

# LAND ACQUISITION Projects

This section provides more detailed grant information and guidance for land acquisition and applicable land donation, proposed for match in Land Acquisition projects. These projects involve the purchase and/or donation of land for park and recreation areas, greenways, trails, critical habitat areas and/or open space.

## Ready-To-Go Checklist

This Checklist is to be used by the applicant to determine if their Land Acquisition Project is "Ready-To-Go". If you have questions regarding this Checklist, please contact your DCNR Regional Advisor.

Yes	
<input type="checkbox"/>	Contacted Regional Advisor
<input type="checkbox"/>	Eligible Applicant
<input type="checkbox"/>	Appropriate Applicant
<input type="checkbox"/>	Eligible project
<input type="checkbox"/>	Clear, concise and detailed project description included
<input type="checkbox"/>	County/Municipal Notification Letter(s) provided
<input type="checkbox"/>	Draft sales or easement agreement (attach as available)
<input type="checkbox"/>	Reviewed the sample land acquisition project timeline at the following link <a href="http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_009424.pdf">http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_009424.pdf</a> and agree the project can be completed within 3 years from date of grant award
<input type="checkbox"/>	Match secured; if match from sources other than applicant, commitment letters provided from those providing match
<input type="checkbox"/>	Detailed list of eligible cash match and/or donated land value
<input type="checkbox"/>	Realistic, accurate, and detailed cost estimate/budget included, including any land donation value
<input type="checkbox"/>	Accurate project site location map(s) and identification of parcel(s) being acquired, including acreage and boundaries, provided
<input type="checkbox"/>	Clearly describe if the purchase is an easement, fee simple or a combination, and outline the specific rights to be acquired and any rights severed from the property by past or proposed transactions
<input type="checkbox"/>	Ownership of the property determined
<input type="checkbox"/>	Completed Public Value and Use section of the application, including details of the public access and value, and certifying that the public access provisions have been discussed with the landowner.
<input type="checkbox"/>	Full Appraisal Report by a state certified <b>General</b> Real Estate Appraiser for the land defined in the project scope and any donated parcels. Reviewed the detail appraisal requirements and handouts at the following link: <a href="http://www.dcnr.state.pa.us/brc/elibrary/forms/acquisitionforms/index.htm">http://www.dcnr.state.pa.us/brc/elibrary/forms/acquisitionforms/index.htm</a> Appraisal to be ordered by and prepared for the applicant.
<input type="checkbox"/>	Property has no known environmental hazards
<input type="checkbox"/>	<b>PNDI</b> review completed, receipt signed and provided
<input type="checkbox"/>	When circumstances warrant a "Waiver for Retroactivity" - the applicant has submitted a formal written request to the DCNR - Central Office and has contacted the appropriate staff person
<input type="checkbox"/>	Properly completed Resolution Page
<input type="checkbox"/>	Properly completed Grant Agreement Signature Page (original signatures required and <i>mailed</i> to the Grants Customer Service Center)

## General Information and Funding Conditions

1. All projects must serve a public purpose and help advance DCNR goals & priorities.
2. Land Acquisition grant applicants may submit more than one application per funding period. A separate application must be submitted for each land acquisition project unless the projects are substantially related.
3. All awarded Land Acquisition funds must be equally matched. The local match **MUST** be cash or donated land value.
4. Grants may be used for purchase of **fee simple title** to real property or a less than fee interest such as a **perpetual easement**. Applicants need to clearly indicate the interests/rights proposed for Land Acquisition. If some interests/rights will reside with another party post- land acquisition, the applicant must disclose this. **The Department will in general, give priority consideration to those proposed land acquisition projects that provide the most public value.** *Please note: If any rights have or will be severed, this information must be disclosed to the appraiser and addressed in the appraisal report.*
5. Appraisals and Title Search/insurance will be required prior to project completion and closeout.
6. Land or an interest in land (such as an Easement) acquired with grant assistance is restricted solely to those uses permitted by the statute under which the grant funding is awarded.
7. All municipal recreation land acquisition projects **must be open to public** uses consistent with purposes for which the land was acquired.
8. Public access is NOT required for Land Trust (as defined in the Keystone legislation) acquisition projects (fee simple or easement) but it is encouraged.
9. When assisting with the acquisition of an Easement, DCNR is seeking as much public value as possible, while retaining flexibility to address special site conditions and respond to local needs on a case-by-case basis. This often translates into significant public access to the property; however, this public access is balanced against environmental, historical, cultural, safety, water quality and other considerations to arrive at an optimal solution.
  - The need to protect critical habitat can override the interest in providing public access.
  - Public access should be considered in a multi-dimensional fashion involving various portions of the property, for various activities at various times and levels.
  - Reasonable restrictions on the time and manner of public access, as well as temporary limitations on public access for protecting or restoring the land, are acceptable.
10. The overall level of public value will be considered in rating and ranking individual grant applications.
11. The Department reserves the right to determine the percentage of participation in an easement project at its sole discretion.

12. **“Public Value and Use”** are to be addressed on the Form, provided in the Grant Application, which is to be downloaded, completed and uploaded for DCNR review and ranking. Form requires signature by land owner(s) for Land Trust acquisition projects.
12. Grants are awarded to assist with projects to be undertaken **after** the award of the grant, rather than to retroactively pay (reimburse) for projects already begun or completed before the award of the grant.
  - Therefore, grant funds generally may not be applied to project costs incurred before the date of the grant award.
  - *In special situations, the Bureau may permit grant funds to be applied to project costs incurred **before** the date of the grant award. **Refer to the Bureau Policy-Waiver for Retroactivity.***
13. Only pre-qualified Land Trusts are eligible to receive Keystone- Land Trust funding. Organizations that are not pre-qualified may obtain a pre-qualification form and instructions from DCNR’s Bureau of Recreation and Conservation, Rachel Carson State Office Building, P.O. Box 8475, Harrisburg, PA 17105-8475. Pre-qualification information can also be obtained by calling the DCNR Grants Customer Service Center at 1-800-326-7734 or through the assigned DCNR Regional Advisor.
14. Grant applications from Non-Municipal applicants must include evidence that the municipality(ies) and county where the property is being acquired have had the opportunity to comment on the project proposal. *As a general policy, the Department **will not** approve grant funding in areas where local elected officials have expressed opposition to the proposed project.*

## **Land Acquisition Project Types:**

### **1. Park and Recreation Areas**

Area of land and/or water, for use as a neighborhood, community or regional public park and recreation site. Property may be acquired for active and/or passive recreation use to create new park and recreation areas and/or expand existing recreational sites.

### **2. Greenways, Trails and Rivers Conservation**

- a. **Greenways** – Area of land and/or water which provides a linear recreation, conservation or open space corridor along a natural or man-made feature.
- b. **Rivers Conservation** – Area of land and/or water, which promotes rivers conservation within river segments or watersheds listed on the Pennsylvania Rivers Conservation Registry. **Projects should be recommended in an approved Rivers Conservation Plan.**

### 3. Natural and Critical Habitat Areas

- a. **Natural Area** – Area of land and/or water, which is important in preserving flora, fauna, native ecological systems, geological, natural, historical, open space, scenic or similar features of scientific or educational value.
- b. **Critical Habitat** – Area of land and/or water, which provides habitat for rare, threatened or endangered plant and animal species or ecological or natural communities which are at risk of destruction or substantial degradation.

### Administrative Issues and Requirements:

1. **Appraisals** – Appraisal Reports must be performed by a state certified **General** Real Estate Appraiser. Minimum Appraisal Standards are provided at the following link and should be provided to the appraiser preparing your report [http://www.dcnr.state.pa.us/cs/groups/public/documents/document/d\\_001269.pdf](http://www.dcnr.state.pa.us/cs/groups/public/documents/document/d_001269.pdf). In most cases, two (2) appraisal reports will be required for each awarded grant.
  - One must be submitted with the grant application, and normally a second appraisal will only be required if the grant is awarded. Appraisals must be ordered by and prepared for the applicant/grantee.
  - Appraisals done by Certified **Residential** Appraisers or **Broker** Appraisers will not normally be accepted by the Bureau.
  - Grants issued using federal Land and Water Conservation Funds require a "complete narrative report" done by a **state certified General Real Estate Appraiser** in accordance with the **Uniform Appraisal Standards for Federal Land Acquisition**. See the above link for appraisal standards. This is different than the normal required appraisal and will be discussed on a case by case basis, as necessary.
2. **Deed Restriction** - All deeds or easement agreements acquired with DCNR grant funding will be required to contain a clause restricting the transfer and change of use of the property as per the Grant Agreement.
  - The DCNR required restriction should not be included in a deed or easement until a grant has been awarded for the project and purchase of the property or easement has been approved by the Bureau.
3. **Review of Draft Sales Agreements and Draft Deeds** - All sales agreements and deeds must be reviewed by the Bureau before being executed.
4. Copies of all current existing leases.
5. **Easement Agreements** - All easement agreements must be reviewed and approved by the Bureau before being executed. The Bureau has developed a model easement agreement located at the following link: <http://www.dcnr.state.pa.us/brc/elibrary/forms/acquisitionforms/index.htm>. The Bureau requires that the appropriate Bureau model easement agreement be used by grantees.

Continue to access the commentary found on the PALTA website for general information. A link to the PALTA website is provided at the end of this section.

## **SAMPLE PROJECT DESCRIPTIONS:**

### **Fee Simple Project**

Fee simple acquisition of approximately 17 acres of the Owen Tract located in Green Township, Pocono County, adjacent to the Township's Evergreen Nature Preserve, to provide a buffer between the Preserve and the impending development of Evergreen Heights, while creating a green corridor connection to the existing County trail.

### **Easement Project**

Acquisition of a conservation easement on approximately 200 acres in Wheatfield Township, Jackson County, along Frog Creek Road and close to the Frog Creek Road Bridge, to provide for open space and greenway protection.

**Refer to the following documents which should be helpful in developing your Grant Application, they can be found at the following links:**

#### **Land Acquisition Documents:**

<http://www.dcnr.state.pa.us/brc/elibrary/forms/acquisitionforms/index.htm>

#### **Bureau Policies:**

<http://www.dcnr.state.pa.us/brc/grants/grantpolicies/index.htm>

- Acquisition Project Management Process Policy
- Appraisal Policy
- Conversion Policy
- Acquisition Eligible and Ineligible Grant Project Activities/Costs Policy
- Ownership and Control Policy
- PNDI Policy
- Public Value & Use Policy
- Sample Estimated Land Acquisition Project Timeline
- Sign Policy
- Waiver for Retroactivity Policy

#### **Other Links:**

**PALTA- Easements** <http://conservationtools.org/libraries/1/topics/76>

- PA Conservation Easement & Commentary
- Trail Easement Agreement & Commentary
- Fishing Access Agreement & Commentary
- Riparian Forest Buffer Protection Agreement & Commentary