

301/D-64
PRESERVING A COMMUNITY'S

CIVIL WAR

HERITAGE



A GUIDEBOOK FOR GEORGIA & TENNESSEE
LANDOWNERS AND POLICYMAKERS





United States Department of the Interior

NATIONAL PARK SERVICE

Chickamauga and Chattanooga National Military Park

P. O. Box 2128

Fort Oglethorpe, Georgia 30742

IN REPLY REFER TO:

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January 7, 2002

Memorandum

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To: Deputy Regional Director, Southeast Region

From: Superintendent, Chickamauga and Chattanooga National Military Park

Subject: Preserving a Community's Civil War Heritage Guidebook

We are please to provide you with a copy of "Preserving a Community's Civil War Heritage – a Guidebook for Georgia and Tennessee Landowners and Policymakers." This document was prepared by The Trust for Public Land for Chickamauga and Chattanooga National Military Park. We will use it in public workshops, meetings with local government, and other venues to implement the recommendations of the Chattanooga Area Civil War Sites Assessment.

Any comments or suggestions would be most appreciated.

Patrick H. Reed
Superintendent

Enclosure

cc: Paul Hartwig, Associate Regional Director, Cultural Resource, SERO
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EXECUTIVE SUMMARY

Dear Landowner or Policymaker:

Civil War sites have traditionally been viewed as an obstacle to development. The purpose of this guidebook is to explore the potential of a partnership for protection of a community's Civil War resources. A growing number of landowners now recognize the value of Civil War resources on their property and in their community and wish to conserve these resources for future generations.

Georgia and Tennessee have a wide variety of approaches to assist landowners and communities in protecting Civil War sites. The array of options include technical information, financial contributions for projects or practices that have long-term protection, and payment at fair market rates for placing permanent protection on Civil War sites.

Until this guidebook, there was no one source where the landowner or policymaker could turn for easy-to-read practical information on protecting Civil War sites and how to make the most of them. This guide provides basic information about assistance options along with references for more information.

Patrick Reed
Superintendent
Chickamauga and Chattanooga National Military Park

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INTRODUCTION

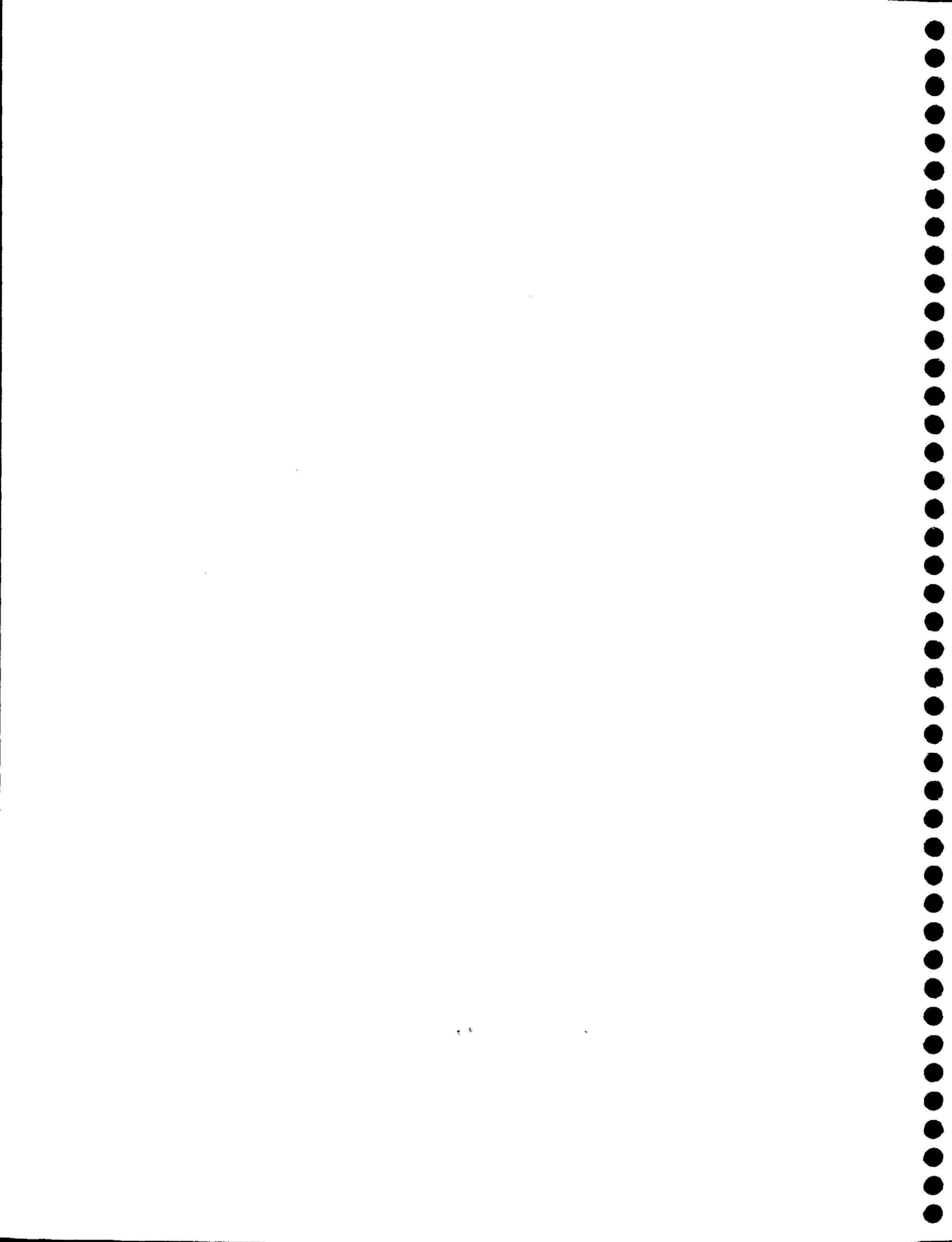
Think of this guidebook as a map. It is designed to provide direction for you as a private landowner or policymaker as it describes the financial, advisory, and technical assistance available and the benefits that are available to a private property owner choosing to protect Civil War sites on your land. All of the protection approaches described are voluntary. Help preserve our heritage. The choice is up to you.

What is a Community's Civil War Heritage?



More than 620,000 American soldiers, sailors, and marines died in the Civil War. If the same proportion of our population were killed today, five million Americans would die! The casualties at Antietam on September 17, 1862, totaled three times the American casualties on D-Day, June 6, 1944.

This terrible trauma should not be celebrated, nor should it be blotted from the national memory. And for good reason. The second American Revolution of 1861-1865 radically changed America while settling two fundamental, festering issues left unresolved by the first Revolution of 1776: whether the precarious experiment of the democratic republic federated in a union of states would survive; and whether slavery would continue and spread.



The Civil War transformed a loose federation of states into a unified and confident nation that launched into the 20th century as the world's leading economic producer and foremost democratic nation.

Yet, while acknowledging all this, some have asked: Why do anything more to protect the battlefields? Are not the principal battlefields already preserved in National and State parks? Can we not understand the important political and social changes that resulted from the war without studying the battles? Does not this preoccupation with "hallowed ground" romanticize violence and glorify war? These questions deserve answers.

First, an understanding of military campaigns and battles is crucial to comprehending all other aspects of the Civil War. Lincoln said in his second inaugural address that on "*the progress of our arms...all else chiefly depends.*" Individual battles swayed elections, shaped political decisions, determined economic mobilization, brought women into the war effort, and influenced decisions to abolish slavery as well as to recruit former slaves in large numbers as soldiers.

The Seven Days battles prevented an early Union victory and changed the conflict from a limited to a total war; Antietam forestalled European recognition of the Confederacy and prompted the Emancipation Proclamation; Vicksburg, Gettysburg, and Chattanooga reversed a tide of Confederate victories that had threatened the Northern will to keep fighting; Sherman's capture of Atlanta and Sheridan's victories in the Shenandoah secured Lincoln's reelection, confirmed emancipation as a Northern war aim, and ensured continuation of the war to unconditional victory. A different outcome to any of these as well as other battles might have changed the course of the war—and perhaps of the world's history.

So the battles were important. But do we need to preserve the battlefields to appreciate the truth? Can we not learn by reading books about campaigns and battles? The Civil War Sites Assessment Commission has concluded the answer is "No." In part, this is simply a matter of being able to visualize how geography and topography shaped a battle—the pattern of fields and woods, hills and valleys, roads and rock outcroppings, and rivers and streams. This cannot be done if the historical landscape has been paved over, cluttered with buildings, or carved into a different shape.

Those who have read about the ill-fated Pickett-Pettigrew charge at Gettysburg, but have not seen the place where it occurred, cannot understand it until they go there. Not until they view the three-quarters of

a mile of open fields and walk the ground those Confederate soldiers trod, can they truly comprehend the courage needed to press onward, and why the assault, which cost some 10,000 Confederate casualties, failed.

If they could similarly view and walk the attack route of Union troops against Missionary Ridge in Chattanooga, they would be able to understand why that attack, seemingly more hopeless than at Gettysburg, succeeded spectacularly. Sadly though, Missionary Ridge now is built over.

But understanding Civil War battles is more than a matter of grasping their topographical and tactical details. Being present on a battlefield, we can experience an emotional empathy with the men who fought there. With a little imagination we can hear the first rebel yell at Manassas, imagine the horror as brush fires overtook the wounded at Wilderness, experience the terror of raw recruits at Perryville, share the anguish of the families of 800 or more unknown soldiers buried in a mass grave at Cold Harbor, or hear the hoarse yells of exhausted survivors of the Twentieth Maine as they launched a bayonet charge at Gettysburg's Little Round Top.

Every visitor to a Civil War battlefield has experienced such feelings. Proper educational and interpretive programs allow the visitor to visualize these dramatic scenes and to comprehend their meanings.

These experiences help us to understand what the Civil War was all about. This is not a matter of glorifying or romanticizing war. Quite the contrary, it is a matter of comprehending its grim reality. The battlefields are monuments to the gritty courage of the men who fought and died there. None condemned war more than those who suffered the horror and trauma of battle. In 1862, a Confederate veteran of Shiloh wrote home: "*O it was too shocking too horrible. God grant that I may never be the partaker in such scenes again...When released from this I shall ever be an advocate of peace.*"

Yet these men soldiered on through three more years of even bloodier battles than Shiloh. Most Civil War soldiers were volunteers. They fought not for glory, nor for money, but for a cause in which they believed deeply. They longed for peace and for a safe return to their families. But many of them reenlisted at least once, determined to fight for that cause even though they hated war.

A Confederate officer wrote in 1864 that "*I am sick of war*" but "*were the*

contest again just commenced I would willingly undergo it again for the sake of our country's independence and liberty." An Ohio corporal in the trenches before Atlanta wrote, also in 1864: "There is nothing pleasant about this life, but I can endure its privations because there is a big idea at stake." And an African-American soldier wrote "If roasting on a bed of coals afire would do away with the curse of slavery, I would be willing to be the sacrifice."

These clashing convictions and the deadly determination to fight for them explained why the war lasted four long years and cost 620,000 lives. They also explain why Civil War veterans took the lead in creating the first national battlefield parks in the 1890's—not to glorify the war, but to commemorate the sacrifice of friends they had lost. *"In our youth our hearts were touched with fire"* wrote the thrice-wounded veteran Oliver Wendell Holmes, Jr., *"It was given to us to learn at the outset that life is a profound and passionate thing."*

Americans cannot afford to forget this lesson. It is perhaps the most important legacy of the Civil War. And the battlefields are the tangible monuments of that legacy. The Civil War touched the lives of everyone at the time, and it continues to do so today. Americans by the millions visit those relatively few battle sites that are accessible. Most come to share in a renewal of values and to understand more about the war, its profound meaning for themselves, and its lessons for our diverse nation—such as our ideals of tolerance.

Today many people know, or would like to know, of specific battlefields where some three million of their own ancestors participated in the historic events. The ability for so many to identify such a personal connection with one of the most memorable events in the American consciousness sets the Civil War and its battlefield sites apart from most historical events.

Communities, too, take great pride in their proximity to battlefields. A connection exists between a community and large national themes. Relationships forged by the Civil War—among its battlefields, its consequences, and our people and communities today—form a seamless web of American values, traditions, and priorities.

And, finally, as with many historic properties significant in our national history, the principal Civil War battlefields need to be preserved and protected as places to answer important questions not yet asked and for purposes not yet perceived.

In this manner, and for these reasons, Civil War battlefields are a crucial link in the historical traditions that bind our nation together—today and for the future. (*Civil War Sites Advisory Commission, Report on the Nation's Civil War Battlefields*)

Why Save Civil War Sites?

America's battlefields teach us about some of the most important events in our history. We also value them because they commemorate the selfless sacrifices made by our ancestors who fought there. They inspire us to contemplate the meaning of the battle, its causes, its cost, and consequences. They connect us to our past with such timeless virtues as duty, loyalty, honor, and courage, as well as cowardice, brutality, fear and despair. By visiting these sites, we gain a greater understanding of and appreciation for what took place. (*America's Hidden Battlefields*)


Interpretive and Educational Value

Civil War sites are non-renewable resources. Once a site is destroyed, it is gone forever. Sites need to be protected for the valuable evidence and information they contain and for their interpretive and educational value. The more intact a site remains, the better the information it provides. The undisturbed relationship of all components provides the most valuable information and best clues about the past. The association and evidence of past human activities provides us with an invaluable, tangible link to the past. When archeologists study a battlefield, our understanding of that battle often becomes clearer. Collected evidence is used to verify troop movements, map out battle actions in time and space, reveal previously unrecorded facets of the battles, and even disprove long-believed myths or "official" accounts. (Please refer to **Public Support** in chapter 5.)

Historic Values

Civil War sites may also provide valuable information about this epic conflict so important to the history of our nation. These sites may be associated with a particular battle or engagement and provide a critical link with the past. Maintenance of identity and self-respect is of critical importance to the culture.

Laws Governing National Historic Preservation Programs:

-  Historic Sites Act of 1935, established as national policy the preservation for public use of historic resources by giving the Secretary of the Interior the power to make historic surveys to document, evaluate, acquire, and preserve archeological and historic sites across the country.

- National Historic Preservation Act: (1) established the Historic Preservation Fund from which the Secretary administers a matching grant program, and (2) created the National Center for Preservation Technology and Training that provides technical assistance, training, education and professional standards for historic preservation.

Laws Governing the National Historic Landmarks and Federal Archeology Program:

- (404) Antiquities Act of 1906, authorizes the President to designate historic and natural resources of national significance located on federally owned or controlled lands as national monuments and provides for the protection of these resources by providing criminal sanctions against their excavation, injury, or destruction.
- (405) The Archeological and Historic Preservation Act of 1974, preserves historic and archeological data that would otherwise be lost as a result of Federal construction of other federally licensed or assisted activities.
- (406) Archeological Resources Protection Act of 1979, 1988, established a permit application procedure for the excavation and removal of archeological resources on public lands and Indian lands and established a reward for information leading to convictions under the act for unlawful removal or damaging of these resources.

Laws Governing Federal Preservation Tax Incentives:

- (404) Section 48(g) of the Internal Revenue Code of 1986, (Certified Rehabilitations)
- (405) Section 170(h) of the Internal Revenue Code of 1986, (Qualified Conservation Contributions)

Preservation tax incentives are available for any qualified project that the Secretary of the Interior designates a certified rehabilitation of a certified historic structure. The Internal Revenue Code also permits income and estate tax deductions for charitable contributions of partial interests in historic property. Generally, the donations of a qualified real property interest to preserve a historically important land area or a certified historic structure meets the test of a charitable contribution for conservation purposes. For purposes of the charitable contribution provisions only, a certified historic structure need not be depreciable to qualify, may be a structure other than a building, and may also be a remnant of a building, such as a façade, if that is all that remains, and may include the land area on which it is located.

Other Major Federal Historic Preservation Laws:

- (404) The Department of Transportation Act of 1966, directed the Secretary of Transportation not to approve any program or project that required the use of and from a historic site unless (1) there is no feasible and prudent alternative, and (2) all possible planning must be used to minimize harm to such historic property.
- (405) National Environmental Policy Act of 1969, federal agencies are obligated to consider the environmental costs of their projects as part of the Federal planning process, including human environment.
- (406) Surplus Real property Act of 1972, authorized the General Services Administration to convey approved surplus Federal property to any State agency or municipality free of charge, provided that the property is used as a historic monument for the benefit of the public.
- (407) Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), makes highway funds available for activities that enhance the environment, such as wetland banking, mitigation of damage to wildlife habitat, historic sites, activities that contribute to meeting air quality standards, a wide range of bicycle and pedestrian projects, and highway beautification. Transportation planning as a whole will be more sensitive to the environment and historic preservation.

State laws relevant to battlefield and historic preservation are relatively numerous. All states have agencies responsible for historic preservation planning, survey, inventory, and technical assistance. States also grant powers that authorize local governments to protect historic resources through zoning, planning, establishing preservation commissions and historic districts, and so on. The effectiveness of these powers varies from state to state. State and federal laws aimed at protecting Civil War sites generally don't apply to privately owned land, unless there is state or federal agency involvement in funding, licensing, or permitting a project or unless there are human burials involved. While it is important for the private landowner to become familiar with laws that may affect the site, such land use regulatory measures are not the primary focus of this guidebook. (Please refer to the **Appendix** for further reading concerning laws, rules, and regulations.)

Why Private Landowners Get Involved

A vast number of Civil War sites in Georgia and Tennessee are privately owned and public acquisition of all of these sites by local governments or state and federal agencies is neither feasible, from either a funding or a management perspective, nor desirable in many cases. Even if funding was available, many private landowners may not wish to sell their land to a public agency. Privately owned sites are preserved through the generosity of private landowners or not at all.







There is a real need to provide guidance for protecting Civil War sites on private lands; especially those sites that may be facing development by non-federally or state assisted, licensed, or permitted private and public actions. Many Civil War sites may have little or no trace today of the events that took place during the Civil War, making them difficult to recognize. This may mean that well-intentioned landowners who use their land or seek to improve its value through development can damage Civil War sites and the information they contain.

Site conservation on private land can occur when real estate development and Civil War protection issues are clearly identified and addressed, and competing interests for land use are resolved. Interest in protecting privately held Civil War sites can be realized when the value of the land, from the landowner's perspective, is blended with the public and historic value of Civil War resources, and incentives are available to the landowner in return for site protection. There are a number of incentives available to a private landowner that will result in financial benefits. For example, protecting historically significant areas of private property with a conservation easement may result in increased property value through the benefits of good publicity and better marketing potential. These incentives are discussed in more detail in chapter 5 of this guidebook.

Goals of the Guidebook

To provide private landowners and policymakers with voluntary options, strategies, tools, and techniques for protecting Civil War sites on private property.

This guidebook, while primarily directed to the private landowner, is also intended to help public agencies and private nonprofit groups to better assist private landowners in Civil War protection planning. Recommendations are provided for the establishment of public programs and processes that will benefit private landowners, and the larger community, with protection initiatives. This guidebook will introduce the reader to the following:

-  natural and manmade threats to Civil War sites;
-  goals for site protection, including preservation of the site and providing added economic benefit;
-  issues and concerns that may affect a landowner who wants to protect and preserve a Civil War site on their property (financial, economic, stewardship, legal, etc.);
-  a brief summary of the laws at the local, state, and federal level which may affect the activities and land uses on a particular site;
-  voluntary tools and techniques that are available to the landowner for protecting the site;
-  a conservation management planning process for Civil War sites; and

 various sources of technical and financial assistance for interested landowners.

THREATS TO CIVIL WAR SITES

Civil War sites are fragile. There are varieties of forces and actions that can change, damage, or destroy the components, context, and overall integrity of the information and the values that may be ascribed to a site. Threats range from the forces and process of nature to human actions or inactions.

Erosion

Soil erosion is common to many sites. Rifle pits, in particular, are susceptible to the natural gravitational pull of soil from top to bottom. Rainfall over bare, exposed soils particularly aggravate the problem of erosion. Wave action along lake shorelines and riverbanks from boat traffic and wind may also cause erosion. River currents erode and redeposit channel and bank soils.

Dynamic Water Levels

Flooding threatens sites within floodplains and on riverbanks. Flowing water can undercut sites and cause massive erosion and breakdown. This is a particular problem for sites within the floodplains of Tennessee's larger rivers and creeks, such as the Tennessee River or South Chickamauga Creek. Occasionally rivers may permanently flood Civil War sites, as in the damming of rivers, thus sealing them away for the life of the reservoir. Conversely, during periods of lake draw down exposed sites are subject to looting and shoreline erosion.

Alluviation

Alluviation occurs when sites are naturally buried by river or other water transported sediments. The over 10 meter rise in sea levels during the past 7,000 years has resulted in the silting in of many river valleys, burying older sites in those settings and thereby preserving them.

Fire

Fire results in the destruction of surface remains. Flammable materials such as wood, textiles, and fibers are particularly vulnerable. Nonflammable materials such as metal and glass often crack or break from uneven heat expansion.

Human Actions

Although site damage from natural forces is destructive, it is often beyond our control. Human actions on Civil War sites, however, usually pose the greatest threat. Human and institutional actions generally result simply from ignorance. Our battlefields are fragile and easily damaged or destroyed. Bulldozers grading fields, relic-hunters digging for treasure, and even well-meaning battlefield visitors walking in restricted areas can cause damage to the hidden battlefield.

Ignorance or Lack of Knowledge

Ignorance or lack of knowledge of a site's existence or importance among landowners and government can be very damaging. If the landowner isn't aware of a site, doesn't understand its significance, or misunderstands historic preservation laws and procedures, they are much more likely to harm the site by undertaking an incompatible use. Local governments often make decisions about land use and development without knowledge or making provisions for significant Civil War sites, or with inadequate understanding of the effect of development activities on Civil War sites. Despite widespread fascination with the Civil War and learning about the past, consideration of Civil War sites is not usually a factor in the daily conduct of land development business or government. (Please see *Public Support* in Chapter 5.)

Land Development

Land development of all types is a major threat, particularly in high growth areas. Parking lots, buildings, and the ground disturbing processes involved in their construction can virtually obliterate a site in a matter of hours. The need for transportation, water, energy, housing, retail, commercial, agricultural, and industrial development can result in the loss of irreplaceable Civil War sites. However, with proper planning such losses are minimized.

Incompatible Land Use

Incompatible land use of all types is potentially damaging to Civil War sites. Intensive development, such as a shopping mall, may have tremendous impacts on sites. On the other hand, agricultural land uses are often a compatible land use on Civil War sites.

GOALS OF CIVIL WAR SITE PROTECTION

Protection

Protecting the Civil War site means shielding it from actions or forces that may damage or destroy the information it contains, or the values the community places on it. A variety of actions and protective strategies must be tailored to the type and magnitude of the destructive force.

Educational Opportunities

Once steps for long-term preservation have been implemented, the aims of site protection may include the generation of new and better information about the Civil War to better understand its history. Interpretive programs can be used to educate the public about the significance of the site. The educational value of sites should not be underestimated in terms of a protection goal. Education generates community value for the site and appreciation for archaeology and local history. Civil War sites can serve as excellent outdoor classrooms for learning about the past. (Please refer to **Public Support** in chapter 5.)




Economic Opportunities

Depending on the location of the site and the quality of its open space, the consideration of heritage tourism may be appropriate. Private properties adjacent to open space and protected natural and cultural areas often benefit from increased property values. Many studies demonstrate that protected parks, greenways, trails, and nature areas result in increased values to adjacent properties. The preservation of Civil War sites and other types of important conservation values on private property will depend upon meeting the economic needs of the property owner and the community. Open space and protected areas encourage tourism and recreation. Opportunities for tourism and recreation generate revenues from lodging, food, and recreational services contributes to economic stability and increased local employment opportunities. Historic sites are high on the list of visitor attractions, and public and private investment in their protection has been documented to be more than repaid in tourist dollars. Heritage and nature-based tourism represents a growing niche in both the Georgia and Tennessee tourist markets. Heritage tourism can mean both economic diversification and increased protection of local natural and cultural resources.

For every one million trips that include a visit to a historic site by a U.S. visitor (1988 data, from SRI Center):

Historic resource tourist spending	\$298/person
Jobs created	45,618
Sustained payroll of	\$538 million
Local economies collect	\$17.2 million

The three values that tourists most strongly hold regarding travel to historic resources are:

-  Knowing something about the history of a place adds to the enjoyment of a trip.
-  Actual visits to historic sites with children are important to families for communicating values.
-  Historic sites that are in the natural environment are enjoyed most.

- SRI Center, 1988

The possibility of marketing natural sites to historically oriented visitors and historic enrichment to outdoor oriented travelers is wide open. In the name of heritage tourism, the National Park Service has embarked on a demonstration project aimed at educating the tourism industry and the traveling public about the National Register. The National Register is creating a series of regional travel itineraries linking national parks and other National Register listings. (Please see **Tennessee Civil War Sites Near You** at the end of chapter 5.)

Open Space Opportunities

Preserving Civil War sites to provide open space offers an excellent opportunity for local passive recreational use, both public and private. Private developers have also worked with historians to protect sites by setting them aside as open space within subdivisions. The "set-asides" result in open space credits for the developer and preserves significant sites.

Civil War and other types of historic sites occur in both urban and rural settings. Many Civil War sites are concentrated in and around significant landscape features (such as ridgelines) or aquatic features (such as rivers and creeks). Protecting Civil War sites within greenway systems can be integrated into the protection of these natural landscape patterns as well. Civil War sites provide yet another dimension to link people with the landscape as they provide a sense of place, as well as a sense of history.

Protecting Civil War sites as open space can be more of a challenge in urban areas where land use is intensive and the success or failure of a development project hinges on the number of developable square feet available. In urban settings, heavy use demands are placed on all kinds of land, even open space. It is therefore even more important to identify land uses that are compatible with Civil War site protection.

Sense of Place

Civil War sites are tangible reminders of Georgia's and Tennessee's rich history. Sites contribute to our heritage and our current sense of place. By protecting these reminders of the past, we significantly enrich our sense of community -- a very valuable commodity in these times of fast paced lifestyles. Sense of community is enhanced by tangible links to the past via Civil War sites and historic landscapes.

LANDOWNER ISSUES AND CONCERNS

Stewardship of Civil War Sites and the Public Trust

Owners of Civil War sites, both public and private, have a responsibility to be good stewards of these fragile resources. Partnerships between private landowners and historic preservationists, professional and avocational historians, conservation organizations, land trusts, and local, state, and regional governmental agencies (such as local historical and conservation commissions, regional development commissions, and land managing agencies) are the best way for landowners to learn about the value of Civil War resources on their property and methods for protection of these resources. Landowners become good stewards of the past once they are informed about the importance of the Civil War sites they own and are encouraged to protect the resources.

If the landowner is not informed, we have little hope that the site will be protected.

While some landowners welcome advice from the historic preservation professionals, others may resent any intrusion into their private property matters by any representative of the government. Many of these landowners, however, have been receptive to advice from private, nonprofit conservation organizations or avocational historians concerning the nature and management of their Civil War resources.

Landowners who are doing a good job of protecting a site are often recognized for their efforts. We all like to be recognized for a job well done. Recognition can heighten awareness on the part of the landowner and lead to increased stewardship efforts and activities. Enthusiastic landowners may have a positive influence on their neighbors in terms of increasing good stewardship practices throughout the community. For private businesses, recognition can be used as a positive marketing tool for the company and its services and products.

Economic and Financial Concerns

To most private property owners, the financial value of the property is of great importance. Real estate and economic development consultant Donovan Rypkema, who has been involved in a number of historic preservation impact studies, suggests that if typical buyers and sellers and real estate professionals do not understand the significance of historic sites, there is no way that an economic premium will be attached to a recognized site. Civil War historians have begun to educate Americans about the value of recognized Civil War sites. In time, this effort will result in measurable increased economic value of recognized Civil War sites.

In every area of the state, historic preservationists and responsible developers are forging new alliances. Cooperation and common understanding are allowing important sites to be preserved in advance of construction. This partnership brings great credit to the development community and builds positive public relations. No developer's advertising budget could generate similar national attention.

Protecting Civil War sites and publicizing such private protection efforts is a good way to receive favorable media attention and coverage for marketing. Enhanced marketability for the remainder of a site or adjacent property will offset protection costs. There is also evidence that property values within developments are enhanced when adjacent to a well-planned open space system.

Keeping the land in the family, or continuous stewardship over the generations, is a strong need for some families. The protection of a Civil War site may allow for federal income tax, estate tax and property tax benefits. Many private owners of large estates are now seeking advice on planning the future of their holdings in order to ensure that their property will be kept within the family.

Tax burdens have a tremendous impact on land ownership, land use and management, and the conveyance of land from one party to another. Tax relief may be a big issue, especially for large landowners, and may be a strong motive for protecting Civil War sites. Federal and local tax benefits may be derived from the donation of land, land value, or certain rights in the land through a conservation easement in Tennessee. (Please see **Conservation Easement** discussion in Chapter 5.) Through estate planning, tax burdens may be reduced so that heirs won't be forced to sell family land to pay estate taxes. Frequently, professional estate planners or attorneys who are likely to explore conservation options with private nonprofit land trusts will assist these families.

While it is unlikely that historic preservationists could become directly involved in the intricacies of estate planning, historic considerations nevertheless can be added to the mix by networking with conservation organizations. Historic preservationists should make everyone involved in the process aware of the value of Civil War sites in terms of potential tax benefits through a conservation easement. In other words, as many resource layers as possible need to be documented when claiming conservation value for tax purposes.

Liability

Many private owners might more readily consider allowing public access to an Civil War site were it not for the liability issue. Unfortunately, we live in a highly litigious society and the threats of being sued by a visitor who gets hurt while on your property, whether invited there or not, are real.

Fortunately, both Georgia Law (Section 51.3.20) and Tennessee Law (Section 11-10-102) provides for limitation on liability of persons making their land available to the public for certain recreational purposes without charge. The purpose of this law is to encourage private landowners to make their properties accessible to the public for outdoor recreational purposes by limiting their liability to persons who may suffer injury

while visiting these private lands. In addition, an owner of land or water area leased to the state for outdoor recreational purposes owes no duty of care to keep that land or water area safe for entry or use by others.

Costs associated with site protection may be very little for those who choose not to allow public access and practice a "hands off" strategy of site management. Landowners who choose to open their sites to the public may have certain costs associated with the maintenance of facilities which might include trails, signs, fencing, trash cleanup, and portable toilets. It may be possible to share the maintenance costs with a private historic preservation organization or local government.

Regulatory Concerns

Property rights are one of the most important constitutional guarantees we have as Americans. Government cannot take property without compensation and no person has the right to use what they own in a way that harms the basic rights of others. Today, there is a widespread wariness of government land use regulations and the limitations on the use of property. The "takings" issue, as it relates to land use regulations, is a very controversial topic. Protection of natural and cultural resources, and public health and safety, adds value to the economy and the community. However, they can also add costs -- and sometimes inconveniences -- to land development activities.

In fact, there are very few laws and regulations that affect privately owned Civil War sites in Georgia and Tennessee. However, some areas of Georgia and Tennessee are growing rapidly. The impact of this growth is felt everywhere, including on non-renewable historical resources. It is the small-scale development that rarely receives historical review and there is no way to know how many sites have been destroyed. It is at the local level that community resources will be protected or destroyed.



The first lesson an owner of a historic property can learn is that the legal power to protect historic places lies chiefly with local government. The strongest protection is typically found in preservation ordinances enacted by local governments. Preservation ordinances are local laws through which the landowner of historic properties is usually prohibited from altering or demolishing their property without local government approval. The landowner is well advised to become familiar with the laws that do exist, especially local ordinances that differ for each local government. The regulatory framework for site protection is addressed in the **Appendix**.

Knowledge of what Civil War resources may be on your property and public regulations affecting them is the best policy. This information will allow the landowner to plan for these resources and be compensated for their protection through tax benefits, acquisition, or indirect benefits of increased property value through shrewd marketing.

PROTECTION APPROACHES

Government efforts in response to the losses of historic resources have come in the form of limited legal restrictions as well as protection through acquisition, stabilization, research, and management. While these approaches have protected many Civil War sites, they cannot reach all sites. Much of the land with the greatest potential for protection, management, and interpretation is in private ownership. Landowners have the opportunity to play a significant stewardship role.






Ultimately, site protection is the sole decision of the landowner and their willingness to implement protection measures:





-  An intact, protected site, which is worth more to the landowner than one that is destroyed.
-  Through good stewardship, a well-preserved site will usually be worth more in terms of real financial benefits, such as tax advantages and increased property value.

The possibilities for protection of Civil War sites are limitless. Some methods have been in use for years, others are new and have not been tried in either Georgia or Tennessee. As more landowners become interested in protection, strategies and techniques will continue to develop.

A preference for one approach will be tied to landowners needs and wishes, property location, type of Civil War site, and use of surrounding lands. The concerns of the owner of an urban site will be very different from those of a farmer. We will take a closer look at the approaches of a few landowners and offer you a path to choose the approach best for you.

This chapter is an introduction to successful approaches most commonly used to protect Civil War sites in Tennessee. It is also intended to alert the reader to various programs that exist in Tennessee and provide enough information to help landowners decide whether to find out more. The programs are organized in the following categories:

-  registry;
-  compatible land use management;
-  management agreements;
-  leases;
-  deed restrictions;

-  easements;
-  transfer of full title through sale or donation;
-  financial and technical assistance; and
-  public support and education.

Registry

Private, Nonprofit Registry

A registry program honors and recognizes owners of outstanding Civil War sites for their commitment to the protection. Registration is voluntary and nonbinding. It is an agreement that may be canceled by either party at any time. Registration involves no payment or receipt of funds.

Registry is the first step in protection, even though it does not directly preserve the site. Through a registry program, a local historical society or local government will simply contact a private owner of a specific site and ask that it be recognized as important to the history of the Civil War. The owner usually receives a certificate or plaque and agrees to voluntarily notify the organization if they plan to change or alter the current land use. Recognition implies a value that is important for increasing awareness about the importance of a site. The National Register of Historic Places is the most prominent registry program, administered by the Department of the Interior. Most listings in the National Register (some 60%) are of local significance, and many communities use the National Register criteria and guidelines as the basis for local designation. Please see the National Register Evaluation Criteria below.

Formally recognizing a Civil War site at the local, state, or national level is critical for pursuing voluntary incentive programs. Many programs honor, award grants, or offer local tax benefits to recognized Civil War sites. Recognition, such as registry and landmarks, is an initial minimal technique towards conservation of archaeological resources.

State Master Sites File

Georgia is currently compiling a master file of Civil War historical sites. Although incomplete, a large amount of survey and archeological information has been compiled, and it may be accessed through the Georgia Civil War Commission.

Contacts: Georgia Civil War Commission: (404) 657-7294
Website: <http://www.state.ga.us/civilwar> or

Website: <http://www.ganet.org/civilwar>
Georgia Historic Preservation Division: (404) 656-2840
Website: <http://www.gashpo.org>

Tennessee (with 56 sites) has the second largest group of Civil War tourist destinations in the United States that are open to the public. Information on these sites is listed in the recently published third edition of The Civil War Trust's, **Official Guide to the Civil War Discovery Trail** publication.

Current archival research suggests that over 2,300 Civil War military actions occurred on Tennessee soil during the War Between the States. As a result of an ongoing Survey of Civil War Era Military Sites in Tennessee (by the Tennessee Division of Archaeology) a list of 430 sites have been recorded that are potential candidates for national register nomination. The majority of these sites are on private property and are threatened by future development.

Contacts: Tennessee Tourism: 1 (800) 836-6200
Website: <http://www.state.tn.us/tour.gov>
Tennessee Historical Commission: (615) 532-1550
Website: <http://www.state.tn.us/environment/hist/index.html>
Tennessee Department of Environment & Conservation: (615) 741-1588
Tennessee Wars Commission: (615) 532-1550

National Register of Historic Places

The National Register Criteria for Evaluation

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. are associated with events that have made a significant contribution to the broad patterns of our history; or*
- B. are associated with the lives of persons significant in our past; or*
- C. that embody the distinctive characteristics of a type, period, or method of construction; that represent the work of a master, that possess high artistic values; or that represent a significant and distinguishable entity whose*

components may lack individual distinction; or
D. that has yielded, or may be likely to yield, information
important in prehistory or history.

The primary purpose of the National Register is to preserve historic places as living parts of our communities. Although they may be of national, state, or local significance, most are of local significance. Listing in the National Register is voluntary and requires the landowners written permission. The National Park Service on behalf of the Secretary of the Interior maintains the National Register.

The National Register is authorized under the Federal National Historic Preservation Act of 1966. Under Section 106 of the Act, federal agencies are required to take into account the impacts of proposed federal projects on listed or eligible National Register sites. Additionally, the Act requires federal agencies to mitigate the impacts of their projects on listed or eligible National Register sites before the expenditure of federal funds, or the issuance of any permits. For example, the impacts of a Federal Highway project on a National Register site must be mitigated.

Proper identification of an historic property serves as the foundation for a sound National Register nomination and for subsequent planning, protection, and management of the resource. Anyone may prepare a Civil War property nomination and submit it to the National Register through the State Historic Preservation Officer. At a minimum, the preparer(s) should have a first-hand knowledge of the relevant archaeological and historical literature and of Civil War resources similar to the property being nominated, or have the assistance of persons who do.

When considering a property for listing in the National Register, the nomination preparer must answer questions about the history of the property and its physical setting; the characteristics of the site's Civil War record; and the boundaries of the property. The identification of historical properties and evaluation of significance generally involve background research, field survey, and analysis and evaluation of the results.

The landowner is usually responsible for paying for this nomination process, but assistance may be available from historical societies.

Stewardship is an important goal for the owner of a significant Civil War site. Listing on the National Register assures the landowners that the Civil War site on their property is worthy of protection and preservation. National Register nominations spell out exactly what is important about an individual site and where that site is located within the owner's property. For landowners and managers, this is an invaluable service.

Contacts: National Register of Historic Places:(202) 343-9405.
Website: <http://www.cr.nps.gov/nr/>
Georgia Register of Historic Places: (404) 651-6782.
Website: <http://www.gashpo.org>
Tennessee Historical Commission: (615) 532-1550.
Website: <http://www.state.tn.us/environment/hist/index.html>

National Historic Landmark

The National Park Service conducts the National Historic Landmarks Program to identify, designate, recognize, and protect buildings, structures, sites, and objects of national significance. The program focuses attention on places of exceptional value to the nation as a whole by recognizing and promoting preservation efforts of private organizations, individuals, and government agencies. Landmarks are identified by theme and Park Service professionals prepare special studies. This designation is voluntary. National Register listing is ordinarily required before a property is considered for National Historic Landmark designation.

The Secretary of the Department of the Interior designates a Landmark and invites the owner to accept a plaque bearing the name of the property and attesting to its national significance. Upon accepting the plaque, the owner pledges to preserve the Landmark and display the plaque publicly and properly. In accepting the plaque, the owner does not give up any of the rights and privileges of ownership or use of the property; nor does the Department of the Interior acquire a legal interest in the property. The owner is not required to grant public access, although many do.

Landmark designation offers advantages to owners who wish to preserve their properties. It aids in planning by government agencies, private organizations, and individual landowners because it is the primary federal means of weighing the national significance of historic properties. It benefits from the same tax advantages and federal grants as National Register listings. Additionally, the National Park Service monitors and informs Congress of the condition of the Landmarks each year. Threats to Landmarks are identified and recommendations for alleviating the threat or damage are made. The landowners often use this report to convince state agencies and lawmakers to provide legislative assistance or funding. The report is also useful for fund raising efforts in the private sector. A complete list of National Historic Landmarks is available from the Chief, National Register of Historic Places.

Contact: National Register of Historic Places: (202) 343-4101
Website: <http://www.cr.nps.gov/nr>

Scenic Highways Program

Scenic Highway Programs provide for the recovery and conservation of natural beauty and cultural history along designated scenic highways; provide a safe and attractive environment for tourists and travelers to enjoy the scenic beauty of the State; maximize the potential of little used and bypassed sections of highway; return economic vitality to distressed areas through promotion of tourism; and provide for the preservation of routes of historical significance as well as intrinsically valuable cultural qualities of the communities accessed by those routes. These programs encompass both urban and rural areas. In particular, these programs focus upon highways that are maintained by state or federal funds and which are not needed for essential commercial or dense traffic.

Contacts: Georgia: Georgia Department of Transportation Office of Planning,
Scenic Byway Program: (404) 657 -5228
Website: <http://www.dot.state.ga.us>
Tennessee: Department of Transportation, Scenic Highways
Program: (615) 741-5789
Website: <http://www.tdot.state.tn.us>
Highway Beautification Office: 615-741-0805
National Scenic Byway Program Website: <http://www.byways.org>





Compatible Land Use and Management

Limited Development

Landowners who wish to protect the resources on their property, and wish to continue or start new uses to derive income from the land may consider compatible land use, development, and management. One form of such management would be opting for sensitive development on part of the property, while leaving the historically sensitive portion of the property protected. This is a likely approach where land values and development pressures are extremely high. Protecting resources through this approach can be a complex process, and not all landowners are in a position to engage in it. A local land trust or historic preservation organization may be available to assist private landowners with this approach. (Please see a later discussion of Land Trusts for more information.)

Signage and Fencing

In general, the signage and fencing of Civil War sites tends to decrease site damage. The purposes of installing signs are to:

-  protect Civil War sites by providing notice of the boundaries of the protected property;
-  prevent damaging activity such as walking or climbing on ruins, graffiti, or looting;
-  notify the visitor of legal protection and the penalties for violation; and
-  provide interpretive information about the site's history and importance.

The message sent by maintaining a fence and signs is usually enough to prohibit site damage.

Civil War sites that are not threatened, or that are located in remote areas, should probably not be signed, on the off chance that the sign might call attention to the site. On the other hand, highly visible and accessible sites should have prominent signs that interpret the site. Signs can also be placed along trails and roads, near campsites, and as part of wayside exhibits. Signs and fences are best used in conjunction with regular site monitoring and law enforcement. As with no trespassing and no hunting signs, signs restricting activities on a property may be posted every 100 feet or less around a property boundary to warn potential violators.

Site Monitoring

Once a Civil War site is protected in place, it cannot be left alone. The importance of regularly monitoring the condition of the protected site should not be overlooked. A monitoring program must be designed for periodic site visits to check on site conditions, perform routine site maintenance, and determine if the site is being damaged, or is in imminent danger of damage or loss. If damage is observed, strategies can be put in place to correct, reduce, or eliminate the actions causing the damage.

One of the immediate benefits of a monitoring and maintenance program is that regular human presence at the site is a strong deterrent to unwanted trespassers. The importance of a regular human presence at a protected Civil War site cannot be underestimated. The landowner should consider enlisting the help of concerned citizens as volunteer monitors for large or remote properties. The landowner may want to consult a local historical society to inquire if they would be interested in assisting with site monitoring.

Management Agreements

Management agreements are used to formalize a variety of arrangements made between a landowner and government resource agency or a nonprofit organization. Under a typical management agreement, the private property owner agrees to care for a

property in a specified manner for a set period, or allows the resource agencies or nonprofit organization to carry out certain specified management activities. In some cases, the owner receives compensation for expenses, such as building a fence to protect a Civil War site that will help protect the property over the long term. Management agreements work well where the landowner has an interest in stewardship. They are also useful in situations where the landowner does not wish to enter into lease, easement, or sell the property.

The Agricultural Conservation Program

The Agricultural Conservation Program (ACP) was initiated by Congress in an effort to reduce soil loss and agricultural contributions to water pollution from both runoff and direct discharge. The program provides cost-share funds for approved practices that provide long term and community-wide benefits. The practices eligible for cost-share are determined by each county's Farm Service Agency (FSA), so they vary, but they may include: establishing permanent vegetative cover, restoring shallow water areas or developing new ones, and installing water control structures. The maximum cost-share payment is \$3,500 per year. Congress must appropriate funding for this program each year. The state FSA then allocates funds to each county.

Contacts: Georgia: State Conservationist: 706-546-2272.
Tennessee: Department of Natural Resources: 615-736-5824.
or county agriculture extension office

The Conservation Reserve Program

The Conservation Reserve Program, administered by the Natural Resource Conservation Service (NRCS) and the Farm Service Agency (FSA) was initiated by Congress in 1985 to reduce soil erosion and sedimentation, improve water quality, maintain fish and wildlife habitat, and provide income support to farmers. The program provides for annual rental payments to be made to farmers who remove from production, for a minimum of ten years, cropland on highly erodible or otherwise environmentally sensitive terrain (such as wetlands). In addition, the farmer carries out certain conservation measures over the life of the contract, as agreed upon by the participant and the SCS district conservationist. Up to 50 percent cost-share is available for establishing these conservation practices.

Contact: Georgia: State Conservationist: 706-546-2272.
Tennessee: Department of Natural Resources: 615-736-5825.
or NRCS office listed under the U.S. Department of Agriculture in
the telephone directory.

Leases

The landowner may choose to lease all or a portion of their property to an appropriate land management entity, thus delegating management responsibilities to the lessee, who usually agrees to pay a nominal rent in return for control of the property. The landowner may agree in the lease simply to forego destructive land management practices such as timbering or mining, or the owner may allow the lessee to use the property for a specified purpose. The long term protection afforded by a lease is weak compared to that provided by easements, because leases have a limited term.

Leaseback

A variation of a lease is a leaseback agreement. An agency or entity may acquire title to land and lease it back to the original owner for certain agreed upon uses that will not harm the resources. The continued use of the leased land by the original owner does not affect any tax benefits that result from the transfer of title.



Deed Restrictions

Deed restrictions are another protection technique that restricts the uses of a property. Deed restrictions, also known as restrictive covenants, limit future use of the property through *voluntary conditions or restrictions on the deed of ownership*. Deed restrictions convey no interests in the land to a third party. These private restrictions on property uses continue to apply after the property is sold. The responsibility of enforcing the deed restrictions is that of the original landowner, which may become difficult over time as ownership changes. Although deed restrictions may lower property value, they cannot be claimed as charitable contributions for federal income tax purposes. Deed restrictions, however, provide some protection to the land and are relatively easy to implement.

Permanent Protection through Acquisition

Easements

An easement is a legal instrument by which a property owner:

-  limits, without relinquishing ownership, the development potential of a property which has significant Civil War resource value; and
-  grants the right to conserve that value.

Each easement's restrictions are tailored to the particular property and to the interests of the individual owner. An easement grants someone else non-possessory interest in your land.

To understand the easement concept, think of owning land as holding a bundle of rights. A landowner may sell or give away the whole bundle, or just one or two of those rights. These may include, for example, the right to construct buildings, to subdivide the land, to restrict access, or to harvest timber. To give away certain rights while retaining others, a landowner grants an easement to an appropriate third party.

The specific rights a landowner foregoes when granting an easement are spelled out in the easement document. The owner and the prospective easement holder identify the rights and restrictions on use that is necessary to protect the property -- what can and cannot be done. The owner then conveys the right to enforce those restrictions to a qualified recipient, such as a public agency, a land trust, or a historic preservation organization.

Each easement is unique. An easement agreement stipulates whatever protection is desirable by the landowner. It does not permit public access to the protected area unless specifically desired by the landowner and agreed to by the conservation/preservation organization. A no disturbance or artifact collecting clause may be tailored to meet the protection needs.

Easements are often called by different names, according to the resource they protect, including conservation easements, forever wild easements, and historic preservation easements. Landowners grant easements to protect Civil War sites from inappropriate development, while retaining private ownership. By granting an easement in perpetuity, the owner may be assured that the resource values of his or her property will be protected forever, no matter who may own the property in the future.

Landowners opt for easements for both personal and economic reasons: to protect the cultural resources on their land; for the direct income from selling easements; and the tax benefits. In order to derive federal income and estate tax benefits the easement must be perpetual. Term easements -- or less than perpetual easements -- may be applicable in certain situations but are not eligible for federal tax benefits.

Easements can be granted by donation, bargain sale, or the full market value of the easement. Granting the easement usually reduces the value of the property by the value of the rights that the easement transfers, and may, therefore, reduce federal estate taxes. The landowner may choose to convey the easement by bequest in their will, allowing the landowner to maintain full ownership of the property during their lifetime.

If the easement is transferred as a donation or at less than market rates, the difference between the full fair market value of the property and the value of the rights transferred may qualify as a charitable deduction for federal income tax purposes. The dollar value

of an easement donation is established through what is known as a before and after appraisal of the property. The value of the deduction is the difference between the fair market value of the property, without the conservation easement, and the value of the property as reduced by the easement.

Finally, it may be possible to reduce local property taxes by reducing the fair market value of property with a conservation easement. This decision is at the discretion of the local property appraiser or tax assessor.

A monitoring program is critical in enforcing the terms of an easement. There is potential for conflict when more than one individual or group hold rights to the same piece of land, and it is essential for the easement holder and the landowner to establish a good relationship. Some easement holders use other strategies in addition to open communication and regular visits to maintain good rapport with property owners. These may include recognition of good stewardship through plaques and certificates, providing professional advisory services, and sharing information through newsletters.

Each potential donor's tax situation is different. It is essential, therefore, that each donor seeks professional counsel from a qualified attorney or certified public accountant. It is also important to review financial consequences with the appropriate tax and financial advisors. For more information, refer to *The Conservation Easement Handbook* (Please refer to the **Bibliography** for a reference).

Land Donation or Sale

Some landowners choose to donate or sell their land containing a Civil War site to a conservation organization or government agency to ensure permanent protection of its cultural resources. The benefits of conveying the full title of land depend on several factors. These include the initial value of the land, whether it is sold or donated, and, if sold, whether the price is equal to or less than fair market value. Donation of the entire property will usually entitle the landowner to a larger tax break than donation of an easement. The transfer of full title relieves the landowner of property tax and liability burdens.

Full Market Value

Some landowners may prefer to donate or sell their Civil War site to a private nonprofit conservation organization, public agency, or local government. This will relieve the private landowner from the financial and legal responsibilities that come with the long-term stewardship of the site. Additionally, there are immediate financial gains that come from selling to an appropriate agency or organization.

Bargain Sale

The bargain sale is sale of the land at less than fair market value, as established by a real estate appraisal. This may enable the landowner to claim a federal income tax deduction on the difference between the fair market value and the discounted price.

Sale with a Reserved Life Estate

A landowner may wish to sell land to a conservation agency or entity, yet desire to continue using the property over his/her lifetime. This is accomplished by retaining a life estate in the property. The agency acquires title to the land immediately, but the donors retain the right to continue to use it during their lifetimes. The value of the land is removed from the estate and, depending upon the price at which the land is sold, income tax advantages may be available as well.

Public Programs

Many significant Civil War sites in Georgia and Tennessee are owned and protected by public agencies, and are accessible to the public. The federal government, through the National Park Service, protects some very important sites in each state and provides the public with the opportunity to visit and learn about Civil War sites. The Chickamauga and Chattanooga National Military Park is one of the most prominent nationally protected cultural resources in Tennessee and Georgia.

When pursuing a public sale of historic property, it is often advantageous for a landowner to partner with a private nonprofit. An interested landowner would benefit from the expertise of a public - private partnership in securing protection funds and possibly leveraging several funding sources. Each of these federal and state programs has a defined role. A complimentary program may exist in your local jurisdiction.

Federal Land and Water Conservation Fund

The Land and Water Conservation Fund (LWCF) provides federal matching assistance to states and their localities for acquiring land and developing public outdoor recreation facilities. The fund is designed to facilitate the enrichment of communities for the benefit of both present and future generations of Americans. Thus, the LWCF is one of the broadest and most successful forms of federally legislated conservation and recreation development programs. States receive LWCF grant funds, and then initiate statewide allocation processes. The first step in applying for LWCF grants is to contact the cooperating State office to find out details particular to a given state's application, selection, and granting processes.

Contacts: Georgia Parks, Recreation, & Historical Sites
Department of Natural Resources
205 Butler Street, SE, Suite 1352

Atlanta, GA 30334
(404) 656-3530
Website: <http://www.gastateparks.org>

Tennessee Administrative Services
Department of Environment and Conservation
21st Floor, L & C Tower
401 Church Street
Nashville, TN 37243
(615) 532-0220
Website: <http://www.tdec.net>

State Land Acquisition Programs

Georgia Civil War Commission

The Georgia Civil War Commission (GCWC) works as a watchdog to prevent the improper development or destruction of historic Civil War sites throughout the State of Georgia. As a state agency, the GCWC cannot hold land, but it does acquire land in need of protection and then facilitates the transfer of the land to appropriate holding agencies.

Contacts: Georgia Civil War Commission: (404) 657-7294

Private, Nonprofit Land Conservation

American Farmland Trust

The American Farmland Trust undertakes a range of activities throughout the nation to protect agricultural land. It provides technical assistance to localities implementing agricultural land preservation strategies and directly protects farms by acquisition or other means.

Contact: American Farmland Trust
1200 18th Street NW, Suite 800
Washington, DC 20036
(202) 331-73001
Web site: <http://www.farmland.org>

Civil War Preservation Trust

The Civil War Preservation Trust contributes to the maintenance of our Civil War heritage through promotion of Civil War Battlefield preservation. The CWPT promotes and supports various preservation and educational programs. These programs are designed to develop increased recognition and better protection of the cultural and environmental importance of historic Civil War sites.

Contact: Civil War Preservation Trust
11 Public Square, Suite 200
Hagerstown, MD 21740
(301) 665-1400
Web site: <http://www.civilwar.org>

and

1515 Wilson Blvd. Suite 350
Arlington, VA 22209
(703) 682-2350

Civil War Roundtable Associates

Civil War Roundtable Associates, founded in 1968, is the oldest national battlefield preservation organization. CWTRA is primarily involved in leadership activities for the Civil War Roundtable movement and battlefield preservation, but it also publishes a newsletter, holds seminars and battlefield tours, and serves as an umbrella organization for people interested in contemporary activities related to Civil War history.

Contact: Civil War Roundtable Associates
PO Box 7388
Little Rock, AR 72217
(501) 225-3996

Georgia Battlefields Association, Inc.

The Georgia Battlefields Association is the not-for-profit membership based group that functions as a sister organization to the Georgia Civil War Commission. In particular, the Georgia Battlefields Association primarily holds historic Civil War site land until it can be properly preserved by private or public entities such as the Georgia Department of Natural Resources' Parks and Historic Sites Division.

Contacts: Georgia Battlefields Association, Inc.
c/o Georgia Civil War Commission
156 Trinity Avenue, SW, Suite 101

Atlanta, GA 30303-3600

Georgia Civil War Commission

The Georgia Civil War Commission is charged with raising public awareness of the historic Civil War resources of the Empire state and promoting tourism to Georgia Civil War sites. The Georgia Civil War Commission also works to encourage protection of important War Between the States cultural resources, and serves as a clearinghouse for organizations with an interest in Civil War preservation.

Contact: Georgia Civil War Commission
c/o Historic Preservation Division
Georgia Department of Natural Resources
156 Trinity Avenue, SW, Suite 101
Atlanta, GA 30303-3600
Website: <http://www.ganet.org/civilwar>

Or

Website: <http://www.gashpo.org>

Land Trust Alliance

As a national organization of land trusts, The Land Trust Alliance offers various support services for organization and maintenance of land trusts and land conservation organizations. Among the services they provide are training and specialized publications.

Contact: 1331 H Street NW, Suite 400
Washington, DC 20005
(202) 638-4725
Web site: <http://www.lta.org>

National Park Service, American Battlefield Protection Program

The National Park Service's American Battlefield Protection Program (ABPP) leads a federal grants program aimed at helping communities identify, assess, and protect our nation's historic battlefields. Since 1990, the ABPP and its grantees have helped protect and enhance more than 60 battlefields by cosponsoring more than 130 projects across the United States. As a service of the Interagency Resources Division of the National Park Service, the American Battlefield Protection Program offers support to governmental, public, and private organizations. The program promotes responsible protection and continued stewardship of battlefields from wars fought on American soil. The program offers both a range of technical assistance and direct financial support.

Contact: National Park Service
American Battlefield Protection Program
P. O. Box 37127, Suite 250
Washington, DC 20013-7127
(202) 343-9558
Website: <http://www2.cr.nps.gov/abpp>

National Park Service, Rivers and Trails Assistance Program

The Rivers and Trails Assistance Program provides aid to landowners and other public and private entities with the establishment and protection of trail systems and river corridors.

Contact: National Park Service
Rivers, Trails and Conservation Assistance Program
Atlanta Federal Center
1924 Building
Atlanta, GA 30303
(404) 343-3780
Website: <http://www.nps.gov/rtca>

National Trust for Historic Preservation

The National Trust for Historic Preservation oversees the Preservation Services Fund, which is a competitive, matching grant program for nonprofit organizations and public agencies. These grants can provide funding to hire consultants for rehabilitation projects to produce protection plans, specifications for development, historic structure reports and feasibility studies.

Contact: National Trust for Historic Preservation
Southern Regional Office
456 King Street
Charleston, SC 29403
(803) 722-8552
Website: <http://www.nthp.org>

Tennessee Wars Commission







The Tennessee Wars Commission coordinates planning, preservation, and promotion of the battlefields, sites, buildings, and structures associated with the American Revolution and the War Between the States in Tennessee. The members of the Wars Commission are the same as those of the gubernatorial appointed Tennessee Historical Commission. The Wars Commission's function is to preserve and conserve war-related sites, develop preservation plans, inventory those resources, and promote the study and appreciation of the Volunteer State's American Revolutionary and Civil War heritage. The Military Sites Preservation Specialist of the Tennessee Historical Commission facilitates the activities of the Wars Commission.

Contact: Tennessee Wars Commission
2941 Lebanon Rd.
Nashville, TN 37243-0442
(615) 532-1563
Website: <http://www.tdec.net/hist/gazette>
<http://www.tdec.net/hist/PathDivided>
<http://www.state.tn.us/environment/hist/>

The Trust for Public Land

The Trust for Public Land (TPL) is a private, nonprofit land conservation organization that works nationwide to conserve land for people. Founded in 1972, the Trust for Public Land specializes in conservation real estate, applying its expertise in negotiation, public finance, and law to protect land for public use. Working with private landowners, communities, and government agencies, TPL has helped protect more than 1,200 special places nationwide for people to enjoy as parks, playgrounds, community gardens, recreation areas, historic landmarks and wilderness lands. TPL has protected over 820,000 acres of land valued at more than \$1.1 billion in 44 states and Canada. TPL has also worked with over 300 of the nation's 1,100 land trusts.

Working with federal, state, county and municipal governments, and business, civic, and neighborhood organizations, TPL provides:

-  interim site protection;
-  assistance with real estate transactions and finance;
-  information and technical support on public finance campaigns for new public land;
-  independent negotiations with landowners;
-  bridge financing through revolving funds, loans, and lease-purchase agreements;
-  planning assistance and help identifying opportunities for park and land protection; and

 effective public education campaigns to mobilize support for parks and open space.

Contact: Trust for Public Land
Chattanooga Project Office: (423) 265-5229
Website: <http://www.tpl.org>

The Conservation Fund, Civil War Battlefield Program

Through this program, The Conservation Fund focuses its national resources and expertise on preserving historic Civil War lands. The Civil War Battlefield Program offers assistance with acquisitions, research, and education programs for the public.

Contact: The Conservation Fund
Civil War Battlefield Campaign
American Greenways Program
1800 North Kent Street, Suite 1120
Arlington, VA 22209
(703) 525-6300
Website: <http://www.conservationfund.org>

Local Land Trusts

While there is no "one program" carried out by all land trusts, the work they do invariably involves private lands, and their principal objectives are associated with achieving permanent preservation of lands having at least one of the following qualities: natural, historic, cultural, agricultural, recreational, or scenic significance. Land trusts are private nonprofit organizations that seek to protect valuable natural and cultural resources through land acquisition. Land trusts focus their expertise on a range of resources through a broad range of strategies. Land trusts have a well-deserved reputation for designing innovative approaches to land conservation that result in protected resources and benefits for private landowners. All of the approaches described in the previous chapter require involvement from an outside party, in addition to the landowner -- a land trust is often the best candidate. Land trusts have gained substantial expertise working with the government to protect land and will help the landowner choose the option that best meets their needs. The types of benefits a landowner might expect from a working relationship with a land trust include: direct compensation, tax benefits, in-depth knowledge, speed, and confidentiality. The general structure of a local land trust will vary, but it is usually a membership organization run by a local, volunteer board of directors. The most effective land trusts have secured funding to hire a permanent staff. Tennessee currently has six local land

trusts. The Trust for Public Land or the Land Trust Alliance, a national umbrella organization for local land trusts, will be able to refer you to the land trust nearest you.

Contact: Trust for Public Land
(850) 222-7911
Website: <http://www.tpl.org>
Land Trust Alliance
(202) 638-4725
Website: <http://www.lta.org>

Financial and Technical Assistance

Many of the programs and organizations listed under acquisition and land trusts also provide financial and technical assistance. The programs described below do not manage or acquire property but do provide funds for research, planning, and restoration activities.

National Trust for Historic Preservation

The National Trust for Historic Preservation is a private, nonprofit membership organization, chartered by Congress in 1949 to facilitate public participation in the preservation of sites, buildings, and objects significant in American history and culture. Membership dues, endowment funds, contributions, and grants from federal agencies, including the U.S. Department of the Interior, under provisions of the National Historic Preservation Act of 1966, provide support.

Contact: National Trust for Historic Preservation: (202) 673-4000
Website: <http://www.nthp.org>

Transportation Enhancement Funding under ISTEA

The Intermodal Surface Transportation Act of 1991, commonly referred to as ISTEA, requires that at least 10 percent of a state's funding allocation under the Surface Transportation Program be used for transportation enhancement activities, which include the acquisition of scenic easements and/or scenic historic sites, preservation of abandoned transportation corridors, and Civil War planning and research. Funding priorities each year are determined by the local Metropolitan Planning Organizations (MPO), made up of local elected officials. Where no MPO exists, the county commission selects "enhancement" projects. Once the MPO puts the project in its Transportation Improvement Plan (TIP), the TIP is incorporated into the Department of Transportation's five-year plan. The Federal Highway Administration also reviews enhancement projects for federal compliance. Funds are then available on a cost reimbursement basis. Unfortunately, few archaeological planning and research projects have been funded using ISTEA enhancements.

Contact: Georgia Department of Transportation: 404-656-3685
Tennessee Department of Transportation: 615-892-3430
or 1-800-858-6249 or
your regional Metropolitan Planning Organization

Community Development Block Grants

Available through the U.S. Department of Housing and Urban Development and administered through state specific agencies, these grants to local governments are intended to support community development by providing adequate housing, suitable living environment, and expanded economic opportunities for low-and moderate-income families. Within this broad scope, local communities have a great deal of flexibility in deciding which activities to fund. These funds can be used to not only increase low-and moderate-income housing and to improve neighborhood services, but also to rehabilitate historic buildings, conduct field surveys of historic and archaeological resources, and a variety of other preservation activities.

Contacts: Georgia: Department of Community Affairs,
(404) 679-3164, for cities under 50,000.

Community Planning and Development: (404) 331-5139, for
cities over 50,000.

Tennessee: Department of Economic and Community Development:
(615) 741-2373.

Rural Development (formerly Farmer's Home Administration Program):
615-783-1345

Website: <http://www.usda.gov>

Foundations and Endowments

Federal granting agencies such as the National Science Foundation, the National Endowment for the Arts, and the National Endowment for the Humanities provide funding support for archaeological and historic preservation projects. In addition, there are a variety of private foundations and charitable organizations that fund projects in special fields of interest. Check your local libraries for reference books, such as *The Foundation Directory*, *The Foundation Grants Index*, *The Directory of New and Emerging Foundations*, and the *Corporate 500 -- The Directory of Corporate Philanthropy*.

Georgia Humanities Council

The Humanities Council provides competitive grants to nonprofit organizations for humanities projects. The different grants programs include Humanities Resource Grants, Special Program Grants, Residency Grants, General Program Grants and Media Grants.

Contact: Georgia Humanities Council
50 Hurt Plaza, Suite 440
Atlanta, GA 30303
(404) 523-6220

National Endowment for the Arts

The NEA and the National Endowment for the Humanities offer competitive grant programs for nonprofit organizations. Some of the different grant programs offered include the Humanities Projects in Museums Program, the Historical Organizations Grant Program and the Challenge Grant Program. These could be sources for grants to develop interpretive materials for a Civil War site.

Contact: National Endowment for the Arts
1100 Pennsylvania Avenue, NW
Washington, DC 20506
(202) 786-0536
Website: <http://arts.endow.gov>

Public Support and Education

A broad array of Civil War information is available to the public through historical programs conducted by various federal government agencies. Public Civil War history programs increase awareness of, and respect for, the past and explain the importance of Civil War research and the benefits historical resources provide for the public. These programs include formal and informal education approaches and the use of volunteers. The success and variety of such programs demonstrates the vigor and commitment of agency archaeologists to promote archaeological stewardship.

Legacy Resource Management Program

The Department of Defense has developed the Legacy Resource Management Program to promote, manage, research, conserve, and restore the biological, geophysical, and historical resources that exist on public lands, facilities, or properties held by the Department of Defense. The Legacy program focuses on demonstration projects and programs.

Contact: The nearest military base. Check your phone book, or call the Federal Information Center at 1-800-688-9889.

Civil War Sites Near You

The following is a list of some of the public Civil War sites in Georgia and Tennessee. Some sites celebrate certain days with period dress and actual digs. Contact a site nearest you to learn more about how you might participate in Civil War celebrations, year round.

GEORGIA:

Atlanta History Center

130 West Paces Ferry Road

Atlanta, GA 30305-1366

(404) 814-4000

Admission fee

Monday-Saturday: 9:00 a.m. – 5:30 p.m.

Sunday: 12:00 (Noon) – 5:00 p.m.

Monday-Saturday: 9:00 a.m. – 5:30 p.m. / Library & Archives (no admission fee)

This 32-acre complex includes the Atlanta History Museum (83,000 square feet, features Dubose Civil War Collection), the Tullie Smith plantation house and grounds (circa 1840), the Swan House (a 1928 Palladian-revival mansion). McElreath hall houses the library and archival center, gift shop and serves as the entrance to the woodland trails.

Pickett's Mill State Historic Site

Mount Tabor church Road

Dallas, GA 30132

(404) 443-7850

(Exit #120 off I-75, 5 miles northeast of Dallas, off due West Road, at GA 381 and GA 92)

Admission fee

Tuesday-Saturday & Federal Holiday Mondays: 9:00 a.m. – 5:00 p.m.

Sunday: 2:00 p.m. – 5:30 p.m.

Living history programs 1st and 3rd weekend each month

Pickett's Mill is the site of a severe battle, May 27, 1864, and represents one of the few Confederate victories during the Atlanta Campaign. The 765 acres, with trails to various emplacements, remain in almost pristine battle condition. A visitor center and museum feature an audiovisual program on the battle, and living history demonstrations are also available.

Kennesaw National Battlefield Park

900 Kennesaw Mountain Drive

Kennesaw, GA 30144-4854

(404) 427-4686

(Exit #116 I-75 2 miles west to US Hwy 41 and Old 41 or an alternate route Exit #1 I-575 follow signs)

No admission fee

Daily: 8:30 a.m. – 5:00 p.m.

Weekends: 8:30 a.m. – 5:00 p.m.

Summer hours extended, call for times

Although a tactical defeat for Sherman, this is the site of a divisive battle in the Atlanta Campaign in 1864. The Visitor Center exhibit and slide program interpret surrounding events. A variety of other interpretive programs also are available every thirty minutes starting at 11:00 a.m. and ending at 4:00 p.m. on Saturdays and Sundays. Networks of foot trails trace a 16-mile loop from the Visitor Center to the Kolb Farm and back, much as the soldiers experienced them.

TENNESSEE:

A Path Divided, Tennessee's Civil War Heritage Trail

by Wayne C. Moore

Tennessee State Library and Archives

Tennessee Wars Commission

2941 Lebanon Road, Nashville, TN 37243-0042

A detailed guide to sixty-one (61) sites in Tennessee where the Civil War experience is interpreted or memorialized. Such sites may be on land on which one of Tennessee's 2,300 engagements were fought or may consist of fortifications, buildings, encampments or other material remains of the war. Other sites include the cemeteries of those who died in combat, monuments that commemorate their sacrifices, and museums that contain the artifacts of war.

Additional information can be found on the internet at <http://www.civilwar.org/cw+sites.htm>

PROTECTION PLANNING PROCESS

The protection approaches discussed in the preceding chapters offer viable alternatives to simply ignoring Civil War sites on your land. The preferred preservation approach should always be to take the initiative rather than react to crises, in order to protect the site in place and establish effective long-term management strategies.

All of the protection options described in this guidebook will be most effective when used in combination. An effective approach will depend upon the specific situation, including site characteristics, population density, development trends, economic climate, legal authorities, and landowner needs, as well as the needs of the community.

Protecting Civil War sites requires creativity, cooperation, and planning. Many opportunities exist to borrow from strategies developed to protect environmentally sensitive lands, preserve historic structures, and encourage economic development. Important historic, archaeological, environmental, and scenic resources often occur together in the same place. Much can be gained through cooperation and partnership with those concerned about protecting other natural or cultural resources. A landowner may be the thread that ties together multiple interests to protect a complete site.

Choosing the Right Strategy for You

Investigating available protection strategies will be most effective if the landowner first determines their priorities – for themselves, for the land, and their heirs. For example, is the landowner primarily concerned with receiving formal recognition of the site, or is that important, but secondary, to ensuring that their heirs can continue to hold onto the family land?





Once the landowner has considered what they would like to achieve, the programs and organizations referred to throughout the Guidebook can assist you in evaluating a particular situation in terms of program offerings. Neighbors or friends that have been program participants can be invaluable sources of information about the pros and cons of different programs. The landowner may also want to consult an estate or financial planner.

The Partnership Approach

The protection of Tennessee's and Georgia's Civil War heritage deserves to be woven into a broader vision of what we want our communities and nation to be. The vision of the landowner may accommodate preservation and development. Landowners have an opportunity to work with all of the partners necessary to protect or compatibly develop their land. The possibilities for protecting valuable resources on private lands are limitless. Some methods have been in use for years, others are new and emerging. As more landowners become interested in resource protection, techniques will continue to

develop. Solutions with defined protection and development options that avoid delay and result in predictable costs will be well received by all partners.

A private landowner may seek the services of a professional historic preservationist if:

-  the landowner is planning a field survey of Civil War resources;
-  the landowner is planning to nominate the site to the National Register or to a state or local register;
-  construction will take place in an area where little is known about Civil War resources; or
-  federal, state, or local laws require the consideration of a proposed project's effects on historic resources.

We all have a right to our past. Civil War site protection is assumed to be a public good. There is a public trust to recognize and fulfill a commitment to respecting the value of heritage resources to help each of us fit within our present world. Historians now have the ability to move quickly, examine where possible, and will seek to buy and preserve only that, which is necessary to interpret and commemorate. The key to Civil War site protection doesn't lie in more legislation, but in understanding the landowner's goals and the goals of the historic preservationists. The more we learn about each other the more we benefit each other.

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APPENDICES

Laws Governing Civil War Sites

Many federal, state, and local laws deal directly or indirectly with historical matters. The laws listed here are those that deal directly with historic resources. Many laws protect only Civil War and other historic sites on public lands that constitute a relatively small percentage of sites in the state. There are very few laws that directly affect the protection of Civil War sites on private properties. However, the landowner should become familiar with the few laws that do exist.

Federal Laws

Antiquities Act of 1906

The first law to require protection and preservation of archaeological and historic properties on federal lands. It has been largely superseded by the 1979 Archaeological Resources Protection Act. The original act provides for criminal sanctions for anyone damaging historic or prehistoric sites on federal lands.

National Historic Preservation Act (1966)

This legislation established the basic elements of the national historic preservation program. The program includes historic and archaeological properties under its umbrella and establishes, among other things, the National Register of Historic Places, and a regulatory process for protection of such properties (Lerner, 1994:10). The Act mandates public and local government participation in the nomination process, and prohibits listing of properties if the private property owner objects.

The Act has been amended to include Native American Tribes and Certified Local Governments as full partners in the preservation process. Under Section 106 of the Act, federal agencies are required to take into account the effect of their proposed undertakings on properties listed in or eligible for inclusion in the National Register before the expenditures of federal funds or the issuance of any licenses (Henry, 1993: 120).

Archaeological and Historic Preservation Act of 1974

The act requires preservation of significant historic and archaeological data affected by any federal or federally related land modification activity.

National Environmental Policy Act of 1969

The act requires all federal agencies to consider the environmental impacts of their projects as part of the federal planning process. For major federal actions, federal agencies are required to prepare an Environmental Impact Statement, which includes possible impacts of the project on archaeological and historic properties and natural resources.

SOURCES FOR ADDITIONAL INFORMATION

**ADVISORY COUNCIL ON HISTORIC
PRESERVATION SECTION**
106 Process
1100 Pennsylvania Avenue, N.W.,
Suite 809
Washington, DC 20004
(202) 606-8503
www.achp.gov

**NATIONAL REGISTER OF HISTORIC PLACES
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NATIONAL REGISTER OF HISTORIC PLACES
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NATIONAL REGISTER OF HISTORIC PLACES
NATIONAL REGISTER OF HISTORIC PLACES**
*Public financial and technical assistance
for preservation*
Interagency Resources Division (413)
National Park Service,
PO Box 37127,
Washington, DC 20013-7127
www.cr.nps.gov

NATIONAL ENDOWMENT FOR THE ARTS
FINANCIAL assistance
1100 Pennsylvania Avenue, N.W
Washington, DC 20506
(202) 682-5400
www.arts.ehdow.gov

**THE NATIONAL TRUST FOR HISTORIC
PRESERVATION**
Preservation organization

NATIONAL PARK SERVICE
PUBLIC information
P. O. Box 37127
Washington, DC 20013-7127
www.nps.gov

THE FOUNDATION CENTER
FINANCIAL assistance
1001 Connecticut Avenue, N.W.
Washington, DC 20036
800-424-9836
www.fdncenter.org

STATE HISTORIC PRESERVATION OFFICERS
Tennessee:
Clover Bottom Mansion
2941 Lebanon Rd.
Nashville, TN 37243-0442
(615) 532-1550
www.state.tn.us/environment/hist/hist.htm

Georgia:
156 Trinity Ave, SW, Suite 101
Atlanta, GA 30303-3600

1785 Massachusetts Avenue, N.W.
Washington, DC 20036
(202) 673-4100

(404) 656-2840
www.dnr.state.ga.us/dnr/histpres

NATIONAL ENDOWMENT FOR THE HUMANITIES

Financial Assistance

1100 Pennsylvania Avenue, N.W.
Washington, DC 20506
(202) 606-8400
www.neh.fed.us

NATIONAL SCIENCE FOUNDATION

FINANCIAL assistance

4201 Wilson Blvd.
Arlington, VA 22230
(703) 292-5111
www.nsf.gov

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CONSERVANCY*Nonprofit conservation organization*

Georgia:

1330 W. Peachtree St., NE \$410
Atlanta, GA 30309
(404) 873-6946

Tennessee:

50 Vantage Way #250
Nashville, TN 37228
(615) 255-0303
www.tnc.org

THE TRUST FOR PUBLIC LAND

Conservation organization

Chattanooga Project Office
850 Market Street, 2nd Floor
Miller Plaza
Chattanooga, TN 37402
(423) 265-5229
www.tpl.org