

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

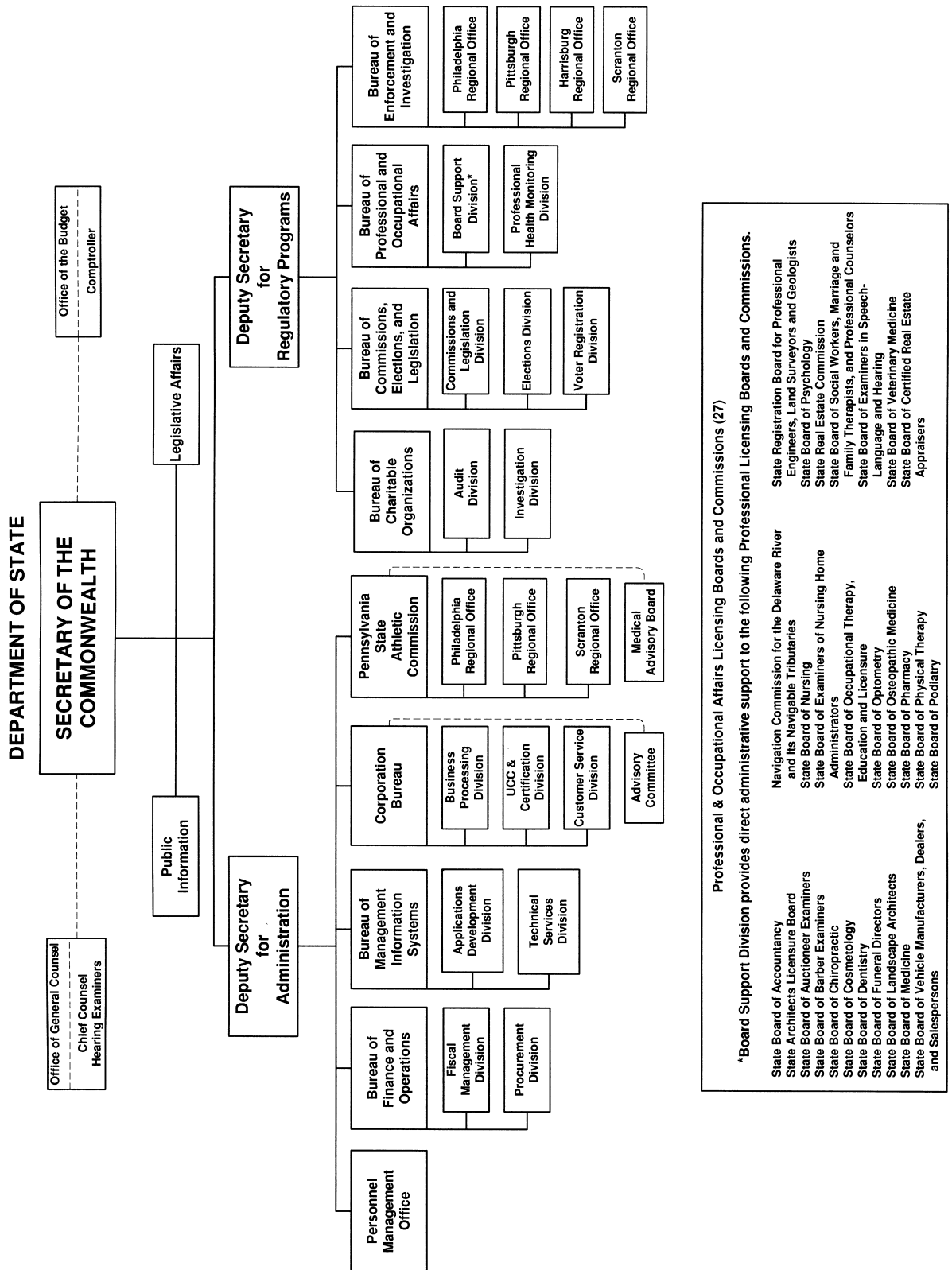
Reorganization of the Department of State

The Executive Board approved a reorganization of the Department of State effective December 20, 2000.

The organization chart at 31 Pa.B. 649 (February 3, 2001) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code).

[Pa.B. Doc. No. 01-177. Filed for public inspection February 2, 2001, 9:00 a.m.]



Professional & Occupational Affairs Licensing Boards and Commissions (27)

*Board Support Division provides direct administrative support to the following Professional Licensing Boards and Commissions.

State Board of Accountancy	Navigation Commission for the Delaware River and Its Navigable Tributaries	State Registration Board for Professional Engineers, Land Surveyors and Geologists
State Architects Licensee Board	State Board of Nursing	State Board of Psychology
State Board of Auctioneer Examiners	State Board of Examiners of Nursing Home Administrators	State Real Estate Commission
State Board of Barber Examiners	State Board of Occupational Therapy, Education and Licensure	State Board of Social Workers, Marriage and Family Therapists, and Professional Counselors
State Board of Chiropractic	State Board of Optometry	State Board of Examiners in Speech-Language and Hearing
State Board of Cosmetology	State Board of Osteopathic Medicine	State Board of Veterinary Medicine
State Board of Dentistry	State Board of Pharmacy	State Board of Certified Real Estate Appraisers
State Board of Funeral Directors	State Board of Physical Therapy	
State Board of Landscape Architects	State Board of Podiatry	
State Board of Medicine		
State Board of Vehicle Manufacturers, Dealers, and Salespersons		

Title 17—CONSERVATION AND NATURAL RESOURCES

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[17 PA. CODE CH. 44]

Conservation Areas

The Department of Conservation and Natural Resources (Department) has adopted a statement of policy under the authority of sections 302(a) and 303(a) of the Conservation and Natural Resources Act (71 P. S. §§ 1340.302(a) and 1340.303(a)). This statement of policy, Chapter 44 (relates to conservation areas).

Summary

This statement of policy defines a “conservation area” and sets forth the considerations and procedures involved in accepting donations of land for designation as conservation areas. It also states how conservation areas will be managed and lists examples of possible uses of conservation areas.

Background

A proposed statement of policy was published at 30 Pa.B. 5454 (October 21, 2000). The Department invited written comments from the public, to be submitted within 30 days from the date of publication. The Department received comments from 45 individuals and entities, including nonprofit organizations, agencies, municipalities, conservation districts, planning commissions, universities and other organizations. An overwhelming majority of the commentators supported the statement of policy. The comments, as well as a document prepared by the Department summarizing and responding to the comments, are on file with the Department and available for review by the public.

As a result of comments on the proposed statement of policy, the Department made the following changes in the final statement of policy:

Section 44.1—Added “nonmotorized” to describe activities on conservation areas.

Section 44.3—Rephrased the paragraph introducing the list of considerations in the Department’s review of possible donations of land for designation as conservation areas. Added four factors to be evaluated by the Department in its review:

(v) The appropriateness of assimilating the land into an existing State park or State forest classification.

(vi) The existence of an unfulfilled public recreational need in the area.

(vii) The need for outdoor classrooms in the area.

(viii) The appropriateness of receipt of the property by a local community or conservation organization.

Section 44.4(c)—Added “nonmotorized” to describe use of conservation areas and added “fishing” as an example of that use.

Contact person

For further information, contact Roger Fickes, Director, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105, (717) 787-6640. Persons with a disability may use

the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN C. OLIVER,
Secretary

(Editor’s Note: The regulations of the Department, 17 Pa. Code, are amended by adding a statement of policy in §§ 44.1—44.4 to read as set forth in Annex A.)

Fiscal Note: Fiscal Note 7B-2 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 17. CONSERVATION AND NATURAL RESOURCES

PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Subpart D. RESOURCE CONSERVATION

CHAPTER 44. CONSERVATION AREAS

Sec.

44.1.	Defined.
44.2.	Designation.
44.3.	Consideration of land for designation.
44.4.	Management.

§ 44.1. Defined.

A conservation area is a designation for land that has been donated to the Department and managed by the Department for the purposes of:

- (1) Preserving open space.
- (2) Conserving natural resources.
- (3) Providing an opportunity for passive, nonmotorized, low-density outdoor recreation and environmental education activities.

§ 44.2. Designation.

(a) Offers of land donations to the Department will be reviewed by a Department team to determine acceptance and assignment to either the Bureau of State Parks or the Bureau of Forestry. The team will consider characteristics of the land under § 44.3 (relating to consideration of land for designation), costs of management of the land, benefits to the Department and benefits to the public.

(b) Depending on the designation at the time of acquisition, a conservation area will be considered as either a State park or a State forest for the purpose of applicability of statutes and regulations.

(c) To provide the donor with an opportunity to participate in conservation efforts, the Department may accept restrictive covenants in the deed of conveyance.

(d) Designation as a conservation area will be made by letter to the donor accepting the gift. The letter will be signed by the Secretary. It will describe a purpose, characteristic or feature of the land upon which the designation of conservation area is based.

§ 44.3. Consideration of land for designation.

The Department will conduct a judicious review of a potential donation of land for possible designation as a conservation area. The review will include, but not be limited to, the following considerations:

- (1) Large, significant, contiguous acreage is generally a desirable characteristic. Small areas of land with special or unique features may also be desirable.
- (2) Land that is close to urban areas will be actively considered.

(3) The following factors will be evaluated:

- (i) The accessibility of the land to the public.
- (ii) The suitability of the land for passive low-density recreation.
- (iii) The existence or potential for development of unusual or significant natural features.
- (iv) The extent to which the land has been developed.
- (v) The appropriateness of assimilating the land into an existing State park or State forest classification.
- (vi) The existence of an unfulfilled public recreational need in the area.
- (vii) The need for outdoor classrooms in the area.
- (viii) The appropriateness of receipt of the property by a local community or conservation organization.

(4) Lands with significant environmental liability will not be accepted for designation as conservation areas.

§ 44.4. Management.

(a) Conservation areas will be actively managed to protect natural resources.

(b) The following are examples of possible uses of conservation areas:

- (1) Protection of habitats of species of special concern.

(2) Protection of types of resources and land forms that have been diminished by developmental sprawl, such as large tracts of wetlands, vernal ponds and unfragmented forests.

(3) Protection of flora and fauna on large tracts of open space near urban areas.

(4) Protection of viable ecosystems.

(5) Outdoor classrooms for schools and environmental education and interpretation programs.

(6) Research areas for scientists.

(7) Experimental resource management laboratories for demonstrating techniques to enhance natural diversity, maintain early successional seres or control invasive species.

(8) Demonstration areas for forest management practices.

(9) Management of old growth forests.

(c) Conservation areas will be open to the public. Recreational facilities and activities will be limited to passive, nonmotorized, low-density uses such as hiking, bird watching, fishing and hunting.

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