

COMMONWEALTH OF PENNSYLVANIA
Department of Conservation and Natural Resources

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

SUBJECT: Acquisition Eligible and Ineligible Grant Project Activities/Costs/Match

EFFECTIVE DATE: 1/1/13

REVISED DATE: 7/1/2014

BACKGROUND: The DCNR Community Conservation Partnerships Program (C2P2) grant program is administered by the Bureau of Recreation and Conservation (BRC). 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.

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 of Retroactivity request for this specific project scope and grant round (also discussed in item B; #12).

Land Acquisition COSTS: Eligible and Ineligible Activities

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 of eligible preagreement costs for acquisitions include property appraisals, title reports and Phase 1 Environmental assessments.
2. Professional service fees for attorney services to perform title work, prepare sales agreements or option to purchase.
3. Real estate appraisals and other costs incurred to satisfy grant application requirements, if a grant is awarded. Other eligible costs include a Phase 1- Environmental Site Assessment, boundary survey, title report, title insurance, settlement costs, certain legal costs, pro-rated taxes, Bureau-required signage and, if required, PNDI surveys.

Appraisal Requirements:

- Appraisals must be prepared by a state-certified General Real Estate appraiser.
- For Appraisal Report requirements see the BRC Acquisition Grant Policy: Requirements for Property Appraisals, Boundary Surveys and Title Work; Section A.
- The first appraisal can be no older than one year prior to the grant application deadline.
- The appraisal reports must be ordered by and prepared for the grant applicant/grantee to ensure that the fiduciary relationship is solely between the applicant/grantee and the appraiser.

Survey: If there is an existing survey and the applicant/grantee is not sure if it is acceptable and will meet the Bureau guidelines, submit it to the Bureau for a review. If it meets applicable guidelines, a new boundary survey will not be required. If it does not meet our guidelines, the applicant/grantee will be required to obtain a new survey. The applicant/grantee will need to contract directly with the surveyor to ensure that the professional relationship is solely between the applicant/grantee and the surveyor.

Legal Costs: Legal work associated with attending closing on the land or easement and preparation & review of legal documents.

Title Search/Report: A title report and cover letter from the applicant's attorney with comments of their opinion on the title report and a detailing of any findings.

4. Up to 50% of the combined costs of the land/easement value and related acquisition project expenses. The applicant/grantee is responsible for all eligible costs not reimbursed by the Grant. Eligible land acquisition costs will be determined by the Bureau on the basis of appraisals ordered by and prepared for the applicant/grantee. Grant funding for the land value will not exceed 50% of the appraised land market value estimate based on two appraisals for a property/easement or the actual purchase price whichever is less.

B. Land Acquisition 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 activities
7. Costs for lobbying activities
8. Costs of food, drink, gifts and or other hospitality items related to the general promotion of the applicant/grantees organization
9. Seller's normal settlement costs
10. Costs determined by the Bureau to be in violation of the Grant Terms and Conditions.
11. 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.

12. Staff salaries
13. The cost of buildings on the property unless they are to be used solely for indoor recreation, environmental education or outdoor recreation support activities. If a proposed project includes acquisition of an existing structure to be used for public recreation or environmental education, such as recreation centers, environmental education centers, ice rinks, gymnasiums, bridges, etc., a feasibility study/structural assessment prepared by a licensed architect, engineer or landscape architect must be submitted with the grant application. If it is determined that environmental concerns may be an issue with the site and/or the building(s) then a Phase I Environmental report will be required. 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.
14. The cost for the demolition of structures/buildings.
15. Endowment or maintenance costs.
16. The Bureau will not fund the acquisition of land, in fee or of an easement, if it is determined by the Bureau that the land is already adequately protected.
17. Purchase of farmland, unless the land will be converted to parkland, natural areas, or other recreational use; or unless the continued agricultural use of the property is incidental. Land used for farming or land protected as farmland is not eligible, unless all farming activity is terminated. The following are conditions and guidelines for the acquisition of farmland:
 - a. All farmland purchased in fee simple title shall be converted to a non-agricultural use within 2 years of the date of purchase. Note: When a grant is funded using federal funds administered by the Bureau (e.g. LWCF) the farming must be terminated immediately on the entire site.
 - b. Farmland being converted to non-agricultural use must comply with Executive Order 2003-2, Agricultural Land Preservation Policy.
 - c. If incidental agricultural use has been approved by the Bureau, neither the agricultural use area nor the intensity of the farming activity may be expanded.
 - d. Conservation easements must include a conservation management plan that establishes requirements so that the agricultural uses have no detrimental environmental impact on adjacent land or water resources. Grants can be used only to help acquire the Highest Protection Area and not the farmland and/or Standard or Minimal Protection Areas.
 - e. Conservation easements will not be acquired on farmland that is eligible for preservation under programs administered by the Pennsylvania Department of Agriculture.
 - f. Farmland currently enrolled in Clean & Green and/or the Agricultural Security Program must be removed from the program(s) prior to close-out of the grant. Letter(s) to confirm the land has been removed will be required.
18. Land subdivision costs. Subdivisions are required for the purpose of creating new tax parcels. A survey is required for the subdivision plan to show the boundaries created when a piece of land is divided into two or more lots. After the subdivision plan is approved, the survey is also used to create the metes and bounds legal descriptions for the new deeds so the new subdivided parcels can legally be sold or transferred by the landowner.
19. 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.

20. Cost of an appraisal that has been performed by the same appraiser the seller has/had used, as it may be a conflict of interest.

LAND ACQUISITION PROJECTS /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.

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

2. Typically, items eligible for grant funding are eligible as match.
3. Match, whether in the form of cash or a land donation, **may be used only once as match**. If it has been counted as match for another project/grant or portion of this project, it may not be again counted as match, no matter who funded the project(s).
4. Donated land value that meets Bureau grant program guidelines.
5. 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 by the applicant as a non-cash match for the grant. Grants that include the donated land value must be supported with appropriate documentation (for example, IRS Form 8283) that documents the value and the fact that the land or easement value was actually donated. Donated land value is not eligible for reimbursement.
6. All donated land to be used as match must meet all other grant requirements for eligible land. For example, contaminated land or farmland that will continue in use as farmland cannot be used as match. Also, land donation must occur within the timeframe of the grant agreement or be covered by a waiver-of-retroactivity.

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 to remain as farmland, Standard Protection Area (SPA), Minimal Protection Area (MPA) or land that does not meet the project scope, may not be accepted as a land donation match.

This policy remains in effect until revised or rescinded.