

COMMONWEALTH OF PENNSYLVANIA
Department of Conservation and Natural Resources

Bureau of Recreation and Conservation (BRC)
Administrative Policy/Grant Guidelines

SUBJECT: BRC Acquisition Policy: Public Value and Use

EFFECTIVE DATE: 10/5/09

REVISED: 1/16/15; 7/10/15; 9/14/16

BACKGROUND: DCNR, Bureau of Recreation and Conservation 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 acquisition grants, the public values required for a grant to be awarded and the ownership and control that applicants/grantees must have and maintain on the property.

POLICY:

I. 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.

II. Property Interest Acquisition

1. In order 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 protection value of the project, the water quality protection and enhancement value of the project, the historic and cultural resource protection value of the project, and the recreational opportunities and public access provided by the project.
 - b. DCNR has multiple funding sources that can be used for acquisition. For community recreation land acquisition projects, the acquired land must be open and accessible to the public.
 - c. For grants that are awarded to Land Trusts (as defined in the Keystone Legislation) public access is not required but is encouraged.
 - i. DCNR seeks as much "public value" as possible while providing flexibility to address special site conditions and respond to local needs.
 1. Public values include critical habitat protection, habitat connectivity, water quality benefits, and public recreational access for activities like walking, wildlife viewing, hiking, bird watching,

fishing, hunting etc. These and other considerations help the Bureau determine if a project is consistent with the Department's conservation and recreation goals and objectives and how the project rates against other potential acquisition projects.

2. 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 evaluating other requests for project assistance.
 3. 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.
- 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.
 - e. DCNR provides funding for easements that protect the entire property of interest.
 - i. The easement document shall take the form of the Pennsylvania Land Trust Association (PALTA) model easement that consists, where appropriate, of the Highest Protection Area (HPA), Standard Protection Area (SPA) and Minimum Protection Area (MPA).
 - ii. The PALTA model easement can be found at the following link: http://conservationtools.org/library_items/323-Model-Grant-of-Conservation-Easement-and-Commentary-6th-Edition
 - iii. 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 acquisition and funding provided by DCNR may not be used to acquire farmland for farmland preservation purposes. DCNR may acquire farmland as part of a larger acquisition where the farmland is incidental to the larger project. Any farmland acreage acquired may only be used for farming where it is supporting critical habitat maintenance or where it is incidental to the overall management and use of the property. This determination is made solely at the Bureau's discretion.
2. DCNR will consider the opinion of the public and of the county and municipal government regarding the acquisition.

III. Coordination

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.

This policy remains in effect until revised or rescinded.