



pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
FILOMENA COOK,	:	
Requester	:	
	:	
v.	:	Docket No.: AP 2026-1387
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CONSERVATION AND NATURAL	:	
RESOURCES,	:	
Respondent	:	

The Office of Open Records (“OOR”) received the above-captioned appeal under the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.* For the following reasons, the appeal is dismissed.

On March 30, 2026, Filomena Cook (“Requester”) submitted a request (“Request”) to the Pennsylvania Department of Conservation and Natural Resources (“Department”) pursuant to the RTKL, seeking:

[E]lectronic copies of the following public records relating to Washington Crossing Historic Park, specifically including:

Item 1: Historical Master Plans and Planning Documents[:] Any master plans, land use plans, or planning studies for Washington Crossing Historic Park, specifically including:

- The 1975 Master Plan prepared by the National Heritage Corporation (and any other 1970s-era iterations). Note for the searching officer: Please specifically

include the sections addressing roads, circulation, and land use, historically cites as being located on pages 100-105.

- The 2013/2014 Land Use Master Plan, and any subsequent land use plans prepared circa 2010-2015.
- Records relating to 2013/2014 capital improvements to park infrastructure, specifically Upper Park wastewater / utility systems.

Item 2: Rights-of-Way and Easements (Embarkation Drive Corridor)

Any deeds, easements, rights-of-way or recorded agreements held by the agency relating to property interests along or affecting Embarkation Drive (also referred to as State Park Road or Lower River Road), including but not limited to:

- Utility corridors
- Stormwater or sewer infrastructure
- Any documents reflecting state ownership, control, or access rights

Item 3: Inter-Agency Agreements and Permits (Stormwater Infrastructure)

Any agreements, permits, or correspondence between the agency and the Pennsylvania Department of Transportation relating to stormwater infrastructure, drainage facilities, or culvert installations located on or crossing Embarkation Drive

Item 4: Maintenance and Operational Responsibility Records

Any internal maps, maintenance schedules, snow removal plans, or operational documents identifying responsibility for maintenance, plowing, repair, or paving of Embarkation Drive within or adjacent to park property

Format and Fee:

I request that responsive records be provided in electronic format (PDF) and transmitted via email. If any responsive records are not available in electronic format, please advise so that I may arrange for inspection or duplication. If any fees are anticipated, please inform me in advance of processing.

As the Requester did not receive the Department's response within five business days of the Request, on April 7, 2026, the Requester filed an appeal with the OOR claiming that the Request was deemed denied.¹ *See* 65 P.S. § 67.901.

¹ The OOR notes that the Department failed to provide timely notice within the statutorily mandated five business days to invoke a thirty-day extension to respond to the Request. *See* 65 P.S. §§ 67.901, 902.

The OOR invited both parties to supplement the record and directed the Department to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

On April 17, 2026, the Department submitted a position statement, corresponding exhibits and redacted responsive records.² This evidence demonstrates that the Department provided records responsive to the Request to the Requester.³ The OOR directed the Requester to review the records provided by the Department, identify any outstanding appeal issues, and informed the Requester that the appeal could be dismissed as moot if there was no response to the inquiry. The Requester responded to the OOR's inquiry, acknowledging receipt of the responsive records, and agreed that this appeal could be dismissed as moot.⁴ Therefore, because the Department provided responsive records to the Requester and there are no outstanding issues for the OOR's consideration, the appeal is **dismissed as moot**. *See Chester Water Auth. v. Pa. Dep't of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records and, thus, "the controversy has been mooted").

The file is now closed and no further action will be taken. This Final Determination is binding on the parties. Within thirty days of the mailing date of this Final Determination, either party may appeal to the Commonwealth Court. 65 P.S. § 67.1301(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.⁵ All

² The Department asserts that personal identification information was redacted under Section 708(b)(6) of the RTKL. *See* 65 P.S. § 67.708(b)(6).

³ The Department also directed the Requester to submit a request for records with the Pennsylvania Historic Museum Commission as potential custodians of additional responsive records.

⁴ The Requester does not contest the redactions and will not be addressed in this Final Determination.

⁵ *See Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the OOR website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: May 1, 2026

/s/ Damian J. DeStefano

DAMIAN J. DESTEFANO
APPEALS OFFICER

Sent via OOR E-file appeal portal to: Filomena Cook; Mark Baldwin, Esq., AORO