

## 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

The Checklist is a tool for the applicant to use to determine if their project is truly “Ready-to-Go” and will be used by DCNR in its grant application evaluation and project selection process.

Only projects that are ready-to-go will be given consideration for grant awards.

### LAND ACQUISITION Projects

Yes	
<input type="checkbox"/>	Contacted Regional Adviser
<input type="checkbox"/>	Eligible Applicant
<input type="checkbox"/>	Appropriate Applicant
<input type="checkbox"/>	Eligible project
<input type="checkbox"/>	Clear / detailed project description
<input type="checkbox"/>	Match secured, and, if match from other than applicant, commitment letters provided from those providing match
<input type="checkbox"/>	Detailed list of eligible cash match or donated land value
<input type="checkbox"/>	Realistic, accurate and detailed cost estimate to include donated land value, if any.
<input type="checkbox"/>	County / Municipal Notification Letter(s)
<input type="checkbox"/>	Accurate project site location map(s) and identification of parcel(s) being acquired, including acreage and boundaries
<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"/>	Explain who will own the property.
<input type="checkbox"/>	Proposed settlement date and time-line, supported by a draft sales agreement or draft easement (as available)
<input type="checkbox"/>	Completed Public Value and Use Form, to include mapping, details of the public access and value, and signature(s) by the land owner(s) agreeing to the terms.
<input type="checkbox"/>	Full self-contained appraisal report by a <b>state certified General Real Estate Appraiser</b> , including normal Addenda Items and Exhibits, for the land defined in the project scope and any donated parcels.
<input type="checkbox"/>	PNDI check done, receipt provided.
<input type="checkbox"/>	Property has no known environmental hazards.
<input type="checkbox"/>	When circumstances warrant a “Waiver for Retroactivity”, the applicant has submitted a formal written request to the DCNR-Central Office.
<input type="checkbox"/>	Properly completed Resolution Page (uploaded)
<input type="checkbox"/>	Properly completed Grant Agreement Signature Page (original signatures required and <i>mailed</i> to the Grants Customer Service Center)

***All items need to be checked for the application to be complete and ready-to-go.***

***Please provide an explanation for those items you are unable to check.***

If your project is not ready, please work with your Regional Adviser to be ready for the next DCNR grant round.

## 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 a land donation 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 and use.** *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 lands acquired in **fee simple must be open to public uses consistent with purposes for which the land was acquired.**
8. 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, that 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; however, absent environmental and safety issues, significant public access is required.
  - 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.
  - Public access should be considered in a multi-dimensional fashion involving various portions of the property, for various activities at various times and levels.
9. **The level of public access, in relation to these factors, will be considered in rating and ranking individual grant applications.** Applications that provide only limited public access without clearly demonstrating critical issues related to protecting environmental values or safety, will receive a lower rating and thus a lower chance of receiving funding. The Department may choose to fund only a limited easement on a portion of the property at a substantially reduced amount or to fund the proposed easement at a percentage substantially lower than the typical 50% level.

10. **“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).**
11. When an Easement is being acquired, the following is information to consider in addressing the **“Public Value and Use”** issues.
  - A. **List the types of public access and use** being planned for the property or allowed on the property, as part of a negotiated easement agreement.
    - (Examples for active recreation projects: ball fields, playgrounds, picnic areas, swimming, running tracks, motorized trails, etc.)
    - (Examples for conservation land and passive recreation areas: hiking, non-motorized biking, equestrian trails, nature study, wildlife viewing, fishing, hunting, primitive camping, etc.)
  - B. **Location of the public use areas**, if not all of the property is proposed to be open and accessible to the public. Attach a map of the property showing the areas that are proposed to be open to the public and the areas to be closed to public access. Explain why certain parts of the property are proposed to be restricted from public use, for example, public safety concerns or sensitive environmental areas.
  - C. **Identify and/or list any other limitations and/or rules** that are going to be imposed on the public access and use of the property.
    - (Examples of acceptable use limitations include: certain times dictated by public safety and security, such as dusk to dawn, motorized vehicles, fires, alcoholic beverages, littering, excessive noise, damage to natural resources, etc.)
  - D. **List other special circumstances** unique to this property or project that should be taken into consideration in evaluation of the proposed public access and use.
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 your assigned Bureau Regional Adviser.
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. **Trails** – A designated land and/or water corridor with public access that provides recreation and/or alternative transportation opportunities to motorized and/or non-motorized users of all ages.

#### 1. Rails-to-Trails

Abandoned railroad rights-of-way used for public recreational trail use and adjacent lands for trail access or related support facilities.

#### 2. Snowmobile and All-Terrain Vehicle (S/ATV)

Funding assistance provided to municipalities, non-profit and/or profit organizations, for purchase of fee simple title to real property or a less than fee interest such as an easement, in connection with snowmobile and/or ATV use.

- A special set-aside of approximately one third of the S/ATV annual grant funds will be targeted for county, multi-county and regional authority projects.
- If the demand is not received for these types of projects, the balance of the set-aside will be used to fund other snowmobile and ATV applications.

- c. **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.

## LAND ACQUISITION PROJECTS-

### Administrative Issues and Requirements:

1. **Appraisals** - Appraisals must be performed by a state certified **General** Real Estate Appraiser and should be presented as **Self-Contained** Appraisal Reports in accordance with the most current edition of the Uniform Standards of Professional Appraisal Practice. 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 done by Certified **Residential** Appraisers or **Broker** Appraisers will not normally be accepted by the Bureau.
  - Appraisals submitted without the information, analysis and documentation required for a Self-Contained Appraisal Report **will not be acceptable** (i.e. current deed, zoning ordinance, etc.).
  - **Summary** and **restricted use** appraisals **Do Not** meet our grant guidelines.
  - 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**. 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 **Pennsylvania Land Trust Association (PALTA)**, with grant assistance from the Bureau, has developed a model easement agreement along with commentary. The Bureau recommends using this model to assist in developing an easement agreement. The model can be found on the PALTA website which 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 web-links for documents which should be helpful in developing your Grant Application:**

#### **Land Acquisition- Document Links:**

[Grant Administrative Process- Acquisition](#)

#### **Bureau Policy Links:**

[Acquisition Project Management Process Policy](#)

[Appraisal Policy](#)

[Conversion Policy](#)

[Eligible/Ineligible Project Activities/Costs Policy](#)

[Public Value & Use Policy](#)

[Ownership and Control Policy](#)

[Waiver for Retroactivity Policy](#)

[PNDI Policy](#)

#### **Other Links:**

**PALTA- Easements** [www.conserveland.org](http://www.conserveland.org).

PA Conservation Easement & Commentary

Trail Easement Agreement & Commentary

Fishing Access Agreement & Commentary

Riparian Forest Buffer Protection Agreement & Commentary

**Uniform Standards of Professional Appraisal Practice**

<http://www.vanderwerffandassociates.com/USPAP.pdf>

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