



TENNESSEE WARS COMMISSION

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

Winter 2024

ABSTRACT:

The mission of the Tennessee Wars Commission Easement Program is to ensure the preservation in perpetuity of historic battlefields and sites that enhance Tennessee's knowledge of the French and Indian War, the Revolutionary War, the War of 1812, the Mexican-American War, and the Civil War. Easements are an effective tool for the protection of war-related sites.

Nina L. Scall, Director of Programs

Tennessee Wars Commission

Tennessee Historical Commission,
State Historic Preservation Office



TENNESSEE WARS COMMISSION

Tennessee Historical Commission, State Historic Preservation Office

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

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Section One: Program and Purpose

Tennessee's battlefields and war-related historic resources are irreplaceable tangible reminders of the state's rich military history. The easement program protects these historically significant sites, buildings, and structures from destruction or inappropriate change, thus ensuring their preservation and interpretation for future generations.

This document has been developed in response to the recent expansion and improvement of the Tennessee Wars Commission's conservation easement program to reflect historic preservation best practices and procedures. The objective of this manuscript is to provide the public with a greater understanding of the program, information for program enrollment, and required materials, as well as to function as a resource for battlefield preservation.

Section One furnishes the reader with an overview of this unique and effective program that partners the public with the state to preserve our military heritage. This section discusses the mission of the program, battlefield preservation, and provides an overview of the applicable Tennessee Code Annotated sections pertaining to the legislative authority of the Tennessee Wars Commission.

Mission and Authority of Conservation Easement Program

Introduction

The Tennessee Wars Commission (TWC) is a division within the Tennessee Historical Commission (THC), the State Historic Preservation Office (SHPO). The business of the TWC is conducted by its one staff member, Ms. Nina Scall, Director of Programs. Mr. E. Patrick McIntyre, Jr., serves as Executive Director of both the THC and the TWC and is the State Historic Preservation Officer.

The mission of the TWC is to coordinate planning efforts, preservation, and promotion of structures, buildings, sites, and battlefields of Tennessee from the era of the French and Indian War (1754-1763), American Revolutionary War (1775-1783), War of 1812 (1812-1815), Mexican-American War (1846-1848) and the Civil War (1861-1865). The TWC is also charged with acquiring or providing funds for the acquisition of battlegrounds, cemeteries, and Underground Railroad sites eligible for listing on the National Register or eligible for National Landmark status, and other properties associated with these conflicts as well as to provide funds to establish protective interests in such properties. Lastly, the Wars Commission is tasked with safeguarding preserved battlefields throughout Tennessee by holding and monitoring conservation easements.

The conservation easement program enables landowners to take an active role in historic preservation by donating or purchasing protective interests in significant battlefields, sites, and structures. With the State of Tennessee as the easement holder, landowners create a preservation partnership, helping to safeguard Tennessee's military heritage for future generations.

Overview of Easement Acceptance

The Tennessee Historical and Wars Commissions recognize the continued need to protect the historic, archaeological, and landscape significance of battlefield properties. Unfortunately, many battlefields, sites of conflict, and Underground Railroad locations are not often listed on the National Register of Historic Places or become National Historic Landmarks; therefore, such sites require different preservation approaches. Conservation easements are an effective strategy for the perpetual preservation of such important sites.

By accepting to hold a conservation easement, the Tennessee Historical Commission and the State of Tennessee have determined that a property's historical significance and public benefit warrant its protection--in its approximate current form and condition. While many properties are historically significant, an easement places permanent restrictions on real property, and should therefore be used to protect only those resources which are of enduring significance.

THC utilizes the Civil War Sites Advisory Commission's (CWSAC) priority rating system in conjunction with a TWC-developed score sheet to help prioritize battlefield preservation. Proposed easements on battlefield properties must meet the program's mission and are evaluated for their overall historical significance, current conditions, and integrity, as well as for any archaeological, or cultural resources, historic structures, or buildings located on the property regardless of whether those resources are associated with the battle.

The Score Sheet can be referenced in the Appendix under Item 1.

Legislation

In 1981, the Tennessee General Assembly enacted Tennessee Code Annotated (T.C.A.) section 66-9-3 which governs easements and restrictive covenants. In April 1994, T.C.A. 4-11-301 through 306, and 4-11-112 created the TWC and the Tennessee Civil War or War Between the States site preservation fund, as a part of the THC. Since its establishment 28 years ago, the TWC has helped acquire and permanently protect almost 8,000 acres of historic properties. Below are examples of the legislation that supports the work of the Tennessee Wars Commission, for a full list of Tennessee Code Annotated sections for the Wars Commission, reference Appendix Item 2.

§ 4-11-302. Powers and Duties:

(b) In carrying out its purposes, the commission is authorized to:

(1) Accept loans or grants, or both, of money, materials or property of any kind from the United States or any agency or instrumentality thereof upon such terms and conditions as the United States or such agency or instrumentality may impose;

(2) Receive and accept loans, gifts, grants, donations or contributions of property, facilities, or services, with or without consideration from any person, firm or corporation or from the state of Tennessee or any agency or instrumentality thereof or from any county, municipal corporation or local government or governing body;

§ 4-11-304. Acquisition of Property:

(a) The commission may, with the consent of the owner, acquire by donation, purchase or exchange lands and interests in battlefields and memorials of the wars, together with lands and interests in lands necessary to provide adequate public access to the battlefields and memorials.

(b) The commission may make funds available, subject to appropriations for such purposes, for the maintenance and protection of the battlefields and memorials that may be subject to agreements as provided in § 4-11-302.

§ 4-11-112 Site Preservation Fund:

(1) Moneys in the preservation fund shall be used exclusively by the Tennessee Historical Commission to provide grants to private nonprofit organizations to match federal and other matching funds. All such grants shall be made solely for the fee simple purchase of, or purchase of protective interests in, any Tennessee Civil War or War Between the States historic site listed in the Report on the Nation's Civil War Battlefields, issued in 1993, or as amended or reissued pursuant to the Civil War Battlefield Preservation Act of 2002 (P.L. 107-359)(16 U.S.C. § 469k), as amended or supplemented by new information by the national park service's American battlefield protection program, hereinafter referred to as "the report," or any historic site associated with the Underground Railroad that is eligible for National Historic Landmark (NHL) designation or for listing in the National Register of Historic Places (NRHP).

(2) The commission shall establish, administer, manage, and make expenditures and allocations from the preservation fund.

(4) Eligible costs for which moneys from the preservation fund may be allocated include the acquisition of land and any improvements thereon or permanent protective interests, including, but not limited to, conservation easements, and costs associated with such acquisitions, including, but not limited to, the cost of appraisals, environmental reports, surveys, title searches, title insurance, and other closing costs.

66-9-305. Acquisition by Public Bodies:

(a) In order to carry out the purposes of this part, any public body or organization may acquire and dispose of interests in land or structures or features thereon in the form of conservation easements. No conservation easement shall be acquired by eminent domain unless such easement is necessary for the accomplishment of a specific public project which has been authorized by statute. Any such acquisition by a state entity shall be subject to approval by the state building commission.

(b) No private nonprofit organization shall exercise a power of eminent domain to acquire an easement under this part even though such organization may otherwise have such power.

(c) Any public body may designate a conservation easement in any real property in which it has an interest, if such property is listed on the National Register or the Tennessee Register, in order to provide protection to and assist in the preservation and protection of such property.

(d) A public body has all powers necessary or convenient to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:

(1) Appropriate or borrow funds and make expenditures necessary to carry out the purposes of this chapter; and

(2) Apply for and accept and utilize grants and any other assistance from the federal government and any other public or private source, to give such security as may be required and to enter into and carry out contracts or agreements in connection with such grants or assistance.

Easements

As previously mentioned, a conservation easement places permanent restrictions on real property, preserving it in its approximate state. Holding an easement imposes an obligation to the state to monitor and enforce the terms of the document and creates a permanent relationship between the state and the property's current and future owners. Enforcement of conservation easements on war-related sites has been tasked to the TWC. Additionally, the TWC oversees war-related state-owned properties.

Generally, the TWC only accepts conservation easements in perpetuity in accordance with Tennessee Code Annotated section 4-11-112:

(7) Any eligible organization making an acquisition of land or interest therein pursuant to this section shall grant to the state or other qualified holder a perpetual easement placing restrictions on the use or development of the land. In cases where the easement is granted to a holder other than the state, all terms and conditions of the easement shall be reviewed by and found by the commission to be consistent with the intent and purpose of the Conservation Easement Act, compiled in Title 66, Chapter 9, Part 3, and to accomplish the perpetual preservation of the Civil War or War Between the States historic site or a historic site associated with the Underground Railroad. Such other holder shall demonstrate to the commission that it has the capacity and expertise to manage and enforce the terms of the easement.

When the state acquires property to fulfill a statutory duty, there is an obligation to protect that property, making a conservation easement no longer necessary. As a result, in cases where properties are donated to the state with easements in place, the state will dissolve the easement upon acceptance of the property.

In certain circumstances, when real property is purchased with the intent to transfer the parcel to state ownership, a conservation easement may not be necessary in the interim. It is best for the prospective purchaser to contact the state in order to discuss the best options for a successful purchase and transfer.

Battlefield Preservation Resources

The Basis for Battlefield Preservation

Excerpts from the Report on the Nation's Civil War Battlefields:

The Civil War Sites Advisory Commission (CWSAC) was established by federal law on November 28, 1990, due to national concern over the increasing loss of Civil War sites. The 15-member Commission, appointed by Congress and by the Secretary of the Interior, was tasked with identifying the nation's historically significant Civil War sites; determining their relative importance; determining their condition; assessing threats to their integrity, and recommending alternatives for preserving and interpreting them. These findings have been recorded in the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields in 1993 and updated in 2009.¹

Approximately 10,500 armed conflicts occurred during the Civil War ranging from battles to minor skirmishes; 384 conflicts (3.7 percent) were identified as the principal battles and classified according to their historic significance. Class A and B battlefields represent the principal strategic operations of the war. Class C and D battlefields usually represent operations with limited tactical objectives of enforcement and occupation.²

- 45 sites or 12% were ranked "A" for having a decisive influence on a campaign and a direct impact on the course of the war;
- 104 sites or 27% were ranked "B" for having a direct and decisive influence on their campaign;
- 128 sites or 33% were ranked "C" for having an observable influence on the outcome of a campaign;
- 107 sites or 28% were ranked "D" for having a limited influence on the outcome of their campaign or operation but achieving or affecting important local objectives.

The 384 principal battles occurred in 26 states. States with fifteen or more include Virginia (123), Tennessee (38), Missouri (29), Georgia (28), Louisiana (23), North Carolina (20), Arkansas (17), and Mississippi (16).³

The CWSAC used a four-tiered system that combined historic significance, current condition, and level of threat to determine priorities for preservation among the battlefields. Nationwide, the CWSAC identified 50 top-priority battlefields, three in Tennessee. The CWSAC viewed these battlefields as the most historically significant of the war, the most endangered in 1993, and having a "critical need for action."⁴

¹ The Secretary of the Interior, *Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields*, (July 10, 1993): 1, accessed January 5, 2022, <https://irma.nps.gov/DataStore/Reference/Profile/2274482>.

² *Ibid*, 16.

³ *Ibid*, 17.

⁴ The Secretary of the Interior, *Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields*, 2nd ed., (December 2009): 5, accessed January 5, 2022, <http://npshistory.com/publications/battlefield/cwsac/updates/tn.pdf>

The CWSAC assigned five more Tennessee battlefields to the second highest priority, Priority II. Those considered “opportunities for comprehensive preservation.” These were battlefields “in relatively good condition, [and] face few threats, but are relatively unprotected....”⁵

The third priority, Priority III, included battlefields “that already have substantial historic land under protection and face limited threats,” but that needed “some additional land protection.” Seven were in Tennessee.⁶

The CWSAC’s fourth and lowest priority, Priority IV, was for “fragmented” battlefields. The CWSAC explained, “While some lost battlefields are truly obliterated, important remnants of others still exist....” Although these sites “to varying degrees no longer convey an authentic sense of the sweep and setting of the battle, they often remain important areas suitable for interpretation, museums, and commemoration.” In 1993, the CWSAC determined that 22 Tennessee battlefields, more than half of the state’s Civil War legacy, had been substantially compromised by post-war development.⁷

The CWSAC report identifying the 38 most important battlefields in Tennessee guided the creation of the Tennessee Wars Commission’s Civil War Sites Preservation Fund (CWSPF) grants program.

For the full report reference Appendix Links 1. and 2. to the Civil War Sites Advisory Commission’s Report on the Nation’s Civil War Battlefields (1993) and (updated 2009).

Civil War Sites Preservation Grant Fund (CWSPF)

The CWSPF is one of two grant funds managed by the TWC. The CWSPF awards funding for the acquisition of Civil War battlefields. This grant has several requirements:

- Applicants must be a 501(c)(3) non-profit;
- Eligible sites must be:
 - Associated with the 38 most significant Civil War battlefields as defined by the National Park Service, or
 - An Underground Railroad site eligible for designation on the National Register, or be eligible for National Historic Landmark status; and
- Applicants must demonstrate a one-to-one, dollar-for-dollar match from a non-state source.

A requirement of using the CWSPF is that a conservation easement is placed on the newly acquired property. In addition to property acquisitions, CWSPF awards can be used to purchase protective interests in the property in the form of a conservation easement.

Additional information on the Civil War Sites Preservation Grant Fund is located in the Appendix under Link 3.

⁵ Ibid, 5.

⁶ Ibid, 5.

⁷ Ibid, 6.

A Successful Battlefield Preservation Strategy Using the Civil War Sites Preservation Fund

The TWC has been successful in collaborating with the National Park Service's American Battlefield Protection Program (ABPP) and the 501(c)(3) non-profit, the American Battlefield Trust (ABT). To accomplish the mutual goal of battlefield preservation, ABPP's Battlefield Land Acquisition Grant (BLAG) program has successfully served as the match for the CWSPF for several past projects. Like the CWSPF, proposed battlefields must be one of the 38 most important battlefields identified in the CWSAC report.

To facilitate battlefield acquisitions and/or to purchase conservation easements using the above grant funds, the ABT has served as both grant applicants and project managers. They have helped to carry out projects from concept to completion and have served as property stewards, continuing to work with the TWC as preservation partners.

This is just one example of a preservation collaboration using matching grant funds from the state and the federal government with a 501(c)(3) as the grantee. Other examples of former grantees include Franklin's Charge, Inc. The TWC looks forward to reviewing similarly structured applications and welcomes new preservation partners and opportunities.



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Section Two: Battlefield Easement Process and Monitoring Program

Section Two is designed to provide an overview of how the TWC easement program functions. It is designed to help potential grantees, property owners, and the public understand the various processes, documents, and requirements related to conservation easements overseen by the TWC.

Criteria for Accepting Conservation Easements

As detailed in Section One, the TWC can hold conservation easements on, purchase fee-simple interests in, or receive donations of property related to the French and Indian War, American Revolutionary War, War of 1812, Mexican-American War, and the Civil War, or sites related to the conflicts, and the Underground Railroad. The TWC receives requests to hold conservation easements on battlefield properties in several ways, either through the conservation easement application or donation process or through the CWSPF grant application process.

The Historical and Wars Commissions consider several factors while evaluating applications for easement acceptance. In addition to the military and historical significance, the cultural landscape, archaeological sites, and any historic structures are also taken into account. Since these properties are battlefield sites, they are determined to be hallowed ground with potential for archaeology, thus the cultural landscape and any associated archaeological sites are of high preservation importance. The *Secretary of the Interior's Standards and Guidelines* are noted as best preservation practices and will be implemented to help guide historic preservation efforts.

Additional information on the *Secretary of the Interior's Standards and Guidelines* can be found under Link 4. Secretary of the Interior's Standards and Guidelines:

- i. *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (National Park Service, as amended).
- ii. *Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 C.F.R. 68, as amended).

In addition to the 38 most important battlefields as designated by the National Park Service, the Civil War Sites Advisory Report's Commission recognized that 122 conflict sites remain of interest in Tennessee and recommended these sites for further study by the state, localities, and other interested

parties. These sites are potentially eligible for protection under the TWC however, CWSPF grant funds are not legislatively permissible for the preservation of these sites of conflict.

Application Process for Easements and Donations of Easements

The conservation easement application is for projects that are either:

- new easements using funding other than the CWSPF, or
- easement donations that focus on properties significant to the aforementioned wars and are requesting the State of Tennessee to hold the conservation easement.

All submitted applications will be scored and voted upon by THC staff. Applicants will receive a letter of determination by mid-March.

Please reference the Easement Application Checklist for a complete list of required materials; however, proposed projects should provide a historical narrative that demonstrates the historical and military context and significance of the site regionally, nationally, and if appropriate, globally. The application should assess the parcel's current condition and evaluate its integrity. Guideline One of this document titled, "Determining Integrity, Significance, and Historical Context" should be referenced to aid in developing this section of the application. This guideline has been developed using the National Register Bulletin, *How to Apply the National Register Criteria for Evaluation*, which can be found under Link 6 in the appendix. Applicants should submit maps, photographs, and additional technical information to support the proposed project through the state approval processes. To learn more about this approval process, please reference the section titled "Acquisitions and Easements, State Approval Process."

The Easement Application Checklist can be found in the Appendix under Document 1.

Purchase of Protective Interests

To satisfy legislative requirements, the purchase of protective interests in easements using CWSPF funds is restricted to the thirty-eight most important battlefields as defined by the CWSAC's report, and each project is required to appropriately score on the conservation easement score sheet and must be approved by the THC board.

Acquisitions and Easements, State Approval Process

All proposed fee-simple acquisitions and conservation easements once approved by the THC, go through additional state approval processes. To adhere to these processes, the TWC presents proposed projects to the State Lands Acquisition Committee (SLAC) where projects are voted on and either approved or denied. Approved projects move forward to the State of Tennessee Real Estate Asset Management (STREAM), a division within the Department of General Services (DGS), where the project is entered into the state's database and guided through an additional approval process by the Executive Sub Committee (ESC) of the State Building Commission (SBC).

The state approval process requires proper due diligence and detailed information to complete. Required materials include but are not limited to, and may change at any time:

- Project Information Form (PIF)
- PowerPoint presentation for SLAC (drafted and presented by the TWC)
- Property title and deed(s)
- Survey
- Tax map(s) and card(s)
- Appraisal
- Photos, maps (aerial, GIS, core/study, and troop movement maps)
- Two to three acknowledgment letters
- Phase I Environmental Site Assessment (ESA) (if requested),
- Reliance letters (if requested)
- RPM 1 (drafted by TDEC staff)
- Executive Summary (drafted by TWC)
- Baseline Documentation Report (BDR)
- Draft easements* (please submit draft easements to other grantors as needed)

A copy of the Project Information Form can be located in the Appendix under Document 2.

Information on Baseline Documentation Reports can be found under Guideline 2.

Baseline Documentation of Easement Properties

New Easements

A Baseline Documentation Report must be submitted for review to the THC prior to the acceptance of any conservation easement. This report records the current condition of the site and documents any landscape features, archaeology, or structures focusing on the features, and conservation values that will be recorded in the easement. The features and conservation values are those that make the property worthy of preservation and thus must be recorded as part of the permanent record so its conditions can be monitored over time.

The BDR should be completed by a state-approved consultant as close to the execution of the conservation easement as is reasonably possible to ensure the condition of the property. The State requires a standard report that includes owner information, and site location (address, GPS coordinates), it must contain an assessment of the current conditions, maps, and photographs with a photo point map indicating the location and direction of the photos. For a complete list of requirements please reference Guideline 2. Baseline Documentation Reports.

Property owners must acknowledge the BDR for accuracy and completeness by signing and dating the cover sheet and submitting the report to the TWC before the execution of the conservation easement. The baseline documentation report will serve as the first monitoring report with subsequent monitoring documentation.

Existing Easements

For all existing easements, baseline documentation reports should be on file, and before conducting any site visits, the TWC staff will review these reports to assess the original site conditions and will review recent monitoring reports to assess the most recent conditions. In conjunction with the reports, staff will also review any recent project requests made by the owner. In cases where the baseline documentation proves to be deficient, a Present Conditions Report will be established and will be filed with the original baseline report. This report will address the deficiencies in the BDR and will recount the current conditions. The Present Conditions Report will then serve as the baseline going forward.

The Easement Application Checklist can be referenced in Appendix, Document 1.

The Present Conditions Report can be referenced in Appendix, Document 3.

Monitoring and Stewardship Approach

To ensure the preservation and protection of the historical, archaeological, scenic, and open space values of the properties held under easement, the TWC performs site visits to monitor the property. The TWC defines monitoring as the regular inspection of a property protected under the stewardship of the State of Tennessee. Monitoring is the core component of the TWC's conservation easement stewardship program. It is the goal of the TWC to perform annual monitoring of each protected property. Annual monitoring accomplishes the following:

- Helping the TWC to build strong working relationships with landowners and managing parties.
- Provides an opportunity to document any changes in the property and to learn about any future projects.
- Affords the opportunity for the TWC to discover any potential easement deficiencies or violations.
- Allows the TWC to meet its preservation obligations through routine monitoring.

The TWC endeavors to perform site inspections on easement-held properties using a boots-on-the-ground approach at least every five years. The TWC, however, utilizes LENS's satellite technology and Geographic Information System (GIS) to virtually visit sites annually. Sites are visited more frequently if necessary. Reports are generated based on these physical and virtual visits and are compared to either baseline documentation or previous reports to determine land-use changes, violations, encroachment, and other threats. The TWC aims to prevent easement violations through systematic, regular monitoring, and frequent contact with the land and the landowner, who plays a critical role in preventing deficiencies/violations. To meet these site visit objectives, the TWC, a program of one, will enlist the help of trained volunteers to assist in this process.

LENS Program

LENS is a web-based application that allows for an "eyes-in-the-skies" approach to landscape monitoring by utilizing aggregated satellite, aerial, and environmental data and provides an effective workflow for collaborative monitoring. The program overlays geospatial data with the latest remote imagery to give staff high-resolution images. LENS streamlines the monitoring and report writing

process, allowing staff to analyze the landscape, identify changes, and note encroachments. The reporting feature allows staff to generate one-click monitoring reports that pull in notes, analyses, and satellite imagery designed to meet the requirements of industry standards.

For more information on LENS software reference Link 5. Upstream Tech in the Appendix.

TWC GIS

The geographic information system is a spatial system that creates, manages, analyzes, and maps all types of data. GIS connects data to a map, integrating location data (where features are) with all types of descriptive information (what conditions are like). This provides a foundation for mapping and analysis that is used in science and almost every industry, including historic preservation and archaeology. GIS helps users understand patterns, spatial relationships, and geographic context, allowing easement program staff to monitor for land use changes, land modifications, and encroachments.

The TWC has been collaborating with the Department of Environment and Conservation (TDEC) to create the TWC GIS map layers. The program is working to map both state-owned properties under the TWC's purview as well as properties under easements monitored by the TWC.

The link to the TDEC GIS Platform: TWC GIS Map is not yet available but will be located in Appendix Link 7 once the project has launched.

Monitoring

At each site visit, easement program staff and volunteers will closely inspect the condition of any landscape features, archaeological resources, natural resources, structural elements, and character-defining features, documenting visible signs of deterioration or elements that require repair, remediation, or treatment. All alterations to the property, potential violations, and any encroachment will be noted and photographed. These include but are not limited to new construction, demolition of any existing structures, moved structures, ground disturbances, changes in land use, erosion issues, and overgrowth of vegetation. Staff endeavors to document any previously undocumented or unknown resources on the property. Findings will be recorded in an Annual Stewardship and Monitoring Report that will include a narrative section, maps, and photographs with a photo point map.

Photographs aim to capture the resource(s) protected by the easement including:

- Property boundaries
- Landscape features
- Open spaces
- Archaeological resources
- Historic structures, including elevations and oblique views
- Elevations and oblique views of any outbuildings/other structures
- Interior spaces, if feasible
- Unique features
- Elements showing deterioration or damage, require maintenance

- Any changes or alterations to the property
- Any previously undocumented or unknown resources on a given property

Post-site visits (virtual or physical) findings are recorded in the Annual Stewardship and Monitoring Report, and Property Owner Notification Letters are sent to landowners indicating compliance or action required. To ensure violations have been remedied, follow-up visits are performed and completed with a Stewardship and Monitoring Findings Document of either “compliance or further action required.” If further action is required, a third visit may be completed once the deficiency is rectified. If non-compliance persists and additional legal action is required to enforce the remedies in the easement, the TWC will proceed as necessary. All reports are stored digitally and in physical files associated with the conservation easement at the THC.

Ideally, the majority of monitoring visits are to be completed in the fall through early spring as the natural environment is most cooperative, with fallen leaves or budding branches helping to reveal property boundaries and potential changes. Site visits are most frequently performed using a boots-on-the-ground approach by staff or a trained volunteer walking the protected property; however, in some cases, monitors may view a property by car or by aerial imaging.

Volunteer Program

To achieve the TWC’s goal of routine easement monitoring, trained volunteers will be enlisted to help assess properties under easement. This collaboration will help to deliver a strong and proactive easement monitoring strategy that will benefit the citizens of Tennessee. To ensure consistency and accuracy, volunteers will be enlisted on a rolling basis and must meet certain requirements. Volunteers must be at least twenty-one years of age, must have a valid driver’s license, and sign a liability waiver. Volunteers will attend one workshop and shadow a TWC staff member on at least two separate easement site visits. Volunteers must have knowledge of the area and ideally will have a clear understanding of the role of the site within the greater conflict. Volunteers must review pertinent documentation prior to the site visit, complete the required post-visit report, and meet with the monitoring coordinator to discuss findings. Scheduled meetings can be in person, virtual, or via telephone.

Please reference the Appendix, Item 3. PowerPoint Presentation for the Volunteer Program.

Volunteer Monitoring

Each year, the TWC will collaborate with volunteers throughout Tennessee to implement the easement monitoring strategy for that year. The strategy will be developed by the TWC and will outline which tracts in which parts of the state will receive a site visit from volunteers or program staff. Volunteers will assist program staff by monitoring both properties protected by conservation easements and state-owned parcels.

The assigned volunteer monitor will contact the landowner or site manager and the TWC to arrange a time to visit the property. The monitor will visit the property with either the landowner/site manager, a member of staff, or another monitor. For safety and information collection purposes, a monitor should avoid performing monitoring visits alone, if feasible.

Monitoring Forms and Recordkeeping

TWC staff have developed standardized processes and forms to help ensure accuracy and consistency with monitoring practices, organization, and record-keeping. For a visual representation of the workflow process please reference Item 4. Monitoring Workflow Chart in the appendix.

Easement Review Cover Page

The Easement Review Cover Page is an internal document that serves as a guide for the monitoring review process. It helps staff to stay organized and consistent by outlining the process step by step. It acts as a checklist, helping to track each easement through the monitoring and review process. Once the review process is complete, this document will serve as the cover page for the comprehensive Annual Stewardship and Monitoring Report.

In-Field Stewardship Monitoring Form and the Annual Stewardship and Monitoring Report

The Baseline Documentation Report is the foundation for monitoring and serves as the basis for comparison for site visits. If there is not one on file or if it is deficient, the first site visit will record a Present Conditions Report that will emulate a baseline report. Subsequent reports produced annually will serve as benchmarks to measure change and assess violations. The Annual Stewardship and Monitoring Report is based on the following in-field workflow process:

- Staff and/or volunteers will review all past pertinent information on the site including both the BDR and the conservation easement.
- Staff or volunteers will contact the landowners or site representatives to obtain acknowledgment of the scheduled site visit.
- Staff or volunteers will consult with landowners or site representatives to ascertain the following information prior to each visit:
 - Any alterations to the property since the last visit
 - Any changes or projects planned for the near future
 - Any landowner questions/concerns
 - Security features that may impact monitors on the site visit
- All alterations to the property will be noted. These include, but are not limited to, new construction, removal of existing structures, vegetation needing attention, changes in land use, new utility infrastructure, signage, any ground disturbances, and erosion issues.
- Using the In-Field Stewardship Monitoring Form, monitors will inspect the conditions of the landscape, any features, archaeological resources, natural resources, structures, and character-defining features addressed in the conservation easement.

- Monitors will endeavor to document any previously undocumented or unknown resources on a given property.
- For battlefields, photographs should be taken at boundary points and should encompass the open space of the entire battlefield. Photos should show landscape features, archaeological sites, and structures protected under easement. Monitors will document elements that exhibit deterioration or require maintenance or show alteration to the property (including changes in land use) and any ground disturbances. All violations and deficiencies will be noted. A photo point map should accompany the photographs and is essential in understanding both the location of the photos but also the direction in which the photographs were taken.
- If feasible, GPS coordinates will accompany the photographs.
- Photographs of the property should capture the protected resources including elevations and oblique views of protected structures and should include interior spaces, if feasible. A photo point map should accompany the photographs indicating the direction of the shot and the location of the photos.
- TWC staff will issue a Property Owner Notification Letter with the findings of the site visit.
- The Annual Stewardship and Monitoring Report will be recorded within 30 days of the inspection. This document will summarize staff observations and conversations with owners, it will establish corrective actions if required, will include recommended measures and mitigations, and include best practices for ongoing site management.

For reference, the Present Conditions Report can be found in Appendix, Document 3.

The Annual Stewardship and Monitoring Report can be referenced in the Appendix under Document 5.

For information on photographic requirements reference Guideline 3. Photography.

Property Owner Notification Letter: Stewardship and Monitoring Findings

Once the annual stewardship and monitoring review process has been completed, the Wars Commission will issue a Property Owners Notification Letter outlining the findings. The document will indicate if violations or deficiencies were found, if further action is required, or if the monitoring review can be closed for the year with a “no findings” determination. If violations or deficiencies are noted, the property owner will also receive a copy of the Stewardship and Monitoring Findings Document.

The Property Owner Notification Letter Template can be referenced in Appendix Document 4.

The Stewardship and Monitoring Findings Document

If a deficiency or violation is noted, a Stewardship and Monitoring Findings Document will be provided to property owners within forty-five days of the site visit. It will contain a post-visit summary that will

outline current conditions, any findings, and required actions, it will contain photographs, and the TWC follow up timeline.

The timeframe to remedy violations depends on the severity and breadth of the violation. In the event remedial work is required, the TWC will discuss the scope of work and set timeframes with the owner to complete such work. Timeframes for additional monitoring during a violation will be established as necessary, but staff will schedule a final visit at the close of the remediation/mitigation phase of the violation resolution process to ensure all requested actions have been adequately completed. If further action is required, an additional visit will be completed once the deficiency is remedied.

It is the goal of the TWC to address serious conservation easement violations within fifteen business days of the recorded finding, however, this timeframe may vary depending on the nature of the violation.

The Stewardship Monitoring Findings Document can be referenced under Document 6. in the Appendix.

For information on violations reference Guideline 5. in the Appendix.



TENNESSEE WARS COMMISSION

Section Three: Easement Program Guidelines

Section Three focuses on the evolving TWC easement program guidelines. These guidelines are expanding and developing as the program grows and evolves to accommodate more conservation easements and their respective management provisions, increased site visits, and the additional oversight required as well as changes in industry best practices.

Guideline 1: Determining Integrity, Significance, and Historical Context

Decisions concerning the significance, historical integrity, documentation, and treatment of historical properties can be made reliably only when the resource is evaluated within its historical context. The property should be evaluated in terms of its place or role in the patterns, trends, or events of our history. Historical context can be defined as “background information gathered and used to frame and evaluate the significance of a historic property in terms of the history of the relevant geographical area, the history of associated historical themes or subjects, and within a historical and contemporary timeframe.”

⁸ The framework and its significance can be supported using the National Register of Historic Places Criteria for Evaluation which are as follows:

- Criterion A: Association with events that have made a significant contribution to the broad patterns of our history.
- Criterion B: Association with the lives of persons significant in our past.
- Criterion C: Properties that embody the characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic value; or represent a significant whole whose parts may lack individual distinction.
- Criterion D: Properties that have yielded or may yield important information about prehistory or history.⁹

Properties can be significant for more than one criterion; the historical context must justify the choices with which they are associated. For more reading on evaluating historical context please refer to Link 6.

⁸ U.S. Dept. of Transport Environmental Review Tool Kit Section 106 Tutorial, Accessed Oct. 27, 2022, https://www.environment.fhwa.dot.gov/Env_topics/section_106_tutorial/chapter3_2.aspx#:~:text=In%20addition%20to%20meeting%20one.workmanship%2C%20feeling%2C%20and%20association.

⁹ National Register, How to Apply the Criteria for Evaluation, Accessed Sept. 20, 2000, pg. 8, https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

National Register Bulletin: How to Apply the Criteria for Evaluation, Section V. How to Evaluate a Property within its Historical Context.

The parcel must also possess sufficient integrity--enough for a site to convey its significance to warrant preservation. The National Register of Historic Places identifies seven aspects of historical integrity: location, design, setting, materials, workmanship, feeling, and association.¹⁰ Not every aspect of integrity is applicable to all properties. For battlefield landscapes, the focus is on the location, setting, feeling, and association. For battlefields with historic structures, it is important to evaluate all seven aspects of integrity.

Guideline 2. Baseline Documentation Reports

Baseline Documentation Reports (BDR) need to be recorded by a state-approved vendor and should conform to industry standards. Generally, the BDR should include the following sections, but the subsections can vary depending on the parcel and the project:

- Table of Contents
- Declaration Page and Certification of Record
- Declaration of Acceptance
- Introduction
 - Definitions of Key Terms
 - Purpose of the BDR
 - The Conservation Easement
 - Significance of the Property
 - Public Benefits
 - Property Location
 - Current Ownership
- Conservation Values
 - Historical and Archaeological Values
 - Scenic Values
 - Open Space Values
- Physical Description of the Property
 - General Information
 - Trees & Vegetation
 - Soils
 - Zoning & Surrounding Land Use
- Improvements to the Property
 - Buildings
 - Driveways
 - Pools
 - Utilities
 - Fences

¹⁰ U.S. Dept. of Transport Environmental Review Tool Kit Section 106 Tutorial, Accessed Oct. 27, 2022, https://www.environment.fhwa.dot.gov/Env_topics/section_106_tutorial/chapter3_2.aspx#:~:text=In%20addition%20to%20meeting%20one,workmanship%2C%20feeling%2C%20and%20association .

- Barns/Outbuildings
- Docks
- Building Remnants
- Railroad Tracks
- Current and Historic Land Use
 - Current Use
 - Historic Use
 - Restoration and Preservation
 - Vegetation Control and Wood Cutting
 - Ground Disturbance, Erosion, Mining
 - Environmental Hazards
- Summary of Conservation Easement
 - Purpose
 - Rights Reserved by Landowner
 - Easement Restrictions
 - Enforcement
 - Monitoring
- Methods & References
 - Fieldwork and Equipment
 - Review and Assistance
 - Disclaimer about Maps
 - Authorship
 - References
- Appendices
 - Location Map
 - Overview Map
 - Photo Point Locations Map
 - Photo Point Documentation
 - Topographic Map
 - Photo Point Index
 - Soil Map
 - Map of Proximity to Battlefield Core Areas
 - Map of Civil War Battle
 - Draft Conservation Easement

Guideline 3: Photography Guideline

High-resolution digital photographs are necessary for the TWC easement program staff to assess sites either under easement or those applying for easement protection. Photographic documentary evidence helps to record the current baseline and changing conditions, encroachments, or violations. Guidance for photography is based on requirements for the *Department of the Interior's National Park Service's National Register for Historic Places (NRHP)* program.

Photography Requirements

All photographs submitted to the TWC shall illustrate the cultural landscape, any defining features (including all property boundaries, roads, fencing, bodies of water, etc.), archaeological sites, and structures. For structures, each exterior elevation should be recorded. Any noteworthy architectural details should also be documented. There is a minimum of ten photographs required however, the total number of photos should be sufficient to fully document the site as a whole. Additionally, a photo point map that indicates the location of each photograph, and a photo log that lists the photographs must be submitted. Each photo must be notated and numbered as follows “State, County, Site Name, and Photo Number.” For example:

- TN_LincolnCounty_CampBlount_001.tif (or jpeg)

The photo log should include all the below information for every photo submitted to the TWC. The description in the photo log must use cardinal directions to describe the photo and the direction the camera is facing as seen in the example below. Please provide GPS coordinates if available.

Name of Property:

City or Vicinity:

County:

State:

Name of Photographer:

Date of Photographs:

Photo # __ of __

Notation: Photograph 001, TN_LincolnCounty_CampBlount_001.tif

Description: South façade (left) and east elevation (right), camera facing northwest.

GPS Coordinates (if available):

The photo point map must be a plan view (looking from above down at the site). This can be an aerial view image with parcel boundaries, a GIS map, or a rendering. It must demonstrate clear parcel boundaries, indicate the location of each photo, include a northing symbol, and a key.

For an example of a photo point map reference Item 5. in the Appendix.

New Easement Applications

The application for a new easement requires the submission of photographs showing the cultural landscape, visible historic resources, non-historic improvements, and the overall condition of the property. Lower-resolution photographs are sufficient for purposes of evaluating an easement offer, however, high-resolution photos will be required for the baseline documentation report.

Digital Film Requirements:

- Minimum of 400 x 400 pixels per square inch (“PPI”)
- Color
- Saved as JPEG files

Baseline Documentation Reports

Before the execution of a conservation easement, the applicant will provide a signed and dated copy of the Baseline Documentation Report acknowledging the report's accuracy to the TWC.

Digital Film Requirements:

- Minimum of 2,000 x 3,000 PPI
- Color
- Saved as original unaltered TIFF files
- Copies may be converted to JPEG format for use in the Baseline Documentation Report.

Annual Stewardship and Monitoring Report

Easement program staff in conjunction with easement volunteers endeavor to monitor every easement property once a year. If a boots-on-the-ground approach is not feasible, staff will perform a virtual visit using LENS Upstream Tech Software. A written report, the Annual Stewardship and Monitoring Report, is prepared post-visit and will describe the current conditions of the property, and address any changes that might have occurred since the last visit or that are planned. Photographs are incorporated into the report with a photo point map and other locational data. A Property Owner Notification Letter is sent to the property owner for their records and a copy is retained in the master easement file.

Digital Film Requirements:

- Minimum of 1,200 x 1,600 PPI
- Color
- Saved as JPEG files
- Copies will be used for reporting
- Original unaltered JPEG files shall be saved electronically in the electronic file for the relevant easement property.

Site Visits for Known Violations

Easement program staff may conduct a site visit when there is a known or suspected violation as outlined in Guideline 3. Violations. Photographic documentation is often critical to understanding the extent of the violation and is necessary to evaluate and document the violation and the extent of the damage for enforcement purposes.

Digital Film Requirements:

- Minimum of 2,000 x 3,000 PPI
- Color
- Saved as original unaltered TIFF files
- Copies may be converted to JPEG format for use in the Notice of Violation Letter or other written documentation.

Other Site Visits

Easement program staff will conduct site visits for various reasons such as part of a project review to better understand the project and its impact on the resource, monitor ongoing work, document the removal of non-historic improvements subject to a written management plan, assist with archaeological surveys or monitoring, and teach volunteers, interns, or students how to conduct a site visit. Because these visits are often heavily documented in numerous other ways, no written report is required but staff may make internal reports or notes, and any photographs, other than training photographs, will become part of the record and are retained in the permanent easement property file.

The same standards used for an Annual Stewardship and Monitoring Report are appropriate and include:

Digital Film Requirements:

- Minimum of 1,200 x 1,600 PPI
- Color
- Saved as JPEG files
- Copies may be made for use in a project review letter or other written documentation or presentations.
- Original unaltered JPEG files shall be saved electronically in the electronic file for the relevant easement property.

Guideline 4: Easement Amendment Provisions

It is the policy of the Tennessee Historical and Wars Commissions that every easement be carefully reviewed and thoughtfully negotiated and that the terms of each easement reflect the mutual expectations and desires of both the grantor and the grantee. Easement documents shall be drafted with the hope that amendments will not be necessary. To that end, TWC staff works closely with non-profits, property owners, TDEC, the ABPP, and other interested third parties to ensure to the greatest extent practicable, foreseeable circumstances are considered at the time the easement is drafted; however, changing conditions cannot always be anticipated, so easements may need to be amended in certain circumstances to accommodate those changes. Therefore, it is the policy of the Tennessee Historical and Wars Commissions to allow for consideration of appropriate amendments as circumstances dictate provided that, when applicable, nothing in the amendment shall violate any applicable state or federal laws.

An amended easement should strengthen the protection afforded by the original easement to the property and resources within. An amendment shall not compromise the open space, historic, archaeological, cultural values, architectural, or environmental resources that the easement was designed to protect.

When determined to be appropriate by the THC and TWC, an amendment may be accepted that does not affirmatively strengthen the protection of the resource but maintains the original easement in place. Such an amendment is judged to be “preservation neutral” because it neither strengthens nor weakens protections for the resources established in the original easement document. Circumstances when a “preservation-neutral” amendment may be considered include but are not limited to:

- Boundary adjustments that result in a *de minimus* change in the protected acreage,
- Discovery of new archaeologically or culturally sensitive areas or sites, or
- Previously omitted or newly discovered resources that should be included under the easement.

“Technical” amendments may be executed to address:

- Errors or omissions in the original easement, or to make other technical adjustments to the easement language.
- Changes that are understood by all parties, based on clear evidence, to be consistent with the original intent of the Grantor and the Grantee
- Changes that have occurred by acts of nature that affect the physical nature of the resource and the accuracy of the easement.
- Changes to conditions of non-historic structures.

Under unusual circumstances, the THC and TWC may consider an amendment that is not “preservation neutral.” Any amendment that diminishes the protections afforded to the resource is not favored and should be considered only as a last resort to prevent the resource itself from being compromised by neglect, deterioration, inappropriate changes, or other circumstances.

It is vital to reference individually executed conservation easement for exact verbiage regarding amendments; however, an example is below:

Section __. “Amendments. Grantor and Grantee are free to jointly amend this Conservation Easement to meet changing conditions, provided that no amendment will be allowed that is inconsistent with the purposes of this Conservation Easement or affects the perpetual duration of this Conservation Easement. Such amendment(s) require the written consent of both Grantor and Grantee, and ABPP, and shall be effective upon recording in the public records of Williamson County, Tennessee. Provided, however, that nothing in this Deed of Conservation Easement shall be interpreted to authorize the violation of Section 6(f)(3) of the Land and Water Conservation Fund Act, as amended (54 U.S.C. §§ 200301 - 200310 (2019)). Any request for the Grantee's approval to convert the property to other than preservation, conservation, recreation and open space uses shall also be subject to written approval by the Secretary of the Interior, acting through the ABPP, which written approval is separate and apart from any action or failure to act by the Grantee. The Secretary, acting through the ABPP, shall approve in writing such conversion only if he or she finds it to be in accord with the then existing state outdoor recreation plan and only upon such conditions as he or she deems necessary to assure the substitution of other properties of at least equal fair market value and of reasonably equivalent usefulness and location.”

In particular circumstances, the TWC has determined that a Memorandum of Agreement (MOA) instead of a conservation easement will afford the property the best temporary protections. These properties are marked for a quick transfer to the state or other lands managing partner for ownership. The TWC has sole discretion on whether an MOA is an appropriate tool for a certain circumstance.

The TWC will only facilitate the dissolution of a conservation easement when real property is being transferred to the National Park Service, the State of Tennessee, or an approved third-party land conservation organization for perpetual management and preservation. The TWC oversees easements on many sites and battlefields that are under third-party ownership. Land transfers and donations are an integral part of battlefield preservation as these parcels are incorporated into the national parks system or become smaller battlefield parks that serve the citizens of Tennessee and the public.

Guideline 5: Violations

An easement represents a permanent commitment and partnership to preserve, enhance, and maintain the historical, archaeological, scenic, environmental, and open space features and resources of the property between the State of Tennessee and the property owner. The Tennessee Historical and Wars Commissions take their obligation to uphold and enforce the terms of all conservation easements seriously. It is the responsibility of the TWC to ensure the historical resources and the cultural landscape are not lost through violation, deterioration, neglect, irresponsibility, poor management, or inappropriate changes to the protected resource.

A violation may arise when: (i.) any action, event, or lack of maintenance causes or has the potential to cause harm to the historic resource, archaeological sites, features, and/or the conservation values of the site that are protected by the easement; or (ii.) any action, event, or failure to act that conflicts with or contradicts any restriction or covenant contained in the easement. Violations are individually evaluated and classified as follows:

Technical Violation - a violation that results when a property owner has made alterations to the protected cultural landscape, historic resources, archaeological site, features, or conservation values of the property that are allowable in the easement and are consistent with the historic character of the property, but the property owner did not follow the appropriate notification and approval procedures pursuant to the relevant deed of easement and the easement program Guideline 6. Review of Applications for Work on Easement Properties.

Minor Violation - a violation resulting from inappropriate alterations or lack of proper maintenance where no permanent damage to the cultural landscape, protected historic resource, archaeological site, and features, or the property's conservation values has been identified by TWC easement staff. The level of violation may be escalated if the issue is not resolved within the timeframe specified in the written notice of violation.

Major Violation - a violation that results in irreversible damage to the cultural landscape, historic resources, archaeological resources, features, or conservation values of the property that are protected by the easement.

Willful Violation - a violation that occurs when a property owner undertakes an action or fails to undertake an action in direct contradiction to a written directive, notice, or requirement issued by the TWC acting on behalf of the THC. Such violations may include but are not limited to, failure to perform mitigation or remediation of a major or minor violation as specified by the TWC, implementation of a project previously denied by the TWC, or repeated refusal to provide access to the easement property upon reasonable advance written request by the TWC easement staff. A willful violation may be issued separately or in conjunction with a technical violation, minor violation, or major violation.

In cases of a potential or known violation of the terms of an easement, or where issues of maintenance and/or repair constitute an imminent or serious threat to the integrity of the resource, the TWC will implement the violations procedures summarized below. If the property is subject to a co-held easement, the TWC will consult with the easement co-holder and will work with them from investigation through enforcement, or as otherwise stipulated in the easement.

Violations Observed by Third Parties

When the TWC is notified of a potential violation by a third party, easement staff will attempt to contact the property owner by email, or telephone to obtain information directly from the property owner. Based on the nature of the potential violation, staff will arrange for a site visit to determine the action necessary to correct the violation. A site visit shall be conducted as soon as is feasible by easement staff or the THC staff if it has been determined that a major violation occurred.

Violations Observed by Wars or Historical Commission Staff or Volunteers

If a THC or TWC staff member or volunteer discovers a violation during a site visit or other form of visual inspection, the violation will be documented in the In-Field Stewardship Monitoring Form and will be included in the Annual Stewardship and Monitoring Report. Depending on the nature and severity of the violation, the infraction may be escalated to the Executive Director of the THC, TWC, and the State Historic Preservation Officer (SHPO). If determined appropriate, the remedies outlined in the easement may be enforced through any and all means allowable under the law.

Procedures Once Violation Is Observed

When a violation has been observed, a letter outlining the nature of the violation and resolution recommendations will be sent electronically to the property owner with a read request as confirmation of receipt. As per *Section #. Enforcement and Remedies* of the conservation easement, the grantor shall have ninety days from the date of receipt of the Property Owner Notification Letter to correct the conditions constituting the infringement. If the violation remains uncorrected, THC may enforce the easement provisions by appropriate legal means.

Copies of all violation documentation will be saved to the TWC's hardcopy and master files. Recommendations made by the TWC will vary depending on the circumstances and severity of the violation, the willingness of the property owner to address the situation in an appropriate manner and in a reasonable timeframe, as well as other factors.

When a minor violation has occurred, staff will work with the property owner to remedy the situation. In the case of a technical violation, staff will also work closely with the property owner to ensure that future work is undertaken only after proper prior notification and approval by the TWC easement staff. The consequences for property owners of a technical violation vary and depend on several factors.

Major violations and willful violations will be reported to the Executive Director of the THC and potentially the Office of General Counsel before sending the Property Owner Notification Letter. If, after consultation, a violation is not corrected within either the ninety days allotted or within the agreed upon time frame, the corrective action is inappropriate or incomplete, or if no response is received from the property owner, the remedies outlined in the easement may be enforced by any means allowable under the law. The THC will seek all available legal and equitable remedies to mitigate, remediate, or otherwise correct the violation, including but not limited to, injunctive relief and monetary damages.

Guideline 6: Review of Application for Work on Easement Properties

The Tennessee Historical and Wars Commissions recognize the need to balance the maintenance of the historic preservation values and the continued use of historic properties. This dynamic balance requires careful consideration of any proposal to alter the cultural landscape—including the review of restoration or rehabilitation projects, new construction, or certain general maintenance projects.

This guiding principle is meant to outline the review and approval process and to provide general guidance as to which types of work require prior written approval. This guidance may not be universally applicable to all easements, projects, or properties. In all cases, the easement is the governing document and will dictate if prior written approval is required and how that approval will be conducted.

Review and Approval Process

Any work requiring the Historical and Wars Commission's approval must be submitted in writing with the required letter of request, the request form, and the checklist to the TWC and will be reviewed with decisions made by the program staff according to the terms of the applicable easement and by applying *The Secretary of the Interior's Standards*. Decisions regarding a request for project review and approval will be submitted electronically to the property owners via a Project Request Determination Letter.

All written letters and associated correspondence approving proposed work on an easement property will include a sunset clause or a timeframe within which the work must be completed. If the project cannot be completed within the allotted timeframe, the property owner should contact the TWC within forty-five days of the expiring approval to request an extension. If the work is not done within the specified timeframe, the property owner must request re-approval of the scope of work or if the project scope has changed in any way from the approved proposal, the TWC will need to approve the change to scope. Prior written approval of work is not transferrable to a new property owner.

The Project Request Determination Letter Template is located in the Appendix under Document 7.

Project Review Process

As previously mentioned, all requests for project review and approval as required by the terms of the conservation easement must be submitted electronically to the TWC's Easement Program care of the program's director, Nina Scall at Nina.Scall@tn.gov.

TWC staff strives to respond to requests within thirty days of their receipt unless otherwise specified by the applicable easement. Staff endeavors to issue a determination within those thirty days; however, all the necessary paperwork must be present, and there must be no other circumstances that warrant an extension or delay of that review period. If staff determines that there is a need for an extension or delay beyond the estimated thirty-day period, the property owner or site manager will be notified of the need to extend the review period. Circumstances warranting an extension or delay of the review period may include but are not limited to the following:

- Receipt of additional materials or information requested by program staff.

- The extent to which the request is consistent with the terms of the easement.
- A site visit as determined by THC or TWC program staff.
- Consultation with property owners, agents, or consultants regarding the proposed project.
- Complexity of the project.
- State archaeological reviews.
- Archaeological surveys and/or testing or excavation as determined by an archaeologist.
- Review of the request by TDEC's Office of General Counsel.
- Review of existing historical or archaeological resources on the site to determine historic significance applying to the *National Register Criteria for Evaluation* (36 C.F.R. 60.4).
- Extent to which the request is consistent with the applicable *Secretary of the Interior's Standards* as set forth below.

The *Secretary of the Interior's Standards* shall include the following:

1. *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (National Park Service, as amended).
2. *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (National Park Service, as amended).
3. *Secretary of the Interior's Professional Qualifications Standards* (48 F.R.44716 (Sept. 1983, as amended)).
4. *Secretary of the Interior's Standards for Rehabilitation* (36 C.F.R. 67, as amended).
5. *Secretary of the Interior's Standards for the Treatment of Historic Properties* (36 C.F.R. 68, as amended).
6. *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (National Park Service, as amended).

Failure to submit additional requested materials or information to the TWC program staff within thirty days of the request may result in the denial of the request for review. To help ensure that the necessary information is provided with the initial request, the requestor should complete the Project Review Request Form and submit it with the formal request and the supplemental materials referenced or requested.

In the event the project is declined by the TWC, the property owner may appeal such a decision to the THC. Appeals will be reviewed by the Executive Director of the Tennessee Historical and Wars Commissions (SHPO), the Assistant Director, and the Director of the TWC. Appeals should be filed with the TWC program staff within thirty business days of the date of the denial. Property owners shall be notified in writing within fourteen business days of the final determination.

Further information on the National Register Criteria for Evaluation (36 C.F.R. 60.4) is listed under Link 6. in the Appendix.

Additional information on the Secretary of the Interior’s Standards and Guidelines can be found in the Appendix under Link 4.

The Project Review Request Form is in the Appendix under Document 8.

The Project Review Request Letter Template is in the Appendix under Document 9.

Guidance for Determining When Prior Written Approval is Required

To help property owners understand the types of work that can and cannot be conducted without prior written approval pursuant to the easement, the TWC has developed a list of examples of major and minor work. Please note that this list is not all-encompassing. If there is any question if approval is required, please contact the TWC prior to beginning any projects. Except as otherwise provided for in the relevant deed of easement, work defined as “minor” may be conducted without prior written approval by the TWC staff. Work defined as “major” requires a project review and written approval by program staff before any work is started.

Examples of Major and Minor Alterations

Alterations of a minor nature generally do not require review by TWC easement program staff. Minor alterations are considered to be ordinary maintenance and repair. The below list is not intended to be comprehensive; it is only a sampling of some of the more common types of alterations that may be contemplated by property owners.

LANDSCAPES AND OUTBUILDINGS

Minor – Routine maintenance of landscapes and outbuildings including lawn mowing, pruning, overgrown vegetation removal, and routine repair of outbuildings or landscape features, such as natural walkways, terraces, patios, etc.

Major – Ground disturbance or grading other than routine gardening including the installation of any signage, or walking trails, demolition of existing outbuildings, altering, installing, or removing significant landscape features such as trees and large shrubbery, changes to the forested cover, view sheds, walks, or plantings that define the historic setting or create a landscape feature, and ground disturbance affecting archaeological resources.

NEW CONSTRUCTION

Minor – Replacement of an existing fence line with the same material; installation or erection of removable exterior furniture such as picnic tables and benches, and the installation of a new version of an existing sign in the same location.

Major – Construction of any new buildings, structures, features, or amenities including but not

limited to visitor amenities, farm buildings, outbuildings, garden sheds, pavilions, walkways, hiking trails, paths, or any features such as signage, fencing, reproduction weaponry, or monuments.

HISTORIC STRUCTURES - EXTERIOR

Minor – Spot repair of existing cladding and roofing including in-kind replacement of cladding/siding, shingles, slates, and in-kind replacement of porch elements.

Major – All work to masonry. Extensive repair or replacement of building components such as cladding or roofing or architectural features such as decorative trim, shutters, cupolas, or finials. Changes involving the removal or addition of materials or building elements (i.e. removal of a porch or shutters or installation of architectural detail, such as carved porch supports, or stained-glass windows.); construction of a new addition, or altering or demolishing building additions. Structural stabilization of a historic building or structure is also considered a major alteration.

PAINT

Minor – Exterior or interior hand scraping and repainting of painted non-decorative and nonsignificant surfaces as part of periodic maintenance.

Major – Painting of previously unpainted surfaces or painting over, removing, and/or stripping historic decorative surfaces or distinctive and historic stylistic features including ornamental woodwork, or stone.

WINDOWS AND DOORS

Minor – Regular maintenance including caulking, painting, and necessary reglazing. Repair or in-kind replacement of existing individual deteriorated window parts.

Major – Replacement of windows or doors, including sashes, frames, thresholds, or trim, change in window sash configuration or fenestration patterns (relationship of existing door and window openings), or the creation of new window or door openings.

MECHANICAL, ELECTRICAL, AND CONDITIONING SYSTEMS

Minor – Repair and/or replacement of existing systems and their components, which would have no effect on the historic fabric of the building or structure or would not alter the exterior appearance of nonhistorical buildings or structures. Such work includes the installation of new pumps, units such as a furnace, replacement of valves and pipes within existing chases, rewiring within existing chases, and the replacement of existing above-ground tanks or fuel storage containers.

Major – Installing new systems or upgrading existing systems which would affect the historic fabric of the building or structure; require ground disturbance for a new well, new piping, underground electrical conduit, or a geothermal system; require new ducts or chases; result in major appearance changes (i.e. disfigured walls or floors, exposed wiring, ducts, and piping); or require the removal of existing fabric or material or affect the exterior appearance of a non-historical building or structure.

Changes classified as major alterations are not necessarily unacceptable. The intent of the easement is to enable TWC staff to review proposed alterations and assess their comprehensive impact on the integrity of the protected landscape, and the historic and archaeological resources--not to necessarily preclude future change. Program staff will work with property owners to provide technical assistance with the

goal of developing mutually satisfactory solutions that are consistent with *The Secretary of the Interior's Standards and Guidelines*, the terms of the easement, and the best interests of the property.

It is the responsibility of the property owner to notify the TWC in writing when any major alterations are contemplated. Failure to do so will result in a violation and could trigger the remedies outlined in the relevant easement.

Guideline 7: Land Transfers and Easement Disposals.

The TWC has found that battlefield preservation is most successful with frequent collaboration between the State of Tennessee and local and federal governments, non-profit organizations, and other like-minded preservation associations. Land transfers are a vital part of battlefield preservation as they are one type of land management strategy.

The state will transfer battlefield lands to the federal government for inclusion into the national park system or to another qualified lands management organization for preservation, interpretation, and management. The state does not encumber its own property with conservation easements allowing for a faster and smoother transfer out of state hands.

The state will also receive land donations from public and non-profit entities for preservation. For the state to accept land donations, any existing conservation easements or MOAs must be dissolved. The dissolution of these documents allows for the state to protect its property unrestricted.

When the state executes conservation easements on third-party-owned land, the state holds those protective interests for the duration of that conservation easement. When third-party-owned land with a state-held conservation easement is sold, the easement goes along with the property to the new owners who are required to abide by the provisions within the conservation easement.

Guideline 8: Program Data and Recordkeeping

The TWC strives to maintain a stellar easement program and in doing so recognizes the need to collect, retain, and archive key documents and records essential to the function of the program. Original documents critical to the oversight and monitoring of each easement, as well as any easement-related or land transaction, will be retained and stored both electronically and in the master files.

The Wars Commission will be working diligently to launch the updated easement program and to meet all the program's goals, however, recognizes that it will take time and additional resources to meet all the outlined objectives. The Wars Commission also acknowledges that significant progress has been made, and that is what we continue to strive for, continued positive progress.

Land Transaction Records

The TWC takes its role as an easement-holding entity seriously and strives to meet or exceed all recommendations and guidelines for such organizations. In doing so, the easement program staff will maintain records on the following:

- The number of easements held at the beginning of the year, their acreage, and location.
- The number of new easements and acreage acquired for the year.
- The number of easements modified, transferred, or dissolved and their acreage.
- The number of easements in the following categories:
 - Easements that include known archaeological sites.
 - Easements that include historic buildings and structures.
- The number of easements and acreage monitored by physical inspection or by LENS.
- The number of and nature of violations (technical, minor, major, willful).
- The number of project review requests listing the property name, file number, date received, and date closed.
- The number of easements on Underground Railroad sites.
- The number of easements held on properties related to each of the wars under the program's purview.
- The number of easements on properties that are listed in the National Register or are contributing features of a National Register property or a National Historic Landmark.

Recordkeeping and Records Storage

Easement program staff will ensure the maintenance and consistency of the permanent files associated with easement properties. Key documents and records essential to the permanent files include copies of the signed and recorded conservation easements, original signed baseline documentation reports or present condition reports, critical correspondence, photographs, legal information, and monitoring reports from the property. These types of documents will be permanently retained in both paper and electronic formats.

Protocols for Paper Easement Files

Each property shall have a master paper file that contains individual folders labeled:

- Easement and Amendments
- Baseline Documentation and Present Condition Reports
- Monitoring Reports
- Photographs
- Project Review
- Archaeology
- Maps and Surveys
- Correspondence
- Legal
- Violations, and
- General Reports and Documents

Information to be retained within these individual folders includes but is not limited to:

- Owner contact information
- Copies of the recorded deed of easement and any amendments

- Site analysis information, title work, evidence of insurance, surveys, maps, and photographs
- Copies of the signed Baseline Documentation Report or the Present Conditions Report
- Easement Review Cover Sheet
- Project-related correspondence
- Attorney notes or comments upon reviewing the transaction
- Grant or funding information, easement holder letter
- Architectural records, renderings, mock-ups, site plans, and drawings

The front of each master paper easement file shall be labeled with the TDEC transaction number, the tract name, and the county.

Protocols for Electronic Easement Files

Scanned copies of each easement, amendment, baseline documentation report, or present condition report shall be stored electronically in the easement program folder. If possible, electronic copies of project review letters, monitoring reports, correspondence, and other information relevant to the easement property shall be scanned and stored in the electronic file.

Conclusion

This concludes the extent of the TWC Easement Program guide as of Winter 2024. As previously mentioned, this document is evolving as the program does. The public should check back occasionally for updates to this document. Updates to the document will be noted on the cover page “Updated as of _____, 20__”. If you have any questions please contact Nina Scall, Program Director, TWC at Nina.Scall@tn.gov.

Acknowledgments

The Tennessee Wars Commission is grateful for contributions from the following resources:

Alabama Historical Commission Easement Program
 Tennessee Civil War Preservation Association
 Tennessee Department of Environment and Conservation
 The Land Trust Alliance
 The Land Trust for Tennessee
 The National Trust for Historic Preservation
 The U.S. Department of the Interior, The National Park Service
 The U.S. Department of Transportation, The Federal Highway Administration
 The Virginia Department of Historic Resources Conservation Easement Program
 Upstream Technologies



TENNESSEE WARS COMMISSION

APPENDIX

Item 1. Tennessee Wars Commission Easement Application Score Sheet:

Tract Name: _____

County: _____

Associated Conflict: _____

1. The property is one of the 122 remaining Civil War battlefield sites mentioned for further study by the Civil War Sites Advisory Commission's Report on the Nation's Civil War Battlefields.....10 pts

2. The property is associated with which of the following themes outlined by the Tennessee Civil War Preservation Association's (TCWPA) Preservation Plan addressing the 122 skirmish sites: (2 pts each)

- Control of Tennessee's Resources
- Crucible for Leadership
- Guerilla Warfare
- Transformation in Warfare
- Influence on Campaign
- Enslaved People

Total: _____ pts

3. The property is located entirely within the "core area" of the 38 most important Civil War battlefields as defined by the Civil War Sites Advisory Commission's Report on the Nation's Civil War Battlefields.....10 pts

4. The property is within the "study area" of the 38 most important Civil War battlefields as defined by the Civil War Sites Advisory Commission's Report on the Nation's Civil War Battlefields.....5 pts

5. The property is associated with the U. S. Colored Troops (USCT), contraband camps, or the Underground Railroad.....10 pts

6. The property is associated with Native American contributions during the French and Indian War through the Civil War and the Trail of Tears.....10 pts

7. Property is associated with the French and Indian War, Revolutionary War, Mexican-American War, or War of 1812.....10 pts

8. Current condition of the site:

- Intact (undeveloped landscape, well preserved historic/archaeological resources).....5 pts
- Disturbed (farmed).....5 pts
- Developed (maintained modern structures).....2 pts
- Poor Condition (structures in disrepair, debris, developed landscape).....- 2 pts

Total: _____ pts

9. Property possesses which aspects of integrity: (2 pts each)

- Location
- Design
- Setting

- Materials
- Workmanship
- Feeling
- Association

Total: ____ pts

10. Reason to preserve: (2 pts each)

- Viewshed protection
- Control access
- Boundary integrity protection
- Boundary buffer
- Improve access to owned or managed lands
- Sense of place
- Innate value
- Management needs (need for additional parking for example)

Total: ____ pts

11. Level of Threat:

- Immediate Threat- Sites with strong historical significance that present a critical need for action. (<5 years).....10 pts
- Potential/Imminent Threat (>5 years).....10 pts
- Limited Threat- Sites with substantial historical land under protection but that need additional land protections.....5 pts
- Opportunities for Increased Protection- Sites that are in relatively good condition, and face few threats, but are relatively unprotected.....5 pts
- Fragmented- “While some lost battlefields are truly obliterated, important remnants of others still exist....” Although these sites “to varying degrees no longer convey an authentic sense of the sweep and setting of the battle, they often remain important areas suitable for interpretation, museums, and commemoration”¹¹2 pts

12. Historical significance: (2 pts each)

- Contains archaeological resources
- Contains historic resources
- Property is associated with a muster ground or encampment
- Property served as a headquarters or a field hospital
- Property was a skirmish site or battlefield
- Property was associated with significant military leaders: _____
- Property is associated with a military campaign: _____
- Property is associated with previously preserved lands

Total: ____ pts

¹¹ The Secretary of the Interior, *Civil War Sites Advisory Commission Report on the Nation’s Civil War Battlefields*, 2nd ed., (December 2009): 6, accessed January 5, 2022, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/http://npshistory.com/publications/battlefield/cwsac/updates/tn.pdf.

Item 2. T.C.A. and the Tennessee Wars Commission:

West's Tennessee Code Annotated

Title 4. State Government

Chapter 11. Historian and Historical Commission

Part 3. Tennessee Wars Commission

T. C. A. § 4-11-301
§ 4-11-301. War commission; creation
Effective: August 5, 2011

There is hereby created the Tennessee wars commission, hereafter referred to as the “commission,” which shall coordinate planning, preservation and promotion of the structures, buildings, sites and battlefields of Tennessee associated with the French and Indian War, American Revolution, War of 1812, U.S.-Mexican War, and the War Between the States.

Formerly § 4-11-501.

TERMINATION OF GOVERNMENTAL ENTITY

<The Tennessee wars commission, created by this section, is set to terminate June 30, 2025, by § 4-29-246.>

T. C. A. § 4-11-301, TN ST § 4-11-301

Current with laws from the 2021 First Extraordinary Sess. of the 112th Tennessee General Assembly, eff. through February 3, 2021. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

T. C. A. § 4-11-302
§ 4-11-302. Powers and duties
Effective: August 5, 2011

(a) The commission shall:

(1) Develop a plan regarding significant sites in Tennessee related to the French and Indian War, American Revolution, War of 1812, U.S.-Mexican War, and the War Between the States, hereafter referred to as the “wars.” The plan will provide incentives to local landowners and local governments to preserve and restore battlefields and historic sites related to the wars. Through cooperative agreements between local governments, landowners and the commission, such entities will work together to preserve and restore historic sites;

(2) Preserve and conserve the legacy of the wars in the state of Tennessee;

- (3) Recognize important events and geographic locations in the conduct of the wars in the state of Tennessee;
- (4) Establish a geographic data base and an information system that can be used to locate, track, and cross-reference significant historical and cultural properties, structures and markers associated with the wars;
- (5) Acquire or provide funds for the acquisition of battlegrounds, cemeteries and other historic properties associated with the wars;
- (6) Expend funds received from state appropriations and other sources to make grants to municipalities, counties and nonprofit organizations for the purpose of maintaining and restoring existing memorials and cemeteries related to the wars;
- (7) Encourage the establishment of reference sections relating to the wars in high schools;
- (8) Ensure that all literature produced by the commission adequately reflects the role of African-Americans in the French and Indian War, American Revolution, War of 1812, U.S.-Mexican War, and contributions on both sides of the War Between the States; and
- (9) Ensure the opportunity for adequate participation in the activities of the commission by African-Americans.

(b) In carrying out its purposes, the commission is authorized to:

- (1) Accept loans or grants, or both, of money, materials or property of any kind from the United States or any agency or instrumentality thereof upon such terms and conditions as the United States or such agency or instrumentality may impose;
- (2) Receive and accept loans, gifts, grants, donations or contributions of property, facilities, or services, with or without consideration from any person, firm or corporation or from the state of Tennessee or any agency or instrumentality thereof or from any county, municipal corporation or local government or governing body; and
- (3) Hold, use, administer and expend such sum or sums as may hereafter be received as income, as gifts or as appropriations from the general assembly for any of the purposes of the commission.

Formerly § 4-11-502.

T. C. A. § 4-11-302, TN ST § 4-11-302

Current with laws from the 2021 First Extraordinary Sess. of the 112th Tennessee General Assembly, eff. through February 3, 2021. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

T. C. A. § 4-11-303
§ 4-11-303. Historical commission designated

Effective: August 5, 2011

The Tennessee historical commission established by § 4-11-102, is designated to be the Tennessee wars commission.

Formerly § 4-11-503.

T. C. A. § 4-11-303, TN ST § 4-11-303

Current with laws from the 2021 First Extraordinary Sess. of the 112th Tennessee General Assembly, eff. through February 3, 2021. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

T. C. A. § 4-11-304

§ 4-11-304. Acquisition of property

Effective: August 5, 2011

(a) The commission may, with the consent of the owner, acquire by donation, purchase or exchange lands and interests in battlefields and memorials of the wars, together with lands and interests in lands necessary to provide adequate public access to the battlefields and memorials.

(b) The commission may make funds available, subject to appropriations for such purposes, for the maintenance and protection of the battlefields and memorials that may be subject to agreements as provided in § 4-11-302.

Formerly § 4-11-504.

T. C. A. § 4-11-304, TN ST § 4-11-304

Current with laws from the 2021 First Extraordinary Sess. of the 112th Tennessee General Assembly, eff. through February 3, 2021. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

T. C. A. § 4-11-305

§ 4-11-305. Commission members; compensation; reports

Effective: July 10, 2015

(a) The members of the commission shall receive no salary but shall be reimbursed necessary travel and per diem expenses as prescribed in comprehensive travel regulations by the commissioner of finance and administration for employees of the state.

(b) The commission shall file an annual report with the governor and the speakers of the respective bodies of the general assembly containing a summary of the accomplishments of the commission during the preceding year and the plans of the commission for the following year.

(c) No state funds shall be expended for the purposes of the commission unless specifically appropriated by the general assembly.

Formerly § 4-11-505.

T. C. A. § 4-11-305, TN ST § 4-11-305

Current with laws from the 2021 First Extraordinary Sess. of the 112th Tennessee General Assembly, eff. through February 3, 2021. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

T. C. A. § 4-11-306
§ 4-11-306. Applicability of laws; loan approval
Effective: August 5, 2011

In the conduct of its affairs, the commission shall comply with all laws, policies and regulations applicable generally to state agencies, with specific reference made to the laws, policies and regulations applicable to the historical commission. Furthermore, all loans shall be subject to the approval of the state funding board and all land acquisitions and dispositions shall be subject to the approval of the state building commission.

Formerly § 4-11-506.

T. C. A. § 4-11-306, TN ST § 4-11-306

Current with laws from the 2021 First Extraordinary Sess. of the 112th Tennessee General Assembly, eff. through February 3, 2021. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

Tenn. Code § 4-11-112
Section 4-11-112 - Site preservation fund

(a) There is created a special account in the state treasury to be known as the Tennessee Civil War or War Between the States site preservation fund, hereinafter referred to as the "preservation fund".

(b)

(1) Moneys in the preservation fund shall be used exclusively by the Tennessee historical

commission to provide grants to private nonprofit organizations to match federal and other matching funds. All such grants shall be made solely for the fee simple purchase of, or purchase of protective interests in, any Tennessee Civil War or War Between the States historic site listed in the Report on the Nation's Civil War Battlefields, issued in 1993, or as amended or reissued pursuant to the Civil War Battlefield Preservation Act of 2002 (P.L. 107-359)(16 U.S.C. § 469k), as amended or supplemented by new information by the national park service's American battlefield protection program, hereinafter referred to as "the report" or any historic site associated with the Underground Railroad that is eligible for national historic landmark designation or for listing in the national register of historic places.

- (2) The commission shall establish, administer, manage and make expenditures and allocations from the preservation fund.
- (3)
 - (A) Private nonprofit organizations seeking grant funding from the preservation fund shall be required to provide matching funds from any nonstate sources on a dollar-for-dollar basis.
 - (B) For the purposes of this section, "matching funds" means both cash and the value of any noncash contribution due to a bargain sale or the donation of land or interest therein made by the landowner as part of the proposed project.
 - (C) No state funds may be included in determining the amount of the match.
- (4) Eligible costs for which moneys from the preservation fund may be allocated include acquisition of land and any improvements thereon or permanent protective interests, including, but not limited to, conservation easements, and costs associated with such acquisitions, including, but not limited to, the cost of appraisals, environmental reports, surveys, title searches and title insurance, and other closing costs.
- (5) Grants from the preservation fund shall not exceed fifty percent (50%) of the appraised value of the land or permanent protective interest therein.
- (6) Grants from the preservation fund may be awarded for prospective purchases or for acquisitions which the applicant has closed; provided, that for closed acquisitions, the applicant shall demonstrate that:
 - (A) The closing occurred no more than twelve (12) months prior to the date of application for the grant; and
 - (B) An identifiable threat to the resource or compelling need for preservation existed at the time of the purchase.
- (7) Any eligible organization making an acquisition of land or interest therein pursuant to this section shall grant to the state or other qualified holder a perpetual easement placing restrictions on the use or development of the land. In cases where the easement is granted to a holder other than the state, all terms and conditions of the easement shall be reviewed by and found by the commission to be consistent with the intent and purpose of the Conservation Easement Act, compiled in title 66, chapter 9, part 3, and to accomplish the perpetual preservation of Civil War or War Between the States

historic site or historic site associated with the Underground Railroad. Such other holder shall demonstrate to the commission that it has the capacity and expertise to manage and enforce the terms of the easement. Nothing in this section shall be construed to prevent the subsequent transfer of property acquired pursuant to this section to the United States, its agencies or instrumentalities.

- (8) The commission shall establish, administer, manage and make expenditures and allocations from the preservation fund and shall establish guidelines for applications, prioritization and award of grants from the preservation fund in consultation with appropriate preservation interests. Consideration shall be given, but not limited to, the following:
 - (A) Significance of the battlefield and the location of the proposed project in relation to core and study areas as identified in the report as well as proximity to other protected lands;
 - (B) Threat to and integrity of the features associated with the battle which occurred there; and
 - (C) The financial and administrative capacity of the applicant to complete the project and to maintain and manage the property consistent with the public investment and public interests, such as education, recreation, research, heritage tourism promotion or orderly community development.
- (9) All grant recipients are subject to audit by the comptroller of the treasury as to the funds received pursuant to this section.

(c)

(1) In addition to appropriations made to the preservation fund, the commission may accept other funds, public or private, by way of gift or grant to the fund. Any such gift or grant shall be deposited into the preservation fund to be distributed in accordance with this section.

(2) Moneys in the preservation fund may be invested by the state treasurer in accordance with § 9-4-602.

(3) Notwithstanding any law to the contrary, interest accruing on investments and deposits of the preservation fund shall be credited to such fund, shall not revert to the general fund, and shall be carried forward into the subsequent fiscal year.

(4) Any balance remaining unexpended at the end of a fiscal year in the preservation fund shall not revert to the general fund but shall be carried forward into the subsequent fiscal year.

Tenn. Code § 66-9-305 Acquisition by Public Bodies

(a) In order to carry out the purposes of this part, any public body or organization may acquire and dispose of interests in land or structures or features thereon in the form of conservation easements. No conservation easement shall be acquired by eminent domain unless such easement is necessary for the accomplishment of a specific public project which has been authorized by statute. Any such acquisition by a state entity shall be subject to approval by the state building commission.

(b) No private nonprofit organization shall exercise a power of eminent domain to acquire an easement under this part even though such organization may otherwise have such power.

(c) Any public body may designate a conservation easement in any real property in which it has an interest, if such property is listed on the National Register or the Tennessee Register, in order to provide protection to and assist in the preservation and protection of such property.

(d) A public body has all powers necessary or convenient to carry out the purposes and provisions of this chapter, including the following powers in addition to others granted by this chapter:

(1) Appropriate or borrow funds and make expenditures necessary to carry out the purposes of this chapter; and

(2) Apply for and accept and utilize grants and any other assistance from the federal government and any other public or private source, to give such security as may be required and to enter into and carry out contracts or agreements in connection with such grants or assistance.

Item 3. Volunteer Program PowerPoint Presentation:



TENNESSEE WARS COMMISSION

- The Tennessee General Assembly enacted legislation in April 1994 creating the Tennessee Wars Commission, which is administratively attached to the Tennessee Historical Commission, the State Historic Preservation Office.

- The duties of the Wars Commission include the coordination of planning, preservation, and promotion of structures, buildings, sites, and battlefields of Tennessee associated with the French and Indian War (1754-1763), American Revolution War (1775-1783), War of 1812 (1812-1815), U.S.-Mexican War (1846-1848), the Civil War (1861-1865). The Wars Commission is charged with acquiring or providing funds for the acquisition of battlegrounds, cemeteries, and Underground Railroad sites eligible for listing on the National Register or eligible for National Landmark Status, and other properties associated with these conflicts as well as to provide funds to establish protective interests in such properties. Lastly, the Wars Commission is tasked with safeguarding preserved battlefields throughout Tennessee by holding and monitoring conservation easements.

WHAT ARE THEY A conservation easement is a voluntary, legal agreement that permanently limits the use of land in order to perpetually protect its conservation values.

WHY DO WE MONITOR Holding an easement imposes an obligation to the State of Tennessee to monitor and enforce the terms of the document and creates a permanent relationship between the state and the property's current and future owners.

WHAT WE MONITOR The Wars Commission is tasked with monitoring state-owned war-related sites and war-related sites under easement.

HOW WE MONITOR Using both a boots-on-the-ground approach with a focus on safety and an "eye-in-the-sky" strategy using satellite imagery.

CONSERVATION EASEMENT OVERVIEW



THINGS TO KNOW, CONSERVATION EASEMENTS:

Indicate that the property's historical significance and the public benefit warrant its perpetual protection. Meaning, this property is special.

The benefits of routine monitoring include:

- building strong working relationships with landowners and managing parties;
- opportunities to document any changes to the property and to learn about any future plans;
- opportunities for the WC to discover any potential easement violations before they become serious; and
- meeting preservation obligations through routine monitoring.

Monitoring easements is a serious job due to the legal nature of conservation easements and the sensitive nature of landowners' rights. It is expected that volunteers keep the information shared with them, information gleaned from a site visit, and any conversations to remain confidential.

It is also expected that the volunteer will be honest in conveying their observations, remain unbiased, and will document in detail their visits.



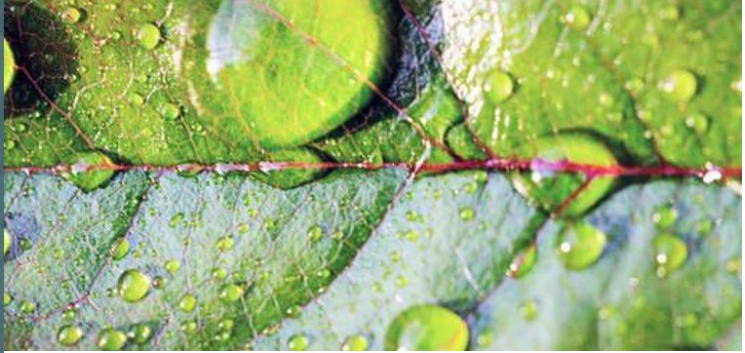
IMPORTANT

AS AN EASEMENT VOLUNTEER YOU **CANNOT:**

- Interpret easement provisions for a landowner/site manager or any third party.
- Approve or reject a landowner's proposed future plans.
- Accuse a landowner of violating easement terms.
- Discuss any potential violations with landowners/site managers or third parties.
- Attempt any mediation or enforcement action.
- Disclose the preliminary results of the monitoring visit.
- Disclose personal and private information on the landowner/site.



2 OF 2



STEPS IN THE EASEMENT MONITORING PROCESS

1. In depth review of the easement file.
2. Contact the landowner and schedule a site visit.
3. Collect and review the monitoring documents and supplies for the visit.
4. Create your monitoring strategy based on the survey and maps.
5. Perform the site visit, record information, and photograph the property.
6. Contact your easement coordinator to schedule a debriefing.
7. Submit the documentation collected while in the field.



EASEMENT FILE DOCUMENTS TO CAREFULLY REVIEW

The Conservation Easement Deed is broken into 5 main parts:

- Preamble describing the conservation purposes
- Land use restrictions
- Reserved uses and rights of the landowner
- Affirmative rights of the easement holder
- Administrative provisions

The Baseline Documentation Report outlines property conditions at the time of the easement execution. Or if absent, the Present Conditions Report will detail baseline conditions.

The previous Annual Stewardship and Monitoring Report and any Project Review Request Forms.

Property Survey, Aerial, and Boundary Maps

IN-FIELD MONITORING FORMS AND SUPPLIES

All the above materials need to accompany the monitor on the visit.

In-field Stewardship Monitoring Form

GPS App/Unit. Compass. Camera. Phone. Pens. Clipboard

CONSERVATION
EASEMENT
DEED EXAMPLE

BASELINE
DOCUMENTATION VS
PRESENT CONDITIONS
REPORT

ANNUAL
STEWARDSHIP &
MONITORING
REPORT

PROJECT
REVIEW
REQUEST FORM

PROPERTY
SURVEY

IN-FIELD
STEWARDSHIP
MONITORING
FORM



MONITORING FORMS



CONTACT LANDOWNER

Document Your Conversation

- Contact the landowner/site manager to schedule your visit.
 - Introduce yourself, the TN Wars Commission/THC, and the purpose for the visit.
 - Confirm all contact information.
 - Schedule a visit and inquire about security features on the site (dogs, electric fencing).
 - Ascertain if the owner/manager will be on-site and intend to join you on your visit.
 - Ask if they have a recommended route or trail to follow.
 - Make sure to have your monitoring buddy join you.
- Review the landowner's history with the site.
- Discuss any alterations since the last visit, any proposed changes, any proposed grant projects...
 - Did owners/managers submit request letters and applications to TN Wars Commission?
- Any natural changes to the landscape since the last visit?
- Inquire about neighbor's activities along the property line
- Ask about recent public access to the site?
 - Easements require public access, please reference the requirements.
- Address any landowner questions/concerns.
 - Thoroughly document the conversation, particularly what follow up is required by Wars Commission staff.

Common sense should be the primary tool used to determine if monitoring can be performed safely. If you are uncomfortable, it is recommended to postpone the visit and contact your monitoring coordinator.



SAFETY

BEST PRACTICES

- Inform someone where you intend to go, when you intend to return, and what actions should be taken if you do not return by the time you are due.
- It is strongly recommended that you monitor with a buddy.
- Monitors must wear a high-visibility vest. Dress appropriately. Be aware of hunting seasons.
- Have a fully charged cell phone with both compass and GPS apps.
- Review the weather prior to leaving for the site.
- Pack out with water.
- Make sure you have the easement file, monitoring documents, a clipboard, pens, and a red Sharpie.
- Refresh your memory of dangerous/hazardous plants and animals you may encounter.

RECOMMENDED SUPPLIES

- Extra water, Snacks
- Appropriate outdoor clothing for the season, Hiking boots, Hat, and Sunglasses.
- Bug spray, Sunscreen, Hand sanitizer
- First aid kit
- Binoculars
- Full tank of gas for the trip
- Cell phone charger in the car

REQUIRED SUPPLIES

- Easement file, monitoring documents, a clipboard, and pens.
- High-visibility vest
- Camera/Phone with GPS and Compass apps.

IDENTIFY AREAS OF INTEREST

These include boundaries, access points, areas of past problems, and areas of recent management activity. Populated boundaries should be checked more often. Isolated interior areas or borders with other conservation land are less of a priority in annual monitoring.

INSPECT THE CONDITION OF

Landscape features, archaeological resources, natural resources, structural elements, and character-defining features, documenting visible signs of deterioration or elements that require repair, remediation, or treatment. All alterations to the property, potential violations, and any encroachment should be noted and photographed.

DETERMINE INSPECTION ROUTE

Keeping the above in mind, use maps, the property survey, and any info from past visits to determine the best route to monitor. Make use of interior roads and trails if possible.

CREATE YOUR MONITORING STRATEGY

Your strategy should center on the cultural resources and values protected by the easement, should focus on the property boundaries, and be designed using the survey and maps.

PHOTOGRAPHS

What to photograph

Photographs aim to capture the resource protected by the easement including:

Landscape

- property boundaries
- landscape features
- open spaces
- archaeological resources
- any changes or alterations to the property
- any previously undocumented or unknown resources on a given property

Structures

- historic structures-elevations and oblique views
- outbuildings/other structures-elevations and oblique views
- interior spaces, if feasible
- unique features
- elements showing deterioration or damage, require maintenance, any moved or demolished structures

TIPS

The number of photos should be sufficient to fully document the site.

Each photo taken needs to be notated and contain a description. Record these in the photo log as you go.

Bring an aerial view map and a red Sharpie to mark the photo locations, creating your Photo Point Map.

HOW TO RECORD PHOTOGRAPHS

- Each photo must contain a notation with the following: State, County, Site Name, and Photo Number. For example:
 - TN_Hamilton County_Browns Ferry Tavern_001.tif (or jpeg)
- The photo description needs to include what is in the photo and the direction the camera is facing. For example:
 - Description: South façade (left) and east elevation (right), camera facing northwest. GPS Coordinates (if available).
- The photo point map must be a plan view (looking from above down at the site) map. This can be an aerial view image with parcel boundaries. It must demonstrate clear parcel boundaries, must indicate the location of each photo, include a northing symbol, and a key.



STEP 1: REVIEW YOUR MONITORING STRATEGY

STEP 2: MEET WITH THE LANDOWNER/SITE MANAGER

STEP 3: WALK THE PROPERTY BOUNDARIES AND INTERIOR

STEP 4: RECORD FINDINGS AND PHOTOGRAPH THE SITE

PERFORM THE SITE VISIT

*Consider safety at all times and exercise caution as you traverse the site.

Review your monitoring strategy, ensuring it is feasible given the current conditions.

Announce your arrival, follow up on your phone conversation, addressing any questions/concerns, and confirming any important tips from the owner.

Walk the property, paying close attention to the historical and cultural values mentioned in the easement, focusing on the areas of interest, and noting any alterations to the property, changes, or encroachments.

Record notes and observations on the In-Field Monitoring Form. Photograph boundaries, resources, and specific areas of concern. Focus on documenting changes from previous visits, changes in previously photographed areas, and significant natural changes. Make sure to record the Photo Log and your Photo Point Map as you go.

1 of 2

PERFORM THE SITE VISIT

STEP 5: CHECK FORM FOR ACCURACY AND COMPLETENESS

Thoroughly review the In-Field Monitoring Form, the Photo Log, and the Photo Point Map. Ensure you have completed the form and that the information is accurate.

STEP 6: CHECK OUT WITH LANDOWNER AND CALL YOUR CONTACT

If on site, check out with the landowner and call your contact to let them know you are leaving the site.

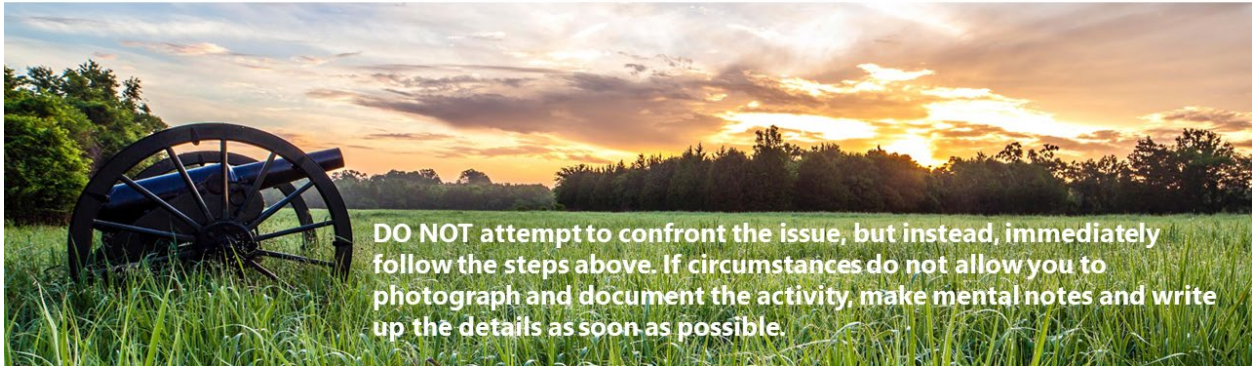
STEP 7: SUBMIT YOUR DOCUMENTATION AND CHECK IN WITH YOUR EASEMENT COORDINATOR

Schedule a time with your coordinator for a debriefing and submit your documentation.

2 of 2

1. Safety is priority one, assess the situation, if you feel unsafe, terminate the site visit and contact your coordinator.
2. Photograph the potential violation and indicate the location of the violation on the Photo Point Map.
3. Record your observations in a clear, detailed, and objective description on the In-Field Monitoring Form. Avoid making conclusions or describing the activity as a “violation”.
4. If circumstances prevent you from recording your observations in real time, make sure you record the relevant information as soon as is reasonably possible.
5. Communicate your observations to your monitoring coordinator during the debriefing.

IF YOU SUSPECT A VIOLATION...



POST-VISIT

1. Type up your notes from the field into the In-Field Stewardship Monitoring Form. Upload your photos and create your Photo Log and upload your Photo Point Map.
2. Submit the materials to your easement coordinator.
3. Schedule your online meeting or phone call to discuss the visit.





BIBLIOGRAPHY

Material by Nina L. Scall, Director, Tennessee Wars Commission with contributions from UNH Cooperative Extension Stewardship Training Guide, "How to Monitor Conservation Easements." <https://naturegroupie.org/training-guides/how-monitor-conservation-easements-training-guide>.

Slide 2: Sons Tour, Inc. "American Civil War Battlefield Tours," American Civil War Tours, 2022, <https://www.sons-tours.com/tours/civil-war-battlefield-tours/>.

Slide 3: Anonymous, "Civil War Bullets," 2020, Pinterest.

Slide 5: Trip Advisor, "Battlefields in Tennessee: Davis Bridge Battlefield," Things To Do Tennessee, 2022, <https://www.tripadvisor.com/Attractions-g28963-Activities-c47-t4-Tennessee.html>.

Slide 9: Jeff Lossau, "Cannons at the Shiloh Battlefield," 2022, <https://www.dreamstime.com/cannons-shiloh-tennessee-line-bright-sunny-day-were-used-civil-war-battle-image120727202>.

Slide 10: Swick, Gerald D., "Battle of Franklin: Civil War Sites – Carnton, Carter House, and Lotz House," History Net, November 17, 2010, <https://www.historynet.com/battle-of-franklin/>.

Slide 15: Anonymous, "Civil War Battlefield in Fall," 2022, Pinterest.

Slide 16: The National Park Service, "Stones River: A Hard Earned Victory," National Park Service Stones River, April 16, 2021, <https://www.nps.gov/stri/index.htm>.

Slide 17: More Than Just Parks, "10 Must See Historic Sites In Tennessee, Fort Donelson," More Than Just Parks, October 5, 2022, <https://morethanjustparks.com/historic-sites-in-tennessee/>.

Slide 18: Identity Creative, "Civil War Sites in Tennessee," Deep South USA, 2022, <https://www.deep-south-usa.com/tennessee/history-and-heritage/civil-war-sites>.

Slide 19: Bed and Breakfast Inns of Missouri, "Missouri Civil War Sites, Battlefields, Monuments, and Museums," February 28, 2019, <https://bbim.org/missouri-civil-war-sites-battlefields-monuments-and-museums/>.



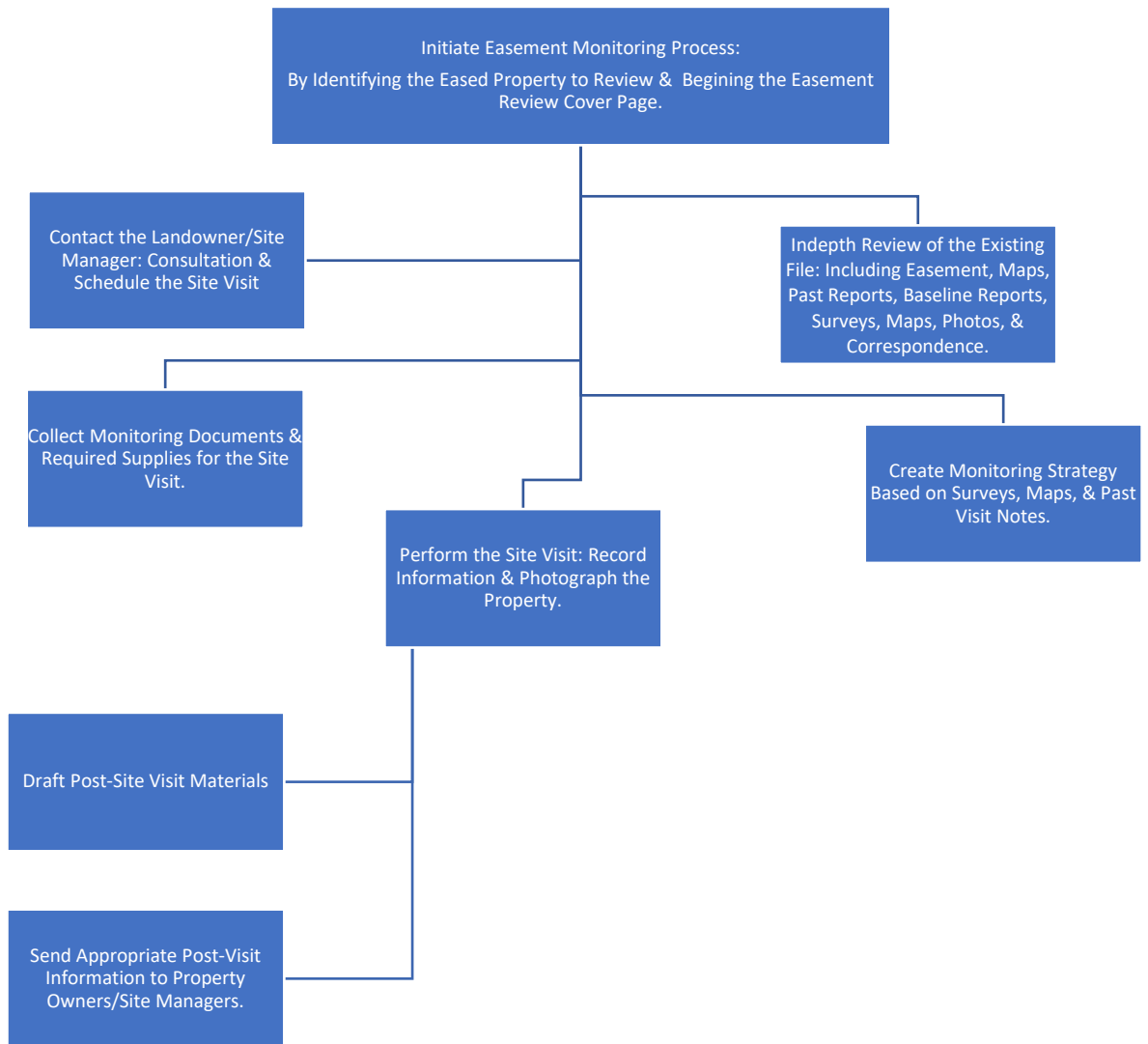
TENNESSEE WARS COMMISSION

THANK YOU

Nina Scall, Director
Tennessee Wars Commission
615.770.1095
Nina.Scall@tn.gov

<https://www.tn.gov/historicalcommission/state-programs/tennessee-wars-commission.html>.

Item 4. Monitoring Workflow Chart:



Item 5. Photography Photo Point Map Example:

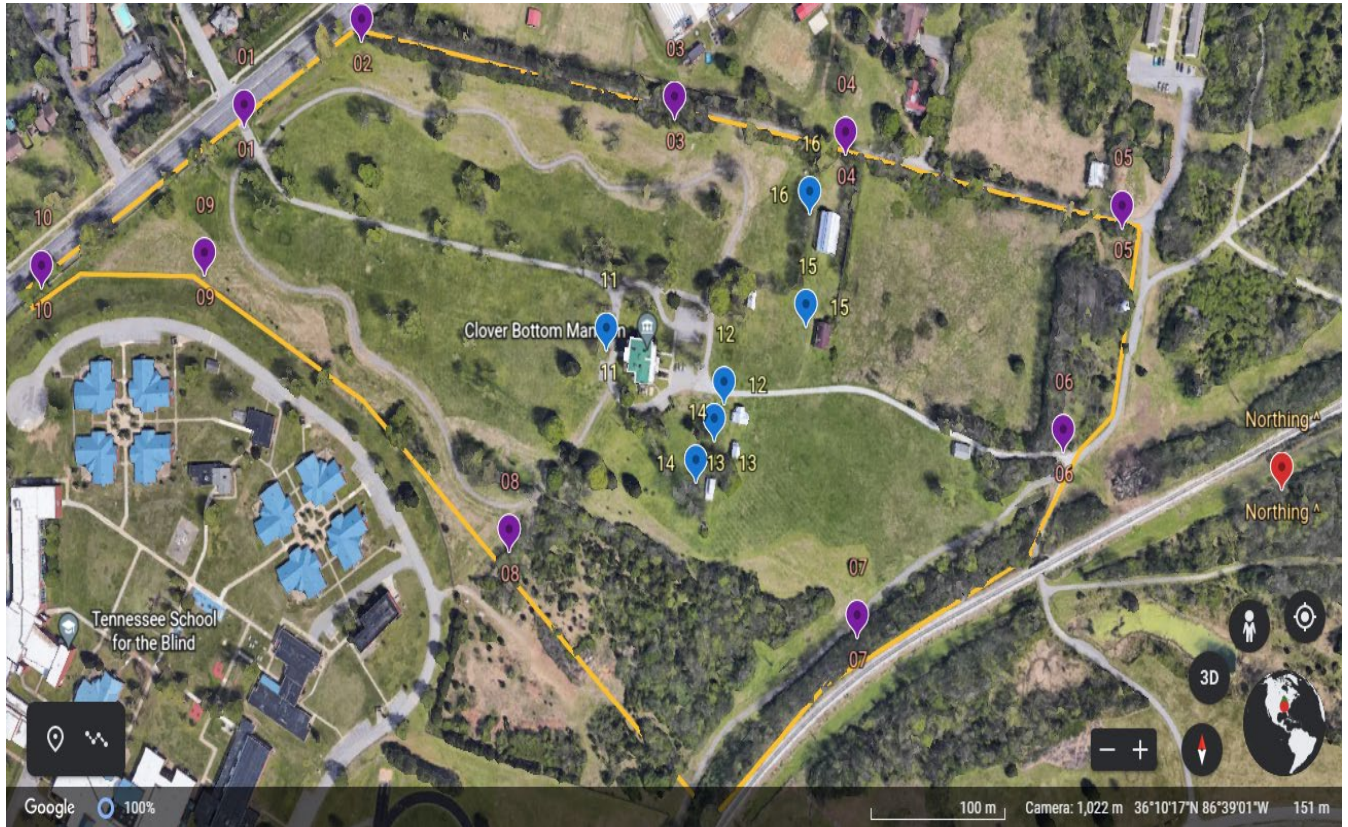


Photo Point Map Key:

- 1. Entrance Photo, Facing East
- 2. Boundary Photo of the Property, Facing South
- 3. Boundary Photo, Facing Mansion, South
- 4. Boundary Photo, Facing Barn Structure, South
- 5. Boundary Photo, Facing South, South-West
- 6. Driveway Photo, Facing Mansion, West
- 7. Boundary Photo, Facing Mansion North, North-West
- 8. Boundary Photo, Facing Mansion, North
- 9. Boundary Photo, Facing Mansion East, North-East
- 10. Boundary Photo, Facing Mansion, East
- 11. Mansion Structure, Facing East *All 4 facades must be photographed and numbered accordingly
- 12. Enslaved Structure, Facing East *
- 13. Enslaved Structures, Facing East *
- 14. Chicken Coop, Facing East, South-East *
- 15. Carriage House, Facing East, South-East *
- 16. Reconstructed Barn, Facing East, South-East *

Northing Symbol



TENNESSEE WARS COMMISSION

Links 1-7:

Link 1. The Civil War Sites Preservation Fund (CWSPF) Website:

<https://www.tn.gov/environment/about-tdec/grants/tennessee-wars-commission/civil-war-sites-preservation-fund.html>.

Link 2. Civil War Sites Advisory Commission's (CWSAC) Report on the Nation's Civil War Battlefields (1993) <https://irma.nps.gov/DataStore/Reference/Profile/2274482>.

Link 3. Civil War Sites Advisory Commission's (CWSAC) Report on the Nation's Civil War Battlefields (Updated 2009) PDF,
<http://npshistory.com/publications/battlefield/cwsac/updates/tn.pdf>

Link 4. The Secretary of the Interior's Standards and Guidelines:

<https://www.nps.gov/tps/standards.htm>.

i. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes (National Park Service, as amended)

<https://www.nps.gov/tps/standards/four-treatments/landscape-guidelines/index.htm>.

ii. Secretary of the Interior's Standards for the Treatment of Historic Properties (36 C.F.R. 68, as amended)

<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>.

iii. Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (National Park Service, as amended) Last Updated 1983

<https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>.

iv. Secretary of the Interior's Standards for Rehabilitation (36 C.F.R. 67, as amended)

<https://www.nps.gov/tps/standards/four-treatments/treatment-rehabilitation.htm>.

v. Secretary of the Interior's Professional Qualifications Standards (48 F.R.44716 (Sept. 1983, as amended))

<https://www.nps.gov/subjects/historicpreservation/upload/standards-guidelines-archeology-historic-preservation.pdf>.

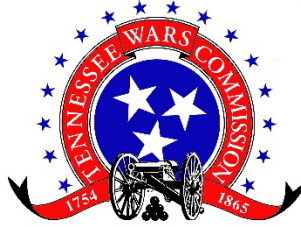
Link 5. LENS Upstream Tech <https://upstream.tech/lens/>.

Link 6. National Register Criteria for Evaluation (36 C.F.R.60), “How to Apply the National Register Criteria for Evaluation”

https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf.

Link 7. TDEC GIS Platform: Tennessee Wars Commission GIS Map

TBD



TENNESSEE WARS COMMISSION

Easement Program Documents 1-10:

Document 1. Easement Application Checklists for Easement Donations and for Easements Using Civil War Sites Preservation Funds

Tennessee Historical Commission, State Historic Preservation Office (SHPO)

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

Easement Application Checklist

INSTRUCTIONS: The checklist is to serve as a guide to help successfully submit a complete easement application or donation. All information below is required to be present in your project packet. Please include the checklist with the boxes engaged to ensure you have included the required material. This will serve as your cover page upon submission. All contractors need to be on the state approved vendor list.

- Application Form: Please submit the associated documentation with the attached easement application form.
- Appraisal: Submitted documents must be from a state-certified appraiser or must obtain prior approval to become a state-approved appraiser.
- Authorization: If the applicant differs from the property owner, the owner must submit a signed letter indicating the applicant is authorized to submit an application on their behalf and the TN SHPO is authorized to communicate with the applicant regarding the owner(s)' property, the easement application, required documentation, and easement negotiation process.
- Boundary Survey: A current (within one year) boundary survey prepared by a State of Tennessee-approved licensed surveyor is required for all easement projects. If a current survey is not available when the easement application is submitted, a preliminary survey should be provided to the Tennessee Historical Commission (THC)/Tennessee Wars Commission (TWC) for review as soon as possible. The survey should show and/or indicate the following as it applies to the property:
 - Location of any easements and/or utilities existing or serving the property
 - Exterior dimensions of all buildings and structures with total square footage.

- Covenants, Leases, and Other Unrecorded Documents: Copies of the following must be submitted with the application:
 - Deed Restrictions
 - Covenants
 - Agricultural leases
 - Billboard leases
 - Residential leases

- Deeds: Warranty deed

- Historic Context, Integrity, and Significance: Documentation of endangered, threatened, or rare battlefield or historic site related to the French and Indian War through the Civil War and the Underground Railroad. Justify the need to preserve this site. Reference the *Wars Commission Easement Program Manual Guideline I. Determining Integrity, Significance and Historic Context* for support.
 - Demonstrate the historic context and military significance of the site regionally, nationally, and globally if appropriate.
 - Discuss the current condition of the battlefield: intact, disturbed, developed, and poor condition.
 - Discuss the applicable aspects of integrity.

- Leases and Other Agreements: Copies of agricultural, commercial, or residential lease agreements that will be in effect at the time of easement recordation must be submitted with the application. Unless otherwise approved by THC/TWC, any unrecorded leases or lease agreements that will be in effect at the time of recordation of the easement must include subordination language.

- Letter of Intent: For any easement donation, the property owner(s) must submit a separate letter of intent indicating their desire to place a perpetual conservation easement over their property.

- Maps: Aerial, topographic, core/study area, troop movement maps, and other GIS images clearly marked with the following information:
 - The legal property boundaries of the proposed easement area; indicate any adjacent parcels under the same ownership but outside the proposed easement area;
 - The boundaries of the core/study areas of battlefields;
 - The location of troops and/or military activity in relation to the property;
 - Other nearby protected parcels with tract names, when did the acquisition occur, who holds the easement, and;
 - Aerial images that document prior land use, as applicable.

Photographs: Reference the *Wars Commission Easement Program Manual Guideline II. Photographs* for detailed information on requirements. High-quality digital photographs or images must include the following:

- At a minimum, photographs should comprehensively document the overall site, setting, and landscape of the property and must include images of all historic and non-historic buildings, structures, archaeological sites, features, roads, and other noteworthy elements.
- Key all photographs to the plan view photo point map. The map should have a key and a northing symbol. Each photograph must be numbered, and that number must correspond to the photograph number on the photo log. Descriptions in the photo log must use cardinal directions to describe the photo and the direction the camera is facing as seen in the example below.

Name of Property:

City or Vicinity:

County:

State:

Name of Photographer:

Date of Photographs:

Photo # of

Notation: (example) Photograph 001, TN_LincolnCounty_CampBlount_001.tif

Description: South façade (left) and east elevation (right), camera facing northwest.

GPS Coordinates (if available):

Project Information Form: A Project Information Form (PIF) must be submitted at the time of the application.

Reliance Letters: All entities used for due diligence need to be certified with the State of Tennessee. If they are not, they will need to become approved vendors. The state reserves the right to require Reliance Letters from the vendors.

Sources of Funding and Budget: Please submit a budget that breaks down the funding sources utilized for this project. This should reflect all project costs and due diligence fees.

Title Commitment and Insurance: Applicant must submit all pertinent title information from a state-certified title searcher, title company, or attorney. Documents must include:

- Continuous chain of title dating 30 years
- Copies of deeds and plats in the chain of title ownership and must include all encumbrances

For donated properties:

- A title commitment insuring the donor’s acquisition of the property may be submitted however, once the acquisition/donation is complete, a title commitment insuring the State of Tennessee must be provided.
- If the agency decides to move forward with insuring the property, a value of the property for title insurance must be determined by the agency as well as a title policy that ensures the approved survey/exceptions that pertain to the property.

To be submitted once you have received approval:

Real Estate Management (REM) Fee: Applicants must submit a \$500.00 administrative fee for the processing of the easement. REM fees must be submitted to the Tennessee Department of Environment and Conservation within 30 days of the invoice billing date. Cashier checks should be made out to the “State of Tennessee” with a notation for REM fees and should contain the transaction number within 30 days of the invoice billing date

Easement Recordation Fees: To be determined, this fee records the easement with the County Clerk’s Office. Recording fees are calculated \$5.00/per page plus a \$2.00 processing fee plus a \$1.00 tax fee (if the grantee of the request is tax-exempt, the \$1.00 is not included). Transfer tax is collected if the grantee of the easement or fee is not tax-exempt and that is calculated at 0.0037 times the purchase price. Cashier checks must be submitted to the Tennessee Department of Environment and Conservation and should be made out to the “State of Tennessee” with a notation for recordation fees and should contain the transaction number within 30 days of the invoice billing date.

Project Name: _____

Authorized Signature: _____ Date _____

Tennessee Historical Commission, State Historic Preservation Office (SHPO)

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

Civil War Sites Preservation Fund Easement Application Checklist

INSTRUCTIONS: The following documents must be submitted at the time of the Civil War Sites Preservation Fund (CWSPF) grant application or application for easement holder status with the State of Tennessee. Please include the checklist with the boxes engaged to ensure you have included the required material. This will serve as your cover page upon submission. All contractors need to be on the state-approved vendor list.

- Application Form:** Please submit the associated documentation with the attached easement application form.
- Appraisal:** Submitted documents must be from a state-certified appraiser or must obtain prior approval to become a state-approved appraiser.
- Authorization:** If the applicant differs from the property owner, the owner must submit a signed letter indicating the applicant is authorized to submit an application on their behalf and the TN SHPO is authorized to communicate with the applicant regarding the owner(s)' property, the easement application, required documentation, and easement negotiation process.
- Boundary Survey:** A current (within one year) boundary survey prepared by a State of Tennessee-approved licensed surveyor is required for all easement projects. If a current survey is not available when the easement application is submitted, a preliminary survey should be provided to THC/TWC for review as soon as possible. The survey should show and/or indicate the following as it applies to the property:
 - Location of any easements and/or utilities existing or serving the property
 - Exterior dimensions of all buildings and structures with total square footage.
- Covenants, Leases, and Other Unrecorded Documents:** Copies of the following must be submitted with the application:
 - Deed Restrictions
 - Covenants
 - Agricultural leases
 - Billboard leases
 - Residential leases
- Deeds:** Warranty deed
- Environmental:** Copy of a Phase I Environmental Site Assessment (ESA) if determined to be appropriate.
- Historic Context, Integrity, and Significance:** Documentation of endangered, threatened, or rare battlefield or historic site related to the French and Indian War through the Civil War and

the Underground Railroad. Justify the need to preserve this site. Reference the *Wars Commission Easement Program Manual Guideline I. Determining Integrity, Significance, and Historic Context* for support.

- Demonstrate the site's historic context and military significance regionally, nationally, and globally if appropriate.
- Discuss the current condition of the battlefield: intact, disturbed, developed, and poor condition.
- Discuss the applicable aspects of integrity.

Leases and Other Agreements: Copies of agricultural, commercial, or residential lease agreements that will be in effect at the time of easement recordation must be submitted with the application. Unless otherwise approved by THC/TWC, any unrecorded leases or lease agreements that will be in effect at the time of recordation of the easement must include subordination language.

Maps: Aerial, topographic, core/study area, troop movement maps, and other GIS images clearly marked with the following information:

- The legal property boundaries of the proposed easement area; indicate any adjacent parcels under the same ownership but outside the proposed easement area;
- The boundaries of the core/study areas of battlefields;
- The location of troops and/or military activity in relation to the property;
- Other nearby protected parcels with tract names, when did the acquisition occur, who holds the easement, and;
- Aerial images that document prior land use, as applicable.

Project Information Form: A Project Information Form (PIF) must be submitted at the time of the application.

Photographs: Reference the *Wars Commission Easement Program Manual Guideline II. Photographs* for detailed information on requirements. High-quality digital photographs or images must include the following:

- At a minimum, photographs should comprehensively document the overall site, setting, and landscape of the property and must include images of all historic and non-historic buildings, structures, archaeological sites, features, roads, and other noteworthy elements.
- Key all photographs to the plan view photo point map. The map should have a key and a northing symbol. Each photograph must be numbered, and that number must correspond to the photograph number on the photo log. Descriptions in the photo log must use cardinal directions to describe the photo and the direction the camera is facing as seen in the example below.

Name of Property:

City or Vicinity:

County:

State:

Name of Photographer:

Date of Photographs:

Photo #__ of__

Notation: (example) Photograph 001, TN_LincolnCounty_CampBlount_001.tif

Description: South façade (left) and east elevation (right), camera facing northwest.

GPS Coordinates (if available):

Recognition Letters: All projects should be submitted with two to three acknowledgment letters or letters of support from County Commissioners or Mayors.

Reliance Letters: All entities used for due diligence need to be certified with the State of Tennessee. If they are not, they will need to become approved vendors. The state reserves the right to require Reliance Letters from the vendors.

Sources of Funding and Budget: Please submit a budget that breaks down the funding sources utilized for this project. This should reflect all project costs and due diligence fees.

Title Commitment and Insurance: Applicant must submit all pertinent title information from a state-certified title searcher, title company, or attorney. Documents must include:

- Continuous chain of title dating 50 years
- Copies of deeds and plats in the chain of title ownership and must include all encumbrances

For donated properties:

- A title commitment insuring the donor's acquisition of the property may be submitted however, once the acquisition/donation is complete, a title commitment insuring the State of Tennessee must be provided.
- If the agency decides to move forward with insuring the property, a value of the property for title insurance must be determined by the agency as well as a title policy that ensures the approved survey/exceptions that pertain to the property.

To be submitted once you have received approval:

Real Estate Management (REM) Fee: Applicants must submit a \$500.00 administrative fee for the processing of the easement. REM fees must be submitted to the Tennessee Department of Environment and Conservation within 30 days of the invoice billing date. Cashier checks should be made out to the "State of Tennessee" with a notation for REM fees and should contain the transaction number within 30 days of the invoice billing date

Easement Recordation Fees: To be determined, this fee records the easement with the County Clerk's Office. Recording fees are calculated \$5.00/per page plus a \$2.00 processing fee plus a \$1.00 tax fee (if the grantee of the request is tax-exempt, the \$1.00 is not included).

Transfer tax is collected if the grantee of the easement or fee is not tax-exempt and that is calculated at 0.0037 times the purchase price. Cashier checks must be submitted to the Tennessee Department of Environment and Conservation and should be made out to the “State of Tennessee” with a notation for recordation fees and should contain the transaction number within 30 days of the invoice billing date.

Project Name: _____

Authorized Signature: _____ Date _____

Tennessee Historical Commission, State Historic Preservation Office

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

Project Information Form for the State Lands Acquisition Committee (SLAC)

Project Type:

- Lands Acquisition
- Conservation Easement
- Easement Disposal
- Other

Project Classification:

- Historical
- Archaeological
- Natural

Project Title:

Project Location (Address, County, and City):

Number of Acres:

Project Description:

Justification for Acquisition:

Historic Values of the Site:

Project Contact:

Organization Name

Contact Name

Contact Address

Contact Phone and Email

Property Owner Information:

Name of Owner

Address of Owner

Phone Number and Email Address

Type of Ownership:

- Private
- Government
- Willing Seller
- Corporation
- Organization
- Partnership
- Other

Current Land Use:

- Forest
- Pasture
- Open
- Residential
- Possibility of Adverse Conditions

Funding Sources (Provide a breakdown of funding sources being used to acquire the property):

Current Appraised Value of the Property:

Appraised Value After the Easement:

Estimated Project Breakdown:

Property Information:

Property Map and Parcel

Property Book and Page

Deed submitted?

- Yes
- No

Tax Map Submitted?

- Yes
- No

Latitude (decimal degrees)

Longitude (decimal degrees)

Encumbrances: Please provide an explanation of encumbrances

- Relocation Required
- Environmental Impact Questionnaire Attached
- Existing Easements or other Encumbrances

Notes:

PRESENT CONDITIONS REPORT

for the

_____ Tract

_____ Acres

Tax Map _____, Parcel _____

Lat/Long: _____, - _____

_____ County, Tennessee

Aerial or Parcel Map on Cover Page

Present Conditions Report

Property Name:

Lat/Long:

Project FA #:

Relevant War:

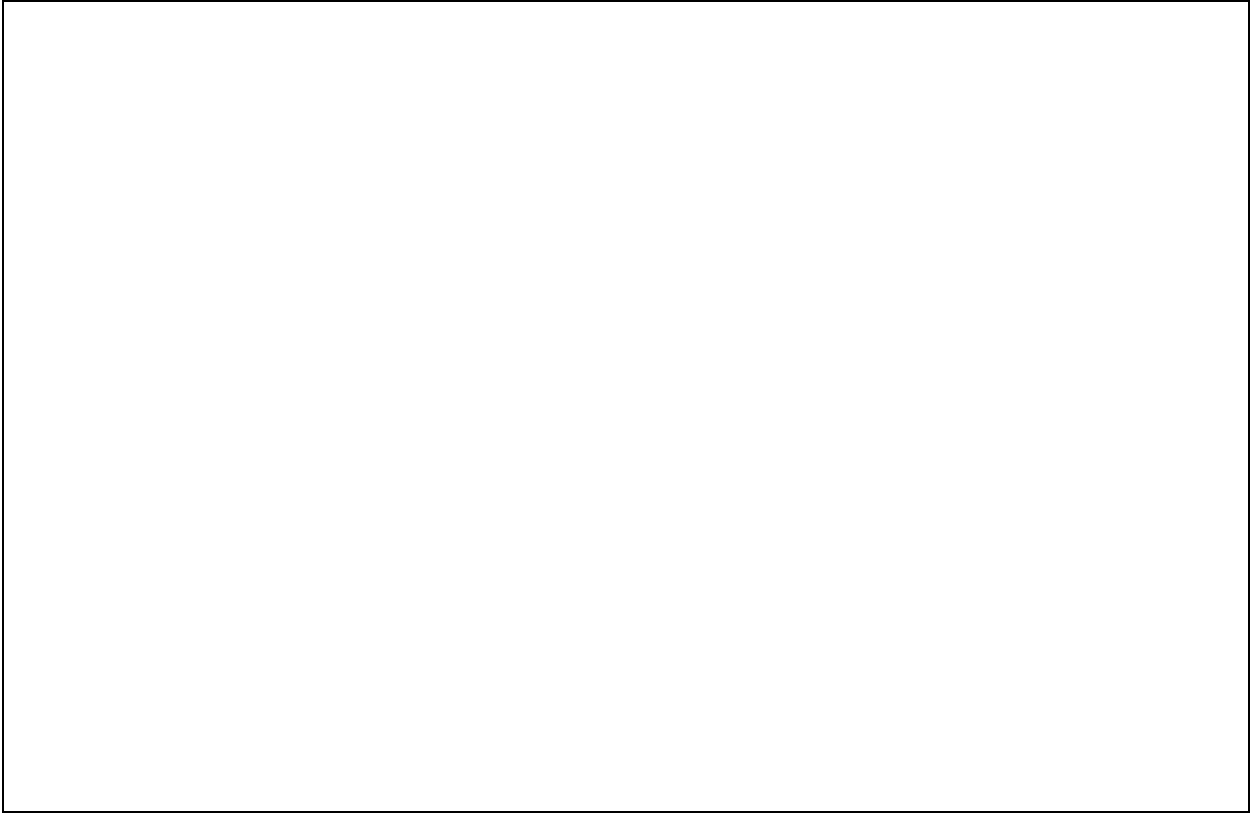
Associated Battle:

Dates of Historical Significance:

Surveyor	
Contact Information	
Dates Surveyed	

County, State	
Town/Vicinity	
Property Address	
Owner	
Owner Address	
Historic Name	
Remarks	

Historical Significance



Comments on the Property:

A large, empty rectangular box with a thin black border, intended for entering comments on the property. It is currently blank.

Baseline Documentation Report Deficiencies:

Boundaries:

Natural Features:

Cultural Features:

Archaeological Sites:

Initial Conditions:

--

AERIAL OR PARCEL MAP

PHOTOPOINT MAP

Photographer:	Date:	Conditions:
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Photographer:	Date:	Conditions:
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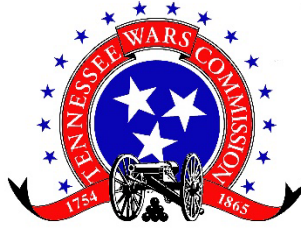
Photographer:	Date:	Conditions:
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ABT CORE AND STUDY MAP

ABT TROOP MOVEMENT MAP

Document 4. Property Owner Notification Letter Template



TENNESSEE WARS COMMISSION

2941 Lebanon Pike, Nashville, TN 37214

(615) 770-1095

Email: Nina.Scall@TN.gov

OWNERS ADDRESS

DATE

Re: Conservation easement monitoring visit to the _____ Tract, FA# _____, at
_____ address in _____ County.

Dear Mr./Mrs./Ms. _____,

Thank you for working with the Tennessee Wars Commission to ensure our Civil War battlefields and war-related historic sites are preserved in perpetuity. We appreciate your cooperation with our recent site visit on _____ date and look forward to working with you in the future to safeguard Tennessee's military heritage for generations to come.

1. This letter is to inform you that upon the Wars Commission's recent visit to the _____ Tract, we have found no deficiencies or violations and the property is in compliance, no further action is required.

OR

2. This letter is to inform you that upon the Wars Commission's recent visit to the _____ Tract, we found *deficiencies/violations*, and further action is required.

The deficiency/violation(s) as found in the conservation easement under Section _____ Page __ include:

-
-

The *deficiencies/violations* found fall into the following categories:

Insert Category-delete the others.

Technical Violation - a violation that results when a property owner has made alterations to the

protected cultural landscape, the historic resources, archaeological site, features, or conservation values of the property that are allowable in the easement and are consistent with the historic character of the property, but the property owner did not follow the appropriate notification and approval procedures pursuant to the relevant deed of easement and the easement program Guideline 1. Review of Applications for Work on Easement Properties.

Minor Violation - a violation that results from inappropriate alterations or lack of proper maintenance where no permanent damage to the cultural landscape, protected historic resource, archaeological site, and features, or the conservation values of the property has been identified by TWC easement staff. The level of violation may be escalated if the issue is not resolved within the period of time specified in the written notice of violation.

Major Violation - a violation that results in irreversible damage to the cultural landscape, historic resources, archaeological resources, features, or conservation values of the property that are protected by the easement.

Willful Violation - a violation that occurs when a property owner undertakes an action or fails to undertake an action in direct contradiction to a written directive, notice, or requirement issued by the Tennessee Wars Commission acting on behalf of the Tennessee Historical Commission. Such violations may include but are not limited to, failure to perform mitigation or remediation of a major or minor violation as specified by TWC, implementation of a project previously denied by the Wars Commission, or repeated refusal to provide access to the easement property upon reasonable advance written request by Wars Commission easement staff. A willful violation may be issued separately or in conjunction with a technical violation, minor violation, or major violation.]]

Further action is required to address the deficiency/violation(s) and includes:

-
-

As per *Section __. Enforcement and Remedies* of the conservation easement the Grantor shall have **ninety (90) days** from the date of receipt of the Property Owner Notification Letter to correct the conditions constituting the infringement. If the violation cannot be rectified within 90 days, it is the responsibility of the property owner to obtain an approved scope of work and timeline within that **ninety-day timeframe** for violation resolution. If the violation remains either uncorrected or without a TWC-approved scope of work and timeline, THC may enforce the easement provisions by appropriate legal means.

To ensure violations have been remedied, follow-up visits are performed by the easement program or THC staff.

Sincerely,

Nina L. Scall, Director
Tennessee Wars Commission

Tennessee Historical Commission, State Historic Preservation Office

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

Annual Stewardship and Monitoring Report

Property Name	
Easement FA Tracking Number	
Date of Recent Visit	
Recent Visit Type	
Date of Last Visit and Visit Type	
Next Required Visit Type and Date	

Monitor Coordinator Completing Review	
Date of Post-Monitoring Review	
Monitor(s)	
Date of Monitoring	

Easement Property Address	
---------------------------	--

Property Ownership

Name of Owner(s)	
Home Address	
Phone Number	
Email	

Background Information

Did the landowner or representative accompany the monitor during the visit?	YES	NO
Were there any changes to the site plan noted? <ul style="list-style-type: none"> ○ New Construction ○ Archaeological ○ Historical ○ Moved Structure ○ Demo Existing Structure and Debris Removal ○ Agricultural/Timber Harvesting ○ Erosion Control and Maintenance Landscaping ○ Other 	YES	NO
Were these changes approved by THC/TWC in writing? Date of approval or denial letter	YES	NO

I. Were the owner’s question(s) or concern(s) addressed?

II. Is there any further actions the Wars Commission needs to take to address these concerns?

III. Please note any conversations with property owners or site managers.

Present Land Uses

Specialty Crop	Pasture/Hay	Timber Harvesting	Row Crop
----------------	-------------	-------------------	----------

IV. If the site is state-owned and the current land use fits into the above categories is there a contract to harvest or farm?

V. Please include a copy of that contract with this report as an attachment.

- What are the contract term dates?
- What is the contact information for this contract?

Findings

Did the in-field monitoring form indicate any findings or deficiencies that warrant further action by the Tennessee Wars Commission?	YES	NO
--	-----	----

If there are no findings, can this conservation easement review be closed for the year?	YES	NO
---	-----	----

VI. What were the monitor’s findings? Any staff observations and/or the narrative section.

VII. Please describe the violation or deficiency in detail and reference the easement section heading associated with the below.

- Violation or Deficiency
- Human Alteration
- Human Encroachment

- Natural Disaster or Environmental Encroachment
- Other

VIII. Please indicate the violation type (based on the below definitions and delete the rest):

Technical Violation - a violation that results when a property owner has made alterations to the protected cultural landscape, the historic resources, archaeological site, features, or conservation values of the property that are allowable in the easement and are consistent with the historic character of the property, but the property owner did not follow the appropriate notification and approval procedures pursuant to the relevant deed of easement and the easement program Guideline 1. Review of Applications for Work on Easement Properties.

Minor Violation - a violation that results from inappropriate alterations or lack of proper maintenance where no permanent damage to the cultural landscape, protected historic resource, archaeological site, and features, or the conservation values of the property has been identified by TWC easement staff. The level of violation may be escalated if the issue is not resolved within the period of time specified in the written notice of violation.

Major Violation - a violation that results in irreversible damage to the cultural landscape, historic resources, archaeological resources, features, or conservation values of the property that are protected by the easement.

Willful Violation - a violation that occurs when a property owner undertakes an action or fails to undertake an action in direct contradiction to a written directive, notice, or requirement issued by the Tennessee Wars Commission acting on behalf of the Tennessee Historical Commission. Such violations may include but are not limited to, failure to perform mitigation or remediation of a major or minor violation as specified by TWC, implementation of a project previously denied by the Wars Commission, or repeated refusal to provide access to the easement property upon reasonable advance written request by Wars Commission easement staff. A willful violation may be issued separately or in conjunction with a technical violation, minor violation, or major violation.

IX. Please reference the conservation easement section and include the language associated with the violation or deficiency.

X. Did you observe evidence of any major natural alterations (flooding, erosion, ice or wind damage, fire, undergrowth encroachment, etc.)? Please describe the changes.

Recommendations for Deficiency Resolution (Delete one section either “deficiency” or “violation” depending on the severity.)

XI. To remedy the deficiencies noted in the Annual Report, the Tennessee Wars Commission staff recommends the following actions:

- –
- –
- –

XII. As per *Section ____*. *Enforcement and Remedies* of the conservation easement the grantor shall have ninety days from the date of receipt of the Property Owner Notification Letter to correct the conditions constituting the infringement. If the violation cannot be rectified within ninety days, it is the responsibility of the property owner to obtain an approved scope of work and timeline within that ninety-day timeframe for violation resolution.

TWC recommends that these actions be completed within the ninety days allotted by the conservation easement, terminating around _____. The landowner or site manager is to send the Wars Commission photos demonstrating that the following deficiencies were rectified:

- –
- –
- –

The Wars Commission may choose to perform a follow-up visit in which the property owner or site manager must be present.

OR

Recommendations for Violations Resolution

XIII. As per *Section ____*. *Enforcement and Remedies* of the conservation easement the grantor shall have ninety days from the date of receipt of the Property Owner Notification Letter to correct the conditions constituting the infringement. If the violation cannot be rectified within ninety days, it is the responsibility of the property owner to obtain an approved scope of work and timeline within that ninety-day timeframe for violation resolution.

To remedy the easement violations noted in the annual report, the TWC staff requires the following actions to be completed:

- –
- –

- —

These actions are to be completed by _____. If ninety days is not sufficient it is the responsibility of the property owner to contact the Wars Commission. Wars Commission program staff will schedule a follow-up visit to ensure the following violations have been rectified:

- —
- —
- —

*For the follow-up site visit, the property owner or site manager is required to be in attendance.

Tennessee Wars Commission:

Monitor Contact Information (Email and Best Phone Number):

Monitor Coordinator:

Time Spent on Visit:

Debriefing Conversation with Coordinator:

Date of Debriefing:

Review Form Started by Monitoring Coordinator

Initiation of Review Form Date:

Monitor Signature:

Date:

Coordinator Signature:

Date:

Tennessee Historical Commission, State Historic Preservation Office (SHPO)

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

Resolution-Site Visit: Annual Stewardship and Monitoring Review Report

Property Name	
Easement FA Tracking Number	
Date of Recent Visit	
Recent Visit Type	
Next Required Visit Type and Date	

PART II: ACTION REQUIRED-

I. What was the primary concern, violation, or discrepancy?

II. What action was taken?

Was the issue resolved?	YES	NO
Were there any additional findings or deficiencies noted on this visit that warrant further action by the Tennessee Wars Commission?	YES	NO

III. If there are additional issues, what further action is required?

IV. If the initial deficiencies or violations have not been rectified, staff should:

- Speak with the landowner,
- Speak with the Executive Director of THC,
- Discuss additional enforcement measures.

Can this conservation easement be closed for the year	YES	NO
---	-----	----

Resolution Photographs

Battlefield and Photo Title	Photo Direction (Photo taken facing X direction.)	Photo Caption (taken of .)
1.		
2.		
3.		
4.		
5.		
6.		
7.		

(Please include as many photos as are required to properly capture the site. Additional photos should be listed in Appendix i.)

Photo Point Map

Follow Up

Other Comments	
Property Notes	

Tennessee Wars Commission:

Monitor Contact Information (Email and Best Phone Number):

Monitor Coordinator:

Time Spent on Visit:

Debriefing Conversation with Coordinator:

Date of Debriefing:

Review Form Started by Monitoring Coordinator

Initiation of Review Form Date:

Monitor Signature:

Date:

Coordinator Signature:

Date:

Tennessee Historical Commission, State Historic Preservation Office

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

Stewardship Monitoring Findings Document

Property Name	
Tract Address	
Date of Last Visit	
Visit Type	

The Wars Commission documented *deficiencies or violations* during the last site visit. This Findings Document describes the current conditions of the property, it outlines the *deficiencies or violations*, includes photos of the *deficiencies or violations*, required remediation actions, and timelines for remediation.

Current Conditions:

Deficiencies or Violations:

Associated Easement Provision Excerpt:

Photographs:

--	--

--	--

Required Remediation:

Associated Timelines for Remediation:

Estimated Final Visit:

Thank you for your assistance in remedying these violations, the Wars Commission appreciates your cooperation. We look forward to working with you in the future to maintain Tennessee's Civil War battlefields and war-related historic sites.

Sincerely,

Nina L. Scall, Director
Tennessee Wars Commission

Document 7. Project Request Determination Letter Template



TENNESSEE WARS COMMISSION

2941 Lebanon Pike, Nashville, TN 37214

(615) 770-1095

Email: Nina.Scall@TN.gov

OWNERS ADDRESS

DATE

Re: Project review request determination for the _____ Tract, FA# _____, at
_____ address in _____ County.

Dear Mr./Ms. _____,

Thank you for working with the Tennessee Wars Commission to ensure our Civil War battlefields and war-related historic sites are preserved in perpetuity. We appreciate the opportunity to review your proposed project.

1. This letter is to inform you that the proposed project, (insert project scope), has been approved by the Tennessee Wars Commission. Please make sure that your project adheres to the parameters outlined in the Project Review Request Form. If for any reason your project must deviate from the approved scope, materials, or timeline, you must stop work and contact the Wars Commission in writing for additional approvals. This approval is contingent on a Division of Archaeology project review and approval.

[OR

2. This letter is to inform you that the proposed project, (insert project scope), has been approved by the Tennessee Wars Commission, however, the materials, the installation, or method/tools (heavy machinery) require revision. Please address these concerns and resubmit the revised application packet for full project approval.

[OR

3. This letter is to inform you that the proposed project has been denied. The current project scope, (insert project scope), is inconsistent with the preservation values of the conservation easement as seen in Section ____, titled _____. [Insert Section from the Easement.]

If you would like to discuss this determination or revising this project scope and resubmitting the application packet, please contact the Wars Commission at Nina.Scall@tn.gov.

Sincerely,

Nina L. Scall, Director
Tennessee Wars Commission

Tennessee Historical Commission, State Historic Preservation Office

TENNESSEE WARS COMMISSION EASEMENT PROGRAM

Project Review Request Form

Part I: Project Review Request Checklist

The checklist is intended to provide property owners and/or site managers guidance regarding the documentation required for review. All applications must be submitted at least **30 days** prior to the commencement of any proposed work. Property owners must receive written approval before commencing any work.

Please submit the Project Review Request Form including Part I: Project Review Request Checklist, and the Project Review Request Letter along with supporting documentation electronically to Nina.Scall@tn.gov

Please keep a copy of the Checklist and the Project Review Request Form for your records. Questions may be directed to Nina Scall at Nina.Scall@tn.gov. or 615.770.1095.

Tract or Property Name:			
Property Owner Name:			
Easement Property Address:			County
Phone Number and Email:			
Easement FA Tracking Number (if unknown leave blank):			
Is this a co-held easement?		Contact Info:	

Please check that you have included the following information as part of your complete application:

REQUIRED: ___ Part I: Project Review Checklist ___ Part II: Alteration or Addition Proposal Application ___ Part III: Detailed Description of Proposed Work Photographs	RECOMMENDED (As Necessary): ___ Site Plans, Renderings, Mockups (dated) ___ Product Information and Specifications ___ Other
--	--

Photography Requirements:

- Each photo must be notated and numbered as follows “State, County, Site Name, Subject, and Photo Number.” For example:
 TN_LincolnCounty_CampBlount_Statue Lighting Location_001.tif (or jpeg)
- The application should contain a photo log that lists all the photographs submitted and clearly details the subject of each photo.
- Please include a map that indicates the locations of all proposed work.

Part II: Alteration or Addition Proposal

Easement Property Information

Tract or Property Name:			
Address:		County	

Property Owner Information

Name of Current Property Owner:			
Address of Property Owner: (if different than property address)			
		Date of Purchase	
Phone and Email:			

If the application is completed by someone other than owner:

Name of the Authorized Project Contact:			
Relationship to the Owner:			
Address of Authorized Project Contact:			
Phone Number and Email:			

Project Scope

How is This Project Funded? Please Indicate All that Apply.	<input type="checkbox"/> TN State Grant: _____
	<input type="checkbox"/> Federal Grant: _____
	<input type="checkbox"/> Other Grant: _____
	<input type="checkbox"/> Donated Funds
	<input type="checkbox"/> Private Funds
	<input type="checkbox"/> In Kind Donations of services or products: _____
	<input type="checkbox"/> Other
Proposed Project Timeline:	
Proposed Start and End Dates:	

Part III: Detailed Description of Proposed Work

Include all construction, reconstruction, improvement, alteration, enlargement, excavation, demolition, maintenance or repair, and painting.

Project Scope (Give a detailed overview of the entire project):

--

Work Item # _____

Proposed Work Item:	Photo No.	Drawing No.
Will this Project Impact the Cultural Landscape or Historic Structures or Non-Historic Structures?	Include Product Information and Specifications:	
Describe in Detail the Proposed Work and its Impact on the Historic Resources. Include Information on Installation:	Describe the Current Condition of the Historic Resource:	

Work Item # _____

Proposed Work Item:	Photo No.	Drawing No.
Will this Project Impact the Cultural Landscape or Historic Structures or Non-Historic Structures?	Include Product Information and Specifications:	
Describe in Detail the Proposed Work and its Impact on the Historic Resources. Include Information on Installation:	Describe the Current Condition of the Historic Resource:	

Work Item # _____

Proposed Work Item:	Photo No.	Drawing No.
Will this Project Impact the Cultural Landscape or Historic Structures or Non-Historic Structures?	Include Product Information and Specifications:	

Describe in Detail the Proposed Work and its Impact on the Historic Resources. Include Information on the Installation:	Describe the Current Condition of the Historic Resource:
---	--

Work Item # _____

Proposed Work Item:	Photo No.	Drawing No.
Will this Project Impact the Cultural Landscape or Historic Structures or Non-Historic Structures?	Include Product Information and Specifications:	
Describe in Detail the Proposed Work and its Impact on the Historic Resources. Include Information on the Installation:	Describe the Current Condition of the Historic Resource:	

Signature of Owner or Authorized Representative _____
Date _____

Document 9. Project Review Request Letter Template

ORGANIZATION LETTERHEAD

OWNERS ADDRESS

Ms. Nina L. Scall, Director
Tennessee Wars Commission
Tennessee Historical Commission
2941 Lebanon Pike
Nashville, TN 37214

DATE

Re: Project review request for the _____ Tract, FA# _____ (if known), at
_____ address in _____ County.

Dear Director Scall,

[INSTRUCTIONS: Please delete the instructions from the submitted letter. The body of the letter must include the following information.

- *a formal request to review the proposed project/undertaking,*
- *must contain a brief description of the project and the reason for the undertaking; and*
- *review a proposed timeline with start and end dates.]*