

**CHAPTER 15. TRANSFER OR EXCHANGE OF STATE PARK
LAND—STATEMENT OF POLICY**

Sec	
15.1.	Background.
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Source

The provisions of this Chapter 15 adopted May 1, 1992, effective May 2, 1992, 22 Pa. B. 2356; renumbered from 25 Pa. Code Chapter 17, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707, unless otherwise noted. Immediately preceding text appears at serial pages (169955) to (169956).

§ 15.1. Background.

(a) Under section 514 of The Administrative Code of 1929 (71 P. S. § 194), a department may not sell or exchange real estate belonging to the Commonwealth without specific authority from the General Assembly. Since there is no general authority for the transfer or exchange of State Park land, a transfer or exchange may be conducted only under a specific act of the General Assembly.

(b) When authorized by statute, the policy in § 15.2 (relating to policy) will guide Departmental action as related to the exchange of State Park land, or the transfer of State Park land to other Commonwealth departments or agencies, except that the policy will not apply to minor exchanges for the purpose of adjusting boundaries and Memoranda of Understanding involving less than 1 acre.

§ 15.2. Policy.

(a) Existing State Park lands will be held and protected for future generations. Exceptions to this basic principle will be rare and as a last resort after evaluation of alternatives and appropriate environmental analyses. When a transfer or exchange is found to be in the best interest of State Parks and the Commonwealth, the loss of State Park land will be mitigated by acreage of equal or greater value except where the State Park land is to remain in public recreational use.

(b) A transfer or exchange shall be judged in the context of relevant State Park management plans and the mission of the State Parks system.

(c) Before a proposed transfer or exchange is effectuated, the Department or its designee will conduct and document an environmental review to identify the environmental impacts of the transfer or exchange.

(d) A proposed transfer or exchange will be advertised in the *Pennsylvania Bulletin* and local newspapers in the area of the park at least 60 days before the transfer or exchange is scheduled to take place. This advertisement will indicate the proposed parcels to be exchanged or transferred, the availability of written documents, a description of the comment process, the date of the public informational meeting and the name of a contact person.

(e) A public comment period will be held for at least 30 days. A public informational meeting shall be held for each proposed State Park land transfer or exchange. Oral and written comments will become part of the official document used in formulating the Department's position on a proposed transfer.

Cross References

This section cited in 17 Pa. Code § 15.1 (relating to background).

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