

PENNSYLVANIA COMMUNITY CONSERVATION PARTNERSHIPS PROGRAM

I. Overview

Pennsylvania is ranked among the top ten most populated and most densely populated states in the nation.¹ At current growth and development rates, the state is experiencing a loss of approximately 300 to 350 acres of open space every day.² In order to foster and facilitate conservation- and recreation-focused projects and programs in the state, the Pennsylvania Department of Conservation and Natural Resources (PDCNR) has made the development and maintenance of partnerships with communities and organizations a primary focus.³ The Community Conservation Partnerships Program (C2P2), the foremost conservation-focused open space protection program in the state, was developed in 1995⁴ and has contributed to the protection of more than 81,000 acres of open space and recreation land through grants to municipalities.⁵

C2P2 is authorized under the Keystone Recreation, Park and Conservation Fund Act to prioritize acquisitions based on conservation considerations and employs a scoring process to utilize this authority. As of 2005, the program has no plans to integrate the state wildlife action plan (formerly known as the Comprehensive Wildlife Conservation Strategy) into their open space protection grants scoring and prioritization process.

II. Pennsylvania's Community Conservation Partnerships Program

PDCNR's Bureau of Recreation and Conservation, staffed largely by recreation specialists and environmental planners, administers the C2P2 program under two funding authorities.⁶ The Keystone Recreation, Park and Conservation Fund Act provides for "the establishment, operation, and administration of the Keystone Recreation, Park and Conservation Fund...for the acquisition of, improvements to and the rehabilitation of parks, recreational facilities, educational

¹ U.S. Census Bureau, *Cumulative Estimates of Population Change for the United States and States, and for Puerto Rico - April 1, 2000 to July 1, 2004*, at http://www.census.gov/popest/gallery/maps/Maps_State2004.xls (Jul. 1, 2004).

² Pennsylvania Department of Conservation and Natural Resources, *A Conservation Gap: Habitat Loss*, at <http://www.dcnr.state.pa.us/wlhabitat/forward/gap.htm> (last visited July 7, 2005).

³ Pennsylvania Department of Conservation and Natural Resources, *Bureau of Recreation and Conservation*, at <http://www.dcnr.state.pa.us/brc/> (last visited July 7, 2005).

⁴ Pennsylvania Department of Conservation and Natural Resources, *News Release: Gov. Ridge Announces Community Conservation Partnership* (Dec. 7, 1995), at <http://www.dcnr.state.pa.us/polycomm/pressrel/CCPI.htm> (last visited July 12, 2005); Pennsylvania Department of Conservation and Natural Resources, *Community Conservation Partnerships Program: Growing Greener Grants Opportunities*, at <http://www.dcnr.state.pa.us/brc/grants/gg-grants.aspx> (last visited July 12, 2005).

⁵ Telephone Interview with Mike Schneider, Recreation and Parks Advisor, Pennsylvania Bureau of Recreation and Conservation, (Mar. 31, 2005); Pennsylvania Environmental Council, *Archived News Stories and Press Releases: 2002*, at http://www.pecpa.org/_final_pec/html/_news_story_archives2002.htm#DCNRDec2002 (last visited July 12, 2005).

⁶ Telephone Interview with Mike Schneider, Recreation and Parks Advisor, Pennsylvania Bureau of Recreation and Conservation (June 23, 2003).

facilities, historic sites, zoos and public libraries.”⁷ The Environmental Stewardship and Watershed Protection Act (Growing Greener Program) provides funding to “rehabilitate, repair and develop state forest lands and facilities and [for] the acquisition of interior lands within state parks and state forests.” Grants are provided for “the purpose of planning, education, acquisition, development, rehabilitation and repair of greenways, recreational trails, open space, natural areas, river corridors, watersheds, community and heritage parks and recreation facilities; community conservation and beautification projects; forest conservation; and other conservation purposes;” as well as for “the purpose of research, planning, inventories and technical assistance, intended to protect and conserve the biological diversity of [Pennsylvania].”⁸

Program Funding

Three main sources fund C2P2: the Keystone Recreation, Park and Conservation Fund; the Growing Greener Program, and the federal Land and Water Conservation Fund. The Keystone Recreation, Park and Conservation Fund is supported by bond revenues and the state realty transfer tax.⁹ The Growing Greener Program provides grants for multiple Pennsylvania conservation programs, including C2P2, “to acquire land to protect open space and critical natural habitat; to conserve river resources; to create greenways; to build community parks and playgrounds; and to promote and enhance heritage tourism...”¹⁰ Growing Greener is supported by the state’s recycling fund and a hazardous sites cleanup fund.¹¹ Finally, the Land and Water Conservation Fund is a federal matching grants program that assists states in acquiring and developing recreation sites and facilities.¹² Annually, the amount of funding available for C2P2 land acquisition grants varies. Between 2001 and 2004, the average annual amount of funding provided for land acquisition was \$13.3 million. The program has expended more than \$68 million on land acquisition projects since its inception in 1995.¹³

In July 2005, the Growing Greener Program was extended after Pennsylvania voters approved and the Governor signed Growing Greener II legislation. Growing Greener II provides \$625 million over six years to clean up rivers and streams; protect natural areas, open spaces, and farms; and revitalize communities. PDCNR will receive \$217.5 million “to preserve natural areas and open spaces; improve state parks; and enhance local recreational needs.”¹⁴

Land Acquisition Grants

C2P2 provides land acquisition grants to local municipalities, pre-qualified land trust organizations, and selected for-profit organizations. Granted organizations must provide a 50

⁷ Keystone Recreation, Park and Conservation Fund Act, 1993 Pa. Laws 50.

⁸ 27 PA. CONS. STAT., Chp. 61 § 6105 (A)(1).

⁹ Keystone Recreation, Park and Conservation Fund Act, 1993 Pa. Laws 50, § 4.

¹⁰ Pennsylvania Department of Conservation and Natural Resources, *Pennsylvania Growing Greener At A Glance*, at <http://www.dcnr.state.pa.us/growinggreener/gg-ataglance.aspx> (last visited July 7, 2005).

¹¹ Environmental Stewardship and Watershed Protection Act, 1999 Pa. Laws 68, § 6104.

¹² Congressional Research Service, *Land and Water Conservation Fund: Current Status and Issues*, No. 97-792, available at <http://www.ncseonline.org/NLE/CRSreports/public/pub-1.cfm> (updated March 16, 2001)

¹³ E-mail from Mike Schneider, Recreation and Parks Advisor, Pennsylvania Bureau of Recreation and Conservation, to Ben Gerhardstein, Research Associate, Environmental Law Institute (April 6, 2005, 09:47:00 EST) (on file with author).

¹⁴ Commonwealth of Pennsylvania, Governor’s Office of the Budget, *Gov. Rendell Enacts Growing Greener II, Makes Historic Investment in Environment, Economy* (July 13, 2005), available at <http://www.budget.state.pa.us/budget/cwp/view.asp?a=3&Q=201757>.

percent match. Although demonstrated consistency with existing open space plans is not required, project proposals that support local and regional plans score higher in grant decision-making.¹⁵

Funded land protection projects mostly involve conservation easements or fee acquisition, though conservation-focused research is also occasionally supported.¹⁶ Pennsylvania law provides authority to prioritize projects based on biodiversity considerations, stating “[t]he Department of Community Affairs, in consultation with the Department of Environmental Resources,¹⁷ shall adopt project selection criteria that give priority to acquisitions of critical habitat for rare, threatened, or endangered plant or animal species or communities which are at risk of destruction or substantial degradation.”¹⁸ PDCNR’s criteria, developed by agency staff, relate to recreation and conservation priorities,¹⁹ planning, and environmental impact.^{20,21} Criteria have been assembled into a point-scoring system, which is used by PDCNR’s Natural Heritage Program (PNHP)²² staff to rate and rank projects.²³ The system has been evaluated for effectiveness by the PNHP.²⁴

Protection in Perpetuity

Authorizing regulations require that lands protected through C2P2 cannot be converted without PDCNR approval.²⁵ In these cases, PDCNR usually requires replacement of the land. Small

¹⁵ C2P2 is currently funding counties to conduct greenway studies and develop regional greenway documents. Proposals consistent with these plans will be given priority during the grant decision-making process. Schneider, *supra* note 5.

¹⁶ *Id.*

¹⁷ Department of Community Affairs and the Department of Environmental Resources were disbanded and the program is now administered by PDCNR. Schneider, *supra* note 6.

¹⁸ Keystone Recreation, Park and Conservation Fund Act, 1993 Pa. Laws 50, § 8(c)(2).

¹⁹ Conservation-related criteria relate to: land use planning and practices; maintenance and enhancement of urban greening and metropolitan partnerships; creation and enhancement of greenways; implementation of recommendations of management action plans and priority projects of Governor-designated State Heritage Parks; implementation of recommendations of DCNR-approved river conservation plans; maintenance and protection of biodiversity and critical natural areas (particularly wetlands and ecological landscapes with rare, threatened or endangered species); protection and enhancement of “Important Bird Areas;” restoration and enhancement of riparian buffers; protection of flood plains; implementation of Chesapeake Bay Program priorities; use of green technology and construction methods and materials; implementation of projects that are consistent with recovery plans for financially distressed communities; implementation of projects consistent with revitalization strategies of “Weed and Seed” designated communities; and implementation of recommendations of Pennsylvania’s Recreation Plan.

²⁰ Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation, Community Conservation Partnerships Program Grant Application Manual and Forms (July 2004), available at: <http://www.dcnr.state.pa.us/brc/grants/GrantManual2004/2004%20Final%20Manual%20Web.doc>.

²¹ Preferences are also given to acquisitions that enlarge or link existing protected areas. Schneider, *supra* note 5.

²² The Pennsylvania Natural Heritage Program (PNHP) conducts inventories and collects data on Pennsylvania’s native biological diversity. Information is stored in a continually updated integrated data management system consisting of map, manual, and computer files. Pennsylvania Department of Conservation and Natural Resources, *Pennsylvania Natural Heritage Program*, at <http://www.dcnr.state.pa.us/forestry/pndi/index.aspx> (last visited July 7, 2005).

²³ Schneider, *supra* note 6.

²⁴ Schneider, *supra* note 5.

²⁵ Keystone Recreation, Park and Conservation Fund Act, 1993 Pa. Laws 50, § 10. Some of the older lands that were acquired up to 30 years ago have special requirements that need approval from the legislature. Schneider, *supra* note 5.

parcels of land are occasionally converted and usually involve highway projects or buildings. C2P2 does not provide funding for long term management, monitoring, or stewardship of the land protected under the program.²⁶

III. State Wildlife Action Plan

The Pennsylvania wildlife action plan (formerly known as the Comprehensive Wildlife Conservation Strategy) was developed by the Pennsylvania Game Commission (PGC) and the Pennsylvania Fish and Boat Commission (PFBC), in partnership with the state's conservation community.²⁷ The agencies underwent a comprehensive planning process that identified outstanding research needs, prioritized management efforts, and developed recovery plans for low and declining species across the state. The strategy is meant not as a work plan for any particular agency or organization, but as a "statewide overview of the integrated efforts needed to sustain wildlife and habitat."²⁸

As of November 2005, PDCNR Bureau of Recreation and Conservation staff were aware of the strategy, but did not have plans to utilize the strategy in land protection grant decision-making processes. Officials noted that the strategy may be integrated into the project evaluation process in the future.²⁹

IV. Summary

The Pennsylvania Community Conservation Partnerships Program is authorized to provide open space land protection grants for conservation and recreation purposes and evaluation processes used to select land protection grants reflect this authority. C2P2 has no current plans to integrate the Pennsylvania wildlife action plan into its grant evaluation process.

²⁶ Schneider, *supra* note 5.

²⁷ Teaming With Wildlife, *Pennsylvania Comprehensive Wildlife Conservation Strategy*, at http://www.teaming.com/state_cwcs/pennsylvania_cwcs.htm (last updated May 9, 2005); Pennsylvania Game Commission, *Pennsylvania's Comprehensive Wildlife Conservation Strategy*, at: <http://www.pgc.state.pa.us/pgc/cwp/view.asp?a=496&q=162067> (last modified November 8, 2005).

²⁸ Pennsylvania Game Commission, *supra* note 27.

²⁹ Telephone Interview with Mike Schneider, Recreation and Parks Advisor, Pennsylvania Bureau of Recreation and Conservation, (November 28, 2005).