SUBJECT: Acquisition Grant Administrative Instructions and Process

EFFECTIVE DATE: 12/9/2009

REVISED: 11/29/11; 7/1/2014; 7/16/15; 9/22/17; 7/24/19

BACKGROUND: The following is an overview of the Bureau’s grant process for managing acquisition projects. The term “Grantee” refers to a grant applicant that has been awarded a grant.

Grant Administration Roles and Responsibilities

Local Project Coordinator, designated by the Grantee, is the official contact person on all matters related to the administration of the grant project. All official correspondence will be sent to the Local Project Coordinator. If the Local Project Coordinator changes during the course of the project, the Grantee must provide the assigned Bureau Project Manager with written notification on Grantee’s letterhead of the change, including the name, title, address, email, and daytime telephone number of the new Local Project Coordinator.

Bureau Project Manager, is the assigned DCNR staff member to serve as the Project Manager to work with the Grantee to successfully complete the grant project. It is the Bureau Project Manager’s responsibility to provide information and assistance to the Grantee to ensure that the project is completed, that grant program requirements are met, and that the project can be successfully closed out. All correspondence and communications regarding the project should be directed to the Bureau Project Manager.

Grant Administration Process

It is the Bureau’s intent to provide each Grantee with as much assistance as needed, on a step-by-step basis, to ensure a successful project. There are steps requiring the Grantee to wait for DCNR’s review and approval before proceeding to the next step. The standard process for implementing an acquisition grant is as follows:

1. DCNR Award/Contracting Stage

   - DCNR sends a “notice-of-selection” letter to the Grantee (Chief Elected Official).
   - A fully executed copy of the Grant Agreement is returned to the Grantee by DCNR, signifying the beginning of the project management process.
2. **Initial Notice to Proceed Letter and Next Step Instructions Stage**

*Note: This stage can be concurrent with the DCNR- Contracting Stage.*

*Note: If a Waiver of Retroactivity was received or the project is in advanced stages with DCNR knowledge of the project, then this stage will include approval to proceed to closing.*

- The Grantee receives a letter from their designated Bureau Project Manager, providing application review comments and next step instructions.

- Items to be addressed or submitted to DCNR to continue the grant process:
  - Technical Review or Second Appraisal: Ordered by and prepared for the Grantee by a different state certified General Real Estate Appraiser. Refer to the Bureau Policy on “Requirements for Property Appraisals”.
  - Survey or subdivision plat that shows the property boundary bearings and distances (metes and bounds) for all the property or easement acquired under the grant project, showing all easements and rights-of-ways of record and includes a calculation of acreage. This is an on the ground survey that is performed by a PA Registered Land Surveyor to include their seal.
  - Copy of draft or executed agreement of sale if it was not submitted with the grant application.
  - Copy of draft deed containing “DCNR” non-conversion language.
  - Copy of draft easement, if applicable, containing “DCNR” non-conversion language.
  - Phase I Environmental Assessment report, if required. Past use of the property or comments in the appraisal report or application may necessitate a Phase I Environmental Assessment.
  - For Conservation Easements funded on a property that is mortgaged, a “Consent, Non-Disturbance, and Subordination Agreement” is required. See model document on PALTA’s Conservation Tools website: [https://conservationtools.org/library_items/724](https://conservationtools.org/library_items/724).
  - Title Commitment report and Title Insurance Policy are required prior to project completion and closeout: Appraisals need to clearly indicate the spectrum of interests/rights appraised. The inclusion or exclusion of rights appraised including but not limited to surface, mineral (coal and hard mineral), oil and gas, wind, timber, etc. needs to be clearly disclosed. Grantees are strongly encouraged to obtain the Title Commitment prior to the appraisal being ordered and conducted.
  - Miscellaneous items to be disclosed may include: future disposition or use of existing buildings; future plans for any agricultural activity on the property or easement; or who will ultimately hold title to the land if someone other than Grantee.

- Appropriate payment request form provided:
  - Advanced Payment Request Form (for a non-profit) to request 50% of the grant amount within two weeks of receipt of letter.
  - Partial Payment Request Form (for a municipality) to request 50% of the grant amount within two weeks of receipt of letter.

*Time-frame: Completed 4-5 weeks following grant award announcement.*
3. **Initial Project Meeting Stage**

The Bureau Project Manager conducts an initial one-on-one meeting or conference call with the Grantee to discuss the project and address and questions regarding the next step instructions provided in the Notice to Proceed letter. The initial project meeting may be waived depending upon the Grantee’s prior experience with the C2P2 Grant Program and the Bureau Project Manager’s understanding of the project.

**Time Frame:** Conducted 3-4 weeks after Notice to Proceed letter has been mailed.

4. **Review of Draft Documents/Written Approval to Proceed Stage**

Upon **DCNR review** of the draft documents noted in #2 above, the Bureau Project Manager will give written approval to proceed with the transaction. The Grantee shall not proceed with the execution of any agreement of sale, easement or deed without an executed Grant Agreement and letter giving approval to proceed. This stage is important to help ensure that no restrictive covenants or conditions that conflict with the grant are included in the document and that the appropriate “DCNR” non-conversion language is included in the deed or easement.

**Timeframe:** Completed 2-3 weeks following receipt of draft documents.

5. **Approval to Proceed with Closing Stage**

- The Grantee receives a letter from their designated Project Manager confirming the receipt of the items requested in the Initial Notice to Proceed Letter.
- Bureau Project Manager authorizes the Grantee to proceed with acquisition of the property or easement, confirm number of acres and purchase price of the property/easement to be acquired, and list items required to successfully close out the project.
- When settlement has been scheduled a grant payment up to 90% of the eligible grant amount may be requested by the Grantee using the Partial Payment Request Form.
  - Partial Payment Form submitted to the Bureau.
  - 10% of the grant amount is withheld in the event of an under run and to ensure all items requested have been submitted.
  - Provide the Grantee with a Final Payment Request Form.
- Items required to successfully closeout the project.
  - Copy of recorded deed or easement containing DCNR non-conversion language.
  - Settlement statement.
  - Remaining items from previous correspondence.
  - Final Payment Request Form signed by Project Coordinator.

**Time Frame:** Completed within 3 weeks of approval of deed or easement and receipt of items previously requested.
6. **Project Closeout Stage**

DCNR review of the settlement documents, copy of the recorded deed, final payment request form and any remaining items needed to close out the project. Bureau Project Manager provides close out letter to Grantee.

**Time Frame:** Review documents and Final Payment Request within 3 weeks of receipt.

**ADDITIONAL INFORMATION**

1. **Grant Payments**
   
   See the Payment Request Processing Policy

2. **Interest Income**
   
   With the exception of Growing Greener Bond Fund monies on which interest may not be earned, upfront grant payments and any interest or other income or accumulations generated by this grant must be separately identifiable in the accounting of funds received under the Grant Agreement. Grantee should invest and reinvest grant funds and any interest on other income or accumulations earned on such funds to gain the maximum yield. Subject to prior written approval of the Bureau, the Grantee may use the interest or other income or accumulations earned on grant funds for grant activities. Income earned and expended shall be recorded as part of the closeout documentation. Any unused interest or other income remaining at the completion of project activities shall be returned to the DCNR.

3. **Waiver for Retroactivity**
   
   See the Waiver for Retroactivity Policy

4. **Project Changes/Grant Agreement Amendments**
   
   If there is a need to modify the scope of work, contract timeframe, budget, etc., during the course of the project, the Bureau Project Manager will advise the Grantee of the process for requesting an amendment.

5. **Project Specific Grant**
   
   The Grant awarded is for the project as described in the grant application. Funds awarded are non-transferable if an under run occurs (i.e. acreage less per survey, market value is less based on two appraisals, etc.) or the project is terminated for reasons beyond Grantee’s control (i.e. owner decides not to sell, owner sold to another party, etc.). If the scope of work cannot be completed, the Grantee will notify the Bureau Project Manager in writing as soon as possible after the details are confirmed and return all initial and/or partial payments to include interest if applicable. The returned funds need to be by check payable to the Commonwealth of Pennsylvania. Any interest earned must be returned in a separate check, payable to Commonwealth of Pennsylvania.

   If the scope of work cannot be completed the Bureau cannot help fund any associated costs incurred for this project.
6. **Record Keeping**
   It is the Grantee’s responsibility to maintain original records that support and validate the summary information provided to the Bureau.

   In accordance with the grant agreement, all original records related to the project shall be made available for a possible project audit for up to 3 years after the close out of the project. Any costs presented in the summary information not verifiable by a project audit may be disallowed as eligible project cost.

   Because the DCNR deed restriction on the property or the conservation easement is perpetual, it is recommended that project records be maintained by the Grantee permanently.

7. **Acknowledgement of Assistance**
   In accordance with the grant agreement, once the property or easement has been acquired the Grantee must erect an appropriate sign acknowledging that it is a public site provided by the Grantee with financial assistance from the Department of Conservation and Natural Resources, Bureau of Recreation and Conservation. The sign shall also acknowledge the funding source. See Appendix A of the grant agreement for the funding source of the grant. Refer to the Bureau of Recreation and Conservation’s “Sign Policy” for further instructions and examples.

8. **Transfer of Property**
   The Bureau must approve all property transfers in writing. If the property or easement is to be transferred to another party at the time of settlement or shortly thereafter, it is the Local Project Coordinator’s responsibility to ensure the Bureau has approved the transfer in writing before the settlement occurs.

9. **Conversion of Use**
   Any change in use or ownership whether whole or in part would require written approval from the Bureau of Recreation and Conservation. Go to our Policy on “Conversion of Property Interests Acquired or Developed with State Funding” for further guidance.

Acquisition forms, guidance documents, and policies may be obtained at the following link: [http://www.dcnr.pa.gov/Communities/Grants/LandAcquisitionGrants/Pages/default.aspx](http://www.dcnr.pa.gov/Communities/Grants/LandAcquisitionGrants/Pages/default.aspx)

This policy remains in effect until revised or rescinded.