Virginia Battlefield Preservation Fund

2020 Grant Program Manual

DHR
Department of Historic Resources

Virginia Department of Historic Resources

Our mission is to foster, encourage, and support the stewardship of Virginia's significant historic architectural, archaeological, and cultural resources.

OVERVIEW

The Virginia Battlefield Preservation Fund (the "Fund" or "VBPF") was established under Virginia Code § 10.1-2202.4. This section stipulates that the Department of Historic Resources ("DHR" or the "Department") shall establish, administer, and make allocations from the Fund for the purpose of making grants to private nonprofit organizations for the permanent protection of Virginia battlefield lands.

The Director of the Department is charged with managing and making expenditures from the Fund and establishing guidelines for evaluation of applications and award of grants from the Fund in consultation with appropriate battlefield preservation interests. Monies from the Fund (up to $1 million in General Funds subject to final appropriations for State Fiscal Year 2021) shall be used by the Department exclusively for the purpose of protecting eligible battlefield sites by means of grants to nonprofit corporations to match federal and other public and private funds.

All such grants shall be made solely for (i) the fee simple purchase of, or (ii) purchase of protective interests in any Virginia battlefield property listed in the following reports issued by the National Park Service's American Battlefield Protection Program:

- *Report on the Nation's Civil War Battlefields* (1993, as amended or updated); or
- *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States* (2007, as amended).

The Director has absolute discretion in evaluating project proposals and in determining which projects will receive funding and how much funding will be allocated to a particular project. The Department reserves the right to make grant awards less than the amounts requested based on the Director's assessment of the project proposal, including the administrative, funding and application criteria, when total requests exceed available funds and/or to achieve the maximum benefit for the use of these public funds, in his or her sole discretion.

To help advance Governor Ralph Northam's vision of ConserveVirginia, first introduced by the Governor in April 2018, this year's scoring criteria will continue to place emphasis on funding projects that support the Governor's land conservation initiative. Priority will also be given to projects that fall within the Chesapeake Bay watershed.

The Department has established the following guidelines and criteria to facilitate the award and administration of grants made through the Fund. Applications will be evaluated and ranked in accordance with Virginia Code § 10.1-2202.4 and the eligibility and evaluation criteria contained in this manual.

OBJECTIVE

To permanently preserve eligible Virginia battlefield properties through:

- Acquisition of real property in fee simple; or
- Acquisition of perpetual historic preservation and open-space easements.

TIMELINE
Grant Cycle-2020 (State Fiscal Year 2021)

June 10, 2020	Request for Proposals Announced
August 10, 2020	Application Deadline
September 4, 2020*	Grant Announcement Date
September 2020	Grant Agreements Signed
September 2022	Standard Project Completion Deadline

**Date subject to change*

ELIGIBILE APPLICANTS

Eligible applicants must be registered nonprofit charitable corporations declared exempt from taxation pursuant to 26 U.S.C. A. § 501 (c)(3) of the United States Internal Revenue Code. Applicants must provide the following:

- Proof of their organization's tax-exempt status.
- Documentation that the organization is registered and in good standing with the Virginia State Corporation Commission.

The applicant should demonstrate that:

- Historic battlefield preservation is part of the organization's purpose, and established by the organization's mission statement, policies, and/or by-laws; and
- The organization has the capacity and expertise in management of historic properties, stewardship of historic preservation and open-space easements, and conducting activities consistent with the purposes of the Fund and/or professional historic preservation and land conservation practices. Evidence of such capacity and expertise should include:
  - An Internal Revenue Service 990 Form; and
  - Successful and timely completion of other projects accomplished using a VBPF grant or other grant funding source, such as installation of interpretive signage or organization of a battlefield tour or educational program; and/or
  - Documentation showing appropriate stewardship of historic battlefield properties (i.e. a management plan for other properties owned, managed, or stewarded by the applicant) and/or documentation of successful completion of a project, such as rehabilitation of a battlefield landscape.

The applicant should demonstrate that their organization will have the necessary funding and staffing to manage the project property in a manner that will achieve the goals described in the grant application.

All applicants must provide documentation of current registration with the Virginia Department of Agriculture and Consumer Affairs pursuant to Virginia's Charitable Solicitation of Contributions Law, Chapter 5, Title 57, §§ 57-48 through 57-69 of the Virginia Code.

ELIGIBILE PROJECTS

Eligible projects must protect historic battlefield land in perpetuity through acquisitions of property in fee simple or historic preservation and open-space easements.

Eligible projects must be for a specific property that is a Virginia battlefield or site designated with a priority rating in one of the following reports issued by the National Park Service's American Battlefield Protection Program:

- *Report on the Nation's Civil War Battlefields* (1993, as amended or updated); or
- *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States* (2007, as amended).*

For a project to be eligible, applicants must demonstrate that the owner is willing to:

- Sell the project property to the applicant; or
- Convey a perpetual historic preservation and open-space easement over the project property to the Virginia Board of Historic Resources.

If the applicant does not have an executed contract of sale/purchase or option contract for the project property, then the applicant must submit a signed letter from the property owner indicating his or her willingness to enter into such a contract.

Grants from the Fund may be awarded for prospective purchases or for acquisitions on which the applicant has closed. In order for prior acquisition to be an eligible project, the applicant must demonstrate:

- The closing on the property occurred on or after August 10, 2019 (i.e. no more than 12 months prior to the application deadline for this grant cycle).
- The specific identifiable threat to the property or compelling preservation need that existed at the time of the purchase.
- The property is not in public ownership and protected for purposes consistent with the VBPF.
- The property is not already encumbered by a permanent protective easement for historic preservation and open-space purposes.

Applications for the acquisition of easements on lands already permanently protected for conservation purposes are not eligible for a VBPF grant unless the property can be further protected by a more restrictive easement. The grant amount will be dependent on the value of the enhanced protections.

**Applicants may contact DHR Archives at 804.482.6102 to confirm the location of the property within identified battlefields.*

MATCH AND ELIGIBLE COSTS

Applicants are required to provide $1 in matching funds for each $1 received from the Fund for the proposed project. **State funds are not eligible to be used as matching funds.**

Eligible matching contributions are as follows:

- Cash or funds provided by other entities, with the exception of state funds;
- The value of any contribution due to a bargain sale or the donation of land or interest therein made by the landowner as part of the proposed project.

Applicants must demonstrate that they have the appropriate match amount from eligible sources. A statement from the applicant organization's president or executive director may be used to meet this requirement. Such statement should specify the source of the funds to ensure that no state funds are used as part of the match.

Applicants must also fully disclose and document in project budgets the sources of all other funding in hand or anticipated, including any contributions such as bargain sales and donations.

Eligible costs for which monies from the Fund may be allocated include costs associated with acquisition such as boundary surveys, title reports/searches, title insurance, appraisals, environmental assessments, and legal services, including services obtained within 12 months prior to the grant award.

Indirect costs such as staff time, overhead, or work provided pro bono cannot be reimbursed or considered as match contribution and should be excluded from the total project costs.

Other ineligible expenses include costs for maintenance, operation, development, redevelopment, rehabilitation, or interpretation of lands and/or improvements or facilities. **No portion of any grant from the Fund may be used for rehabilitation of a battlefield property or improvements thereon.**

Grants from the Fund shall not exceed fifty percent (50%) of the appraised value of the land (including any improvements thereon) or the permanent protective interest therein. The reported value of any project must be substantiated by an appraisal report.

PROPERTY PROTECTION REQUIREMENTS

All projects, whether fee simple or easement acquisitions, must be protected by a perpetual historic preservation and open-space easement held by the Virginia Board of Historic Resources pursuant to Virginia Code § 10.1-2202.4. **Note: grant recipients must submit a separate easement application form to DHR's Easement Program.***

The easement shall follow the form of the current easement template as promulgated by DHR's Easement Program. Typical provisions include:

* Review of ground disturbing activities to protect archaeological sites or features	* Review of all new construction to protect historic setting & character
* Professional archaeological survey for specific ground disturbing activities	* Restricts certain uses and activities
* Review of alterations to historic battlefield landscape, i.e. conversion from field to forest or forest to field	* Physical public access required a minimum of two days per calendar year, subject to reasonable restrictions
* Historic buildings & structures must be maintained in their existing condition or better; prohibits willful demolition or demolition by neglect	* Prohibits or limits subdivision and new construction
* Review of alterations to the exterior of historic buildings and structures	* Forest Management and Riparian Buffer provisions (as applicable)

If a property's historic integrity has been compromised by modern improvements or other impacts, the applicant may be required to rehabilitate the property within a specific time frame and to execute a management plan with DHR for that rehabilitation work. Applicants should document that they have adequate independent sources of funding to accomplish such rehabilitation within three years of recordation of the easement.

Easements on lands purchased in fee simple with monies from the Fund shall be recorded within two (2) calendar years of land acquisition or the recipient may be required to return the grant funds awarded.

Fee simple interests acquired with monies from the Fund must be encumbered by a perpetual historic preservation and open-space easement prior to the property being sold, conveyed, transferred, or otherwise encumbered by the applicant.

Nothing in Virginia Code § 10.1-2202.4 shall preclude the subsequent transfer or assignment by a state agency or other public holder or owner of any property interest acquired pursuant to this section to the United States of America to be in accordance with 16 U.S.C. 1, 551, 742 (a), or 1131, as amended and applicable.

** For additional information about DHR's Easement Program, please contact Karri Richardson, Easement Program Specialist, at karri.richardson@dhr.virginia.gov or 804-482-6094 or visit DHR's website at https://www.dhr.virginia.gov/easements/*

ADDITIONAL REQUIREMENTS

Compliance with State and Local Plans

Pursuant to Virginia Code § 10.1-1701, applicants must submit documentation that the use of the property for open-space land conforms to the official comprehensive plan for the area in which the property is located. Such documentation shall include:

- Correspondence from the locality's planning department or equivalent agency stating that use of the property for open-space land conforms to the official comprehensive plan; and
- Relevant sections of the comprehensive plan.

Projects that are not consistent with the Comprehensive Plan in effect at the time of the grant application will not be funded.

The application should also document whether preservation of the property is consistent with the statewide Virginia Department of Transportation's Six-Year Improvement Program and the Virginia Outdoors Plan (2018, as amended or superseded) prepared by the Department of Conservation and Recreation.

Integrity

The applicant must identify all improvements on the property as of the date of the application and the current uses of the property. This shall include:

- A list of all existing buildings, structures, features, sites, and amenities on the property. Include any above or underground utilities, wells, septic systems, driveways, and other impervious surface coverage when identifying improvements.
- Description of historic battlefield landscape features such as fortifications (earthworks, trenches, rifle pits), roads, or other archaeological sites (building foundations) that remain intact on the property. Supporting documentation must be provided.
- Current photographs of all improvements and unimproved land on the property, including the archaeological remains of any buildings or structures.
- Written description of current and prior uses of the property including activities such as agricultural crop production, animal husbandry, timber harvesting/replanting, residential uses, vacant land, etc., and any associated documents such as plats of survey, aerial photographs, historic photographs, etc.
- Written description of planned uses of the property, including proposed new construction or demolition and removal of existing buildings and/or structures.

Appraisal

The value of a fee-simple or easement interest in the project property must be substantiated by an appraisal that meets the requirements of Va. Code § 58.1-512.1, that conforms to the Universal Standards of Professional Appraisal Practice, and that is completed no more than six months prior to the disbursement of grant funds. A full appraisal is not required at the time of submission of an application, but it is encouraged. If a full appraisal is not available at the time of submission of an application, an applicant may submit a preliminary appraisal.

ADDITIONAL REQUIREMENTS

Boundary Survey

A current boundary survey (within one year) prepared by a Virginia licensed surveyor is required for all projects. If a current boundary survey is not available at the time of submission of the grant application, an applicant may submit a preliminary draft boundary survey or an existing older boundary survey. However, the current survey must be completed and approved by DHR prior to disbursement of any grant funds.

Ownership and Title

The applicant must provide a title commitment showing title vested in the seller of the subject property prior to grant funds being dispersed. After closing, a final title insurance policy should be submitted. **Note: DHR's Easement Program requires a separate title commitment and title insurance policy insuring the Commonwealth of Virginia, Board of Historic Resources**.

The following documents must be submitted with the VBPF application form:

- A commitment for title insurance less than ninety (90) days old showing title vested in the seller of the project property and that upon closing of the transaction, the Virginia Board of Historic Resources (as easement holder) will hold an unencumbered priority interest in the project property, subject to an easement or other encumbrances of record acceptable to DHR/the Board of Historic Resources.
- Copies of deeds showing continuous chain of title for the subject property back to 1900.
- Copies of all encumbrances that impact the project property, including recorded and unrecorded documents such as utility easements, right-of-way or ingress/egress easements, liens, residential and agricultural leases, restrictive covenants, zoning proffers, or oil/gas leases.
- Written disclosure of any known title defects or other title issues, including any planned actions for correcting or addressing these issues.

PROJECT EVALUATION CRITERIA

The overall objective of projects executed pursuant to the Fund is to permanently protect Virginia battlefield lands. A project scoring sheet reflecting the value of the following criteria will be used to evaluate each proposal (see Scoring Sheet).

Primary Project Evaluation & Scoring Criteria:

1. Significance of battlefield as designated in the (i) *Report on the Nation's Civil War Battlefields* or (ii) *Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States*.
2. Percentage of property that falls within the core and/or study areas of the primary battlefield or other applicable measure of association established by the American Battlefield Protection Program.

PROJECT EVALUATION CRITERIA

3. Degree of integrity (degree or level of preservation) of the historic battlefield landscape. Properties which are compromised by modern improvements or other impacts, or which have had preservation potential limited by permanent encumbrances will be evaluated accordingly.
4. Current identified threats to the integrity and/or preservation of the property as a battlefield landscape. Priority will be given to properties where there is (i) an active and immediate threat to its integrity or preservation; (ii) potential to protect a property with a high level of integrity; or (iii) a unique preservation opportunity.
5. Adjacency of other protected or conserved lands.
6. The project has a compelling preservation purpose (for example, it fills a gap in preservation of a specific battlefield; protects a unique resource or location within a battlefield such as headquarters or a hospital).
7. Extent to which the project property will be made available for public use. Note: a minimum of two days per year is a mandatory requirement of the Board of Historic Resources as easement holder.
8. Extent to which the project will support public interests in education, research, recreation, tourism and community development.
9. Proportion of cash match greater than 50% of total project costs (excluding bargain sales).
10. Projects that protect larger tracts of land (>25 acres) will be given priority.

Secondary Project Evaluation Criteria

1. Additional historical significance of the property as documented through a Virginia Landmarks Register/National Register of Historic Places nomination, or determination of eligibility by DHR for listing according to the National Register of Historic Places criteria, set forth in 54 U.S.C § 302101 and 36 CFR 60.4.
2. For fee simple acquisition, financial and administrative capacity of the applicant to maintain and manage the property in a manner that is consistent with battlefield preservation.
3. Record of timely completion of projects by past recipients of monies from the Fund.
4. Extent of encumbrances on the property such as restrictive covenants or utility easements that may conflict with the preservation purposes of the easement, and environmental concerns or hazards, such as underground storage tanks or prior uses that may have resulted in contamination.
5. The project has a high likelihood of success (for example, it has a qualified, experienced applicant, site selection has been well-considered, and the project is ready for implementation).

Additional Scoring Criteria

* Additional points will be given to the extent the project property meets the Department of Conservation and Recreation's six ConserveVirginia priorities.
* Additional points will be given to project properties that are located within the Chesapeake Bay Watershed.

APPLICATION INFORMATION/DEADLINES

All applications must be submitted digitally through an online dropbox. If digital submission is an impediment, other arrangements can be made.

Please contact David Edwards, the VBPF Program Administrator at david.edwards@dhr.virginia.gov no later than one week prior to the deadline to provide notification of an intent to apply. Instructions for uploading the digital application and supporting documentation (via WeTransfer or other platform) will be provided through email.

Completed applications, support documents, and a GIS shapefile of the project must be submitted **no later than 5:00 PM on August 10, 2020**. With the exception of the GIS shapefile, please convert all material to PDF format, and please ensure that the file is searchable.

It is the responsibility of the applicant to ensure that the submission meets the deadline. The Program Administrator will confirm receipt of the application by email only. DHR staff will notify the applicant within 30 days of receipt if the application is incomplete and thereby will not be considered. An application cannot be supplemented once submitted. Applicants should retain copies of all application materials for future reference.

Evaluation of applications will be based on the content of and materials submitted with the application form. To the extent information contained in the application is later found to be inaccurate or inapplicable to the project property, in DHR's sole discretion, grant funds shall be reimbursed to the VBPF.

Questions are encouraged! Please contact David Edwards at 540-868-7030 or by email at david.edwards@dhr.virginia.gov.

FUNDS DISBURSEMENT

Grant payments made as a reimbursement cannot exceed the amount actually expended by the grant recipient or the amount of the grant award.

In the case of prospective purchases, grant payments from the Fund must be requested no earlier than three weeks prior to closing on the purchase of the property by the applicant.

VBPF grant funds will not be disbursed until an easement application form has been submitted to DHR'S Easement Program and approved by the Board of Historic Resources.

GRANT COMPLETION

Projects that have been awarded grant funds must be completed, including recordation of the required easement, within two years from the date of the grant agreement, or the grant funds will revert to the VBPF. One twelve-month administrative extension may be granted, provided there is adequate justification for the delay and reasonable assurances provided that the project will be completed as approved.

REQUIRED DELIVERABLES

An appraisal of fair market value of the project property (in the case of a fee acquisition) or of the easement value of the project property by a Virginia licensed appraiser that meets USPAP standards, prepared within six months before closing.

A current (less than one year) boundary survey of the project property prepared by a Virginia licensed surveyor.

A commitment for owner's title insurance less than ninety (90) days old showing title vested in the seller of the project property and that upon closing of the transaction, the Commonwealth of Virginia, Board of Historic Resources will hold an unencumbered priority interest in the project property subject to an easement or other encumbrances of record acceptable to DHR.

After closing, a final title insurance policy.

In coordination with DHR's Easement Program, a copy of the final easement deed, the form of which has been approved by DHR, and an arrangement for final execution and recordation.

A copy of the recorded easement deed.

Virginia Battlefield Preservation Fund
2020 Grant Round

SCORING SHEET

Ranking Criteria	Maximum Points	Scored Points
Battlefield Significance (50 Points)		
Battlefield Priority Rating • **20** points for Priority I • **15** points for Priority II • **10** points for Priority III • **5** points for Priority IV	**20**	
Battlefield Integrity • **20** points for multiple historic battlefield landscape features (earthworks, roads, terrain, buildings) intact and documented; existing landscape reflects historic use of land, and location, setting, association, and feeling as a battlefield • **15** points for some historic battlefield landscape features intact; impact of modern construction (roadways, buildings, infrastructure) minimal and dispersed • **10** points for landscape retains a few aspects of its historic significance; moderate changes to setting and limited post-war development • **5** points for feeling and association as historic battlefield diminished by modern construction and alterations to landscape; presents opportunity for battlefield landscape rehabilitation • **0** points for significant changes in land use; little to no integrity	**20**	
Percent of Property within Core/Study Area • **10** points for entirety of property in Core/Study Area • **7** points for 75—99% of property in Core/Study Area • **5** points for 50—74% of property in Core/Study Area • **2** points for 25-49% of property in Core/Study Area • **0** points for less than 25% in Core/Study Area	**10**	
Property Characteristics (50 points)		
Meets ConserveVirginia Priorities • **4** points for Cultural and Historic Preservation • **2** points for Agriculture and Forestry • **2** points for Natural Habitat and Ecosystem Diversity • **2** points for Floodplains and Flooding Resilience • **2** points for Scenic Preservation • **2** points for Protected Landscape Resilience • **2** points for Water Quality Improvement	**16**	
Chesapeake Bay Watershed • **2** points for within Chesapeake Bay Watershed • **0** points for not within Chesapeake Bay Watershed	**2**	

Virginia Battlefield Preservation Fund
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SCORING SHEET

Ranking Criteria	Maximum Points	Scored Points
Property Characteristics (50 points)		
Additional Historic Significance • **10** points for listed in the Virginia Landmarks Register/National Register of Historic Places • **7** points for determined eligible for listing in the Virginia Landmarks Register/National Register of Historic Places by DHR • **3** points for documentation of additional historic resources on the property but not formally evaluated by DHR	**10**	
Contiguity/Proximity • **10** points if surrounded on all sides by conserved lands • **7** points if 50-99% of property contiguous with conserved lands • **5** points for <50% of property contiguous with conserved lands • **2** points if in proximity (less than 1 mile) of conserved lands • **0** points if not adjacent to or in proximity of conserved lands	**10**	
Total Conserved Acreage • **8** points for 100+ acres • **6** points for 50-99 acres • **4** points for 10-49 acres • **2** points for less than 10 acres	**8**	
Viewshed Protection Property is within designated heritage area or land adjacent to a Virginia Scenic River, Virginia Byway, or designated Scenic Road • **2** points for within a state or federal designated heritage area • **2** points for adjoins a Scenic River, Virginia Byway, or Scenic Road • **0** points for not in heritage area or adjacent to scenic resources	**4**	
Project Characteristics (50 Points)		
Threat • **10** points for currently on the market for sale, in estate settlement, or plans for development of property in process (e.g. permits and/or zoning change) • **7** points for recently on the market for sale (within 9 months) or documented threat of landscape conversion (risk of being converted to alternate land cover) • **5** points for not for sale but threatened by encroaching development and/or vacant or neglected • **3** points for none of the above, but <10% of the overall battlefield protected • **0** points for no documented threat	**10**	

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SCORING SHEET

Ranking Criteria	Maximum Points	Scored Points
Project Characteristics (50 Points)		
Compelling Preservation Purpose • **5** points for protects a unique resource or location within a battlefield (e.g. headquarters, hospital, intact fortification, etc.) • **5** points for reduces fragmentation of preserved battlefield lands and contributes to larger landscape scale conservation	**10**	
Use and Treatment of Historic Resources • **5** points for plans for stewardship, treatment, and maintenance of historic resources are consistent with historic preservation standards • **5** points for plans for future uses of the property are appropriate and consistent with historic resource stewardship and protection • **0** points for no documentation of plans for uses of property or treatment of historic resources	**10**	
Public Interest Degree to which the project supports the following components. May be shown through narrative description and support letters from localities or preservation groups • **2** point for Education • **2** point for Research • **2** point for Recreation • **2** point for Tourism • **2** point for Community Development	**10**	
Public Access Resulting from Project • **10** points for 100% of the year • **7** points for >50% of the year • **5** points for <50% of the year • **2** points for visual access from public areas • **0** points for no public access provided	**10**	
Alignment with State, Local, and Regional Plans (10 points)		
State Plans • **5** points for project in alignment with Virginia Outdoors Plan • **0** points does not meet need identified in Virginia Outdoors Plan	**5**	
Local Plans • **5** points for documentation from locality that conservation of the property is consistent with comprehensive plan • **0** points for no documentation from locality provided	**5**	

Virginia Battlefield Preservation Fund

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SCORING SHEET

Ranking Criteria	Maximum Points	Scored Points
Project Readiness and Efficiency (40 points)		
Ratio of Cash Match to Total Project Cost • **15** points for match is 80% or more of total cost • **10** points for match is 70% of total cost • **5** points for match is 60% of total cost • **0** points for match is 50% of total cost	**15**	
Ability to Complete Project Demonstrated organizational capacity and experience to complete project by grant deadline and ensure perpetual stewardship of property • **5** points documented organizational capacity and experience • **3** points documented organizational capacity • **0** points for limited organizational capacity and experience	**5**	
Financial Capacity • **5** points for documented financial capacity to complete project • **3** points for limited financial capacity to steward property and complete projects • **0** points for applicant demonstrates no financial capacity to complete project	**5**	
Title • **5** points for title commitment and supporting documentation identifies no title defects or issues • **2** points for title commitment identifies title defects/issues, which applicant has committed to resolving within grant deadlines • **0** points for title commitment identifies significant title defects and issues that cannot be resolved within grant deadlines	**5**	
Overall Project Readiness Readiness shown via landowner intent, completed survey, title commitment, appraisal, contract of sale, status of easement application, and consistency with local comprehensive plan • **10** points for very ready • **5** points for ready • **1** point for pending	**10**	
Qualitative Analysis A qualitative analysis focusing on the benefit of the project to the Commonwealth, including consideration of factors such as public benefit, community impact, and long term stewardship of historic resources.		
TOTAL POSSIBLE POINTS: 200		