



BATTLEFIELD UPDATE

newsletter of the
AMERICAN BATTLEFIELD PROTECTION PROGRAM

U.S. Department of the Interior ◆ National Park Service ◆ Heritage Preservation Services



ABPP's 1998 GRANTS CYCLE BEGINS

The American Battlefield Protection Program's (ABPP) 1998 applications for battlefield preservation funding are now available. Monies will be awarded to those projects that lead directly to the preservation of battlefield lands. FY97 funding totaled \$611,000; FY98 funding total is expected to be comparable. The average amount per grant in past years has been approximately \$22,000.

Funding is available for any battlefield site located on American soil. Preference will be given to those battlefields listed in the *Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields* Priority I and Priority II lists. All other Civil War and other war (e.g., French and Indian War, Revolutionary War, War of 1812, Mexican American War, Indian Wars, Spanish American War, and World War II) battlefields are eligible for funding provided that: 1) the site is listed in the National Register of Historic Places; or 2) the grant application is accompanied by a letter from the State Historic Preservation Officer (SHPO) acknowledging the battlefield's probable eligibility for the National Register.

Eligible applicants include units of federal, state, and local governments, Indian tribes, non-profit organizations, colleges, universities, and battlefield friends groups. The ABPP looks favorably upon projects involving multiple organizations.

Samples of eligible projects include historical and archaeological surveys, historical research, National Register nominations, strategic and interpretive plans, related-lands studies, interpretation, training sessions, and workshops. Anyone considering a project that involves GIS/GPS technology may wish to discuss the development of their proposal with the National Park Service's Cultural Resources GIS staff at (202) 343-2239.

Non-eligible projects include land acquisition, payment of rent on properties or land, fund-raising, lobbying, battle reenactments, new construction or reconstruction of historical resources, permanent staff positions, object or material culture curation, and capital construction or improvements. Projects on National Park Service-owned lands are not eligible.

Applications have been distributed to all organizations, park sites, and government agencies currently on the ABPP mailing list. Other interested groups should contact Larry Hunter, Heritage Preservation Services Publications Coordinator, at (202) 343-9583 or larry_hunter@nps.gov to request an application.

Completed applications must be received by December 31, 1997. Late applications will not be considered. If you have questions about the application or grant process, contact Ginger Carter, ABPP Grants Manager, at (202) 343-1210.

SENATE PASSES BATTLEFIELD ACQUISITION RESOLUTION

On September 17, 1997, the Senate unanimously passed an amendment to the Department of Interior FY98 Appropriations bill introduced by Sen. James Jeffords (R-VT) and Sen. Robert Torricelli (D-NJ) to target funds for the acquisition of historic Civil War battlefield land. The amendment requests that some of the additional \$700 million requested by the President for the Land and Water Conservation Fund be used to acquire Civil War battlefield lands.

In his remarks to the Senate, Torricelli noted that "Our amendment, through a sense of the Senate, will ask that the conferees use their best efforts to use funding available in the Land and [Water] Conservation Fund to immediately make available, within [National] Park Service boundaries, funding to save those lands still available." The amendment requests "less than 10% of the funding available to Congress this year out of the conservation funds." As a "sense of the Senate" resolution, this amendment set no specific funding level for battlefield land acquisition.

In 1993, the Civil War Sites Advisory Commission recommended that Congress "enact a Civil War Heritage Preservation law that supplements existing historic preservation and park land acquisition programs." The Jeffords-Torricelli resolution is the first effort on the part of Congress to address that recommendation.

The entire appropriations bill is now in conference committee.

ISTEA EXTENDED

On October 1, 1997, Congress passed a bill to extend the Intermodal Surface Transportation Efficiency Act (ISTEA) 1991 through March 31, 1998. Funds available from ISTEAs have provided more than \$43 million for battlefield land acquisition, site interpretation, and other enhancements. Rep. Ed Shuster (R-9-PA), who introduced the extension bill, remarked that "this extension is prudent and necessary. As near the close of the First Session of the 105th Congress, it seems that there is simply no way to adequately dress the budget issues until early next year."

Members of Congress have,

however, started working on new laws patterned after ISTEAs. On September 12, 1997, Sen. John Warner (R-VA) introduced the **Intermodal Transportation Act of 1997** (S. 1173). This bill revises the Surface Transportation Program (STP), which required states to set aside 10% of program funds for transportation enhancement projects such as cultural resource and environmental preservation. Warner's new version of the STP decreases from 10% to 8% the funds apportioned to the states for enhancement activities. The bill also requires that the matching share of STP grant funds must equal the federal share, although funds from other federal agencies may count toward the match.

Currently, the House Transportation and Infrastructure Committee is working on its revision of ISTEAs, called the **Building Efficient Surface Transportation Equity Act of 1997** or BESTEA (H.R. 2400). BESTEA is expected to extend from FY98 to FY03. The current version of BESTEA does not substantially alter the level of funding for STP enhancement projects from the original 1991 ISTEAs legislation.

the park's authorized boundary, but has been in private ownership.

According to Noel Harrison, the park's Cultural Resources Manager, the tract was important throughout the battle. On May 1, 1863, the Union Army of the Potomac abandoned the ground as the Confederate Army of Northern Virginia moved west from Fredericksburg. The next day, Confederate feints across this area distracted the Union army from Lt. Gen. Thomas J. "Stonewall" Jackson's daring and ultimately successful flank attack. On May 3, Confederates attacked the Union center across this tract.

The CVBT has until next March to raise an additional \$350,000 in order to close the deal on the land. The group has emerged as a significant force in the Virginia battlefield preservation community. Last June, the CVBT contributed \$20,000 to the purchase of 8.2 acres on Marye's Heights at the Fredericksburg battlefield.

For information about preservation concerns at the Chancellorsville battlefield, please contact John Hennessy, Assistant Superintendent of the Fredericksburg and Spotsylvania NMP, at 120 Chatham Drive, Fredericksburg, VA 22405 or (540) 371-0802.

REGIONAL TRUST TO BUY CHANCELLORSVILLE LAND

In early September 1997, the **Central Virginia Battlefields Trust** (CVBT) placed a \$100,000 down-payment on 100 acres in the heart of the Chancellorsville battlefield in Virginia. The tract lies along Route 3, a rapidly developing corridor in Spotsylvania County, and is contiguous with the eastern edge of the Fredericksburg and Spotsylvania National Military Park's Chancellorsville unit. The CVBT is considering donating the land to the park once the purchase is completed next spring. The tract does lie within

SHENANDOAH VALLEY COMMISSION NAMED

Interior Secretary Bruce Babbitt named 19 members to the **Shenandoah Valley Battlefields National Historic District Commission** on September 22, 1997. The charter for the Commission signed by Babbitt approves 17 appointees nominated by Rep. Frank R. Wolf (R-10-VA) and Sen. John Warner (R-VA), one member representing the Governor of Virginia, and one member representing the Director of the National Park Service. The commissioners

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nominated by Wolf and Warner include ten private property owners, five representatives of local governments, a Civil War historian, and a historic preservationist.

Congress authorized the Historic District and Commission in November 1996. Since then, the National Park Service has been coordinating efforts to establish the Commission, which will develop a plan for protecting and interpreting the historic, cultural, and natural resources associated with the Civil War battlefields and campaigns in the Valley.

Commissioner Joseph W. A. Whitehorne remarked that the Commission will "provide a vision and coordinate a lot of disparate efforts" to preserve the battlefields in the Valley. "The feds [sic] are providing administration and guidance," but he said "it will be up to the locals to decide what to do with the properties themselves."

Congress is currently working to provide funding for the project as part of the Department of the Interior FY98 Appropriations bill. The House version requests \$100,000. The Senate version proposes that funds should come from the \$5 million expected to be appropriated for, and divided between, all National Heritage Areas.

For more information about the project, contact Sandy Rives, Shenandoah National Park, (804) 985-7293. (Article based on a story by Diane Hartson, Northern Virginia Daily, September 24, 1997).

CONSERVATION EASEMENT LEGISLATION PASSED

On August 5, 1997, the President signed into law a modified version of The Taxpayer Relief Act (P.L. 105-34). Section 508 of that law provides an exclusion from the federal estate tax for land subject to a permanent conservation easement. Originally introduced in Congress as The American Farm and Ranch Protection Act, Section 508 was designed to encourage landowners to protect agricultural and rural lands. This legislation presents significant opportunities for the preservation of battlefield lands, but also has important limitations.

Section 508 allows an estate's executor to exclude from a decedent's estate for federal estate tax purposes 40% of the value of land subject to a conservation easement if the easement meets the following requirements:

- the land covered by the easement is in or within a 25-mile radius of a Metropolitan Statistical Area as defined by the Office of Management and Budget (typically an area with a population over 50,000), a national park or national wilderness area designated as part of the National Wilderness Preservation System (although the Secretary of the Treasury may deny the exclusion for land within 25 miles of a national park or wilderness area if the Secretary can establish that the land is not under significant development pressure), or 10 miles of a national urban forest (as designated by the USDA Forest Service);

- the easement is perpetual and has been donated, not sold;
- the easement prohibits all but minimal commercial and recreational use on the land;

- the easement is donated by the decedent or a member of the decedent's family;
- the decedent or a member of the decedent's family owned the donated land for at least three years immediately prior to the decedent's death; and, most importantly for owners of historic battlefield lands,
- the easement meets the requirements of Section 170(h) of the Internal Revenue Code (IRC) of 1986 except that easements falling solely under clause (iv) of that Section, pertaining to historic structures and land areas, will not qualify.

This last requirement disallows easements that provide only for historic preservation. However, if battlefield landowners choose to place easements on their lands to protect environmentally sensitive areas, open space, or scenic landscapes, such easements would qualify under this law.

Several other points about the new law are noteworthy. The maximum amount which may be excluded under this provision is \$500,000 per estate, phased in \$100,000 per year increments. Also, development rights retained in the easement will be taxed; however, heirs have nine months from the decedent's death to agree to eliminate some or all such retained development rights in exchange for a proportionate reduction in federal estate tax.

Other legal conditions apply. Consult with your tax attorney for further details.

Information for this article was provided by the Piedmont Environmental Council, Charlottesville, Virginia.

THANKS!

To all of our readers who took the time to reply to the ABPP Subscriber Survey, thank you!

Your responses will help us serve you more efficiently and allow us to tailor *Battlefield Update* to your interests.

REVOLUTIONARY WAR AND WAR OF 1812 PRESERVATION NEWS

The 105th Congress did not request funding for the Revolutionary War and War of 1812 Historic Preservation Study in the Department of Interior FY98 Appropriations bill. The Study was authorized in November 1996 without appropriations.♦

A number of Revolutionary War historic preservation projects are under way in Pennsylvania. On September 11, 1997, the First Lady of Pennsylvania, Michele M. Ridge, on behalf of the Governor, the General Assembly, and the Pennsylvania Historical and Museum Commission (PHMC), formally declared the **Brandywine Battlefield National Historic Landmark** the first **Commonwealth Treasure** of Pennsylvania. The designation as a Commonwealth Treasure recognizes "extraordinary historic significance." According to the PHMC, "a Commonwealth Treasure may be a historic site, structure, artifact, or record with distinction to both the nation

and the Commonwealth. Such selection elevates the importance of the Treasure to a priority for preservation and interpretation." The 6,000-acre battlefield, which lies in the heart of the scenic Brandywine River Valley, is endangered by encroaching residential development.

During the press conference at the battlefield, Mrs. Ridge remarked that the designation reflected Pennsylvania's desire to make the battlefield a priority for tourism, the Commonwealth's second largest industry. She applauded the local media for its "communication efforts" on behalf of battlefield preservation and emphasized the importance of preserving historic sites for the educational benefit to future generations of Pennsylvania's children. Numerous state legislators, Chester and Delaware County officials, and preservation organization representatives were on hand for the dedication ceremony.

For more information about Commonwealth Treasures, please contact the Pennsylvania Historical and Museum Commission, P.O. Box 1026, Harrisburg, PA 17108-1026 or (717) 787-3362. For battlefield preservation information, contact the Brandywine Conservancy, P.O. Box 141, Chadds Ford, PA 19317 or (610) 388-2700.♦

Chester County, Pennsylvania, plans to launch an initiative to identify and document all of the county's Revolutionary War resources. Chester County is best known for its association with the British campaign for Philadelphia in 1777, but it was also the site of the First Continental Powder Works and other war-related industries.

County Historic Preservation Officer Jane Davidson will lead a force of roughly 300 volunteers to scour the county for remnants of Chester County's Revolutionary War past. The volunteers will record survey data using Pennsylvania Historical and Museum Commission cultural resources inventory forms. Davidson hopes that Chester County's effort will serve as a pilot project for the larger, national inventory and evaluation process to take place once Congress appropriates funds for the Revolutionary War and War of 1812 Historic Preservation Study.♦

Chester and Delaware Counties, PA



In April 1997, **The Paoli Battlefield Preservation Fund**, a non-profit group in Malvern, Pennsylvania, began a campaign to protect the site of the famed "Paoli Massacre." The 40-acre core of the battlefield is currently owned by Malvern Preparatory School, which has offered to sell the intact site to the Fund if the organization can raise \$2.5 million by April 1999. If the group cannot meet this deadline, the school will put the property on the open market.

The Battle of Paoli took place in the early morning hours of September 21, 1777. British troops commanded by Maj. Gen. Charles Grey surprised the camp of Continental and militia forces under Brig. Gen. "Mad" Anthony Wayne and routed them. The night assault was made with bayonets and swords only, a tactic that ensured stealth and surprise but also left American casualties badly mutilated. Fifty-three American soldiers were killed, and the brutal defeat was quickly labeled a "massacre." The battlefield has been nominated to the National Register of Historic Places.

For additional information about preservation efforts at Paoli, contact Patrick McGuigan, Paoli Battlefield Preservation Fund, P.O. Box 437, One East First Avenue, Malvern, PA 19355.♦

BATTLEFIELD PRESERVATION PROFILE PERRYVILLE, KENTUCKY

In the late Spring of 1862, the Union Army of the Ohio began a slow and deliberate advance on Chattanooga, Tennessee. The glacial pace of the Federal column provided Confederate Gen. Braxton Bragg with the necessary time to move 35,000 men from Mississippi to the city's defense. From there Bragg planned to out-march the Union army and carry the war deep into Kentucky, a border state with divided loyalties to both the Union and the Confederacy. The Confederates advanced north from Chattanooga toward Louisville, Kentucky, compelling the Army of the Ohio to move on a parallel track. The Union army arrived in Louisville first, and a Confederate attack on the city never materialized. On October 1, the Federal army of 55,000 men advanced from Louisville to engage the Confederates, who waited at the small crossroads village of Perryville. On October 8, the Federals attacked. After one day of battle, Bragg decided to retreat in the face of overwhelming Federal reinforcements and ordered a withdrawal from Kentucky within the week. As a result, Confederate influence in the crucial border state waned and Kentucky remained in Union control for the duration of the war.

Preservation activity began in 1901 when the Commonwealth of Kentucky acquired a small Confederate cemetery on the site and created the Perryville Battlefield Commission to maintain it. By 1928 the Commission had acquired 18 acres of the battlefield. The Commonwealth's preservation efforts continued; in 1936 it established the Perryville Battlefield State Historic Site, constructed a visitors center in 1965, and during the 1970s protected an additional 81 acres. In 1966, the National Park Service (NPS) designated more than 2,500 acres a National Historic Landmark.

The site was recognized by the Secretary of the Interior as one of 25 priority Civil War battlefields in the country in 1990. Within that year, local preservation efforts increased dramatically; the Kentucky Department of Transportation awarded an ISTEA grant of \$2.5 million to protect land and develop a new visitors center; the Commonwealth established the Perryville Enhancement Project (PEP) to locate funding sources to match ISTEA funds and negotiate land acquisitions; the Kentucky Heritage Council (KHC) and the American Battlefield Protection Program (ABPP) funded a resource protection plan; and local residents established the Perryville Battlefield Protection Association, a non-profit friends group. In 1992, the Cultural Resources Geographic Information System office of the NPS surveyed and digitally mapped existing battlefield features.

The 1993 *Civil War Sites Advisory Commission Report* designated Perryville one of the 50 most threatened Civil War battlefields in the country. That same year, the ABPP and the KHC provided two years of funding to implement a battlefield protection plan. In 1994, the battlefield's National Historic Landmark designation was expanded to 7,000 acres and included the town of Perryville. The next year, the KHC funded an archaeological survey of the park, the PEP acquired 154 acres with ISTEA funds and a match from The Conservation Fund and the Kentucky Colonels, and The Civil War Trust (CWT) added the site to its Civil War Discovery Trail.

More recently, the PEP acquired roughly 200 acres with ISTEA funds and match from the CWT, made possible through funds raised from the sale of Civil War commemorative coins, and from The Association for the Preservation of Civil War Sites. The Town of Perryville has also agreed not to extend water or sewer lines into the battlefield. The PEP has transferred all acquired lands and conservation easements to the Commonwealth and continues to negotiate with property owners to protect battlefield land.

Today nearly 450 acres of the 10,213-acre site (as determined by the Civil War Sites Advisory Commission) are protected. Unprotected areas of the site closely resemble their appearance at the time of the Civil War, although today more land is cleared of vegetation. The conversion of farmland into residential subdivisions threatens to the site.

To learn more about this site contact Mary Breeding, Perryville Enhancement Project, P.O. Box 65, Perryville, KY 40468, (606) 332-1862.

LITERATURE AND INFORMATION

A report on the June 1997 strategy meetings on the **Revolutionary War and War of 1812 Historic Preservation Study** will be available in early November 1997. The report will reflect the views of the meetings' participants concerning 1) the importance of the study; 2) the types of resources to be considered in the study; 3) the study methodology; 4) the role of the study in promoting greater preservation of the sites involved; 5) the roles and responsibilities of a study advisory group; and 6) the involvement of partners in the study. Please request copies from Hampton Tucker of the ABPP at (202) 343-3580 or hampton_tucker@nps.gov

NOTICES

The American Battlefield Protection Program is pleased to announce that plans are underway for its **Fourth National Conference on Battlefield Preservation**, to be held in September 1998. The location and dates of the conference will be announced in the next issue of *Battlefield Update*.

Suggestions regarding session topics, types of sessions, speakers, or battlefield tours are welcome. Organizations interested in co-sponsoring the conference or hosting special events should contact the ABPP as soon as possible. Please direct all comments and inquiries about the conference to Hampton Tucker at (202) 343-3580 or hampton_tucker@nps.gov.

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