

BUREAU OF RECREATION AND CONSERVATION

Title: Acquisition: Public Value and Use		
Issued by: Bureau of Recreation and Conservation	Effective Date: 10/5/09 Scheduled Review: Annual	Document Number: 2300-029
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Approved By: Tom Ford, Bureau Director	Program Area: All	

AUTHORITY

Act 18 of 1995, Section 306, Community Recreation and Heritage Conservation. The Department shall have the power to administer Federal and State programs for grants and loans to local governments, municipal authorities and nonprofit organizations for community and regional projects involving the planning, acquisition, rehabilitation and development of public park, recreation and conservation areas, facilities and programs.

SCOPE

Provides directive for administration of the Community Conservation Partnerships Grant Program

PURPOSE

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation (Bureau) provides grants to municipalities and nonprofit organizations to acquire real property interest. DCNR requires that grants help further the agency and the grantees' missions; to protect and conserve the Commonwealth's natural resources and/or provide for enhanced recreational opportunities. This policy outlines issues relating to the public values required for an acquisition grant to be awarded, and the ownership and control that grantees must maintain on the property post acquisition.

POLICY

A. Promotion of DCNR Interests

1. The acquisition, use and management of real property interests shall support, promote and enhance the mission and goals of DCNR.

B. Property Interest Acquisition

1. For DCNR to provide grant funding to acquire property interests, the following requirements must be met:
 - a. The acquisition must allow DCNR to further its mission and goals and provide substantive benefit to citizens of the Commonwealth. In evaluating the benefits of a project, DCNR considers a wide range of "public values" including but not limited to the ecological and critical habitat value of the project, the water quality protection and enhancement value of the project, the historic and cultural resource value of the project, and the recreational opportunities and public access provided by the project.
 - b. For community acquisition projects, the acquired land must be open and accessible to the public.
 - c. For land trust acquisition projects public access is not specifically required in the Keystone Act enabling legislation but is strongly encouraged by the Bureau.
 - DCNR seeks as much "public value" as possible while providing flexibility to address special site conditions and respond to local needs.
 - The level of "public value" will be taken into consideration in rating and ranking individual grant applications. Each project is considered on a case-by-case basis,

and decisions in one situation may not be applicable to other requests for funding assistance.

- In certain circumstances the Department may request an additional *Public Value and Use Form* to be signed by the landowner after the grant agreement is executed.
 - Funding sources other than Keystone have varying requirements for public access.
- d. Restrictions on the amount, time and manner of public access, as well as temporary limitations on public access for the purpose of protecting or restoring the land, are permissible as approved by the Bureau.
- e. DCNR provides funding for conservation easements that protect the entire property of interest.
- The easement document shall take the form of the [WeConservePA Model Easement](#) that consists, where appropriate, of the Highest Protection Area (HPA), Standard Protection Area (SPA) and Minimum Protection Area (MPA).
 - DCNR's funding contribution is based on up to 50% of the HPA area designated.
- f. The acquisition and its intended use must be consistent with local, state and federal regulations governing the intended use, unless a waiver from the government entity having oversight has been or can be secured.
- g. The acquisition may not adversely impact resource protection efforts or public recreational opportunities.
- h. The funding provided by DCNR may not be used to acquire farmland for farmland preservation purposes.

C. Coordination

1. There shall be coordination among the various bureaus and offices to review proposed property acquisitions through direct contact with the bureaus to be impacted by an acquisition action.
2. DCNR will consider the opinion of the public and of the county and municipal government regarding the acquisition.

DISCLAIMER

The policies and procedures outlined in this guidance document are intended to supplement existing requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DCNR to give the rules in these policies that weight or deference. This document establishes the framework within which DCNR will exercise its administrative discretion in the future.

PAGE LENGTH

2 pages

EFFECTIVE DATE

Immediately. This policy is to be reviewed and updated every year.

EXPIRATION

This policy remains in effect until revised or rescinded.

Tom Ford, Bureau Director

12/14/2023

Name/Title of Bureau or Office Director

Date