

BUREAU OF RECREATION AND CONSERVATION

Title: Waiver for Retroactivity		
Issued by: Bureau of Recreation and Conservation	Effective Date: 12/30/09 Scheduled Review: Annual	Document Number: 2300-037
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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

This document explains the Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation (Bureau) Waiver for Retroactivity. Grants are awarded to assist with projects to be undertaken after the award of a grant, rather than to pay or reimburse grantees for projects that have begun or are completed prior to the award of a grant. In special situations, the Bureau may allow grant funds or approve expenses for projects where costs were incurred before the date of the grant award. This action is referred to as a "Waiver for Retroactivity."

Per the Grant Agreement and Bureau policies, presuming a grant is awarded, certain costs incurred prior to a grant award for "due diligence" or other necessary expenses are deemed eligible for reimbursement without a waiver of retroactivity if they are for items necessary to submit a grant application. These items include most commonly but are not limited to:

- A. Site development drawings for development projects,
- B. Appraisals and title work for land conservation projects,
- C. Surveys and environmental assessments.

This policy details the process for requesting a "Waiver for Retroactivity" approval for costs that go beyond due diligence costs.

POLICY

- A. All letters requesting waivers for retroactivity shall be submitted by the applicant to the Bureau Director. Requests must be signed and dated by the applicant on the applicant's official letterhead.

Bureau Director
Bureau of Recreation and Conservation
Rachel Carson State Office Building
P.O. Box 8475
Harrisburg, PA 17105-8475

- B. A waiver does not guarantee or in any way affect the chances of a project being selected for funding. It merely gives the applicant a project start date to which grant funds would be applied retroactively, should the project be selected for funding.
1. The waiver process can be applied to the following situations:
 - a. Land Acquisition or Land Donation:
 - When the applicant needs to purchase or accept land by a certain date to avoid the property from being lost; or
 - When an applicant must enter into an option/sales agreement and pay earnest money;
 - a. Other situations that may warrant a waiver:
 - For projects where DCNR is jointly funding with other Commonwealth agencies;
 - For projects that need to be expedited to deal with natural disasters; or
 - For other project situations at the sole discretion of the Department.
 2. The waiver must be approved in writing by the Department prior to costs being incurred. Waivers cannot be granted for projects needing Pennsylvania Recreational Trails funding.
 3. A grant applicant who wishes to request a waiver must contact their Regional Advisor for preliminary direction prior to submission of the written request to the Bureau Director. The request shall include the following:
- C. Acquisition Projects:
1. The applicant's complete contact information.
 2. A copy of the draft or signed sales agreement, include the settlement date if known;
 3. A map, such as an aerial photo or parcel map that clearly identifies the parcel boundary; and
 4. Other information that would help explain the project, including, acreage, project site location, timeline for settlement (urgency), other funding time constraints, etc.
 5. For land donations, explain how the donated parcel relates to the proposed project.
- D. Other Projects:
1. The applicant's complete contact information;
 2. A description of the project and the need for the waiver; and
 3. Any additional information to justify the project/waiver request.
- E. The request will be reviewed by the appropriate Bureau staff and a written response provided.
- F. When waivers are granted, applicants are still responsible for completing and submitting a complete grant application by the application deadline.
- G. If the Bureau approves a waiver, it will be for a specific project and round of funding. The waiver date and any subsequent grant contract start date will be the request letter date submitted to the Bureau Director. The waiver will not cover work performed prior to that date. Extensions on waiver requests may be granted on a case-by-case basis.
- H. If the Bureau approves a request for a waiver but the project is ultimately not selected for funding, the waiver cannot be applied to a grant application submitted in a future round of funding.

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

3 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