rent.

Cash lease. The cash lease is normally uniform and relatively simple. The tenant pays the landowner a cash sum per acre or a lump sum for his or her investment in farm resources. For example, the landowner may have some restrictions on the use of land or fields for certain crops. Or, the agreement might state the degree of productivity to be maintained. Provisions should also state the amount and method of paying rent.

Crop-share lease. Characteristics of this lease are that each party receives a share of the crop as earnings for his contribution in agricultural land, labor and capital. Normally,

crop-sharing involves crops such as corn, tobacco, vegetables, or Christmas tree/nursery crops. Remaining areas used in producing forages (hay and pasture) are normally cash rented.

The landowner's share of the crop generally depends on the contribution made toward production of the crop. When crops are divided 50-50, the landowner normally pays 50 percent of the cost of fertilizer, seed, and chemicals in addition to providing the land. In other instances, the landowner may or may not share in cash production costs and receives one-fourth to one-third share of the crop as a return to land.

Livestock-share lease. These leases vary considerably because of differences in contributions made to the business by each party. The owner normally furnishes land and buildings, while the tenant furnishes major portions of the crop machinery. Livestock is owned jointly. Production costs such as feed, veterinary and medicine, other livestock expenses, fertilizer, seed, and chemicals are shared equally.

Livestock machinery and equipment may be jointly owned. Labor costs are shared according to the agreement as are repairs and upkeep on permanent buildings. The landowner usually pays for construction of permanent buildings, or arrangements are made to reimburse the tenant in case the lease is terminated. Livestock and crop sales are divided according to the terms of the agreement.

4. Signatures. The agreement becomes a contract when it is signed. All co-owners of the property should sign the lease agreement, including husband and wife, when property is held in joint tenancy or tenancy by the entireties.

Other sections which may be included in the lease are:

- Farm operating expenses. This section provides an opportunity for the tenant and landowner to discuss and designate the share of cash production costs that are to be paid by each party.
- Conservation and improvement practices. To improve or maintain the productivity of the farm, conservation and improved production practices are usually warranted. Normally, conservation and other improved farming practices require additional labor and expenditures. Consideration must be given to the important questions of who contributes labor and the money for implementing the practice and how these contributions affect income for both tenant and landowner.
- Improvements and repairs. Misunderstanding is prevented by agreeing ahead of time what repairs will be done, how much will be done, and what each party will furnish toward them. In many instances, tenants provide equipment that legally become permanent fixtures on the farm. Disagreements can be avoided and the farm's resources more fully used if both landowner and tenant agree on needed improvements and further agree on an amortization schedule. The compensation schedule should be based on the local situation and the individual farm.

Records. Farm records are a necessary part of farming. The records need not be elaborate or formal accounts, but at a minimum should cover all the expenses affecting both parties. The tenant is the logical person to keep the records because he or she is usually in closer touch with the day-to-day operations. If the records are kept as part of a complete farm account record, they will have greater value to the total business.

- No partnership clause. A section which re-emphasizes the fact that a partnership is not being created through the lease is needed in any lease form. Livestock-share leases are more apt to be considered partnerships than the crop-share arrangements.
- Right of entry. This section should always be included in the lease. Legally, the tenant has the right to treat as trespasser any entrant on the property, including the landowner. Consequently, this statement is inserted in the contract to give the landowner the legal right to enter his own property.
- Arbitration. A section could be included to encourage the use of disinterested persons for settling differences promptly and in a friendly manner rather than by litigation.

Additional agreements and modifications. It often is necessary to change or add to contractual arrangements, and one of the tests of a good lease is its flexibility for changing the operating plan. Any changes made after the initiation of the original contract should be made a part of the written contract and signed and dated.

The rental arrangement for each specific farm should be developed to fit the farm and the planned operating procedures. These conditions are known best by the landowner and prospective tenant, so they should work out the most satisfactory arrangement between them.

2003 Land Rental Guide for the Shenandoah Valley

Farm Business Management Update, April/May 2003

By Bill Whittle & Tom Stanley

During late fall 2002, Northwest District Farm Business Management Extension staff surveyed Shenandoah Valley farmers in 10 counties (Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah, and Warren) on land rental values. A total of 317 landowners and tenants representing 652 separate lease agreements responded to the survey. Respondents were split almost evenly between landlords and tenants with 51% landowners and 54% tenants.⁴ Several respondents indicated that they were both a landlord and a tenant.

This information is used by landowners, tenants, and agricultural lenders as a starting point for determining fair market rental value for land. Terms of leases vary greatly from contract to contract. Of those answering the survey, 33% said that their lease agreement was a written document while 67% said that their lease was oral. In many situations individuals had both oral and written lease agreements.

The tables summarize results of the 2003 survey. Since not all categories are applicable to all counties, only those counties for which data are available were included in the tables. They provide the average rental rate and length of lease based on land use as well as the range involved with lease rates and length of lease that has been negotiated.

Averages are reported by county and for the Shenandoah Valley. All averages are weighted averages; larger tracts of land rented at a given rate have more influence on the overall average rate than a small parcel of land. Rental rates are reported for the following categories: pasture per acre and pasture per head; good cropland (ability to average more than 100 bushels of corn equivalent in a typical year); average cropland (averages less than 100 bushels of corn equivalent in a typical year<this category also includes hay land); whole farm leases and dairy farm leases.

The reliability of the average figures reported increases as the number of responses increases. Within a rental category the very high rental rates were generally for smaller parcels of land and the very low rental rates often had other circumstances involved such as the desire by landowner to maintain Use Value tax rate on the parcel or a family relationship between landowner and tenant.

This year we requested information on barter leases. Twenty-seven respondents noted that they were renting land on barter. They would have represented 7.8% of all replies if they had been incorporated in the survey results. Barter situations are complex and difficult to compile as an average and range because each barter is different. However, some broad similarities were determined. Most barter rentals involved hay and pasture, and the vast majority dealt with less than 30 acres.

⁴ Percentages do not add to 100 percent because several respondents indicated that they were both a landlord and a tenant.

In most situations, the tenant had to keep the land mowed and cleared of heavy brush. In several instances, year-round caretaker responsibilities such as mowing the lawn and snow removal were involved.

Table 1					
County	Pasture Per Acre				
	# Farms	Average Length of Lease (Months)	Average Rate Per Acre Per Year (\$)	Low Rate per Acre (\$)	High Rate per Acre (\$)
Augusta	92	19	20.20	10.00	50.00
Bath	4	23	16.92	5.00	25.00
Highland	19	14	14.23	4.29	45.00
Rockbridge	9	31	10.31	5.00	17.00
Rockingham	62	20	29.30	10.00	80.00
Clarke	13	19	19.88	6.00	40.00
Frederick	10	24	17.76	7.00	40.38
Page	22	13	16.22	1.33	40.00
Shenandoah	29	19	17.55	8.00	60.00
Warren	3	14	9.96	5.55	14.81
	Total			Actual Range	
Valley Average	263	19	19.93	1.33	80.00

Table 2					
County	Pasture per Head				
	Cow-Calf				
	# Farms	Average Length of Lease (Months)	Ave Cow/Calf Rate per Month (\$)	Low Rate per Month (\$)	High Rate per Month (\$)
Augusta	7	8	8.29	5.00	10.00
Highland	9	9	6.39	5.00	17.00
Rockingham	5	10	6.76	1.66	10.00
		Stocker			
	# Farms	Ave Length of Lease (Months)	Ave Stocker per Month (\$)	Low Rate per Month (\$)	High Rate per Month (\$)
Augusta	11	9	6.34	2.00	13.00
Highland	3	8	5.73	5.00	6.20

Table 3					
County	Good Crop Land*				
	# Farms	Average Length of Lease (Months)	Average Rate pr Acre per Year (\$)	Low Rate per Acre (\$)	High Rate per Acre (\$)
Augusta	45	26	41.57	12.00	100.00
Bath					
Highland					
Rockbridge					
Rockingham	50	20	53.56	15.00	150.00
Clarke	5	34	21.35	15.00	50.00
Frederick	3	12	23.70	20.00	25.00
Page	6	12	38.95	25.00	45.00
Shenandoah	20	24	28.69	15.00	50.00
Warren					
Valley Average	129	23	40.45	12.00	150.00

In certain counties cropland was combined into one category, either Good Crop Land or Average Crop Land, because too few responses were received to differentiate between good and average cropland.

Table 4					
County	Average Crop Land*				
	# Farms	Average Length of Lease (Months)	Average Rate per Acre Per Year (\$)	Low Rate per Acre (\$)	High Rate per Acre (\$)
Augusta	29	19	26.94	10.00	60.00
Bath	5	12	10.83	2.00	36.67
Highland					
Rockbridge	5	22	23.51	10.00	35.00
Rockingham	32	18	41.63	17.50	80.00
Clarke					
Frederick	7	12	23.59	15.00	25.00
Page	6	19	30.06	15.00	40.00
Shenandoah	16	21	26.15	11.00	45.00
Warren					
Valley Average	100	18	27.08	2.00	80.00

In certain counties cropland was combined into one category, either Good Crop Land or Average Crop Land, because too few responses were received to differentiate between good and average cropland

Table 5					
County	Whole Farm*				
	# Farms	Average Length of Lease (Months)	Average Rate per Acre Per Year (\$)	Low Rate per Acre (\$)	High Rate per Acre (\$)
Augusta	41	26	23.70	5.13	100.00
Bath					
Highland	4	12	7.94	5.00	22.73
Rockbridge					
Rockingham	23	19	38.48	rate	98.48
Clarke					
Frederick					
Page	5	48	28.50	20.00	50.00
Shenandoah	13	22	16.05	5.75	30.00
Warren					
Valley Average	86	24	24.74	5.00	100.00

Whole farm leases often contain a mix of pasture, cropland, and wooded land. Structures such as barns or shelters and facilities such as corals are often included.

Table 6: Valley Dairy Farms*					
# of Responses	Average Length of Lease (Months)	Average Rate per Farm per Year	Average Rate per Farm per Month	Low per Month	High per Month
10	47	\$145.77	\$2,011.67	\$833.33	\$4,800.00

Dairy farm leases include milking facilities and some land. Residences are occasionally included.

Table 7: Inputs in Addition to Cash Rental Rates*		
	Tenant Supplies	Landlord Supplies
Fertilizer	50%	
Lime	33%	13%
Weed Control Labor & Material	44%	
Herbicides		11%
Minor Repairs of Fence Coral & Building	62%	
Fence Building Supplies		46%

Other tenant-supplied inputs for pasture included bus hogging or clipping. Other landowner-supplied inputs included electricity for livestock, water, and electric fence.

Property Management Policy
Recreational Activities on SVBF Property

Approved 20 September 2004

Purpose:

To establish guidelines regarding recreation and similar activities on Shenandoah Valley Battlefields Foundation (SVBF) property. These policy guidelines seek to permit the public to have full enjoyment of SVBF land while ensuring that adequate respect is paid to historic resources and the solemn events which took place there during the Civil War.

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land owned in fee simple by SVBF and to the general public, visitors to SVBF land, staff and members of the SVBF Board of Trustees, guests, and others.

Recreational activities are those activities that visitors participate in of their own volition (independent of guides or structured programs) such as athletic, sporting, hunting, fishing, off-road vehicle driving, hiking, aquatic, or other outdoor activities.

Recreation is an important part of American leisure activities and is often engaged in at traditional public sites, including battlefields and other historical sites. Yet some recreational activities pose management and liability issues and concerns that SVBF may not allow. Likewise, some recreational activities can cause damage to SVBF lands and there is little recourse for redress or damages.

Therefore, the SVBF Board of Trustees adopts the following policies regarding recreational activities on SVBF property.

General Guidelines and Provisions:

The following recreational activities are prohibited on SVBF land.

- Motorized or non-motorized vehicles including bicycles are prohibited from SVBF land except when operating on public roadways and designated paths or trails. This includes all-terrain vehicles, off-road vehicles of any type, and motorcycles because of the potential for disruption to historical resources. (This does not include the provision of access to the physically disabled.)
- Horses are prohibited from SVBF land except when operating on public roadways and designated paths or trails. (Reenactments will be considered independent of this policy.)
- Open air fires are prohibited on battlefield lands. (Reenactments will be considered independent of this policy.)
- Engaging in any type of motorized or gliding aviation activities is prohibited.
- Launching boats into streams or lakes from SVBF property is prohibited.
- Over-night camping is prohibited. (Reenactments will be considered independent of this policy.)

SVBF may approve or allow exemptions from any of these prohibitions on an individual case basis after full disclosure of activities and liability and responsibility through a written request.

Pets are only allowed on SVBF land when under the control of their owners who will be responsible for cleaning up after their pets.

Persons who engage in any outdoor or recreation activity on land of the Battlefields Foundation will, like other users of those properties, hold SVBF harmless for any injury or other damage they may incur while visiting SVBF property.

Property Management Policy
Vegetation Management on SVBF Property

Approved 20 September 2004

Purpose:

The purpose of this policy is to establish guidelines regarding the management of vegetation forests, fields, and invasive exotic plant species on Shenandoah Valley Battlefields Foundation (SVBF) property.

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land owned in fee simple by SVBF.

SVBF is charged by Congress under the Shenandoah Valley Battlefields National Historic District and Commission Act of 1996 (Section 606 of Public Law 104-333) with encouraging the “protection of the natural, cultural, and historic resources” of the Shenandoah Valley and with acquiring land on the Valley’s Civil War Battlefields.

The *Shenandoah Valley Battlefields National Historic District Management Plan*, Appendix I: Guidelines for Development Projects, instructs SVBF to consider the impact of new plantings on existing habitats for both plants and animals and to avoid exotic and / or high maintenance species. Landscape design and maintenance practices are to minimize or avoid entirely the need for herbicides or pesticides and to take maximum advantage of the principles of integrated pest management. SVBF is also instructed to use native plants and to provide forage and cover for wildlife where possible in plantings.

Under its cooperative agreement with the National Park Service implementing the act and the management plan, SVBF is instructed to undertake the restoration, rehabilitation, stabilization, preservation, and reconstruction of properties it acquires without altering the integrity of these properties or compromising their nature and character.

Therefore, the SVBF Board of Trustees adopts the following policies regarding vegetation forests, fields, and invasive exotic plant species.

General Guidelines and Provisions:

SVBF will follow the standards and guidelines for battlefields and other cultural landscapes established in *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* when managing or establishing vegetation.

SVBF will apply these standards to each property after determining which of the following treatments is appropriate for that property:

1. preservation – retention of the landscape’s form, features, and details as they have evolved over time;
2. rehabilitation – alteration of a landscape for a new use while retaining its historic character;

3. restoration – removal of vegetation to restore the landscape to the historic period (at the time of the battle); or
4. reconstruction – recreation and maintenance of the landscape that was present during the battle in a fixed state.

However, in general SVBF shall favor the preservation and retention of the landscape as it has evolved over time.

Objectives:

SVBF will consider the following objectives when managing and altering vegetation on its properties.

- Control invasive exotic species including multi flora rose, Autumn olive, kudzu, bamboo, etc.
- Undertake projects that can be accomplished with volunteer partner groups including boy and girl scouts, garden clubs, and reenactors groups when projects cannot be accomplished through lease agreements with tenants.
- Priority will be given to land uses that are both productive economically and environmentally while helping to preserve the landscape.
- Vegetation management will be undertaken in ways that help make properties economically self-sustaining. Appropriate economic uses include:
 - pasturing, cropping, and other farming;
 - timber harvesting;
 - guided hunting;
 - fee fishing; and
 - guided historic tours.

Property Management Policy
Real Property Taxes on SVBF Property

Approved 20 September 2004

Purpose:

The purpose of this policy is to establish guidelines regarding the payment of real property taxes to local governments on Shenandoah Valley Battlefields Foundation (SVBF) property.

This policy will be applied to property owned by the Battlefields Foundation on a case-by-case basis. It will be revisited at least annually as we gain experience and detect areas that need revisions or additions.

Scope:

This policy applies to land owned in fee simple by SVBF.

SVBF will pay local real property taxes unless excused by local government from doing so.

Property Management Policy
Commemorative Works and Plaques on SVBF Property

Approved 21 October 2002

(This draft policy was based on NPS criteria and developed collaboratively by the Interpretation and Education Committee, the Resource Protection Committee, SVBF staff, and the Executive Committee. We recognize that there may be further refinements needed to a final policy.)

Introduction:

The people of the United States, through the U.S. Congress and the Secretary of the Interior, has entrusted the Shenandoah Valley Battlefields Foundation (SVBF or Foundation) with a mandate to protect, preserve and interpret the Civil War battlefields in the Shenandoah Valley Battlefields National Historic District. This authority enables SVBF with the unique benefit few non-profit organizations enjoy: to receive congressional appropriations to purchase property – Civil War battlefield land. The Foundation does such to fulfill its mandate to preserve and commemorate the events and people that made these lands and the Shenandoah Valley significant to America’s story. The Foundation’s Board of Trustees takes its responsibilities with great seriousness as it strives to be a model private-sector steward of these resources. This congressional authority includes interpreting these battlefields and resources to the American public and the international visitor, and, when appropriate, commemorating or memorializing persons, past or present-day, and events associated with specific sites. This latter function is the purpose for the following policy.

Purpose:

The purpose of this policy is to define, direct and provide guidance for commemorating or memorializing persons or events not strictly defined in the Foundation’s charter as interpreted by the Board of Trustees (the Board).

Reference:

The Foundation works in close collaboration with the National Park Service (NPS) and has relied heavily on its criteria, recognizing that the NPS’s stewardship and scope are larger and may not apply to the Foundation. SVBF’s policy also recognizes and respects the “Programmatic Agreement Among the National Park Service, the Virginia Department of Historic Resources, the (Federal) Advisory Council on Historic Preservation, and the Shenandoah Valley Battlefields National Historic District Commission” signed on 26 March 2001.

Scope:

This policy applies to lands, sites and resources, which SVBF owns or holds title or on which it has made material financial contributions, and is applicable to all persons, groups or organizations, private or public, which desire to apply for approval for commemorative work. On property not owned or controlled by SVBF but within the National Historic District and within the scope of the Foundation’s mission as the management entity for the district, SVBF’s role should be advisory. The Board of Trustees has the authority to enforce this policy. The Foundation should not interfere with the activities of other organizations unless requested or unless such action appears to result in harm to a resource.

Definition of a Commemorative Work:

A “*commemorative work*” is any statue, monument, sculpture, memorial, plaque, or other structure or landscape feature, including a garden or memorial grove, road, passage, walk-way, turn-out or other entity designed to perpetuate in a permanent manner the memory of a person, group, event, or other significant element of history. It also includes the naming of a preserved site, structures or other features including features within the interior of buildings.

General Policy:

To have a permanently commemorated memorial on a battlefield is a rare honor, affording a degree of recognition. Excessive or inappropriate use of commemorative works— especially commemorative naming— diminishes its value as a tool for recognizing people or events that are significant and has the potential for diverting attention from the important resources and values which visitors need to learn about. Therefore, SVBF will discourage the use and proliferation of commemorative works except when there is “*compelling justification*” for the recognition, and a commemorative work is the best way to express the association between the battlefield and the person, group, event, or other subject being commemorated. **The underlying concept is that a commemorative work is far in the way the exception and the not the general rule.**

Commemorative works **will not** be established on property owned (fee simple) or controlled (through easement) by SVBF unless approved by the Board of Trustees. Commemorative works paid for in full or in part by SVBF on private or other public lands will also need the approval of the SVBF Board of Trustees. Such approval will consider the person(s) or event(s) to be commemorated, and details of the commemorative work itself such as overall design and scale, materials used, wording, placement, maintenance, and other relevant items. Such approval will only be granted following a “consultation process” or “review process” to be developed. (This review process and policy will be established no later than March 2003.)

Compelling Justification:

The Board of Trustees has the discretion, in general, to define *compelling justification* for a commemorative work but must adhere the following:

- The association between the battlefield and the person, group, or event must be exceptionally significant; and
- In cases where a person or event is proposed for commemoration, at least five (5) years have elapsed since the death of the person (or the last member of the group), or at least twenty-five (25) years have elapsed since the event.

Simply having worked on a project, or having made a monetary or other type of donation to a project, does not necessarily meet the test of “*compelling justification*.” In these and similar cases, groups or parties should pursue other forms of recognition.

Compelling justification can also mean clear and convincing evidence that contributions to the preservation of specific historic or cultural resources, facilities, or programs (in the SVBF case, relating to the Civil War), would not exist or would be substantially reduced if it were not for the individual, organization or group to be honored by the commemorative work. These contributions may include major efforts in the understanding of Civil War history and preservation of Civil War sites. Before approving commemorative works the association between the site and the person, group, or event must be of exceptional significance.

The Board of Trustees will also use the above criteria when granting approval for the naming of interpretive structures on battlefields.

Interpretive Works that Commemorate:

The primary function of some commemorative works— most often in the form of a plaque presented by an outside organization— is to describe, explain, or otherwise attest to the significance of a site’s history. These devices are not always the most appropriate medium for their intended purpose, and their permanent installation may not be in the best long- term interests of the site. Therefore, permanent installations of this nature will not be allowed unless it can be clearly demonstrated that the work will substantially increase visitors’ appreciation of the significance of site’s resources or values, and do so more effectively than other interpretive media.

In those cases where there is legislative authorization to erect commemorative works, the approval process must include specific requirements to control their size, location, materials, and other factors necessary to protect the overall integrity of the area. The Board of Trustees will approve the construction of commemorative works before going to any legislative body.

The SVBF will only contribute its funds to a memorial that has relevance to a broad national and community purpose – that will amplify the experience of visiting the site for the national and international visitor as well as a local resident.

Approval of Commemorative Works:

Before the SVBF Board of Trustees makes a final approval of a commemorative work to be placed on its own property or property controlled by another entity either with or without SVBF funds, the Board will insure that the following criteria have been met:

- Be designed and placed to avoid disturbance of natural and cultural resources and values
- Be located in surroundings relevant to its subject
- Be constructed of materials suitable to and compatible with the local environment
- Meet SVBF design and maintenance standards (to be developed)
- Not encroach on any other pre-existing work, or be aesthetically intrusive
- Not divert attention from a area’s primary interpretive theme
- Not interfere significantly with open space and existing public use
- Not be affixed to the historic fabric of a structure

The following conditions must also clearly be determined prior to the Board’s action:

- Property ownership is fully established
- Zoning laws allow such works
- Right of access is assured
- Responsibility for continuing maintenance is clearly defined
- Adequate protection for the work is assured (i.e.: protective fencing in pasture)

Groups and committees should consult qualified professionals during the application process.

Pre-existing Commemorative Works:

Some commemorative works may exist on land controlled by SVBF long enough to qualify as historic features. A key consideration of their historical interest is that they reflect the

knowledge, attitudes, and tastes of the persons who designed and placed them. These works and their inscriptions will not be altered, relocated, obscured, or removed, even when they are deemed inaccurate or incompatible with prevailing present-day values. Any exceptions require specific approval by the Board. However, if information contained on the pre-existing work is inaccurate SVBF may provide correct information on an adjacent sign.

Donated Commemorative Works:

While commemorative works and other forms of permanent recognition will not be used to recognize monetary contributions or other donations to a battlefield or site or to SVBF, there may be occasions when an authorized or approved commemorative work will be offered or provided by a private donor. Names of donors will be discouraged from appearing on commemorative works. If they do appear, donor names will be conspicuously subordinate to the subjects commemorated. Donations of commemorative works should include sufficient funds to provide for their installation, and an endowment for their permanent care.

In addition:

- Donors of memorials are asked to consider the primary uses of public open space in their request for a location or suitable site. While appropriate memorials may enrich the experience of visiting the battlefield or site, public open space is also a very precious commodity. Proposals for monuments, memorials and plaques should be carefully reviewed with the intent to balance these two public benefits and to protect the greater good.
- The quality of timelessness should be considered in the significance of the individual, organization, or event being memorialized. Memorial proposals should represent the values of the public and the nation, and be mindful of future generations.
- Memorial proposals honoring individuals, events or organizations should be in a form that has a broader public interest and moves the viewer to a special experience.
- Long-term maintenance of a commemorative feature or memorial should be a primary consideration. In all cases, permanent memorials should be made from durable materials that will stand up over time. Unless otherwise agreed, the donors of proposed memorials on land owned or controlled by the SVBF are required to pay for design, manufacture, installation, and a maintenance endowment of the memorial to ensure its quality and care.

Establishing a Memorial / Monument:

Guidelines for establishing and funding memorials and monuments follow:

- SVBF may also provide funding and resources to establish or create memorials and monuments on land owned or controlled by the Foundation. All recommendations, design and funding requirements will be approved by the Board.
- Other groups, organizations, or persons, public or private who desire to erect a memorial on SVBF land must follow this policy or any other additional directive or guideline the Board may impose.

- SVBF is willing to serve as an advisor to groups and organizations, which desire to erect a memorial on non-Foundation land but which still lies within the National Historic District in regards to design, historical accuracy, artistic, and material quality.

Changes, Amendments and Revisions:

The Board of Trustees of the SVBF has the authority to change, amend or revise this policy.