



VIRGINIA OUTDOORS
FOUNDATION

Preservation Trust Fund (PTF)

Grant Program Manual

Preservation Trust Fund (PTF)

Grant Program Manual

Overview

Established by the Virginia General Assembly in 1997 and administered by the Virginia Outdoors Foundation (VOF), the Open-Space Lands Preservation Trust Fund (PTF) provides grants for acquisitions, easements, rights of way, and other methods of protecting open space for farming, forestry, recreation, wildlife, water quality, and more. A right, privilege, or interest in real estate must be conveyed to either VOF or a locality, pursuant to Virginia's Open-Space Lands Act, to be eligible for PTF funding.

Current Opportunity

VOF is seeking proposals for projects that provide new or expanded public access to open space, such as parks, preserves, trails, greenways, outdoor classrooms, beaches, and boat launches, as well as projects that protect exceptional natural and cultural resources for the benefit of the Commonwealth. Proposals may be submitted for both public and private lands.

The application deadline is 5:00 p.m. on August 22, 2022. Projects must meet protection standards under the Virginia Open-Space Lands Act. Options include fee-simple conveyance, open-space easement, right of way, lease, or other real estate interest conveyed to either VOF or a locality. Grant awards will be announced at the October 11, 2022 meeting of the Virginia Outdoors Foundation's board of trustees.

Applicant Eligibility

PTF grants may be awarded to any person, organization, or locality with a real estate interest to convey on either public or private land. The real estate interest must be conveyed to VOF or a locality. The land protection partner must be specified with documented support of the project submitted with the application.

Funds Available

There is approximately \$1.8 million available for the first Fiscal Year 2023 grant round. Historically, grant awards on average have not exceeded \$150,000 per project. However, there is no absolute cap and projects with substantiated needs have been funded at higher amounts. Partial funding is a possibility.

Project Eligibility

Any land that is not already permanently protected as open space may be considered. Land that is permanently protected as open space that has the potential for additional protections or rights to benefit the Commonwealth may be considered. An example of this scenario would be adding the right of public access to an existing open-space easement.

Project Prioritization

Although VOF is offering grant awards for both public access and exceptional natural and cultural resource protection projects, VOF is prioritizing those projects where the interest in real estate includes a provision to provide access to the property by the public, with reasonable management policies for the safety of both visitors and the resource. The access must comply with local and state laws governing the public's rights to access certain types of properties, such as cemeteries, waterways, public roads, etc. It must also ensure equitable access to all people.

Funding for resource protection easements will be prioritized for those projects that show exceptional characteristics in the following categories: historic and cultural, water quality, scenic and open space, habitat, agriculture and forestry, and policy alignment. Deed restrictions will protect the highest conservation values of a property.

Eligible Costs

PTF grants may pay for any costs that are associated with the conveyance of an interest, right, or privilege in open space to VOF or a locality, including fee-simple acquisition, development rights, public access rights of way, leases, legal costs, and survey costs. Components critical for public use of the land may also be included in the grant request such as infrastructure and the associated necessary engineering, design, and planning.

Application Process

Applications are being accepted through an online process exclusively, which can be accessed at <https://www.vof.org/protect/grants/ptf/>. The deadline to apply for the current grant round is 5:00 p.m. on August 22, 2022.

There will not be an automatic resubmission for applications that were not approved previously. All applicants must revise and submit a new application. A resubmitted application without significant revision will not be considered. Regardless of revision status, applicants may not apply more than twice with the same concept.

While application requirements vary annually, examples of successful full applications can be found here:

1. [Town of Bridgewater, Riverwalk, Phase III](#)
2. [Downtown Greens Inc., Downtown Greens Land Expansion Project](#)
3. [Town of Rocky Mount, Celeste Park](#)
4. [Town of Independence, North Independence Park](#)
5. [Living River Trust, Newton Neck](#)

Please contact VOF grant staff at grants@vof.org with any questions about the application process or project eligibility.

Grant Proposal Review

There is a multi-level review process undertaken by VOF staff and completed by the VOF Board of Trustees, which has the final approval authority for all grant awards. Grant project proposals will be reviewed for alignment with Preservation Trust Fund criteria* such as:

All Projects

- State, regional, and local plan alignment
- Population served
- Community support
- Readiness

Public Access Projects

- Availability for and ease of access by the public

Resource Protection Projects

- Historic and cultural characteristics
- Water quality characteristics
- Scenic and open space characteristics
- Habitat characteristics
- Agriculture and forestry characteristics
- Policy alignment

* A complete list of review criteria may be found in the appendix.

In addition, data from several different computer models will be used to assess recreational access needs, new areas of work for VOF, the return on investment, and the environmental justice impact of a project, which is determined through the Mapping for Environmental Justice tool.

[Mapping for Environmental Justice](#) combines demographics with environmental factors to provide a statewide rating based on census tracts.

Final consideration will be given to overall diversity in geographic location, project type, and applicant type.

Grant Award Timeline & Contract Information

Grant awards will be announced at the October 11, 2022 meeting of the VOF Board of Trustees. All applicants will be notified of their status regardless of approval. Notice of grant award letters will be distributed through email, with grant agreements to follow within two weeks of award announcement. Grant agreements must be signed and returned to VOF within 45 days of receipt, though extensions may be considered upon request.

PTF grant agreements have a two-year lifespan, with a project period starting one month after Board of Trustee approval. There is no penalty for early completion. Extensions to the grant agreement project period may be considered upon request.

Reporting Requirements

Progress reports are required every six months throughout the lifespan of the grant using a standardized reporting process. Additionally, a final report is due upon completion of the project. Photographs should be included if appropriate.

Disbursement Policy & Procedures

Funds may be disbursed only once a real estate interest has been conveyed to VOF or a locality, such as the recordation of an open-space easement, the dedication of land to open space, or another mechanism approved by VOF.

Should the land protection instrument be recorded before any expenses are incurred, funds will be available in advance of any expenditures. Grant recipients will report back to VOF on how funds were spent. If the recordation of the land protection instrument takes place after expenses are incurred, fund disbursement will more closely resemble a reimbursement process.

Please note all due diligence** must be reviewed and approved before a land protection instrument is recorded and/or funds disbursed.

Grant funds distributed shall not exceed eligible documented costs incurred, not to exceed the total grant amount. Verification of expenses is required. Materials to be submitted to support expense reports may include bills of sale, copies of invoices, contracts, cancelled checks, etc. In the case of land acquisition using grant funds, verification of the purchase price is required. Acceptable forms of verification include a settlement statement or deed of conveyance.

A budget is a required component of the grant agreement. The budget serves as a guide for expenditure. Funds from any item category may be reallocated toward other deliverables in the grant agreement **if there is no impact to the scope of work**. Grant recipients should inform VOF regarding line-item changes greater than 5% of the total award or changes that would alter the deliverables listed in the grant agreement.

A current Commonwealth of Virginia W-9 form must be on file before any funds are disbursed. VOF will only issue payment to the grant recipient; no funds will be paid directly to a vendor.

Funding requests are usually processed and fulfilled within two weeks of receipt. Funds may be distributed via paper check through the United States Postal Service to the remittance address provided on the W-9. In the case of real estate transactions, VOF may wire funds to the closing agent if all required due diligence items have been reviewed and approved.

Should fund status allow, award increases up to 10% may be considered and approved administratively if the following criteria have been met:

- The increase request has been reviewed by Deputy Directors and found to be justified, supported with appropriate documentation; and,
- The Administrative Director has reviewed availability of funds and current budget status and has approved the increase.

**See program requirements in the appendix.

Real Estate Closings

Funds may be wired to real estate closing agents. To facilitate this process, grant recipients shall work closely with VOF to set up all property closings and must contact VOF at least one month before the desired closing date to ensure that VOF will have sufficient funds available to meet the funding obligations.

Grant recipients must provide the contact information to the settlement agent, who will be receiving the grant funds for closing and must also provide a W-9 for the closing company at least two weeks before the desired closing date.

All due diligence must be submitted and approved by VOF before any funds will be transferred, including the settlement statement.

Media and Publicity

The grant recipient will release information to the media informing the community of the grant award to the project and acknowledging that it has received funding from VOF.

All press releases and other printed materials and publications, audiovisuals, and signs pertaining to the project should reference the Virginia Outdoors Foundation or include the VOF logo. VOF staff is available to assist with drafting and distributing press releases by request. Please contact Jason McGarvey, VOF communications manager, at jmgarvey@vof.org to coordinate.

Each project site will be permanently marked with a VOF sign or signs (as appropriate) in locations reasonably selected or approved by VOF. VOF shall provide such signs at no cost to the property owner (the number may be limited). In cases where there are multiple funders, this requirement may be fulfilled by including VOF on the sign acknowledging all funding sources.

All materials submitted as support or documentation of project progress, such as photographs, may be used by VOF to promote the grant program. Any VOF publication will cite the source of the reprinted material. These records will also be deemed public records and subject to Virginia's Freedom of Information Act, although copyright holders will retain their copyrights.

Contract Termination

VOF reserves the right to reclaim grant funds or to nullify the grant agreement if a recipient fails to meet deadlines, provide required documentation, or produce listed deliverables. Specifically, if no significant progress has been made after the first year of the contract, the grant agreement may be nullified and funds reassigned.

In addition, grant funding may be subject to rescission by the Virginia General Assembly. In such event, VOF shall have the right to cancel grant agreements without liability.

Scope of Work

In the case of land acquisition, the land acquisition must be completed before any investment in infrastructure or improvements are made using grant funds.

Due Diligence

The following items are required for submission and approval prior to any fund disbursement for **all** PTF projects:

- A boundary survey of the property prepared by a Virginia-licensed surveyor or professional engineer, preferable in digital form, depicting the metes and bounds of the property unless VOF determines that an adequate legal description of the property is available.
- Copies of title work showing grantor's fee-simple interest in the property and/or a title insurance policy showing title vested in the grantor, as well as any easements, rights, and other encumbrances of record acceptable to VOF.
- A copy of the draft deed, or the recorded deed, the form of which has been approved by VOF.
- Verification of eligible expenditures including, but not limited to survey fees, appraisal fees, legal fees including title reports and insurance, required reports, and recordation fees. Materials that are submitted to support expense reports may include bills of sale, copies of invoices, contracts, cancelled checks, etc.

If grant funds are being used to acquire land, the following **additional** items are required for submission and approval prior to any fund disbursement:

- A Phase I Environmental Site Assessment prepared within six months of closing.
- A settlement statement.

The following items **may be** required for submission and approval prior to any fund disbursement:

- An appraisal prepared within one year of closing.

**See program requirements in the appendix.

Land Protection Requirements

VOF staff is available to assist with the drafting of deed language.*** Examples and model language may be provided. A draft deed must be approved by VOF and meet the following requirements:

- The property interest, the form of which may be determined by VOF, must be **held by VOF or a locality** as specified in Virginia Code §10.1-1801.1.
- The property interest must be **dedicated in perpetuity as open-space land under the Open-Space Land Act** (Virginia Code §§ 10.1-1700 to 10.1-1705).
- The grant agreement or a notice of grant requirements must be recorded as an exhibit to the deed.

Deed restrictions to protect those outstanding characteristics of a project for which a grant award was made will be required to be imposed in perpetuity. These characteristics include public access, historic and cultural, water quality, scenic and open space, habitat, agriculture and forestry, and policy alignment.

A conversion/diversion clause must also be included.

***See sample deed language in the appendix

Appendices

- PTF Review Criteria
- Program Requirements-Land Protection & Acquisition
- Sample Deed Language
- Sample Grant Agreement
- Sample Grant Agreement Budget Attachment