LAND ACQUISITION Projects

This section provides more detailed grant information and guidance for Land Acquisition projects. These projects involve the purchase and/or donation of land for park and recreation areas, greenways, 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”. The items below need to be addressed, included or uploaded in the application. If you have questions regarding this Checklist, please contact your DCNR Regional Advisor.

* Ready-to-Go Status is worth 15 points. It is essential to provide high quality, well-defined and/or detailed information for these items.

<table>
<thead>
<tr>
<th>Yes</th>
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<tr>
<td>☐</td>
<td>Contacted Regional Advisor</td>
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<td>☐</td>
<td>Eligible Applicant</td>
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<td>Appropriate Applicant</td>
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<td>Eligible project</td>
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<td>☐</td>
<td>Property has no known environmental hazards</td>
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<td>Match secured</td>
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<td>Letters of match commitment from entities other than applicant uploaded</td>
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<td>Detailed list of eligible cash match and/or donated land value</td>
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<td>Realistic, accurate and detailed cost estimate/budget included, including any land donation value</td>
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<td>Clear, concise and detailed project scope of work included</td>
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<td>☐</td>
<td>Description of negotiations your organization has had with the land owner included</td>
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<td>☐</td>
<td>PNDI receipt uploaded, required for all land acquisition and conservation easement applications</td>
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<tr>
<td>☐</td>
<td>Accurate project site location map(s) and identification of parcel(s) being acquired, including acreage and boundaries, uploaded</td>
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<tr>
<td>☐</td>
<td>Copy of current deed(s) for the property(ies) uploaded</td>
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<td>☐</td>
<td>Draft sales agreement uploaded</td>
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<td>☐</td>
<td>Draft easement agreement uploaded (if applicable)</td>
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<td>☐</td>
<td>County/Municipal Notification Letter(s) uploaded</td>
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<td>Clearly describe the specific rights to be acquired and any rights severed from the property by past or proposed transactions</td>
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<td>☐</td>
<td>Full Appraisal Report by a state certified General Real Estate Appraiser for the land defined in the project scope and any donated parcels. Appraisal to be ordered by and prepared for the applicant. Review detailed appraisal requirements at the following link: <a href="http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/d_001269.pdf">http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/d_001269.pdf</a></td>
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<td>☐</td>
<td>When circumstances warrant a “Waiver for Retroactivity” - the applicant has submitted a formal written request to the DCNR - Central Office</td>
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<tr>
<td>☐</td>
<td>Properly completed Resolution Page uploaded</td>
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<td>☐</td>
<td>Reviewed the sample land acquisition project timeline at the following link, <a href="http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/dcnr_009424.pdf">http://www.docs.dcnr.pa.gov/cs/groups/public/documents/document/dcnr_009424.pdf</a>. Agree the project can be completed within 3 years from date of grant award.</td>
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General Information and Funding Conditions

All projects must serve a public purpose and help advance DCNR Goals.

1. Land Acquisition grant applicants may submit more than one application per funding cycle. A separate application must be submitted for each land acquisition project unless the projects are substantially related.

2. Match is required for all projects and is usually equal to the grant funds awarded. The local match MUST be cash or donated land value.

3. 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-acquisition, the applicant must disclose this. Please note: If any rights have or will be severed, this information must be disclosed to the appraiser and addressed in the appraisal report.

4. Appraisals must be performed by a state certified General Real Estate Appraiser and must comply with the Acquisition Policy: Requirements for Property Appraisals. These guidelines should be provided to the appraiser preparing your report.

5. 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 and purchase of the property or easement has been approved by the Bureau.

6. Donated lands used as match for planning, land acquisition and/or development projects must show transfer of title within the same time period as the grant project to be an eligible match. Match is a one-time use per parcel and any excess value cannot be banked toward future projects. The document used to convey title must also include a non-conversion clause restricting the use and transfer of the property.

7. All sales agreements and deeds must be reviewed by the Bureau before being executed.

8. All easement agreements must be reviewed and approved by the Bureau before being executed. Easements must follow the PALTA model to be considered for funding: https://conservationtools.org/library_items/323-Model-Grant-of-Conservation-Easement-and-Declaration-of-Covenants-7th-edition.

9. Copies of all current existing leases shall be submitted with the grant application.

10. A Title Commitment Report and Title Insurance Policy will be required prior to project completion and closeout.

11. Land or an interest in land (i.e. an easement) acquired with grant assistance is restricted solely to those uses permitted by the statute under which the grant funding is awarded.

12. 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. 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.

- The need to protect critical habitat can override the interest in providing public access.
- Public access should be considered whenever possible, 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.

13. The Department reserves the right to determine the level of acceptable public access in an easement application at its sole discretion.

14. “Public Value and Use” is to be addressed in the Grant Application. The overall level of public value will be considered in rating and ranking individual grant applications.
   - All municipal recreation land acquisition projects must be open to public uses consistent with purposes for which the land was acquired.
   - Public access is NOT required for Land Trusts (as defined in the Keystone legislation) acquisition projects (fee simple or easement) but it is encouraged.

15. 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. 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”.

16. Only pre-qualified Land Trusts are eligible to receive Keystone- Land Trust funding. The Land Trust Pre-qualification Form can be found at the following link, http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031212.docx.

17. 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. **Community Recreation**
   Projects include acquisition of lands to serve neighborhood, community or regional public park and recreation needs. Projects may provide for or enhance access to rivers, lakes and streams. 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. **Critical Habitat/ Open Space**
   Projects that protect open space and critical habitat for important species and ecosystems. May include lands that have large connectivity to other protected lands with varied topography and multiple microclimates to support greater species biodiversity.
SAMPLE PROJECT DESCRIPTIONS:

Land Acquisition Project
Acquisition of approximately 17 acres located in Green Township, Pocono County, for an addition to the Evergreen Nature Preserve, providing wildlife habitat, watershed protection and recreation opportunities connection to the existing County trail.

Conservation 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.

The following documents may be helpful in developing your Grant Application:

Land Acquisition Documents/Policies:
http://www.dcnr.pa.gov/Communities/Grants/LandAcquisitionGrants/Pages/default.aspx

Bureau Policies:
- Acquisition Eligible and Ineligible Grant Project Activities/Costs Policy
- Community Gardens Policy
- Acquisition Grant Administrative Instructions and Process Policy
- Ownership and Control Policy
- Pennsylvania Natural Diversity Inventory (PNDI)
- Public Value and Use Policy
- Requirements for Property Appraisals
- Requirements for Boundary Surveys and Title Work
- Sign Policy
- Waiver for Retroactivity
- Acquisition Conversion Process Policy – LWCF Grants
- Acquisition Conversion Process Policy – State Grants

PALTA- Easements:
https://conservationtools.org/library_items/topic/165-Model-Conservation-Easements

- Model Grant of Conservation Easement and Commentary, 7th Edition
  Model Grant of Conservation Easement and Declaration of Covenants for Riparian Buffer Protection