

## **Overview: What is the Carbon County Historic Rehabilitation Program (CCHR)?**

In 2023, the National Park Service's (NPS), Department of the Interior awarded the Red Lodge Area Community Foundation (RLACF) a Paul Bruhn Historic Revitalization Grant, funded through the Historic Preservation Fund. Funding from this grant is, in part, supporting the establishment of the Carbon County Historic Rehabilitation Program, administered by the RLACF. CCHR is a reimbursement grant available for property owners to apply for the rehabilitation and repair of their historic property. The goals of CCHR are to re-establish underused significant historic buildings, renew properties in need of significant rehabilitation, and restore significant historic buildings that were impacted by the June 2022 flood to support and promote economic and cultural vitality throughout Carbon County. Significant in this case means properties that are either listed in the National Register of Historic Places (NR) or determined eligible for listing by the Montana State Historic Preservation Office (SHPO). If eligible, properties must be nominated to and listed in the NR by the end of the grant period.

### ***Available Funding for the CCHR Program:***

A total of \$653,750.00 is available for granting to property owners.

### ***Match Requirement:***

A 25% non-federal match of the total project cost is required. For example, a \$100,000 project would be supported by a \$75,000 CCHR grant with the recipient providing \$25,000 in matching cash or in-kind support.

### ***Estimated Number of Projects to be Awarded:***

RLACF anticipates a minimum of 4 - 6 grants will be awarded through the CCHR program.

### ***Estimated Amount of Funding Available Per Award:***

RLACF anticipates making awards between \$75,000 and \$175,000 for each project.

### ***LOI (LOI – Letter of Intent) Due Date: April 29, 2024, by 12:00 pm (MT)***

LOIs must be submitted by April 29<sup>th</sup> at 12:00 pm (MT). Early submissions are welcomed but not required. An applicant's failure to complete the necessary information for the LOI by the time of the submission deadline will result in the LOI being excluded from consideration. The LOI is intended to determine if the project can be funded by the CCHR. RLACF does not expect applicants to have every project detail determined, but applicants should be able to provide adequate project information. If invited to submit an application, applicants will provide updated project information and further details here.

### ***Anticipated Award Start Date:***

Projects receiving funding through CCHR will start once RLACF has received approval from the NPS and the RLACF Board, grant agreements are signed, and the start-up requirements are met. The earliest anticipated start date for reimbursable expenses is Fall 2024.

### ***Anticipated Term of the Agreement:***

Agreement terms for funded projects are estimated to range between eighteen months and two years, depending on the negotiated project statement of work. No work done prior to an agreement is eligible for reimbursement. Agreements are not effective until fully executed with signatures from the Grant Recipient and RLACF.

### **Grant Agreement:**

Grant Recipients will be required to enter into a grant agreement/contract with the RLACF pursuant to the funded project.

### **Additional Information:**

- Because the federal government is making investments in these properties, any historic property receiving assistance through the program **will be required** to place a preservation covenant/easement/agreement on the property ranging from 5 to 20 years as determined by the grant amount, to protect the property's historic characteristics and federal investment. This covenant/easement/agreement will be held by the Montana State Historic Preservation Office (SHPO).
- Any historic property receiving assistance **not listed** in the National Register of Historic Places (NR) will be required to prepare and submit a nomination to the NPS/SHPO, for the property to be listed before the end of the grant project, stated in the grant agreement. The cost of hiring a professional historian to prepare the NR nomination is allowable under the CCHR program. RLACF encourages applicants to contract with professionals with experience writing successful NR nominations. Additionally, the applicant can use the NR nomination as in-kind match. Please verify using the NR nomination as in-kind match with the RLACF to make certain it will qualify.
- All work on projects funded with CCHR funds **must comply** with the [Secretary of the Interior's Standards and Guidelines for the Archaeology and Historic Preservation](#) and follow the [Secretary of Interior Standards for the Treatment of Historic Properties](#) (see Appendix A) whether or not all work is funded with CCHR dollars. This is true of work that is complete at the time of the CCHR application.
- Preparation of architectural/engineering plans and specifications may not exceed 20% of the total project cost.
- Projects funded under this program constitute "undertakings" as defined by Section 106 of the National Historic Preservation Act, as amended, [54 U.S.C. 306108](#). Accordingly, after the grant is awarded, the NPS and RLACF will work with the Grant Recipient to complete the consultation process prior to receiving funds. Depending on the project, additional federal and state reviews may be required under other laws including but not limited to, the Archaeological Resources Protection Act of 1979 (ARPA), the National Environmental Policy (NEPA), Native American Graves Protection and Repatriation Act (NAGPRA), the Montana Antiquities Act, and the Montana Environmental Protection Act (MEPA).
- Grant Recipients must mount a visible sign on the project site, provided by the RLACF, from the public right-of-way that acknowledges the National Park Service's Paul Bruhn Historic Revitalization Grants Program paid for through the Historic Preservation Fund; and the RLACF. The Grant Recipient will keep this sign mounted for the duration of the project.

### Eligibility Information

#### ***Eligible Applicants***

In accordance with the National Historic Preservation Act, as amended, 54 USC §300101, this funding opportunity is limited to:

- Public entities (except federal agencies)
- Non-profit Organizations
- Private Individuals and For-profit Businesses
- Churches and Church-owned property (see qualifying details below)

#### ***Ineligible Applicants***

- Federal agencies and federally owned property

#### ***Eligible Project Properties***

- All properties **must be** located in [Carbon County, Montana](#).
- Properties listed in the [National Register of Historic Places](#) (individually listed and contributors within historic districts).
- Properties not listed in the NR but determined eligible for listing by SHPO. Properties must be nominated and listed before the end of the grant period stated in the grant agreement.

#### ***Allowable Costs***

All costs must be directly associated with a project that results in the physical restoration/rehabilitation of a historic property that will be completed in compliance with the [Secretary of Interior Standards for the Treatment of Historic Properties](#) and within the grant period.

- Planning and permit costs may be included in the overall project budget, but only as component parts of the project and may not exceed 20% of total project costs. CCHR-funded projects must be “brick and mortar” preservation projects, not stand-alone planning projects.
- Supplies and materials costs necessary to complete the project. [Equipment is not allowable (see below).]
- Labor costs related to physical construction and/or conservation. All contractors must be chosen through a competitive procurement process.
- Consultant fees: Examples include historic preservation consultants, architects, engineers, conservators, etc. necessary to complete the rehabilitation project within the grant period. All consultants must be chosen through a competitive procurement process.
- Administrative costs directly associated with CCHR grant management, such as time spent preparing reports. Administrative costs cannot exceed 15% of the total project cost.
- Costs incurred to comply with the requirements of the grant, such as project insurance costs during the grant period and NR nomination preparation.

- Construction associated with accessibility issues, such as ADA compliance, when that construction is a component of a larger preservation project and falls within the footprint of the historic building/structure/object.

### ***What is Not Funded***

- Landscaping or project costs associated with activities outside the footprint of the historic building/structure/object.
- Construction of new buildings or additions.
- Projects to rehabilitate/repair private residences. (CCHR funds are not intended for home-improvement projects. While some housing projects, such as apartment buildings and upper-story housing units in commercial buildings, will be considered, projects intended to restore, revitalize, or repair individuals' residences are ineligible).
- Acquisition of collections or historic sites.
- Conservation of collections.
- Equipment, i.e. anything costing over \$5,000 with an estimated useful life of more than one year, such as construction tools and machinery not integral to the long-term function of the building/structure/object. Equipment should not be confused with construction materials, such as concrete, roofing, electrical supplies, etc. Construction *materials* are allowable.
- Long-term maintenance or curatorial work beyond the grant period.
- Reconstructing historic properties (recreating all or a significant portion that no longer exists).
- Moving a property or work on moved historic properties that are no longer eligible for listing in the NR.
- Travel by project contractors/subcontractors.
- Cash reserves, endowments, revolving funds, or fund-raising costs.
- Work performed prior to announcement of award.
- Lobbying or advocacy activities.
- Costs for work already completed or funded through other federal programs.
- Miscellaneous costs, contingencies, reserves, and overhead.

## Program Details: What does CCHR fund?

CCHR will provide financial support to historically sensitive preservation projects in the form of reimbursement grants. From a total pool of \$653,750.00, CCHR may grant between \$75,000.00 and \$175,000.00 to selected projects in Carbon County. CCHR supports projects that will revitalize community anchors – properties that will in turn serve as catalysts for economic stability and growth in their communities, with consideration for properties that were impacted by the historic June 2022 flood incorporated into the evaluation criteria.

All grant-funded treatments must comply with the [Secretary of the Interior’s Standards for the Treatment of Historic Properties](#) (see Appendix A). All projects must follow OMB regulations in [2 CFR 200](#), and the [Historic Preservation Fund Grant Manual](#).

**Applicants are required to show matching funds** at 25% of the total project cost. (See “Matching Share” section below for details about what qualifies as match and view the [CCHR Match Requirement](#) handout to see how to calculate matching share).

RLACF anticipates the awarding of selected projects in Fall 2024. Awarded projects will be reimbursed between the grant agreement execution date and the project end date stated in the grant agreement. Grant start and end dates will vary depending on the project.

## Application Requirements: Who can apply for CCHR grant funding?

### ***Eligible Applicants***

#### PUBLIC ENTITIES

A public entity, i.e. the county, city/county combined government, incorporated city or town, school district, special improvement district, agency, instrumentality, or general-purpose political subdivision of the state organized pursuant to law. (Note: Public entity Grant Recipients will be required to comply with [Montana’s Public Contractor’s 1% Gross Receipts Tax laws](#)).

#### NON-PROFIT ORGANIZATIONS

Non-profit organizations, including churches, certified by the Internal Revenue Service as tax exempt under Internal Revenue Code Section 501 (c)(3) are eligible to apply. If you are uncertain of your IRS tax status, you can call the IRS toll free at 1-877-829-5500 and ask for an affirmation letter.

#### PRIVATE INDIVIDUALS AND FOR-PROFIT BUSINESSES

Private individuals and for-profit businesses may apply for CCHR funding for projects involving properties other than their private residence(s) but must provide at least **three letters of support** from local, statewide, or federal public entities and/or non-profit organizations.

### ***Ineligible Applicants/Properties***

#### FEDERAL AGENCIES

CCHR projects on Federal property are not allowed.

## PRIVATE RESIDENCES

CCHR funds are not intended for home-improvement projects. While some housing projects, such as apartment buildings and housing units in commercial buildings, may be considered, projects intended to restore, revitalize, or repair private individuals' residences are ineligible.

## **What properties are eligible for CCHR funding?**

### ***National Register of Historic Places Designation***

The National Register of Historic Places (NR) is an ever-growing list of the Nation's historic places worthy of preservation. The NR is not intended to restrict property owners, rather it is in place to protect America's historic and archaeological resources. For more information about the NR, visit the [NPS's website](#). Properties considered for CCHR funding must be listed in the NR either prior to, or prior to completion of, the CCHR-funded project. The property's designation or eligibility for listing must be determined in writing by SHPO. RLACF will take no unilateral action to nominate and list properties to the NR; this is the applicant's responsibility. Applicants can use CCHR funds to prepare the NR nomination.

Properties listed in the NR as "contributing" within historic districts are eligible for CCHR funding. Properties individually listed as National Historic Landmarks (NHL), or contributing to NHL districts, are listed in the NR by virtue of their NHL status. Projects involving a NHL are subject to additional review by the NPS.

If you are uncertain of the property's NR status you can contact the Montana State Historic Preservation Officer associated with the CCHR program: [KHampton@mt.gov](mailto:KHampton@mt.gov).

### ***Carbon County Properties***

CCHR-funded projects must be located in [Carbon County, Montana](#).

## **How do I apply for a CCHR grant?**

***CCHR has a two-part application process, a Letter of Intent (LOI) and application.***

LOI — The LOI is a screening form on which applicants provide a broad proposal and preliminary information including but not limited to the following information:

- Property location and owner information;
- Historic and architectural information on the subject property if the property is not listed in the NR or is listed as contributing to a historic district;
- Photos;
- A general project summary;
- A preliminary budget and budget narrative; and
- Property owner's consent to list the property in the National Register of Historic Places (if not already listed)

LOIs are accessed using the RLACF grant management software (see Appendix C to learn how to access the online application). LOIs will be scored by the Historic and Economic Recovery Group (HERG) according to CCHR criteria listed below. RLACF will invite selected applicants who were successful in the LOI evaluation process to submit an application. Invited applicants will be provided with comments and suggestions for their project and applicants should use these comments and suggestions to write their application.

**APPLICATION** — Applicants invited to complete an application will provide more detailed project information that includes, but is not limited to the following information:

- EIN and UEI numbers;
- Location map and site plan;
- Letters of support;
- A detailed budget, with narrative, including cost estimates, contractor information, and pledged match;
- Detailed building treatment information with photos;
- Project timeline; and
- An explanation of how the project will fulfill CCHR's broader mission

The HERG will score applications based on the criteria listed below. The HERG will decide on final grant awards and the NPS and RLACF Board will review and approve grant awards. RLACF will notify all applicants of the success of their application, or otherwise. RLACF will establish grant agreements (contracts) with successful applicants.

### ***Letters of Support***

Applicants are encouraged to supply up to five letters of support with their grant applications. Applications on behalf of projects on private property (i.e., projects proposed on properties not owned by non-profits or public entities), must include at least three letters of support from separate non-profit or public organizations.

Letters of support indicate that someone other than you or your organization would like your project to thrive. Ask those who will use or stand to gain from the property once the project is complete or those who will not directly benefit from the project but who support your vision to provide a letter of support. Letters that indicate a clear understanding and support of the scope of work of this specific grant application are best. Letters of support will not be accepted after the grant application deadline.

Include letters of support with your application. Please ask the authors to address letters of support to: CCHR Program, Red Lodge Area Community Foundation, 122 Hauser Ave S., Red Lodge, MT 59068. Applicants should then collect the letters and upload them into their application.

**How will grant applications be evaluated (grant criteria)?**

***The LOI and application will be scored by the HERG according to the following criteria and rubric:***

LOI – Maximum of 40 points

**1. PROJECT SUMMARY**

The applicant should briefly explain what the project entails, what physical work will be accomplished, how the project adheres to the Secretary of the Interior’s Stands, and how the project will be successfully completed within the given timeframe (18 months – 2 years) and with the given resources while meeting all CCHR requirements and guidelines. If applicable, the applicant should briefly describe any previous and future historic preservation work. (15 points possible)

**2. PROJECT SIGNIFICANCE/ARCHITECTURAL DESCRIPTION**

The applicant *or* the NR form (provided when the applicant gives the NR reference number) should explain if the property is listed in the NR and how the property meets the NR criteria. The applicant *or* the NR form should provide an architectural description that conveys sufficient information about the property. If the property is not listed, the applicant should state their plan for listing. (10 points possible)

**3. BUDGET TABLE AND NARRATIVE**

The applicant should provide a preliminary proposed budget, using the provided table, and should provide a brief explanation for how the applicant arrived at those cost estimates and funding sources. (10 points possible)

**4. (BONUS) JUNE 2022 FLOOD IMPACT**

The applicant should describe how the property was impacted by the historic June 2022 flood. Applicants can consider physical, economic, cultural, or other relevant impacts. (5 bonus points possible)

APPLICATION – Maximum of 85 points

The application is intended to gather all necessary information needed to make a final decision to fund the project. Applicants will have been notified by RLACF that they successfully competed in the LOI submissions and are invited by the HERG to submit this more detailed project information for the final decision on grant awards (subject to approval from the NPS and the RLACF Board).

**1. PROJECT TIMELINE**

Applicants should provide beginning and completion dates for when CCHR-funded project work begins, an adequate description and timeline of future phases (if the project extends beyond the phase of CCHR-funded work), and what the project entails and what physical work will be accomplished. (10 points possible)

**2. PROJECT URGENCY**

Applicants should explain how the project will address an urgent need or threat to the property itself and to the surrounding community, what will become of the property if the project does not move



forward, and what factors threaten the community in which the property is placed and how the project will address those factors. (10 points possible)

### 3. PROJECT SUSTAINABILITY

Applicants should explain how the project, once complete, will have long-lasting beneficial effects on the property, how the property owner intends to maintain the property in the future, and how the project will provide an ongoing economic benefit to the community (examples of “economic benefit”: job creation/retention, heritage tourism, multi-use building, visitor attraction, cultural enhancement, livability, housing, etc.). (10 points possible)

### 4. BUDGET TABLE

Applicants should provide cost estimates that are based on verifiable, reasonable, and allowable costs. Applicants should also identify line-item costs, including specific materials, types of labor, and reporting and planning work directly related to the project completion. (10 points possible)

### 5. BUDGET NARRATIVE

Applicants should describe how they arrived at the cost estimates listed in the budget table, how they plan to fund the project with a combination of CCHR funds and other sources, what those sources are and whether they have been secured. (10 points possible)

### 6. DETAILED DESCRIPTION OF REHABILITATION/PRESERVATION WORK

Applicants should provide a detailed description of the features and their condition, include all aspects of the project (even those not paid by CCHR funds), how the project adheres to the Secretary of the Interior’s Standards, and provide photos and drawings of any missing features to support the project. (20 points possible)

### 7. PHOTOS OR DRAWINGS

Applicants should provide sufficient photos and/or drawings to support the features described in the detailed description of rehabilitation/preservation work section and the project narrative. Photos/drawings should be labeled correctly and correspond to a photo/drawing key. (10 points possible)

### 8. (BONUS) JUNE 2022 FLOOD IMPACT

The applicant should describe how the property was impacted by the historic June 2022 flood. The applicant should distinguish between non-physical (economic, cultural, or other relevant non-physical impact) and physical (damage to the property itself) impact. 2 bonus points will be given for non-physical impact and 3 bonus points will be given for physical impact. Applicants can describe non-physical impact or physical impact or both if the property experienced both. (5 bonus points possible)

## Project Conditions

CCHR funds are provided by a one-time-only grant RLACF received from the National Park Service's Paul Bruhn Historic Revitalization Grants Program. This federal money derives from the federal Historic Preservation Fund, and therefore all CCHR-funded projects must comply with the laws, rules, and regulations applicable to that funding source. These conditions are described in the [Historic Preservation Fund Grant Manual](#) and the [2 CFR Part 200](#). In addition, all CCHR projects must comply with all Montana State laws, rules, and regulations associated with state construction contracts.

## **Budget, Match, and Expense Requirements -**

### ***Matching Share***

CCHR is a reimbursement grant. A 25% non-federal match of the total project cost is required (example: A \$100,000 total project cost would be supported by a \$75,000 CCHR grant and \$25,000 matching funds provided by the Grant Recipient).

Matching share (or "cost sharing") represents that portion of total allowable project costs not borne by federal (including CCHR) funds. Cash or in-kind (non-cash) matching share may consist of:

- Charges incurred by the Grant Recipient as allowable project costs during the grant period.
- Costs financed with cash held by the Grant Recipient, contributed, or donated to the Grant Recipient by other nonfederal third parties.
- Costs represented by services and real and personal property, or use of these, contributed or donated by nonfederal third parties during the grant period.

### CASH MATCH

Cash match is actual money or an accounting transaction (not a donation of time or materials, nor in-kind contribution) that contributes to the completion of the project. Cost of work that does not meet CCHR guidelines or funds received from other federally funded sources (such as Certified Local Government grants) cannot be used to meet the cash match requirement. Cash match can be raised from several sources. The "[Funding & Grant Resources For Historic Preservation in Montana](#)" handout by Preserve Montana has a list that might help you locate sources for a nonfederal cash match. [Preserve Montana](#) can also aid you directly in finding a cash match source. The cash match must be used for work that is eligible for CCHR funding. It may not be used for new construction or any ineligible projects and costs.

### IN-KIND MATCH

In-kind contributions represent the value of noncash contributions provided by the Grant Recipient or nonfederal third parties. In-kind contributions may consist of charges for the value of goods and services directly benefiting and specifically identifiable to approved objectives of the CCHR program and the project. DIY work by the property owner is not an allowable reimbursable cost or in-kind match unless that person is otherwise qualified to perform the work.

## VALUATION OF VOLUNTEER SERVICES

Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteer services may be counted as matching share if they are an integral and necessary part of the approved work (but see exclusions in the Historic Preservation Fund Grants Manual, 14-4 Section H). Volunteer services charged to the CCHR grant must make a meaningful and desirable contribution to the project. Volunteers must possess the required qualifications in the skill or profession involved and must perform that specific work. Rates claimed for volunteer services must be consistent with those regular rates paid for similar work in other activities of the Montana State Government. The current base volunteer rate in Montana is [\\$27.87](#). All volunteer services claimed as nonfederal matching share must be accurately documented. Applicants will be provided with volunteer documentation forms upon award.

## MATCH CRITERIA

All contributions, whether cash or in-kind, will be accepted as an eligible part of the Grant Recipient's matching share when such contributions meet all of the following criteria:

- Are verifiable from the Grant Recipient's records;
- Are not included as matching contributions for any other federally assisted program or any Federal contract (i.e., are not double counted);
- Are necessary and reasonable for proper and efficient accomplishment of approved grant objectives;
- Are incurred and contributed within the grant period;
- Are types of costs which are allowable under the CCHR grant program and applicable Federal cost principles;
- Are not paid by the Federal Government directly or indirectly under another assistance agreement unless authorized by Federal law to be used for cost sharing or matching. If authorized, there may be additional Section 106 compliance coordination;
- Are provided for in the approved grant agreement (contract); and
- Conform to other provisions of the CCHR program.

General principles for establishing the allowability of matching share are as follows:

- Either cash or in-kind contributions of goods, property, services, or combinations of these, can qualify for and meet matching share requirements when the basic guidelines (above) are met.
- In-kind contributions must be fairly valued and must be of such nature that, if CCHR grant funds had been used to pay for the contribution, the Grant Recipient would have incurred an allowable cost. In-kind contributions are eligible only to the extent that they represent actual necessary costs for which CCHR funds could be applied for project or program objectives. Any grant funds applied in excess of actual cost would constitute an unallowable profit.
- Following grant approval, all cash and in-kind contributions, including those applicable to Grant Recipients or subcontractors, must be recorded in the ledger accounts as grant costs when the in-kind

services or goods are performed or received. Records, including required supporting documentation, of in-kind services performed or goods received must be maintained on a current basis.

- Grant Recipients may choose to contribute matching share more than the minimum required 25 percent as part of the grant application.
  - The nonfederal share including any overmatch is subject to audit by the State of Montana and the federal government, as is the CCHR share.
  - The basis for determining the matching share charges for personal services, material, and equipment must be documented.
  - Matching share for multi-resource projects involving several contributing properties within historic districts must be directly related to the Grant Recipient 's proposed grant work and must meet all the requirements of the CCHR program. Unrelated work or contributions outside the scope of eligible CCHR-assisted work does not qualify as matching share merely because it occurs within a historic district during the approved grant period.

### ***Budgets***

Budgets must contain a calculation or reference an estimate document that contains a calculation showing how the budget amount has been derived.

### ***Contingency***

Contingency funding is not an allowable CCHR expense.

### ***General Conditions***

General conditions expenses are allowable costs under the CCHR program. “General conditions” refers to the part of a construction contract document in which the rights, responsibilities, and relationships are itemized for the contracting parties. Construction contractors often refer to the expenses associated with job site startup and supervision as general conditions. The expenses may include bonds, insurance, permits, temporary fences, temporary weather protection, trash disposal, and photographic records among other things.

### ***Window Projects***

The intent of this grant is preservation. RLACF and *The Secretary of the Interior’s Standards* recommend retention and repair of historic windows to the greatest extent possible. This program does not preclude in-kind replacement of missing or demonstrably failed historic windows. In such cases, we recommend applicants clearly demonstrate the basis of their decision to replace windows, and to demonstrate the historical basis of their choice of replacement units. The basis of replacement window design can be demonstrated with historic photos or photos of extant units. Applicants invited to submit an application must provide dimensioned drawings of historic units and proposed replacement units for side-by-side comparison. The Department of the Interior has [guidance](#) on what to include in a window replacement proposal.

## ***Storefront Projects***

RLACF and *The Secretary of the Interior's Standards* recommend retention and repair of historic storefront assemblies to the greatest extent possible. This program does not preclude in-kind replacement of plate glass with insulating glass if this new work is compatible with the historic glazing framework. Missing or heavily altered historic storefronts can be restored using contemporary systems if historic systems are no longer being manufactured. Contemporary systems must be assembled in a historic configuration that matches the historic assembly's configuration. In such cases, we ask applicants to demonstrate the historical basis of their storefront design. This can include historic photos, drawings, and/or physical evidence.

Applicants invited to submit an application must provide dimensioned drawings of any storefront replacement that is part of their project.

## ***Direct and Indirect Costs***

CCHR Grant Recipients are encouraged to use funds primarily for direct costs. These are expenses that are directly attributable to the project only and not to a portion of the organization's operation. All allowable expenses should be individually listed in the project budget. Indirect costs are allowable, provided they don't fall under the unallowable costs previously listed. Indirect costs in construction refer to expenses that, while not directly tied to a specific building or structure, are essential for the overall execution of a project. Examples include rent for office space, utilities, office supplies, or storage for equipment. Grant Recipients may use the de minimis rate of 10% of the modified total direct costs, or the Grant Recipient's previously federally negotiated indirect cost rate, if applicable. See 2 CFR 200.412 – 200.415 to learn more about classifying costs as direct or indirect.

## ***Federal Employer Identification Number and Unique Entity ID***

All applicants applying for a CCHR grant must provide the nine-digit employer identification number (EIN) assigned to the applicant organization by the IRS and the Unique Entity ID (UEI) issued in [www.SAM.gov](http://www.SAM.gov). Applicants do not need to undergo a full registration in SAM.gov (See Appendix D to learn how to obtain a UEI). Applicants provide this information in the application.

## ***Code-Related Construction***

Building codes and security needs may require that the rehabilitation of historic buildings include the construction of new features such as elevators, ramps, structural reinforcement, fencing or the installation of alarm systems and lighting. Provided that the design and location of such new features are in keeping with appropriate preservation standards, such items can be included as part of a CCHR project. However, the emphasis and purpose of CCHR is for historic preservation. Projects intended exclusively to bring building up to code (including life safety issues, electrical, plumbing, hazardous materials, etc.) or provide security systems without historic preservation emphasis will generally not compete well in the grant review process. (*Note: Code-related construction is different than flood repair. Funding requests for properties that were physically damaged by the flood and require electrical, plumbing, etc. repairs will generally compete well in the grant review process*).

## Construction Contracting Requirements -

### ***Bonding***

CCHR Grant Recipients must require labor and material payment bonds and performance bonds of your development (physical work) subcontractors. The performance bond is a statutory requirement ([MCA 2017 18-2-201 through 208](#)) and requires construction contracts of more than \$50,000 to have: a payment bond executed by a surety company authorized to do business in this state for the protections of all persons supplying labor and material to the contract or its subcontractors for the performance of the work provided in the contract, AND a performance bond, executed by a surety company authorized to do business in this state, in an amount equal to the price specified in the contract.

### ***Insurance Requirements***

CCHR Grant Recipients and their subcontractors must carry appropriate insurance, with the RLACF named as additional insured. **RLACF uses best practices by following State** contracting regulations **which** require that contractors (CCHR Grant Recipients), at their own expense, carry multiple types of insurance, including, but necessarily limited to the following types with at least the following limits:

- COMMERCIAL GENERAL LIABILITY INSURANCE: \$1,000,000 per occurrence/\$3,000,000 per aggregate
- COMMERCIAL AUTOMOBILE LIABILITY INSURANCE: Split limits of \$500,000 per person (personal injury), \$1,000,000 per accident occurrence (personal injury), and \$100,000 per accident occurrence (property damage); OR Combined single limits of \$1,000,000 per occurrence to cover to cover such claims as may be caused by any act, omission, or negligence of the Contractor or its officers, agents, representatives, assigns or subcontractors.
- PROFESSIONAL LIABILITY INSURANCE: \$1,000,000 per occurrence/\$3,000,000 per aggregate
- PROPERTY INSURANCE: replacement cost
- WORKERS COMPENSATION INSURANCE: as required under Montana state law [MCA 39-71-118](#)

### ***Conflict of Interest***

If in doubt, err on the conservative side: conflict of interest can be real or perceived. A conflict of interest involves the abuse—actual, apparent, or potential—of the trust that people have in professionals. A conflict of interest is a situation in which financial or other personal considerations have the potential to compromise or bias professional judgment and objectivity. A conflict of interest exists if a professional's objectivity and independence of judgment might reasonably be questioned based on the professional's financial or personal interests or relationships. It is important to note that a conflict of interest exists whether decisions would in fact be affected by a personal interest; a conflict of interest requires only the potential for bias, not the likelihood.

Grant administrators cannot be hired as a subcontractor to perform any other task, technically or otherwise, within this CCHR project. i.e., the architect of record cannot also be the grant administrator or Grant Recipient Contact.

No person at any time exercising any function or responsibility in connection with the project on behalf of the Applicant Organization shall have or acquire any personal, financial or economic interest, direct or indirect,

that is materially affected by the contract, except to the extent that such person may receive compensation for this performance pursuant to the contract. A personal financial or economic interest includes, but is not limited to:

- any business in which the person has a direct or indirect monetary interest;
- any real property in which the person has a direct or indirect monetary interest;
- any source of income, loans, or gifts received by or promised to the person within twelve (12) months prior to the execution date of the contract; and/or
- any business in which the person is a director, officer, general, limited partner, or trustee.

Grant Recipients must disclose any conflict of interest to the RLACF in accordance with 2 CFR 200.112.

## Property Requirements -

### **Protection of CCHR-funded Properties**

A preservation agreement or covenant (See Appendix B) with SHPO will be placed on properties receiving CCHR funds to protect the property from alterations that would affect its historic character. Under the preservation agreement or covenant, review and approval of alterations that could affect the architectural appearance of the property, adversely affect the structural soundness of the property, or encroach on the open land area on the property are mandatory and based on [The Secretary of the Interior's Standards](#). The table below lists the type and duration of agreement based on the cumulative amount of federal funding a project is awarded.

CCHR Grant Amount (\$ Amount)	Covenant/Easement Term Requirement
\$1 - \$50,000	5-year minimum preservation agreement*; a covenant/easement, amending the deed is not required
\$50,001 - \$250,000	10-year minimum preservation covenant/easement**
\$250,001 - \$500,000	15-year minimum preservation covenant/easement
\$500,001 - \$750,000	20-year minimum preservation covenant/easement
\$750,001 +	25-year minimum preservation covenant/easement

\*Letter of Agreement (LOA) – A preservation agreement that is a contract document that binds the current owner to restrictions for a specific period of time.

\*\*Covenant – A recorded document that is tied to the land and binds current and future owners for a specific period of time. CCHR funds may be used to pay for the processing and recording of covenants. (See Appendix B).

*Property protection requirements within the boundary of a historic district* – If the district is owned by a single entity, protection requirements will apply to the legal description of the entire district as submitted in the grant application.

### **Public Access Requirement**

One stipulation in the letter of agreement or covenant as required above may be to grant public access to the CCHR-assisted property for the duration of the agreement or covenant. "Public Access" means that the general public can see the results of the CCHR investment of public funds.

As long as all the CCHR-assisted work is clearly visible from a public right-of-way, public access to the property is not required. Public access is also not required when interior development work (such as electrical or plumbing repairs) would not be visible if general access to property were to be provided.

When the grant-assisted work (interior or exterior) is not clearly visible from the public right-of-way, CCHR Grant Recipients must provide public access to view the grant-assisted work or features no less than 12 days a year on an equitably spaced basis. The dates and times when the property will be open to the public must be published annually and provided to RLACF.

In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with RLACF and in compliance with the Americans with Disabilities Act.

### ***Exceptions to Public Access Requirement***

RLACF may request permission from the National Park Service (NPS) to allow the State to withhold from disclosure to the public information relating the location or character of a historic resource whenever the disclosure of such information may incur substantial risk of harm, theft, or destruction to the resource. The State shall request written approval from NPS to withhold information from the public prior to recordation of the covenant or execution of the preservation agreement.

If an archeological site is not left in an excavated state and interpreted for the public, there are usually no visible features above the ground. Accordingly, public access to archeological sites may be restricted. However, public access may not be restricted if the site is being interpreted, the site is not fragile, or access needs to be provided to serious researchers.

### ***Notification to the General Public of Access***

For properties that are not open to the public except for the required 12 days per year, and where the improvements assisted by CCHR grant funds are not visible from the public way owners must agree as part of the covenant or preservation agreement to provide public notification by advertising in newspapers of general circulation in the community or area in which the property is located, giving the dates and times when the property will be open to the public.

The covenant or preservation agreement must include a statement that the owner will annually publish dates and times when the property will be open to the public (specific dates and times are not to be included in the preservation agreement). However, the owner must agree that documentation of such notice being published will be furnished annually to RLACF during the term of the covenant or preservation agreement.

### ***Public Acknowledgement of Funding Source, Disclaimers, and Project Signs***

In all publications, press releases, publicity, and similar materials funded by the CCHR grants program, a credit line should be included that reads: *"[Project Name] is being supported in part by a Paul Bruhn Historic Revitalization Grant from the Historic Preservation Fund administered by the National Park Service, Department of the Interior"*.

In addition, the following sentence must be included in any publication or similar material funded through this program: *"This material was produced with assistance from the Historic Preservation Fund, administered by the National Park Service, Department of the Interior under Grant Number P23AP02968-00. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author(s) and do not*



*necessarily reflect the views of the Department of the Interior*". Also, a copy of any printed or digital materials (e.g. brochure, signage, press materials) that includes the public acknowledgement of funding source should be provided to RLACF for file documentation.

Project sites must also post a temporary project sign for the duration of the project. This sign will be provided by the RLACF.

### ***Americans with Disabilities Act and Architectural Barriers Act***

All projects funded through CCHR must comply with all applicable legal requirements of the Americans with Disabilities Act (ADA). This Act provides, in part, for access by the disabled to properties and programs, including historic buildings and archaeological sites, as well as educational opportunities such as exhibits, conferences, and interpretive displays. Contrary to popular belief, historic buildings and sites are not exempt from the ADA. There may, however, be some variance allowed if the requirement is determined to negatively impact a significant feature. Work done to alter the property must also be in compliance with all applicable regulations and guidance of Section 504 of the Rehabilitation Act of 1973 and the Architectural Barriers Act (ABA).

## **Project Administration Requirements -**

### ***State and Federal Compliance***

All projects must comply with federal and state rules and regulations. For example, projects funded under this program constitute "undertakings" as defined by Section 106 of the National Historic Preservation Act, as amended (now located at [54 U.S.C. 306108](#)). Accordingly, after the grant is awarded, the National Park Service and RLACF will work with the Grant Recipient to complete the consultation process prior to receiving funds from their grant account. Depending on the project, additional federal and state reviews may be required under other laws including but not limited to, the Archaeological Resources Protection Act of 1979 (ARPA), the National Environmental Policy Act (NEPA), and Native American Graves Protection and Repatriation Act (NAGPRA), and the Montana Environmental Protection Act (MEPA).

### ***Grant Administration***

Grant administration is the actual time and effort expended to manage your grant, including guiding the essential elements of the project such as submittals and deliverables. These costs may include direct costs, such as actual salary and benefits paid to an employee of the Grant Recipient for their time spent on grant administration. Verifiable grant administration costs are an allowable CCHR expense. The grant administrator and the project manager on a project cannot be the same person.

### ***Grant Amounts Awarded***

The suggested minimum request amount for a CCHR grant is \$75,000 and the suggested maximum request amount for a CCHR grant is \$175,000. This suggested request limitation is to ensure that the CCHR will result in several substantial, impactful projects across the county. Applications that request a grant amount outside of the suggested range will still be evaluated according to the criteria.

### ***Grants as Taxable Income***

A CCHR grant may or may not be considered taxable income or revenue to the Grant Recipient, the property owner, or other beneficiary of grant funds. However, RLACF is not authorized to provide legal advice on this issue. The Grant Recipient is advised to consult with their tax attorney or accountant.

## ***Grant Agreement Period***

The CCHR grant period begins with the execution of the grant agreement between the RLACF and Grant Recipient. RLACF anticipates that contracts will be awarded in Fall 2024. All projects must be complete by August 1st, 2026.

## ***Grant Agreements***

CCHR grant agreements are non-negotiable. It is the Grant Recipient's responsibility to review the contract templates prior to application to be certain that any contractor is willing to come under contract with the terms of the CCHR grant agreement.

## ***Documentation Requirements***

To make certain all project related tasks are in alignment with the CCHR, Grant Recipients must document certain procedures. Grant Recipients must be able to make available the following:

- Process for competitive procurement;
- Reason for selection of subcontractor and contract type;
- Expense documentation (e.g. employed professional labor, consultants, donated time, donated materials, donated equipment, materials purchased, invoices, administration, etc.);
- CCHR Progress Report and Reimbursement form;

## ***Grant Payment Structure***

CCHR grants are reimbursement grants. RLACF will reimburse allowable costs on a quarterly basis. Grant Recipients may have a construction loan or wait approximately 3 months for payments to be processed. Reimbursement requests must include a narrative report explaining the expenses incurred and project progress, and a "request for reimbursement form" that shows expenditures to be reimbursed, match funds, and all applicable receipts, invoices and supporting documentation.

Grant Recipients will need to cover project costs until RLACF makes its quarterly reimbursement. However, if the Grant Recipient needs funds sooner than the quarterly reimbursement, a hardship reimbursement can be requested, provided the Grant Recipient communicates with the RLACF.

## ***Hold Harmless and Indemnification***

Every CCHR grant agreement shall include a "hold harmless/indemnification" clause. A hold harmless/indemnification clause in a contract is a transfer mechanism where the contractor (in this case, the CCHR Grant Recipient) agrees to assume, by contract, the liability associated with the work performed or services provided.

## ***Purchase of Equipment, Products, or Supplies***

CCHR funds may not be used to purchase equipment. Products or supplies purchased as part of a grant-funded project must be dedicated solely to the performance of that project.

## ***Guidelines for Procurement***

Open, competitive bidding generally ensures that your project does not violate the Conflict-of-Interest terms of the grant agreement and is a requirement for the CCHR program. Grant Recipients must follow the rules outlined in [CFR 200.318 through 200.327](#) when procuring materials, goods, and services. Generally, Grant

Recipients must document and show multiple bids from qualified vendors for all goods and services. Contracts/purchases over \$250,000 must follow appropriate sealed-bid procurement procedures, including a formal competitive bidding or RFP process, including publication of notice in a newspaper of general circulation in the project area at least twice in a 30-day period.

### ***Subcontractors***

Individual or company hired by Grant Recipient to complete certain tasks. When hiring construction contractors such as general contractors, masonry experts, roofers, etc., there are several things that are required of the contractor prior to hiring that individual or company. These include certificates of insurance, applicable business registration, labor and material payments bonds, and performance bonds. The Grant Recipient should select reasonable bids from a subcontractor based on a competitive bid process. To avoid receiving bids from unqualified contractors, provide a clear scope of work and establish pre-qualifications for prospective bidders. The ability to carry out the project according to the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties and the ability to meet the expectations of the Grant Recipient and the CCHR should be a part of this criteria as well as the value. The price of the contract should not be the only criterion for selecting a subcontractor. If the Grant Recipient is not confident that any of the bidders can do the work adequately, bids can be reopened.

The following contracts are allowable when procuring a subcontractor:

- Firm fixed-price contracts;
- Fixed-price incentive contracts; and
- Cost-reimbursement contracts

Cost-plus-a-percentage-of-cost, percentage-of-construction-cost, and time and materials contracts are not allowable under the CCHR program.

### ***Prevailing Wages***

Contractors and subcontractors for CCHR projects must be paid in compliance with [Montana's prevailing wages](#) according to the Montana Department of Labor and Industry's Labor Standards.

## APPENDIX A

### Secretary of the Interior's Standards for the Treatment of Historic Properties

Rooted in over 120 years of preservation ethics in both Europe and America, the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties are common sense principles in non-technical language. They were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices.

The standards may be applied to all designated properties: buildings, sites, structures, objects, and districts. It should be understood that the standards are a series of concepts about maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot in and of themselves be used to make essential decisions about which features of a historic property should be saved and which might be changed, but once an appropriate treatment is selected, the standards provide philosophical consistency to the work.

#### ***Determining the Appropriate Treatment Approach***

There are standards for four distinct, but interrelated, approaches to the treatment of historic properties: preservation, rehabilitation, restoration, and reconstruction. Choosing an appropriate treatment for a historic building or landscape, whether preservation, rehabilitation, restoration, or reconstruction, is critical. This choice always depends on a variety of factors, including its historical significance, physical condition, proposed use, and intended interpretation. **CCHR applicants invited to submit an application will work with RLACF and SHPO to determine which of the [four approaches to the treatment of historic properties](#) is appropriate.**

#### RELATIVE IMPORTANCE

Is the building a nationally significant resource, a rare survivor, or the work of a master architect or craftsman? Did an important event take place in it? National Historic Landmarks, designated for their "exceptional significance in American history," and many buildings individually listed in the NR often warrant preservation or restoration. Buildings that contribute to the significance of a historic district but are not individually listed in the NR more frequently undergo rehabilitation for a compatible new use.

#### PHYSICAL CONDITION

What is the existing condition, or degree of material integrity, of the building prior to work? Has the original form survived largely intact, or has it been altered over time? Are the alterations an important part of the building's history? Preservation may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building's historical significance. If the building requires more extensive repair and replacement, or if alterations or additions are necessary for a new use, then rehabilitation is probably the most appropriate treatment. These key questions play major roles in determining what treatment is selected.

#### PROPOSED USE

An essential, practical question to ask is – will the building be used as it was historically, or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character; special use properties such as grain silos, forts, icehouse, or windmills may be

extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.

## MANDATED CODE REQUIREMENTS

Regardless of the treatment, code requirements will need to be taken into consideration. Hastily or poorly designed, code-required work may jeopardize a building's materials as well as its historic character. Thus, if a building needs to be seismically upgraded, modifications to the historic appearance should be minimal. Abatement of lead paint and asbestos within historic buildings requires particular care if important historic finishes are not to be adversely affected. Finally, alterations and new construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designed to minimize material loss and visual change to a historic building.

### *The Four Treatment Approaches*

PRESERVATION focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and stabilization have now been consolidated under this treatment).

REHABILITATION alters or adds to a historic property to meet continuing or changing uses while still retaining the property's historic character. The National Park Service has online [Interpreting the Standards Bulletins](#) that elaborate on the ten Standards.

RESTORATION depicts a property at a particular period of time in its history while removing evidence of other periods.

RECONSTRUCTION recreates a vanished or non-surviving historic site primarily for interpretive purposes. Reconstruction is **not** an eligible project.

For more in-depth information on the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties, visit: [Historic Preservation Standards and Guidelines - Historic Preservation \(U.S. National Park Service\) \(nps.gov\)](#).

## APPENDIX B

### Sample Conservation Easement Agreement

INTRODUCTION. This conservation easement agreement is made the \_\_\_\_\_ day of \_\_\_\_\_, [year], between [CCHR fund recipient], as GRANTOR of a conservation easement (hereafter referred to as the “Grantor”), and the [Covenant Holder], as GRANTEE of the conservation easement (hereafter referred to as the “Grantee”). This conservation easement agreement is entered under Title 76, Chapter 6, Part 2, Montana Codes Annotated (2019) for the purpose of preserving the [Name of Property], a building that is important culturally, historically, and architecturally.

1. **The Subject Property.** This agreement creates a conservation easement in real estate legally described as \_\_\_\_\_ [Property Description] \_\_\_\_\_. The Subject Property is the site of the [Name of Property], located at \_\_\_\_\_ [Street Address, City, County, & State] \_\_\_\_\_ (hereafter referred to as the “Property”).
2. **Grant of conservation easement.** In consideration of the sum of \$ \_\_\_\_\_ received in grant-in-aid financial assistance from the National Park Service of the United States Department of the Interior, the Grantor hereby grants to the Grantee a conservation easement in the Subject Property for the purpose of assuring preservation of the Property.
3. **Easement required for Federal grant.** This conservation easement is granted as a condition of the eligibility of the Grantor for the financial assistance from the National Park Service of the United States Department of the Interior appropriated from the Historic Preservation Fund for the Paul Bruhn Historic Revitalization Grants Program.
4. **Conditions of easement:**
  - a. *Duration.* This conservation easement is granted for a period of fifty (50) years commencing on the date when it is filed with the \_\_\_\_\_ [County Name] \_\_\_\_\_ County Recorder.
  - b. *Documentation of condition of the [Property Name] at time of grant of this easement.* In order to make more certain the full extent of Grantor’s obligations and the restrictions on the Subject Property, and in order to document the nature and condition of the Property, including significant interior elements in spatial context, a list of character defining materials, features and spaces is incorporated as Exhibit “A” at the end of this agreement. The Grantor has provided to the Grantee architectural drawings of the floor plans. To complement Exhibit “A”, Grantee personnel have compiled a photographic record, including photographer’s affidavit, black and white photographs and negatives, color digital prints, photograph logs, and keyed location map. The Grantor agrees that the nature and condition of the Property on the date of execution of this easement is accurately documented by the architectural drawings and photographic record, which shall be maintained for the life of this easement in the Grantee’s conservation easement file for the Property.
  - c. *Restrictions on activities that would affect historically significant components of the Property.* The Grantor agrees that no construction, alteration, or remodeling or any other activity shall be undertaken or permitted to be undertaken on the Subject Property which would affect historically significant interior spaces and features identified in Exhibit “A”, exterior construction materials, architectural details, form, fenestration, height of the Property, or adversely affect its structural soundness without prior written permission of the Grantee affirming that such reconstruction, repair, repainting, refinishing, rehabilitation, preservation,

or restoration will meet The Secretary of the Interior's Standards for the Treatment of Historic Properties (hereinafter referred to as the "Standards").

- d. *Restrictions on activities that would affect archaeological resources.* The Grantor agrees that no ground disturbing activity shall be undertaken or permitted to be undertaken on the Subject Property which would affect historically significant archeological resources identified in Exhibit "A" without prior written permission of the Grantee affirming that such work will meet The Secretary of the Interior's "Standards for Archeology and Historic Preservation".
- e. *Maintenance of recovered materials.* The Grantor agrees to ensure that any data and material recovered will be placed in a repository that will care for the data in the manner prescribed in the Standards for Archeology and Historic Preservation or will comply with the requirements of the Native American Graves Protection and Repatriation Act, and with 36 CFR 79 and 43 CFR 10.
- f. *Duty to maintain the Property.* The Grantor agrees at all times to maintain the Property in a good and sound state of repair and to maintain the Subject Property, including the other structures or features of the site, according to the Standards so as to prevent deterioration and preserve the architectural and historical integrity of the Property in ways that protect and enhance those qualities that make the Property eligible for listing in the National Register of Historic Places.
- g. *Public access.* The Grantor agrees to provide public access to view the grant-assisted work or features no less than 12 days a year on an equitably spaced basis. The dates and times when the property will be open to the public must be annually published and provided to the Grantee. At the option of the Grantor, the relevant portions of the Property may also be open at other times by appointment, in addition to the scheduled 12 days a year. Nothing in this agreement will prohibit a reasonably nondiscriminatory admission fee, comparable to fees charged at similar facilities in the area.
- h. *Right to inspect.* The Grantor agrees that the Grantee, its employees, agents and designees shall have the right to inspect the Property at all reasonable times, with twenty-four hours written notice, in order to ascertain whether the conditions of this easement agreement are being observed.
- i. *Anti-discrimination.* The Grantor agrees to comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d, the Americans with Disabilities Act (42 U.S.C. 12204), and with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). These laws prohibit discrimination on the basis of race, religion, national origin, or disability. In implementing public access, reasonable accommodation to qualified disabled persons shall be made in consultation with the Grantee [or State Historic Preservation Office if another organization is holding the easement].
- j. *Easement shall run with the land; conditions on conveyance.* This conservation easement shall run with the land and be binding on the Grantor, its successors and assigns. The Grantor agrees to insert an appropriate reference to this easement agreement in any deed or other legal instrument by which it divests itself of either the fee simple title or other lesser estate in the Property, the Subject Property, or any part thereof.
- k. *Casualty Damage or Destruction.* In the event that the Property or any part of it shall be damaged or destroyed by fire, flood, windstorm, earth movement, or other casualty, the Grantor shall notify the Grantee in writing within 14 days of the damage or destruction, such

notification including what, if any, emergency work has already been completed. No repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Property and to protect public safety, shall be undertaken by the Grantor without the Grantee's prior written approval indicating that the proposed work will meet the Standards. The Grantee shall give its written approval, if any, of any proposed work within 60 days of receiving the request from the Grantor. If after reviewing the condition of the property, the Grantee determines that the features, materials, appearance, workmanship, and environment which made the property eligible for listing in the National Register of Historic Places has been lost or so damaged that its continued National Register listing is in question, the Grantee will notify the Keeper of the National Register (or the SHPO if the Grantee is not the State) in writing of the loss. The Keeper of the National Register will evaluate the findings and notify the Grantee in writing of any decision to remove the property from the National Register. If the property is removed, the Grantee will then notify the Grantor that the agreement is null and void. If the damage or destruction that warrants the properties removal from the National Register is deliberately caused by the gross negligence of the Grantor or future owner, then the Grantee will initiate requisite legal action to recover, at a minimum, the Federal grant funds applied to the property which will then be returned to the U.S. Treasury.

- l. *Enforcement.* The Grantee shall have the right to prevent and correct violations of the terms of this easement. If the Grantee, upon inspection of the property, finds what appears to be a violation, it may exercise its discretion to seek injunctive relief in a court having jurisdiction. Except when an ongoing or imminent violation will irreversibly diminish or impair the cultural, historical and architectural importance of the Property, the Grantee shall give the Grantor written notice of the violation and allow thirty (30) days to correct the violation before taking any formal action, including, but not limited to, legal action. If a court, having jurisdiction, determines that a violation exists or has occurred, the Grantee may obtain an injunction to stop the violation, temporarily or permanently. A court may also issue a mandatory injunction requiring the Grantor to restore the Property to a condition that would be consistent with preservation purposes of the grant from the National Park Service. In any case where a court finds that a violation has occurred, the court may require the Property to reimburse the Grantee and the State Attorney General for all the State's expenses incurred in stopping, preventing and correcting the violation, including but not limited to reasonable attorney's fees. The failure of the Grantee to discover a violation or to take immediate action to correct a violation shall not bar it from doing so at a later time.
- m. *Amendments.* The parties may by mutual written agreement jointly amend this easement, provided the amendment shall be consistent with preservation purpose of this easement and shall not reduce its term of duration. Any such amendment shall not be effective unless it is executed in the same manner as this easement, refers expressly to this easement, and is filed with the \_\_\_\_\_ [County Name] County Recorder.
- n. *Effective date; severability.* This conservation easement shall become effective when the Grantor files it in the Office of the Recorder \_\_\_\_\_ [County Name] \_\_\_\_\_ County, State, with a copy of the recorded instrument provided to the Grantee for its conservation easement file. If any part of this conservation easement agreement is held to be illegal by a court, the validity of the remaining parts shall not be affected, and the rights and obligations of the parties



shall be construed and enforced as if the conservation agreement does not contain the particular part held to be invalid.

GRANTOR: \_\_\_\_\_

By: \_\_\_\_\_

Name and Title

STATE OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, ss: On this day of [date], before me the undersigned, a Notary Public for said State, personally appeared [Name of Person], to me personally known, who stated that he is Title and Organization, that no seal has been procured by said corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and that as such officer, he acknowledged that he executed the foregoing instrument as his voluntary act and the voluntary act of the corporation.

NOTARY PUBLIC \_\_\_\_\_

GRANTEE: \_\_\_\_\_

By: \_\_\_\_\_ Name and Title

STATE OF \_\_\_\_\_, \_\_\_\_\_ COUNTY, ss: On the \_\_\_\_\_ day of \_\_\_\_\_, [year], before me, a Notary Public for said State, personally appeared [Name of Person], who stated that he is the duly appointed and actively serving [Title and Organization], and that he executed the foregoing conservation easement agreement as his voluntary act and as the voluntary act of the Montana State Historic Preservation Office [or easement holder].

NOTARY PUBLIC \_\_\_\_\_

## **APPENDIX C Accessing the LOI/Application**

### ***Steps:***

1. Go to the RLACF's grant software home page by clicking [here](#).
2. Create an account. (note: if you have applied for any other RLACF grants, you may already have an account.)
3. Once you have created an account and are successfully logged in, click the "apply" tab.
4. Find the Carbon County Historic Rehabilitation Program and click apply. (note: if you do not wish to start the LOI process right away, you can click "preview" to view the form before starting.)
5. The LOI can be saved as many times as needed and does not need to be filled out all at once. You can return to the form as many times during the LOI submission window. LOIs must be submitted by the deadline (April 29 by 12:00 pm (MT)).
6. You will be notified by email if invited to submit an application, or otherwise. If invited, you will be notified to continue onto the application stage in the software.

### ***Support***

If at any time you need assistance filling out the LOI/application, email [kendall@rlacf.org](mailto:kendall@rlacf.org). Please provide the name of the person applying and the corresponding email. You can also call the RLACF office at: (406)-446-2820.

### ***Accessibility***

If you cannot access the LOI/application online, a pdf or printed copy can be provided. Please let us know and we will accommodate you as best as possible.

## **APPENDIX D Getting a Unique Entity ID (UEI)**

Entities who wish to do business with the government must either register their entity in SAM.gov or obtain a Unique Entity ID (UEI). An entity registration allows your organization the opportunity to receive a contract or assistance directly from the federal government. **Since CCHR Grant Recipients will not be receiving monies directly from the federal government, applicants only need to obtain a UEI and do not need to undergo the full registration process.** The information needed to get a UEI is minimal and simply validates your organization's legal business name and address. Detailed below are instructions on how to obtain a UEI for your organization.

### ***Steps for an entity new to SAM.gov:***

1. Create an account in [SAM.gov](https://sam.gov) by clicking the green "Get Started" button on the home page.
2. Once you are signed in, go to your "Workspace", and select "Get Started" under the Entities tab.
3. Follow the prompts and complete each screen until you get to the screen titled "Enter Entity Information".
4. Proceed to enter the required information:
  - Your entity's legal business name
  - Your entity's physical address (no PO Box)
  - Your entity's start year and/or State of Incorporation or establishment

Note: If your entity information is not found in SAM.gov, you will need to provide documents to prove your entity information.

### ***Steps for an entity already in SAM.gov:***

1. If your entity is already validated or registered in SAM.gov then you may need to start the renewal or update process. If your entity was validated before April 4, 2022, then your entity was assigned a DUNS Number. The DUNS Number has been changed to the UEI, and you will need to login to SAM.gov to find your entity's UEI.
2. If your entity has a UEI, check to make sure your entity is active. You may need to renew or update your entity's information to confirm your entity's validation in SAM.gov. See these [instructions](#) to help you with renewal and updating.

If you need help getting a UEI for your organization or have any questions about the process, please email [kendall@rlacf.org](mailto:kendall@rlacf.org) or call RLACF at 406-446-2820.