

BUREAU OF RECREATION AND CONSERVATION

Title: Acquisition Eligible and Ineligible Grant Project Activities/Costs/Match		
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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), Community Conservation Partnerships Program is administered by the Bureau of Recreation and Conservation (Bureau). This policy has been established to help define the various types of activities, costs and match, to include both cash and non-cash match values, which are eligible under this program for acquisition projects.

Please note that it is difficult to identify all possible project activities, costs and match scenarios. The Bureau reserves the right to review and determine the eligibility of all proposed project activities, costs and match during both the grant application process and the grant administration process, should your project be selected for funding.

POLICY

To be considered eligible, all project activities, costs and match must be:

1. Approved by the Bureau.
2. Directly related to performing the official scope of work, included in Appendix A of the grant agreement.
3. Incurred within the grant agreement period OR incurred after the effective date of a Bureau approval letter for a Waiver for Retroactivity request for this specific project scope and grant round.

Eligible land value will be determined by DCNR on the basis of an appraisal report prepared by a state certified general real estate appraiser. DCNR will reimburse up to 50% of the appraised market value for a property or easement, or 50% of the agreed upon purchase price based on a signed sales agreement, whichever is less. DCNR may choose to provide partial funding for a land acquisition project based on limited rights or partial public access to a property.

Note: DCNR will use the per acre value or require a second appraisal if the acreage reduction is significant.

Donated land value (or bargain sale): If land will be purchased at a price that is less than the appraised value (for example, in a bargain sale), the difference between the appraised value and the purchase price may be considered a donation to the applicant/grantee. This donated land value may be used by the applicant/grantee as a one-time project match and must meet all other DCNR grant requirements. Any excess value cannot be carried over to another project. Applicants/grantees should not take title to the land until a grant is awarded or a waiver for retroactivity is secured. The donated land value can only be used as match if the grantee accepts title to the property within the grant agreement period. In either case, grants that include donated land value must be supported with a letter from the landowner agreeing to the donated value or other appropriate documentation, for example, IRS Form 8283, a letter from the landowner, a donation agreement, or documented in the agreement of sale.

Land Acquisition Activities/Costs

A. ELIGIBLE Activities/Costs:

1. If an application is funded, costs incurred prior to the approval of the grant necessary to submit the grant application and to meet the Bureau's requirements may be eligible at the Bureau's discretion. Examples may include, property appraisals, title reports and Phase 1 Environmental Assessments.
2. Up to 50% of the appraised market value or the actual purchase price whichever is less.
3. DCNR's funding contribution for conservation easements is based on 50% of the value of the designated highest protection area (HPA). Easements must follow the [WeConservePA](#) easement model.
4. Up to 50% of the related acquisition project expenses:
 - i. Appraisal(s) meeting the requirements as outlined in the Bureau's Requirements for Property Appraisals.
 - a. It is recommended that land deals are negotiated on a per acre value and the final sales price is determined once the survey is complete.
 - ii. Boundary survey(s) ordered by and prepared for the applicant/grantee. Note: An existing survey may be acceptable if it meets the Bureau's Requirements for Boundary Surveys.
 - iii. Legal work associated with attending closing on the land or easement, preparation and review of legal documents, performing title work, and preparing sales agreements or option to purchase.
 - iv. Title commitment report and insurance meeting the Bureau's Requirements for Title Work.
 - v. Phase 1- Environmental Site Assessment.
 - vi. Baseline Documentation Report for a conservation easement.
 - vii. Settlement costs, pro-rated taxes.
 - viii. Bureau-required signage.
 - ix. Costs associated with ordering a PNDI environmental review receipt.
5. If one application is submitted for multiple parcels (whether fee or land donation) each parcel needs to meet the Ready-To-Go requirements. Parcels not adjacent to one another must have a landscape connection, i.e., be within the same watershed, add onto a larger landscape focus area (for example, a nature preserve or state park), or have similar conservation values. Each parcel must be a viable standalone unit, for example, contain public access or critical habitat value.
6. The cost of structures on the property to be used solely for indoor recreation, environmental education, storage of property maintenance equipment, or property stewardship. If a project includes acquisition of an existing structure a feasibility study/structural assessment prepared by a licensed architect, engineer or landscape architect must be submitted with the grant application.
7. The applicant/grantee is responsible for all eligible costs not reimbursed by the Grant.

B. INELIGIBLE Activities/Costs:

1. Costs not consistent with the approved Bureau scope of work and budget.
2. Costs related to the preparation of the grant application.
3. Costs for projects located outside of the Commonwealth of Pennsylvania.
4. Costs for applicant or grantee negotiations with the landowner.
5. Cost of postage, photocopying charges, printing.
6. Costs of conducting fundraising or lobbying activities.
7. Costs of food, drink, gifts and or other hospitality items related to the general promotion of the applicant/grantee's organization.
8. Seller's normal settlement costs.
9. Costs determined by the Bureau to be in violation of the Grant Terms and Conditions.
10. Land acquisition costs for property acquired by deed or declaration of taking, prior to Bureau approval, without a waiver-of-retroactivity letter. Payments made on an option or agreement of sale, prior to Bureau approval or without a waiver-of-retroactivity letter.
11. Staff salaries.
12. The cost of structures that do not qualify as indoor recreation, environmental education, storage of property maintenance equipment, or property stewardship. Even if existing structure(s) are to be retained for partial or full use, the final determination as to whether their value will be included in the value for the grant is solely at the discretion of the Bureau.
13. Costs related to determining the eligibility of a structure (structural assessments and/or feasibility studies).
14. Demolition costs of structures/buildings.
15. Endowment or maintenance costs.
16. The Bureau will not fund the acquisition of land, in fee or easement, if it is determined by the Bureau that the land is already adequately protected.
17. Land subdivision costs.
18. Costs associated with the purchase of property which is known or suspected to be contaminated with hazardous substances or waste unless the property has received appropriate environmental clearance suitable for the proposed use.
19. Cost of the first appraisal if the technical review determines significant errors of the first appraisal and a second appraisal is required.

C. Purchase of Farmland:

The acquisition of existing farmland is eligible if it will be converted to uses consistent with community parkland, public open space/natural area establishment, or other public recreational use.

Conditions and guidelines for the acquisition of farmland:

1. To comply with DCNR state funding legislation, agricultural use (i.e. crop production or livestock farming) must end within 2 years of the date of purchase.
2. To comply with federal LWCF funding, agriculture at time of acquisition may continue for up to 3 years. In these situations, the National Park Service will place a financial hold on the project precluding reimbursement until the non-recreation use is terminated.
3. Farmland being converted to non-agricultural use must comply with Executive Order 2003-2, Agricultural Land Preservation Policy.
4. Within conservation easements Sustainable Agriculture activities, if conducted in accordance with a Soil Conservation Plan, are allowed within the Standard Protection Area. DCNR grants can only be used to help acquire the Highest Protection Area.

5. At the Department's discretion, property currently enrolled in Clean & Green and/or the Agricultural Security Program may be required to be removed from the program(s) prior to close-out of the grant. Letter(s) to confirm the land has been removed may be required.

D. Land Acquisition via Eminent Domain:

Normally, grant applications that involve acquisition through the exercise of the right of eminent domain is allowable only with agreement from the property owner. The DCNR encourages public policies and procedures for the acquisition of real property that are fair and consistent, and directed toward giving the property owner the full measure of compensation authorized by law, promptly, with a minimum of inconvenience, and without prolonged negotiation or costly litigation. Federally assisted acquisitions shall be guided by the policies found in Title III of the Uniform Act.

Land Acquisition Activities/Match

A. ELIGIBLE Activities/Match:

1. Most DCNR grants require matching funds by cash and/or eligible non-cash value. For land acquisition projects, the only forms of eligible match are cash and donated land value.

Project Type	Required Match	Cash	Non-Cash	Land Donation
Land Acquisition	50%	X		X
Snowmobile/ATV (acquisition)	50%	X		X

2. Match, whether in the form of cash or a land donation, may be used only once. If it has been counted as match for another project/grant or portion of this project, it may not be again counted as match.
3. Donated land value that meets all Bureau grant program requirements can be used as match. Land donation must occur within the timeframe of the grant agreement or be covered by a Waiver for Retroactivity to be eligible.
4. If land (or an easement) will be purchased by a grant applicant at a price that is less than the appraised value of the land (for example, in a bargain sale), the difference between the appraised value and the purchase price would be considered a donation to the applicant. The value of this donation ("land donation value") may be used as match for the grant. Grants that include the donated land value must be supported with appropriate documentation (for example, IRS Form 8283, a letter from the landowner, or documented in the agreement of sale).

B. INELIGIBLE Activities/Match:

1. The value of lands acquired by mandatory dedication or as legal restitution, wetlands mitigation and other regulatory requirements may not be used as match.
2. The value of land that is already adequately protected.
3. Lands that would otherwise not be eligible for acquisition under the grant program, such as, lands to remain as farmland, or land that does not meet the project scope.
4. Within a conservation easement, the Standard Protection Area (SPA) or Minimal Protection Area (MPA).
5. Donated land value is not eligible for reimbursement.

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

5 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