

CHAPTER 38
SCENIC RIVERS

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Pennsylvania Code References

Environmental master plan, see 25 Pa. Code § 9.1 et seq.
Water quality criteria, see 25 Pa. Code § 93.6.

§ 820.21. Short title

This act shall be known and may be cited as the "Pennsylvania Scenic Rivers Act" 1972, Dec. 5, P.L. 1277, No. 283, § 1, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 82 1. 1.

Title of Act:

An act authorizing the establishment of the Pennsylvania Scenic Rivers System; defining certain terms relating thereto; imposing certain powers and duties on the Department of Environmental Resources and the secretary thereof. 1972, Dec. 5, P.L. 1277, No. 283. Title as amended 1982, May 7, P.L. 379, No. 110, § 1, effective in 60 days.

§ 820.22. Declaration of policy

Many of the rivers of Pennsylvania or sections thereof and related adjacent land areas, possess outstanding aesthetic and recreational values of present and potential benefit to the citizens of Pennsylvania. It shall be the policy of the Commonwealth to protect these values and to practice sound conservation policies and practices within this scenic rivers system. It is, therefore, essential that a Pennsylvania Scenic Rivers System be developed so that these purposes may be fulfilled. The General Assembly affirms that it must assure the people of this generation and their descendents the opportunity to refresh their spirits with the aesthetic and recreational qualities of unspoiled streams. To implement these policies it is the purpose of this act to establish the Pennsylvania Scenic Rivers System by

prescribing the procedures and criteria for protecting and administering the system and for adding new components to it from time to time. 1972, Dec. 5, P.L. 1277, No. 283, § 2, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.2.

§ 820.23. Definitions

As used in this act:

(1) "**River**" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.

(2) "**Free-flowing**" as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway except in segments classified as modified recreational rivers. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the Pennsylvania Scenic Rivers System shall not automatically bar its consideration for such inclusion: Provided, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the Pennsylvania Scenic Rivers System.

1972, Dec. 5, P.L. 1277, No. 283, § 3, imd. effective.

Amended 1982, May 7, P.L. 379, No. 110, § 1, effective in 60 days.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.3.

The 1982 amendment deleted a definition of "scenic easement".

§ 820.24. Pennsylvania Scenic Rivers System

(a) The Pennsylvania Scenic Rivers System shall comprise rivers:

(1) That are recommended as wild, scenic, pastoral, recreational, or modified recreational rivers by the Department of Environmental Resources; and

(2) That are authorized for inclusion therein by law.

(b) A wild, scenic, pastoral, recreational, or modified recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in section 2 of this act. Every such river shall be classified, designated and administered as one of the following:

(1) Wild river areas- those rivers or sections of rivers that are of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.

(2) Scenic river areas- those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and undeveloped, but accessible in places by roads.

(3) Pastoral rivers- those rivers or sections of rivers which are of impoundments excepting historic or restored mill dams. Diversions or withdrawals may exist to support agricultural activities as agricultural ponds. The shorelines or watersheds may support a full range of farm or farm-related activities, so long as these activities do not conflict with the pastoral nature of the landscape.

(4) Recreational rivers- those rivers or sections of rivers that are readily accessible, that may have some development along their shorelines and may have undergone some impoundment or diversion in the past.

(5) Modified recreational rivers- those rivers or sections of rivers in which the flow may be regulated by control devices located upstream. Low dams are permitted in the reach so long as they do not increase the river beyond bank-full width. These reaches are used for human activities which do not substantially interfere with public use of the streams or the enjoyment of their surroundings.

1972, Dec. 5, P.L. 1277, No. 283, § 4, imd. effective.

Amended 1982, May 7, P.L. 379, No. 110, § 1, effective in 60 days.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.4.

The 1982 amendment, in cl. (1) of subsec. (a), following "wild, scenic," inserted "pastoral, "; in subsec. (b), in the opening paragraph, following "wild, scenic," inserted "pastoral," added cl. (3), and designated former cls. (3) and (4) as new cls. (4) and (5), respectively.

§ 820.25. Potential designated rivers as components of the Pennsylvania Scenic Rivers System; public hearings

(a) The Department of Environmental Resources shall study, conduct public hearings as provided in section 5(b) of this act,¹ and from time to time submit to the Governor and to the General Assembly proposals for the designation of rivers or sections of rivers as components of the Pennsylvania Scenic Rivers System, as set out in section 4 of this act.² In addition to the public hearings provided for in subsection (b) the Department of Environmental Resources shall conduct prior to undertaking any study an informational public meeting in the county or counties where the study is to be made at which meeting the Department of Environmental Resources shall announce the planned study, explain the techniques to be employed in such study and describe the scope of such study. Notice of the informational public meeting shall be given at least three weeks before in a newspaper of general circulation in the county, or in the case of land located in more than one county, in a newspaper of general circulation in each county. Notice shall also be given three weeks in advance by first class mail to each county, city, borough, incorporated town or township wherein is located land involved in the study. Each proposal shall specify the category of the proposed river segment and shall be accompanied by a detailed report on all the factors involved as well as a transcript of the public hearings conducted.

(b) A public hearing shall be held in the county where the land is situate, at which hearing the department shall set forth the area to be designated and its proposed classification. If the land is located in more than one county such hearing shall be held in every county wherein the land is situate. Notice of the public hearing shall be given at least three weeks before in a newspaper of general circulation in the county, or in the case of land located in more than one county, in a newspaper of general circulation in each county. Notice shall also be given three weeks in advance by certified mail to those owners of the land involved, as shown on county tax assessment records.

1972, Dec. 5, P.L. 1277, No. 283, § 5, imd. effective.

Amended 1982, May 7, P.L. 379, No. 110, § 1, effective in 60 days.

¹ This section.

² 32 P.S. § 820.24.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.5.

The 1982 amendment, in subsec. (a), added the second, third and fourth sentences; in subsec. (b), in the first sentence, substituted "designated" for "taken" and substituted "classification" for "use", and in the last sentence, following "certified mail to" substituted "those" for "the" and added ", as shown on county tax assessment records".

§ 820.26. Cooperation

The head of any State department or agency which has administrative jurisdiction over any lands or interests in land within the authorized boundaries of any State-administered component of the Pennsylvania Scenic Rivers System shall cooperate with the Department of Environmental Resources so as to implement the policies and practices of this act.

1972, Dec. 5, P.L. 1277, No. 283, § 5, imd. effective.

Amended 1982, May 7, P.L. 379, No. 110, § 1, effective in 60 days.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.6.

The 1982 amendment rewrote the section heading from "Land Acquisition"; deleted subsec. (a); deleted subsec. (b) designation; and redesignated subsec. (c) as § 820.27 of this title.

§ 820.27. Acceptance of gifts

The Department of Environmental Resources is authorized to accept donations of lands and interests in land, funds, and other property for use in connection with the administration of Pennsylvania Scenic Rivers System.

1972, Dec. 5, P.L. 1277, No. 283, § 6, imd. effective. Amended 1982, May 7, P.L. 379, No. 110, § 1, effective in 60 days.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.7.

The 1982 amendment redesignated former subsec. (c) of section 820.26 as new section 820.27; and redesignated former section 820.27 as section 820.28.

§ 820-28. National Wild and Scenic Rivers Act

The Secretary of Environmental Resources is directed to encourage and assist any Federal studies for inclusion of Pennsylvania rivers in a national scenic rivers system. The secretary may enter into written cooperative agreements for joint Federal-State administration of a Pennsylvania component of any national scenic rivers system, provided such agreements for the administration of land and water uses are not less restrictive than those set forth in this act.

1972, Dec. 5, P.L. 1277, No. 283, § 7, imd. effective.

Renumbered § 8 and amended 1982, May 7, P.L. 379, No. 110, § 1, effective in 60 days.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.8.

The 1982 amendment redesignated former section 820.27 as this section.

§ 820.29. Easements and rights-of-way

The Department of Environmental Resources may grant easements and rights-of-way upon, over, under, across, or through any component of the Pennsylvania Scenic Rivers System in accordance with the laws and regulations applicable to the department: Provided, that any conditions precedent to granting such easements and rights of-way shall be related to the policy and purposes of this act.

1972, Dec. 5, P.L. 1277, No. 283, § 8, imd. effective.

Renumbered § 9 and amended 1982, May 7, P.L. 379, No. 110, § 1, effective in 60 days.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.9.

The 1982 amendment redesignated former section 820.28 as this section.

Section 302 of Act 1996, June 27, P.L. 403, No. 58, 71 P.S. § 1709.302, provides that the functions of the Department of Community Affairs provided for in the act of November 26, 1978 (P.L. 1415, No. 333), known as the Schuylkill Scenic River Act, are transferred to the Department of Community and Economic Development.

CHAPTER 39

SCHUYLKILL SCENIC RIVER ACT

Section

820.31. Short title.

820.32. Legislative findings and purpose.

820.33. Definitions.

820.34. Designation and classification.

- 820.35. Cooperation and coordination.
- 820.36. Limitation of liability.
- 820.37. Cooperation of local authorities.
- 820.38. Expenditure of funds.

§ 820.31. Short title

This act shall be known and may be cited as the "Schuylkill Scenic River Act."
1978, Nov. 26, P.L. 1415, No. 333, § 1, imd. effective.

Historical and Statutory Notes

Transferred from § 821.51 of this title.

Title of Act:

An Act designating a portion of the Schuylkill River as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; authorizing further classification; providing for cooperation, limitation of liability and protection of critical areas, and authorizing the expenditure of moneys.

1978, Nov. 26, P.L. 1415, No. 333.

Library References

Health and Environment 25.5(3).

WESTLAW Topic No 199.

C.J.S. Health and Environmental §§ 91 et seq., 106 et seq., 129 et seq.

§ 820.32. Legislative findings and purpose

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the "Pennsylvania Scenic Rivers Act," fulfilled its obligations and responsibilities prerequisite to the designation of a portion of the Schuylkill River and a portion of two of its tributaries as a component of the Pennsylvania Scenic Rivers System. The designation of this Schuylkill scenic river component by this act is with the view of conserving and enhancing its scenic quality and of promoting public recreational enjoyment in conjunction with present and future commercial, agricultural, residential, industrial and transportation uses, all in accordance with the policy and provisions of the "Pennsylvania Scenic Rivers Act."

1978, Nov. 26, P.L. 1415, No. 333, § 2, imd. effective.

Amended 1988, March 2, P.L. 100, No. 17, § 1, effective in 60 days.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.52.

The 1988 amendment inserted "and a portion of two of its tributaries".

§ 820.33. Definitions

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Critical areas." Areas within the Schuylkill scenic river component possessing resource characteristics especially important to certain existing or potential uses, specifically:

- (1) critical natural areas, such as wildlife habitats, geological outcrops, flood plains, steep slopes, aquifer recharge areas, subsidence prone areas and highly erodible soils; and
- (2) critical manmade areas, such as historic sites and districts and cultural sites.

1978, Nov. 26, P.L. 1415, No. 333, § 3, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.53.

§ 820.34. Designation and classification

(a) The portion of the Schuylkill River, including related adjacent land areas, from its confluence with the West Branch, Schuylkill County, to Fairmont Dam, Philadelphia County, is designated as a component of the Pennsylvania Scenic Rivers System under the Pennsylvania Scenic Rivers Act.' The Schuylkill River designation is extended to include a portion of the Schuylkill River and related adjacent land areas in Schuylkill and Berks Counties and portions of the West Branch and Little Schuylkill River tributaries and their related adjacent land areas in Schuylkill County. The boundaries of the component and of the classified segments have been defined by the Department of Environmental Resources and are shown on the maps entitled "SCHUYLKILL RIVER STUDY" and "SCHUYLKILL RIVER EXTENSION STUDY" which are on file and available for public inspection in the Division of Land Records, Pennsylvania Historical and Museum Commission of the Commonwealth of Pennsylvania.

(b) Segments of the component are classified as follows:

- (1) Port Clinton (Forks) to Cross Keys (Bridge)-16.2 river miles-recreational.
- (2) Cross Keys (Bridge) to Reading (Route 422 above Fritz Island)-12.3 miles-modified recreational.
- (3) Reading (Route 422 Bridge over Fritz Island) to Douglassville (Bridge)-15.3 river miles-recreational.
- (4) Douglassville (Bridge) to Fairmont Dam-49.8 river mile-modified recreational.
- (5) Deleted. 1992, Dec. 4, P.L. 787, No. 125, § 1, effective in 60 days.
- (6) Route 209 (Highway) to Cressona Route 183 (Bridge)-5.0 river miles-recreational.
- (7) Cressona Route 183 (Bridge) to Auburn Basin (Spillway)-9.6 river miles-modified recreational.
- (8) Auburn Basin (Spillway) to Port Clinton (Forks)-7.4 river miles-recreational.
- (9) Port Clinton (Forks) to New Ringgold Route 895 (Bridge)-10.9 river miles-pastoral.

1978, Nov. 26, P.L. 1415, No. 333, § 4, imd. effective.

Amended 1988, March 2, P.L. 100, No. 17, § 1, effective in 60 days.
1992, Dec. 4, P.L. 787, No. 125, § 1, effective in 60 days.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.54.

The 1988 amendment, in subsec. (a), inserted the second sentence and, in the third sentence, inserted the reference to the "SCHUYLKILL RIVER EXTENSION STUDY", and substituted "Division of Land Records, Pennsylvania Historical and Museum Commission" for "Bureau of Land Records, Department of Community Affairs"; and, in subsec. (b), added cls. (6) to (9).

The 1992 amendment rewrote the section, which prior thereto read:

"(a) The portion of the Schuylkill River, including related adjacent land areas from the Forks at Port Clinton, Schuylkill County, to Fairmont Dam, Philadelphia County, excepting the 5.2 mile segment between Norristown Dam and Spring Mill Creek, is designated as a component of the Pennsylvania Scenic Rivers System under the Pennsylvania Scenic Rivers Act. The Schuylkill River designation is extended to include a portion of the Schuylkill River and related adjacent land areas in Schuylkill and Berks Counties and portions of the West Branch and Little Schuylkill River tributaries and their related adjacent land areas in Schuylkill County. The boundaries of the component and of the classified segments have been defined by the Department of Environmental Resources and are shown on the maps entitled 'SCHUYLKILL RIVER STUDY' and 'SCHUYLKILL RIVER EXTENSION STUDY' which are on file and available for public inspection in the Division of Land Records, Pennsylvania Historical and Museum Commission of the Commonwealth of Pennsylvania.

"(b) Segments of the component are classified as follows:

"(1) Port Clinton (Forks) to Cross Keys (Bridge)-16.2 river miles-recreational.

"(2) Cross Keys (Bridge) to Reading (Route 422 above Fritz Island)-12.3 miles-modified recreational.

"(3) Reading (Route 422 Bridge over Fritz Island) to Douglassville (Bridge)-15.3 river miles-recreational.

"(4) Douglassville (Bridge) to Norriston Dam-34.2 river miles-modified recreational.

"(5) Spring Mill Creek to Fairmont Dam-10.4 river miles-modified recreational.

"(6) Route 209 (Highway) to Cressona Route 183 (Bridge)-5.0 river miles-recreational.

"(7) Cressona Route 183 (Bridge) to Auburn Basin (Spillway)-9.6 river miles-modified recreational.

"(8) Auburn Basin (Spillway) to Port Clinton (Forks)-7.4 river miles-recreational.

"(9) Port Clinton (Forks) to T848 (Bridge)-9.2 river miles-pastoral.

"(c) The Secretary of Environmental Resources is authorized to classify the 5.2 mile segment between Norristown Dam and Spring Mill Creek as "modified recreational" when he determines that it meets the criteria for such classification. When so classified, that segment shall become part of the Schuylkill scenic river component designated under this act, and all of the provisions of this act and of the 'Pennsylvania Scenic Rivers Act' shall become applicable thereto."

§ 820.35. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Delaware River Basin Commission.

1978, Nov. 26, P.L. 1415, No. 333, § 5, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.55.

§ 820.36. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 6), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," limiting the liability of owners of land and water areas who make them available to the public for recreational purposes without charge shall be applicable to owners of land and water areas within the Schuylkill scenic river component, including such land and water areas in which the Commonwealth or any subdivision thereof has acquired an easement or other interest less than fee simple.

1978, Nov. 26, P.L. 1415, No. 333, § 6, imd. effective.

¹68 P.S. § 477-1 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.56.

§ 820.37. Cooperation of local authorities

The Department of Environmental Resources shall encourage all levels of government, Federal, State and local, and private individuals and organizations to recognize and protect those areas within the Schuylkill scenic river component which have been determined by the Department of Environmental Resources to be critical areas and are shown as such on the maps entitled "SCHUYLKILL RIVER STUDY" and "SCHUYLKILL RIVER EXTENSION STUDY" which are on file and available for public inspection in the Division of Land Records, Pennsylvania Historical and Museum Commission of the Commonwealth of Pennsylvania.

1978, Nov. 26, P.L. 1415, No. 333, § 7, imd. effective. Amended March 2, P.L. 100, No. 17, § 1, effective in 60 days.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.57.

The 1988 amendment inserted the reference to the "SCHUYLKILL RIVER EXTENSION STUDY" and substituted "Division of Land Records, Pennsylvania Historical and Museum Commission for "Bureau of Land Records, Department of Community Affairs".

§ 820.38. Expenditure of funds

The Departments of Environmental Resources and Community Affairs are authorized to expend moneys when available for:

- (1) technical assistance for implementation of and planning under the study of the Schuylkill River conducted by the Department of Environmental Resources under the "Pennsylvania Scenic Rivers Act"¹ and known as the "Schuylkill Scenic River Study" and "Schuylkill River Extension Study"; and
- (2) assistance in the development of a booklet guide for recreational users of the Schuylkill scenic river component.

1978, Nov. 26, P.L. 1415, No. 333, § 8, imd. effective.

Amended 1988, March 2, P.L. 100, No. 17, § 1, effective in 60 days.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from § 821.58 of this title.

The 1988 amendment inserted the reference to the "Schuylkill River Extension Study".

CHAPTER 40

STONY CREEK WILD AND SCENIC RIVER ACT

Section

820.41. Short title.

820.42. Legislative findings and purpose.

820.43. Designation and classification.

820.44. Management responsibilities.

820.45. Cooperation and coordination.

Historical and Statutory Notes

Section 302 of Act 1996, June 27, P.L. 403, No. 58, 71 P.S. § 1709.302, provides that the functions of the Department of Community Affairs provided for in the act of March 24, 1980 (P.L. 50, No. 18), known as the Stony Creek Wild and Scenic River Act, are transferred to the Department of Community and Economic Development.

§ 820.41. Short title

This act shall be known and may be cited as the "Stony Creek Wild and Scenic River Act."

1980, March 24, P.L. 50, No. 18, § 1, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.7 1.

Title of Act:

An Act designating Stony Creek as a component of the Pennsylvania Wild and Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; providing for cooperation and coordination in its protection and use and for the responsibilities of its management. 1980, March 24, P.L. 50, No. 18.

§ 820.42. Legislative findings and purpose

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act,¹ fulfilled its obligations and responsibilities prerequisite to the designation of Stony Creek as a component of the Pennsylvania Scenic Rivers System. The designation of Stony Creek by this act is for the purpose of conserving and enhancing its scenic quality and promoting public recreational enjoyment in accordance with the provisions of the "Pennsylvania Scenic Rivers Act."

1980, March 24, P.L. 50, No. 18, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.72.

§ 820.43. Designation and classification

The 16-mile main stem of Stony Creek and the three tributary streams, Rattling Run, Yellow Springs and Rausch Creek, and related adjacent land areas, from the headwaters in Lebanon County to the Pennsylvania Game Commission gate at Ellendale Forge, Dauphin County, is designated a wild component of the Pennsylvania Scenic Rivers System under the "Pennsylvania Scenic Rivers Act."¹ The boundaries of the component corridor have been defined by the Department of Environmental Resources and are shown on the map entitled, "Stony Creek Study," on file and available for public inspection in the Bureau of Land Records, Department of Community Affairs of the Commonwealth of Pennsylvania. 1980, March 24, P.L. 50, No. 18, § 3, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.73.

§ 820.44. Management responsibilities

The Pennsylvania Game Commission and the Department of Environmental Resources shall exercise administrative responsibilities in implementing the "Management Guidelines for Wild River Corridors" outlined within the "Discussion of Management Guidelines" in the text of the study of Stony Creek conducted by the Department of Environmental Resources under the "Pennsylvania Scenic Act,"¹ known as the "Stony Creek Study." The

Pennsylvania Game Commission shall exercise administrative responsibilities in implementing the land management guidelines on Commonwealth lands within the designated component. The Department of Environmental Resources shall exercise administrative responsibilities in implementing the water resource management guidelines and where applicable, the surface mining and solid waste disposal provisions of the land management guidelines.

1980, March 24, P.L. 50, No. 18, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.74.

§ 820.45. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Susquehanna River Basin Commission.

1980, March 24, P.L. 50, No. 18, § 5, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.75.

CHAPTER 41

FRENCH CREEK SCENIC RIVERS ACT

Section

- 820.51. Short title.
- 820.52. Legislative findings and purpose.
- 820-53. Designation and classification.
- 820.54. Management responsibilities.
- 820.55. Special considerations.
- 820.56. Cooperation and coordination.
- 820.57. Repairs and construction.

Historical and Statutory Notes

Section 302 of Act 1996, June 27, P.L. 403, No. 58, 71 P.S. § 1709.302, provides that the functions of the Department of Community Affairs provided for in the act of April 29, 1982 (P.L. 351, No. 97), known as the French Creek Scenic Rivers Act, are transferred to the Department of Community and Economic Development.

§ 820.51. Short title

This act shall be known and may be cited as the "French Creek Scenic Rivers Act."
1982, April 29, P.L. 351, No. 97, § 1, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating French Creek in Berks and Chester Counties, as a component of the Pennsylvania Scenic Rivers System, requiring cooperation by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act, and authorizing the expenditure of moneys to further the purposes of the act. 1982, April 29, P.L. 351, No. 97.

Transferred from 32 P.S. § 821.81,

§ 820.52. Legislative findings and purpose

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the "Pennsylvania Scenic Rivers Act,"¹ fulfilled its obligations and responsibilities prerequisite to the designation of French Creek and certain segments of its tributaries as components of the Pennsylvania Scenic Rivers System. The designation of French Creek and certain segments of its tributaries by this act is for purposes of protecting its free and unimpounded flow and of conserving and protecting its scenic quality and historic characteristics in accordance with the policy and provisions of the "Pennsylvania Scenic Rivers Act."

1982, April 29, P.L. 351, No. 97, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.82.

Library References

Health and Environment 25.5(3).

WESTLAW Topic No 199.

C.J.S. Health and Environmental §§ 91 et seq., 106 et seq., 129 et seq.

§ 820.53. Designation and classification

The following waterways or waterway segments and related adjacent land areas are hereby designated as scenic components of the Pennsylvania Scenic Rivers System under the "Pennsylvania Scenic Rivers Act."¹ The boundaries of the related adjacent land areas, hereinafter referred to as the designated corridor have been defined by the Department of Environmental Resources and are shown on the map entitled "French Creek Study," which is on file and available for public inspection in the Bureau of Land Records, Department of Community Affairs of the Commonwealth of Pennsylvania.

<u>Stream Name</u>	<u>Segment Limits</u>	<u>Approximate Segment Length</u>	<u>Proposed Classification</u>
French Creek	Hopewell Lake-1 mile downstream of Snowdens bridge	22 miles	Scenic
South Branch French Creek	Headwaters-French Creek	7 miles	Scenic
Pine Creek	Headwaters-French Creek	4.25 miles	Scenic
Rock Run	Harmonyville Road-French Creek	3 miles	Scenic
Beaver Run	Fairview Road and Route 100-French Creek	2 miles	Scenic
West Branch Birch Run	Shady Lane Road-Birch Run	1.25 miles	Scenic
Birch Run	Headwaters-French Creek	3.25 miles	Scenic

1982, April 29, P.L. 35 1, No. 97, § 3, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.83.

Library References

Health and Environment 25.5(3).

WESTLAW Topic No 199.

C.J.S. Health and Environmental §§ 91 et seq., 106 et seq., 129 et seq.

§ 820.54. Management responsibilities

The Department of Environmental Resources shall exercise administrative responsibilities in implementing the Water Resource Management Guidelines within the designated corridor as outlined within "Management Guidelines for 'Scenic' Rivers" in the text of the study of French Creek conducted by the Department of Environmental Resources under the "Pennsylvania Scenic Rivers Act" and known as ,the "French Creek

Study." State-owned lands within the designated corridor shall be managed in accordance with the Land Management Guidelines as outlined in the above mentioned study text.
1982, April 29, P.L. 351, No. 97, § 4, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.84.

Library References

Health and Environment 25.5(3).

WESTLAW Topic No 199.

C.J.S. Health and Environmental §§ 91 et seq., 106 et seq., 129 et seq.

§ 820.55. Special considerations

(a) This act rescinds the Commonwealth's authority to use eminent domain for purposes of acquiring scenic easements or public access, as provided for in the "Pennsylvania Scenic Rivers Act," for French Creek.

(b) The Federation of Northern Chester County communities shall act as the local coordination mechanism for the implementation of the French Creek Scenic Rivers Act.

(c) Nothing in this act shall be construed as granting any new zoning powers to municipalities.

1982, April 29, P.L. 351, No. 97, § 5, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.85.

§ 820.56. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Delaware River Basin Commission. All State agencies, boards and commissions shall cooperate and coordinate their activities with Department of Environmental Resources in relation to French Creek in order to further the purposes of this act.

1982, April 29, P.L. 351, No. 97, § 6, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.86.

§ 820-57. Repairs and construction

(a) In general, where road repairs are needed, construction activities may be carried out within a corridor not to exceed 50 feet on either side of the centerline of the existing roadway.

(b) Where bridge replacement repair is to be encountered or safety or capacity considerations warrant relocation or widening, additional from centerline limits shall be given for construction purposes and only as much of the above rights-of-way as is necessary to maintain the transportation facilities shall be retained after the construction is complete. The remainder shall revert to the property owners.

(c) All construction, reconstruction, repair or alterations due to safety or capacity considerations shall be done consistent with safe highway geometric design and in accordance with the "Guidelines to Improve the Aesthetic Quality of Roads in Pennsylvania," dated June 1978, prepared jointly by the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Resources. Should this result in loss of Federal funds in a particular project, the situation will be studied with the view of complying with Federal requirements.

1982, April 29, P.L. 351, No. 97, § 7, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.87.

CHAPTER 42

LEHIGH SCENIC RIVER ACT

Section

820.61. Short title.

820.62. Legislative findings and purpose.

820.63. Definitions.

820.64. Designation and classification.

820.65. Cooperation and coordination.

820.66. Limitation of liability.

820.67. Responsibilities of the Department of Environmental Resources.

820.68. Special provisions.

820.69. Expenditure of funds.

Historical and Statutory Notes

Section 302 of Act 1996, June 27, P.L. 403, No. 58, 71 P.S. § 1709.302, provides that the functions of the Department of Community Affairs provided for in the act of April 5, 1982 (P.L. 222, No. 71), known as the Lehigh Scenic River Act are transferred to the Department of Community and Economic Development.

§ 820.61. Short title

This act shall be known and may be cited as the "Lehigh Scenic River Act."

1982, April 5, P.L. 222, No. 71, § 1, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.91.

Title of Act:

An Act designating a portion of the Lehigh River as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; providing for cooperation, limitation of liability and regulation of river recreational usage and authorizing the expenditure of moneys. 1982, April, 5, P.L. 222, No. 71.

§ 820.62. Legislative findings and purpose

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the "Pennsylvania Scenic Rivers Act,"¹ fulfilled its obligations and responsibilities prerequisite to the designation of a portion of the Lehigh River as a component of the Pennsylvania Scenic Rivers System. The designation of this Lehigh scenic river component by this act is with the view of conserving and enhancing its scenic quality and of promoting public recreational enjoyment, in accordance with the policy and provisions of the "Pennsylvania Scenic Rivers Act."

1982, April 5, P.L. 222, No. 71, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.92.

Library References

Health and Environment 25.5(3).

WESTLAW Topic No 199.

C.J.S. Health and Environmental §§ 91 et seq., 106 et seq., 129 et seq.

§ 820.63. Definitions

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meaning given to them in this section:

"Carrying capacity." The level of use which a resource can support without causing a change, incapable of restoration by natural means, in the environment and without causing an unsafe condition for resource users.

1982, April 5, P.L. 222, No. 71, § 3, imd. effective,

Historical and Statutory Notes

Transferred from 32 P.S. § 821.93.

§ 820.64. Designation and classification

(a) The 32-mile portion of the Lehigh River, including 13 tributary streams and related adjacent land areas, from the Francis E. Walter Dam, Luzerne County, to Jim Thorpe, Carbon County, is designated as a component of the Pennsylvania Scenic Rivers System under the Pennsylvania Scenic Rivers Act subject to the provisions of subsection (e). The boundaries of the component and of the classified segments have been defined by the Department of Environmental Resources and are shown on the map entitled "Lehigh Scenic River Study" which is on file and available for public inspection in the Bureau of Land Records, Department of Community Affairs of the Commonwealth of Pennsylvania.

(b) Segments of the component are classified as follows:

- (1) Lehigh River-Francis E. Walter Dam to Bench Mark 548 at Bear Mountain, Jim Thorpe-32.80 river miles-scenic.
- (2) Hays Creek-Lehigh River to Fourth Run-1.13 river miles-scenic.
- (3) Sandy Run-Lehigh River to Old Railroad Grade Crossing-1.21 river miles-wild.
- (4) Hickory Run-Lehigh River to Hickory Run Lake-3.90 river miles-scenic.
- (5) Leslie Run Lehigh River to Poor Man's Pond-1.32 river miles-scenic.
- (6) Mud Run-Lehigh River to Panther Creek-6.24 river miles-scenic.
- (7) Drakes Creek-Lehigh River to junction with unnamed tributary below Christmans-1.47 river miles-scenic.
- (8) Stony Creek-Lehigh River to Yellow Run-3.06 river miles-wild.
- (9) Black Creek-Lehigh River to Quakeke Creek-4.35 river miles-scenic.
- (10) Bear Creek-Lehigh River to unnamed tributary below Bear Creek Dam 1400 feet elevation-3-00 river miles-wild.
- (11) Little Bear Creek-Lehigh River to headwaters-1.04 river miles-wild.
- (12) Glenn Onoko-Lehigh River to headwaters-0.98 river mile-wild.
- (13) Jeans Run-Lehigh River to headwaters to Nesquehoning, Creek-2.72 river miles-wild.
- (14) Nesquehoning Creek-Lehigh River to Jeans Run confluence-0.73 river mile-scenic.

(c) If the Francis E. Walter Dam is modified to add water supply, or hydroelectric facilities in accordance with the Delaware River Basin Comprehensive Plan as adopted by the Delaware River Basin Commission, the department is authorized to adjust the upstream limits of the designation of the Lehigh River as necessary to allow construction and operation of the facilities.

(d) Nothing in this act shall be construed to prohibit an electric line crossing within the designated segments of the Lehigh River provided the necessity therefor and environmental effects thereof have previously been reviewed and approved by the Pennsylvania Public Utility Commission and by the Department of Environmental Resources and that, if feasible, new or expanded electric line crossings are located, adjacent to existing line crossings within the designated segments of the Lehigh River.

(e) The designation of the Lehigh Scenic River component by this act shall not include the following segments of land which have been determined to be a necessary corridor for highway transportation improvement or elimination of highway hazards, said segments to also be noted and shown on the map entitled "Lehigh Scenic River Study" which is on file and available for public inspection in the Bureau of Land Records, Department of Community Affairs of the Commonwealth of Pennsylvania:

(1) Carbon-Luzerne Counties:

(i) From the present intersection of L.R. 408 and L.R. 13018 westward, crossing the Lehigh River through the Lehigh River Gorge State Park a 200 foot wide corridor symmetric to the existing center line of L.R. 408.

(ii) From the present intersection of L.R. 408 and L.R. 13018 northward along the centerline of L.R. 408 for a distance of approximately 0.2 mile, a width of 150 feet from the centerline of the existing road, west.

(iii) From the present intersection of L.R. 408 and L.R. 13018 southward along L.R. 13018 for a distance of 1 mile, a width of 150 feet from the centerline of the existing road, west.

(f) The right-of-way listed herein is required for construction purposes, and only as much of the above right-of-way as is necessary to maintain the transportation facilities will be retained, after construction is completed. The remainder will revert to the proper owners.

(g) Any highway transportation improvement or elimination of highway hazards herein shall be in conformance with the "Guidelines to Improve the Aesthetic Quality of Roads in Pennsylvania," dated June 1978 and the design shall be mutually agreed upon by the Department of Environmental Resources and the Department of Transportation.

1982, April 5, P.L. 222, No. 71, § 4, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.94.

Library References

Health and Environment 25.5(3).

WESTLAW Topic No 199.

C.J.S. Health and Environmental §§ 91 et seq., 106 et seq., 129 et seq.

§ 820.65. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Delaware River Basin Commission.

1982, April 5, P.L. 222, No. 71, § 5, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.95.

Library References

Health and Environment 25.5(3).

WESTLAW Topic No 199.

C.J.S. Health and Environmental §§ 91 et seq., 106 et seq., 129 et seq.

§ 820.66. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts,"¹ limiting the liability of owners of land and water areas who make them available to the public for recreational purposes without charge shall be applicable to owners of land and water areas within the Lehigh scenic river component, including such land and water areas in which the Commonwealth or any subdivision thereof has acquired any interest less than fee simple.

1982, April 5, P.L. 222, No. 71, § 6, imd. effective.

¹68 P.S. § 477-1 et seq.

Historical and Statutory Notes

Transferred from § 821-96 of this title.

§ 820.67. Responsibilities of the Department of Environmental Resources

The Department of Environmental Resources shall assume the role of lead State agency responsible for:

(1) the coordination of State agency roles and responsibilities relating to State lands and water resources, recreation use and control, and the administration of recreation-related public services on State-owned facilities within the Lehigh scenic river component;

(2) coordinating and integrating the management objectives and policies of all related Commonwealth programs affecting the Lehigh scenic river component;

(3) acting as a point of contact for Lehigh scenic river component residents and visitors;

(4) implementing the recommendations regarding water resource management, land management, recreation use and facility development and administrative responsibilities as outlined within text of the study of the Lehigh River conducted by the Department of Environmental Resources under the "Pennsylvania Scenic Rivers Act" and known as the "Lehigh Scenic River Study"; and

(5) defining and regulating the carrying capacity of the Lehigh River Gorge to minimize the impacts of overuse upon this resource.

1982, April 5, P.L. 222, No. 71, § 7, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.97.

§ 820.68. Special provisions

Any Commonwealth acquisition of easements as applied to the State Wild and Scenic Rivers Program on the 13 named tributaries for purposes of protecting scenic values or providing public access on privately owned property shall require consent of the property owner. This provision shall not, however, in any way affect the acquisition of land for the proposed Lehigh River Gorge State Park.

1982, April 3, P.L. 222, No. 71, § 8, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.98.

§ 820.69. Expenditure of funds

The Departments of Environmental Resources and Community Affairs are authorized to expend moneys when available for: technical assistance for implementation of and planning under the study of the Lehigh River conducted by the Department of Environmental Resources under the "Pennsylvania Scenic Rivers Act" and known as the "Lehigh Scenic River Study."

1982, April 5, P.L. 222, No. 71, § 9, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.99.

CHAPTER 43

LICK RUN WILD AND SCENIC RIVER ACT

Section

820.71. Short title.

- 820.72. Legislative findings and purpose.
- 820.73. Designation and classification.
- 820.74. Management responsibilities.
- 820.75. Cooperation and coordination.

Historical and Statutory Notes

Section 302 of Act 1996, June 27, P.L. 403, No. 58, 71 P.S. § 1709.302, provides that the functions of the Department of Community Affairs provided for in the act of December 17, 1982 (P.L. 1402, No. 324), known as the Lick Run Wild and Scenic River Act, are transferred to the Department of Community and Economic Development.

§ 820.71. Short title

This act shall be known and may be cited as the "Lick Run Wild and Scenic River Act." 1982, Dec. 17, P.L. 1402, No. 324, § 1, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating the Lick Run as a component of the Pennsylvania Wild Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; and providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

1982, Dec. 17, P.L. 1402, No. 324, § 1.

Transferred from 32 P.S. § 821.61.

§ 820.72. Legislative findings and purpose

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the "Pennsylvania Scenic Rivers Act,"¹ fulfilled its obligations and responsibilities prerequisite to the designation of the Lick Run as a component of the Pennsylvania Scenic Rivers System. The designation of the Lick Run by this act is with the view of conserving and enhancing its scenic quality and of promoting public recreational enjoyment, in accordance with the policy and provisions of the "Pennsylvania Scenic Rivers Act."

1982, Dec. 17, P.L. 1402, No. 324, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.62.

§ 820.73. Designation and classification

(a) The 15 mile mainstem of Lick Run, including five tributary streams and related adjacent land areas, from the headwaters in Clinton County to the Pennsylvania Game

Commission gate at Farrandsville, Clinton County, is designated as a wild component of the Pennsylvania Scenic Rivers System under the "Pennsylvania Scenic Rivers Act."¹ The boundaries of the component corridor have been defined by the Department of Environmental Resources and are shown on the map entitled, "Lick Run Study," which is on file and available for public inspection in the Bureau of Land Records, Department of Community Affairs of the Commonwealth of Pennsylvania.

(b) Segments of the component are classified as follows:

- (1) Lick Run-headwaters to Game Commission gate at Farrandsville-15 miles-wild.
- (2) West Branch Lick Run-headwaters to Lick Run-1.9 miles-wild.
- (3) Robbins Run-headwaters to Lick Run-2.5 miles-scenic.
- (4) Campbell Run-Game Commission boundary to Lick Run-0.5 mile-wild.
- (5) Staver Run-Hazard Road Crossing to Lick Run-1.45 miles-wild.
- (6) Craig Fork-Hazard Road Crossing to Lick Ran-1.6 miles-wild.

1982, Dec. 17, P.L. 1402, No. 324, § 3, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.63.

§ 820.74. Management responsibilities

The Pennsylvania Game Commission and the Department of Environmental Resources shall exercise administrative responsibilities in implementing the "Management Guidelines for Lick Run Corridor" on Commonwealth lands within the designated component, as outlined within the "Discussion of Management Guidelines" in the text of the study of Lick Run conducted by the Department of Environmental Resources under the "Pennsylvania Scenic Rivers Act"¹ and known as the "Lick Run Study."

1982, Dec. 17, P.L. 1402, No. 324, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.64.

§ 820.75. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Susquehanna River Basin Commission.

1982, Dec. 17, P.L. 1402, No. 324, § 5, imd. effective.

Historical and Statutory Notes

Transferred from 32 P.S. § 821.65.

CHAPTER 44

OCTORARO CREEK SCENIC RIVER ACT

Section

- 820.81. Short title.
- 820.82. Legislative findings and purposes.
- 820.83. Designation and classification.
- 820.84. Management responsibilities.
- 820.85. Special consideration.
- 820.86. Cooperation and coordination.
- 820.87. Limitation of liability.
- 820.88. Zoning powers.
- 820.89. Repairs and construction.
- 820.90. Expenditure of funds.

§ 820.81. Short title

This act shall be known and may be cited as the Octoraro Creek Scenic Rivers Act. 1983, Oct. 21, P.L. 171, No. 43, § 1, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating Octoraro Creek in Lancaster and Chester Counties, as a component of the Pennsylvania Scenic Rivers System; requiring cooperation and coordination by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act. 1983, Oct. 21, P.L. 171, No. 43.

Library References

States 87.
WESTLAW Topic No. 360.
C.J.S. States § 146.

§ 820.82. Legislative findings and purposes

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L.1277, No. 283), known as the Pennsylvania Scenic Rivers Act,¹ fulfilled its obligations and responsibilities prerequisite to the designation of Octoraro Creek and certain segments of its tributaries as a component of the Pennsylvania Scenic Rivers System. The designation of this component by this act is for the purposes of protecting its free and unimpounded flow and of conserving and protecting its pastoral and

scenic qualities and historic characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

1983, Oct. 21, P.L. 171, No. 43, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

Library References

Health and Environment 25.7(2).

WESTLAW Topic No. 199.

C.J.S. Health and Environment §§ 125 to 128, 137.

§ 820.83. Designation and classification

(a) **Designation.**-The 12.25 mile mainstem of Octoraro Creek in Chester and Lancaster Counties plus portions of the East Branch, West Branch and Stewart Run tributary streams and related adjacent land areas as it extends from Township Route 414 (Chester County) and Township Route 455 (Lancaster County) and associated bridge to the Pennsylvania-Maryland line including the 0.4 mile horseshoe bend in West Nottingham Township, Chester County, is designated as a component of the Pennsylvania Scenic Rivers System under the act of December 5, 1972 (P.L.1277, No. 283), known as the Pennsylvania Scenic Rivers Act¹ The boundaries and termini of the component have been defined by the Department of Environmental Resources and are shown on the map entitled "Octoraro Creek Study" which is on file and available for public inspection in the Division of Land Records, Pennsylvania Historical and Museum Commission.

(b) **Classification.**-Segments of the component are classified as follows:

(1) Octoraro Creek mainstem-Pine Grove Covered Bridge to Pennsylvania-Maryland line including the 0.4 mile horseshoe bend at Pennsylvania-Maryland line in West Nottingham Township, Chester County-12.25 miles-pastoral.

(2) East Branch-Township Route 414 (Chester County) and Township Route 455 (Lancaster County) and associated bridge to Legislative Route 15058 (Steelville Road)-3.5 miles-scenic.

(3) East Branch-Legislative Route 15058 (Steelville Road) to Legislative Route 15025 (Eden Road)-8.25 miles-pastoral.

(4) West Branch-Meetinghouse Creek to Bowery Run-4.0 miles-scenic.

(5) West Branch-Octoraro Water Company Dam to Legislative Route 36010 (Puseyville Road)-2.75 miles-scenic.

(6) West Branch-Legislative, . Route 3601 0 (Puseyville Road) to backwaters of Octoraro Lake 3.75 miles-pastoral.

(7) Stewart Run-A point 2 miles upstream to West Branch confluence-2.0 miles-scenic.

1983, Oct. 21, . P.L. 171, No. 43, § 3, imd. effective.

¹32 P.S. § 820.21 et seq.

Library References

Health and Environment 25.7(2).
WESTLAW Topic No. 199.
C.J.S. Health and Environment §§ 125 to 128, 137.

§ 820.84. Management responsibilities

The Department of Environmental Resources shall exercise administrative responsibilities in implementing the State Agency Guidelines portion of the Management Guidelines for the Octoraro Creek, within the designated component as outlined in the text of the Octoraro Creek Scenic River Study conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The local management guidelines included in the Octoraro Creek Scenic River Study are recommended and voluntary for local governments, landowners and interested organizations recognizing the value of the Octoraro Creek and needing ideas and encouragement to protect it. The Pennsylvania Fish Commission shall exercise enforcement of its fishing and boating regulations and laws within the designated component.

1983, Oct. 21, P.L. 171, No. 43, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

Library References

States 87.
WESTLAW Topic No. 360.
C.J.S. States § 146.

§ 820.85. Special consideration

The Department of Environmental Resources shall assist a local organization representative of landowners, conservation groups and local governments within the designated component acting as the local coordination mechanism for the implementation of the Octoraro Creek Scenic Rivers Act.¹

1983, Oct. 21, P.L. 171, No. 43, § 5, imd. effective.

¹32 P.S. § 820.81 et seq.

§ 820.86. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purposes of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Susquehanna River Basin

Commission. All State agencies, boards and commissions shall cooperate and coordinate their activities with the Department of Environmental Resources in relation to Octoraro Creek in order to further the purposes of this act.

1983, Oct. 21, P.L. 171, No. 43, § 6, imd. effective.

§ 820.87. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts,"¹ limiting the liability of owners of land and water areas who make them available to the public for recreational purposes without charge shall be applicable to owners of land and water areas within the Octoraro Creek Scenic River Component.

1983, Oct. 21, P.L. 171, No. 43, § 7, imd. effective.

¹68 P.S. § 477-1 et seq.

§ 820.88. Zoning powers

Nothing in this act shall be construed as granting any new zoning powers to the Commonwealth or municipalities.

1983, Oct. 21, P.L. 171, No. 43, § 8, imd. effective.

Library References

Zoning and Planning 36.5.

WESTLAW Topic No. 414.

C.J.S. Zoning and Land Planning §§ 38,45

§ 820.89. Repairs and construction

(a) **Road repairs.**-Where township road repairs are needed, construction activities should be carried out within the existing rights-of-way to maintain vegetation and scenic qualities.

(b) **Construction.**-All construction, reconstruction, repair or alterations due to safety or capacity considerations shall be done consistent with safe highway geometric design and in accordance with the "Guidelines to Improve the Aesthetic Quality of Roads in Pennsylvania," dated June 1978, prepared jointly by the Department of Transportation and the Department of Environmental Resources.

1983, Oct. 21, P.L. 171, No. 43, § 9, imd. effective.

Library References

States 87.

WESTLAW Topic No. 360.

C.J.S. States § 146.

§ 820.90. Expenditure of funds

The Department of Environmental Resources is authorized to expend moneys when available for:

(1) Technical assistance for implementation and planning under the Octoraro Creek Scenic River Study conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹

(2) Assistance in the education of the general public regarding the Scenic Rivers designation.

1983, Oct. 21, P.L. 171, No. 43, § 10, imd. effective.

¹32 P.S. § 820.21 et seq.

CHAPTER 45

LETORT SPRING RUN SCENIC RIVER ACT

Section

820.101. Short title.

820.102. Legislative findings and purposes.

820.103. Designation and classification.

820.104. Management responsibilities.

820.105. Special considerations.

820.106. Cooperation and coordination.

820.107. Limitation of liability.

820.108. Expenditure of funds.

§ 820.101. Short title

This act shall be known and may be cited as the LeTort Spring Run Scenic River Act.
1988, March 30, P.L. 318, No. 42, § 1, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating LeTort Spring Run as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; and providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

1988, March 30, P.L. 318, No. 42.

§ 820.102. Legislative findings and purposes

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act,¹ fulfilled its obligations and responsibilities prerequisite to the designation of LeTort Spring Run as a component of the Pennsylvania Scenic Rivers System. The designation of this component is for the purposes of protecting its flow and of conserving and protecting its pastoral and scenic and fishery qualities and historic characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.
1988, March 30, P.L. 318, No. 42, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.103. Designation and classification

(a) The 6.5 mile main stem of LeTort Spring Run in Cumberland County plus the Left Branch and Mill Race and related adjacent land area as it extends from State Route 34 bridge to the Conodoguinet Creek are designated a component of the Pennsylvania Scenic Rivers System under the act of December 5 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The boundaries and termini of the component have been defined by the Department of Environmental Resources and are shown on the map entitled "LeTort Spring Run Scenic River Study" which is on file and available for public inspection in the Division of Land Records, Historical and Museum Commission of the Commonwealth of Pennsylvania.

(b) Segments of the component are classified as follows:

(1) LeTort Spring Run main stem-State Route 34 bridge to abandoned Reading Railroad bridge adjacent to LeTort Park including Left Branch from source to main stem-2.5 miles-Pastoral.

(2) LeTort Spring Run main stem-Abandoned Reading Railroad bridge adjacent to LeTort Park to Post Road including Mill Race from Henderson Avenue to main stem-2.5 miles-Modified Recreational.

(3) LeTort Spring Run main stem-Post Road to the confluence with the Conodoguinet Creek-2.6 miles-Pastoral.

1988, March 30, P.L. 318, No. 42, § 3, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.104. Management responsibilities

The Department of Environmental Resources shall exercise administrative responsibilities in implementing the "State Agency Guidelines" portion of the "Management Guidelines for the LeTort Spring Run" within the designated component as outlined in the text of the "LeTort Spring Run Scenic River Study" conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277,

No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The "Local Management Guidelines" included in the "LeTort Spring Run Scenic River Study" are recommended and voluntary for local governments, landowners and interested organizations in recognizing the value of the LeTort Spring Run. The Pennsylvania Fish Commission shall exercise enforcement of its fishing and boating regulations and laws within the designated component.

1988, March 30, P.L. 318, No. 42, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.105. Special considerations

The Department of Environmental Resources shall assist a local organization representative of landowners, conservation groups and local governments within the designated component acting as the local coordination mechanism for the implementation of this act.

Nothing in this act shall be construed as granting authority to any level of government or private entity to establish streamside trails without the prior consent and agreement of riparian landowners.

1988, March 30, P.L. 318, No. 42, § 5, imd. effective.

§ 820.106. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Susquehanna River Basin Commission. All State agencies, boards and commissions shall cooperate and coordinate their activities with the Department of Environmental Resources in relation to the LeTort Spring Run component in order to further the purpose of this act.

1988, March 30, P.L. 318, No. 42, § 6, imd. effective.

§ 820.107. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 586),¹ entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," limiting the liability of owners of land and water areas who make them available to the public for recreational purposes without charge shall be applicable to owners of land and water areas within the LeTort Spring Run component.

1988, March 30, P.L. 318, No. 42, § 7, imd. effective.

¹68 P.S. § 477-1 et seq.

§ 820-108. Expenditure of funds

The Department of Environmental Resources is authorized to expend moneys when available for:

(1) Technical assistance for implementation of and planning under the LeTort Spring Run Scenic River Study" conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹

(2) Assistance in the education of the education of the general public regarding the scenic rivers designation and appropriate conservation measures.
1988, March 30, P.L. 318, No. 42, § 8, imd. effective.

¹32 P.S. § 820.21 et seq.

CHAPTER 46

TUCQUAN CREEK AND BEAR RUN SCENIC RIVERS ACT

Section

- 820-111. Short title.
- 820-112. Legislative findings and purpose.
- 820.113. Designation and classification.
- 820.114. Management responsibilities.
- 820-115. Cooperation and coordination.
- 820-116. Limitation of liability.
- 820.117. Zoning powers.
- 820.118. Expenditures of funds.

§ 820.111. Short title

This act shall be known and may be cited as the Tucquan Creek and Bear Run Scenic Rivers Act.

1988, Dec. 19, P.L. 1286, No. 161, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating Tucquan Creek in Lancaster County and Bear Run in Fayette County as components of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; providing for cooperation by State agencies and local government; limiting liability; and authorizing the expenditure of moneys to further the purposes of the act.

1988, Dec. 19, P.L. 1286, No. 161.

§ 820.112. Legislative findings and purpose

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act,¹ fulfilled its obligations and responsibilities prerequisite to the designation of Tucquan Creek and its Clark Run tributary and a portion of Bear Run and a segment of its major tributary, Beaver Run, as components of the Pennsylvania Scenic Rivers System. The designation of Tucquan Creek and its Clark Run tributary and a portion of Bear Run and a segment of its major tributary, Beaver Run, is for the purpose of recognizing their inherent qualities and protecting the scenic qualities and recreational values of these relatively undeveloped river corridors in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

1988, Dec. 19, P.L. 1286, No. 161, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.113. Designation and classification

(a) Tucquan Creek designation.-

(1) The 8.1-mile Tucquan Creek and its Clark Run tributary and related adjacent land area in Lancaster County which drain into the Susquehanna River are designated a component of the Pennsylvania Scenic Rivers System under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The boundaries and termini of the component have been defined by the Department of Environmental Resources and are shown on the map entitled "Tucquan Creek Scenic River Study" which is on file and available for public inspection in the Division of Land Records, Historical and Museum Commission of the Commonwealth of Pennsylvania.

(2) Segments of the component are classified as follows:

(i) The Tucquan main stem-Source near Rawlinsville to confluence with Clark Run-4.5 miles - Scenic.

(ii) Clark Run tributary-Source at Mount Nebo to confluence with the Tucquan - 2.5 miles - Scenic.

(iii) The Tucquan (Seven Streams Section)-River Road (SR3017) west to mouth at Susquehanna River - 1.1 miles - Wild.

(b) Bear Run.-

(1) The 4.3-mile segment of Bear Run in Fayette County, including a portion of the Beaver Run tributary and related adjacent land area, is designated as a component of the Pennsylvania Scenic Rivers System under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act. This component, referred to as the Bear Run Scenic River Corridor, is wholly contained on Western Pennsylvania Conservancy property. The boundaries and termini of this component have been defined

by the Department of Environmental Resources and are shown on a map entitled "Bear Run Study" which is on file and available for public inspection in the Division of Land Records of the Pennsylvania Historical and Museum Commission.

(2) Segments of the component are classified as follows:

(i) Bear Run-From the 2,080 foot elevation where the stream becomes perennial to the eastern edge of the tunnel which allows Bear Run to flow under the B & O Railroad grade - 3.6 miles - Scenic.

(ii) Beaver Run from the Tree/Teaberry Trail to its confluence with Bear Run - 0.7 mile - Scenic.

1988, Dec. 19, P.L. 1286, No. 161, § 3, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.114. Management responsibilities

(a) Tucquan Creek.-

(1) The Department of Environmental Resources shall exercise administrative responsibilities in implementing the "State Agency Guidelines" portion of the "Management Guidelines for the Tucquan Creek and Clark Run Tributary" within the designated component as outlined in the text of the "Tucquan Creek Scenic River Study" conducted by the Lancaster County Planning Commission for the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The "Local Management Guidelines" included in the "Tucquan Creek Scenic River Study" are recommended and voluntary for local governments, landowners and interested organizations in recognizing the value of the Tucquan Creek watershed. The Pennsylvania Fish Commission shall exercise enforcement of its fishing regulations and laws within the designated component.

(2) The Department of Environmental Resources shall assist a local organization representative of landowners, conservation groups and local governments within the designated component, acting as the local coordination mechanism for the implementation of this act.

(3) Nothing in this act shall be construed to prohibit hunting and/or trapping where permitted. Hunting and trapping shall continue to be conducted according to existing laws and regulations administered by the Pennsylvania Game Commission.

(b) Bear Run.- The Western Pennsylvania Conservancy shall exercise administrative responsibilities in implementing its management plans for this component. Should projects within the Bear Run Scenic River Corridor be needed which require intradepartmental permitting or State agency consistency, actions concerning such projects shall be guided by the "Management Guidelines For Rivers Within The Scenic Classification," as outlined in the text of the "Bear Run Study" conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.

1988, Dec. 19, P.L. 1286, No. 161, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820-115. Cooperation and coordination

(a) **General rule.**-All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act.

(b) **Tucquan Creek.**-The Department of Environmental Resources shall also seek the cooperation of the Susquehanna River Basin Commission. All State agencies, boards and commissions shall cooperate and coordinate their activities with the Department of Environmental Resources in relation to the Tucquan Creek component in order to further the purpose of this act.

1988, Dec. 19, P.L. 1286, No. 161, § 5, imd. effective.

§ 820.116. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts,"¹ limiting the liability of land and water area owners who make them available to the public for recreational purposes without charge shall be applicable to owners of land and water areas within the Tucquan Creek and Bear Run scenic river components, including such land and water areas in which the Commonwealth or any political subdivision thereof has acquired an easement or other interest less than fee simple.

1988, Dec. 19, P.L. 1286, No. 161, § 6, imd. effective.

¹68 P.S. § 477-1 et seq.

§ 820.117. Zoning powers

Nothing in this act shall be construed as granting any new zoning power to the Commonwealth or any political subdivision thereof or any municipal authority therein.

1988, Dec. 19, P.L. 1286, No. 161, § 7, imd. effective.

§ 820.118. Expenditures of funds

The Department of Environmental Resources is authorized to expend moneys, when available, for:

(1) Technical assistance for implementation of and planning under the "Tucquan Creek Scenic River Study" and the "Bear Run Study" conducted by the Department of

Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹

(2) Assistance in the education of the general Public regarding the scenic rivers designations under this act and appropriate conservation measures.

1988, Dec. 19, P.L. 1286, No. 161, § 8, imd. effective.

¹32 P.S. § 820.21 et seq.

CHAPTER 47

LOWER BRANDYWINE SCENIC RIVERS ACT

Section

- 820.121. Short title.
- 820.122. Legislative findings and purposes.
- 820.123. Definitions.
- 820-124. Designation and classification.
- 820.125. Management responsibilities.
- 820.126. Special consideration.
- 820.127. Cooperation and coordination.
- 820.128. Limitation of liability.
- 820.129. Zoning powers.
- 820.130. Repairs and construction.
- 820.131. Expenditure of funds.

§ 820.121. Short title

This act shall be known and may be cited as the Lower Brandywine Scenic Rivers Act.
1989, June 16, P.L. 22, No. 7, § 1, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating the Lower Brandywine in Chester and Delaware Counties as a component of the Pennsylvania Scenic Rivers System; requiring cooperation and coordination by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act.

1989, June 16, P.L. 22, No. 7.

§ 820.122. Legislative findings and purposes

The department has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act,¹ fulfilled its obligations and responsibilities prerequisite to the designation of the Lower Brandywine and certain segments of its tributaries as a component of the Pennsylvania Scenic Rivers System. The designation of this component is for the purposes of protecting its free and unimpounded flow and of conserving and protecting its pastoral and scenic qualities and historic

characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

1989, June 16, P.L. 22, No. 7, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.123. Definitions

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Environmental Resources of the Commonwealth.
1989, June 16, P.L. 22, No. 7, § 3, imd. effective.

§ 820.124. Designation and classification

(a) Designation.-The main stem and the East and West Branches of the Brandywine in Chester and Delaware Counties plus Pocopson Creek, Valley Creek, Broad Run, Buck Run, Doe Run and two unnamed tributaries in Newlin Township and related adjacent land area as it extends from the Delaware State line to south of Coatesville and Downingtown are designated a component of the Pennsylvania Scenic Rivers System under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The boundaries and termini of the component have been defined by the department and are shown on the five maps entitled "Lower Brandywine Scenic Rivers Project," which are on file and available for public inspection in the Division of Land Records of the Pennsylvania Historical and Museum Commission.

(b) Classification.-Segments of the component are classified as follows:

(1) Brandywine main stem - Pennsylvania-Delaware line, including the 1.1 mile horseshoe bend at the Pennsylvania-Delaware line in Birmingham Township, Chester County, to confluence with the East and West Branches above Lenape - 9.7 miles - Pastoral.

(2) Pocopson Creek - Confluence with main stem, Brandywine, to State Route 842 - 6.5 miles - Pastoral.

(3) East Branch, Brandywine - Confluence with main stem and West Branch to Penn Central overpass - 7.4 miles - Pastoral.

(4) Valley Creek - Confluence with East Branch to Penn Central over-pass - 2.8 miles - Pastoral.

(5) West Branch, Brandywine - Confluence with main stem to Wawaset Bridge - 0.75 mile - Pastoral.

(6) West Branch, Brandywine - Wawaset Bridge to a point 1,600 feet downstream of Modena Borough Boundary, including 1.8 miles of Green Valley Stream and 2.2 miles of an unnamed Newlin Township Tributary from Glenhall to Cannery - 16.25 miles Scenic.

(7) Broad Run - Confluence with West Branch, Brandywine, to Beacon Hill Road - 4.85 miles - Pastoral.

(8) Buck Run - Confluence with West Branch, Brandywine, to 1.4 miles upstream of Log Cabin Road Crossing - 11.0 miles - Pastoral.

(9) Doe Run - Confluence with Buck Run to Femwood Road - 6.6 miles - Pastoral.
1989, June 16, P.L. 22, No. 7, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.125. Management responsibilities

The department shall exercise administrative responsibilities in implementing the "State Agency Management Guidelines for the Lower Brandywine and Selected Tributaries in Pennsylvania," within the designated component, as outlined in the text of the "Lower Brandywine Scenic Rivers Evaluation and Management Study" conducted by the department under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The "Recommended Local Management Guidelines" included in the "Lower Brandywine Scenic Rivers Evaluation and Management Study" are recommended and voluntary for local governments, landowners and interested organizations in recognizing the value of the Lower Brandywine and selected tributaries. The Pennsylvania Fish Commission shall exercise enforcement of its fishing and boating regulations and laws within the designated component. 1989, June 16, P.L. 22, No. 7, § 5, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.126. Special consideration

The department, in cooperation with local governments, shall establish an implementation team, composed of, but not limited to, landowners, local governments and conservation organizations, to act as a local advocate for implementation of this act. The department shall assist the implementation team in carrying out recommendations of the Management Plan, including the conduct of an access study, development of an agency contact list and implementation of other management strategies included in the "Lower Brandywine Scenic Rivers Evaluation and Management Study."

1989, June 16, P.L. 22, No. 7, § 6, imd. effective.

§ 820.127. Cooperation and coordination

State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private persons and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the department shall also seek the cooperation of the Delaware River Basin Commission. State agencies, boards and commissions shall cooperate and coordinate their activities with the department in relation to the Lower Brandywine component in order to further the purpose of this act.

1989, June 16, P.L. 22, No. 7, § 7, imd. effective.

§ 820.128. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts,"¹ limiting the liability of owners of land and water areas who make them available to the public for recreational purposes without charge, shall be applicable to owners of land and water areas within the Lower Brandywine component.

1989, June 16, P.L. 22, No. 7, § 8, imd. effective.

¹ 68 P.S. § 477-1 et seq.

§ 820.129. Zoning powers

Nothing in this act shall be construed as granting new zoning powers to the Commonwealth or municipalities.

1989, June 16, P.L. 22, No. 7, § 9, imd. effective.

§ 820.130. Repairs and construction

(a) Road repairs.-Where township road repairs are needed, construction activities should be carried out within the existing rights-of-way to maintain vegetation and scenic qualities.

(b) Construction.-Construction, reconstruction, repair or alterations due to safety or capacity considerations shall be consistent with safe highway geometric design and in accordance with the "Guidelines to Improve the Aesthetic Quality of Roads in Pennsylvania," dated June 1978, prepared jointly by the Department of Transportation and the department.

1989, June 16, P.L. 22, No. 7, § 10, imd. effective.

§ 820.13 1. Expenditure of funds

The department is authorized to expend money, when available, for all of the following:

(1) Technical assistance for implementation of and planning under the "Lower Brandywine Scenic Rivers Evaluation and Management Study" conducted by the department under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹

(2) Assistance in the education of the general public regarding the scenic rivers designation and appropriate conservation measures.

1989, June 16, P.L. 22, No. 7, § 11, imd. effective.

¹32 P.S. § 820.21 et seq.

CHAPTER 48

YELLOW BREECHES CREEK SCENIC RIVER ACT

Section

820.141. Short title.

820.142. Legislative findings and purposes.

820.143. Designation and classification.

820.144. Management responsibilities.

820.145. Special considerations.

820.146. Cooperation and coordination.

820.147. Limitation of liability.

820.148. Expenditure of funds.

§ 820.141. Short title

This act shall be known and may be cited as the Yellow Breeches Creek Scenic River Act.

1992, Dec. 4, P.L. 763, No. 116, § 1, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating the Yellow Breeches Creek as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; and providing for cooperation and coordination in its protection and use and for the responsibilities of its management.

1992, Dec. 4, P.L. 763, No. 116.

§ 820.142. Legislative findings and purposes

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act,¹ fulfilled its obligations and responsibilities prerequisite to the designation of the Yellow Breeches Creek as a component of the Pennsylvania Scenic Rivers System. The designation of this component is for the purposes of protecting its flow and of conserving

and protecting its pastoral and scenic and fishery qualities and historic and geologic characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

1992, Dec. 4, P.L. 763, No. 116, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.143. Designation and classification

(a) Designation.-The main stem of the Yellow Breeches Creek in Cumberland County and York County and Hairy Springs Hollow in Cumberland County and related adjacent land area are designated a component of the Pennsylvania Scenic Rivers System under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The boundaries and termini of the component have been defined by the Department of Environmental Resources and are shown on the map entitled "Yellow Breeches Creek Study" which is on file and available for public inspection in the Division of Land Records, Historical and Museum Commission of the Commonwealth of Pennsylvania, provided, however, that the width of the corridor in the segment designated as recreational from the S.R. 2004 Bridge to the S.R. 2017 Bridge shall be from the top of the steep bank on the south to the Federal Emergency Management Agency floodway boundary on the north.

(b) Classification.-Segments of the component are classified as follows:

(1) Hairy Springs Hollow headwaters to the backwaters of Big Pond - 5.1 miles, scenic.

(2) Yellow Breeches main stem from the backwaters of Big Pond on Hairy Springs Hollow to S.R. 2004 Bridge (Bowmansdale) - 32 miles, pastoral.

(3) Yellow Breeches main stem from S.R. 2004 Bridge (Bowmansdale) to confluence with the Susquehanna River - 18.8 miles, recreational.

1992, Dec. 4, P.L. 763, No. 116, § 3, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.144. Management responsibilities

The Department of Environmental Resources shall exercise administrative responsibilities in implementing the "State Agency Guidelines" for the Yellow Breeches Creek, within the designated component as outlined in the text of the "Yellow Breeches Creek Scenic River Study" conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ "Local Management Guidelines" may be developed for the Yellow Breeches Creek Scenic River. These may be recommended and will be voluntary for local governments, landowners and organizations interested in conserving the value of the

Yellow Breeches Creek. The Pennsylvania Fish Commission shall exercise enforcement of its fishing and boating regulations and laws within the designated component.

1992, Dec. 4, P.L. 763, No. 116, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.145. Special considerations

The Department of Environmental Resources shall assist local organizations representative of landowners, conservation groups and local governments within the designated component acting as the local coordination mechanism for the implementation of this act. Nothing in this act shall be construed as granting authority to any level of government or private entity to establish streamside trails without the prior consent and agreement of riparian landowners. Nothing in this act shall be construed as granting additional authority to any municipality or county to restrict or prohibit the use of land within the designated scenic river corridor.

1992, Dec. 4, P.L. 763, No. 116, § 5, imd. effective.

§ 820.146. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Susquehanna River Basin Commission. All State agencies, boards and commissions shall cooperate and coordinate their activities with the Department of Environmental Resources in relation to the Yellow Breeches Creek in order to further the purpose of this act.

1992, Dec. 4, P.L. 763, No. 116, § 6, imd. effective.

§ 820.147. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," limiting the liability of owners of land and water areas who make them available to the public for recreational purposes without charge shall be applicable to owners of land and water areas within the Yellow Breeches Creek component.

1992, Dec. 4, P.L. 763, No. 116, § 7, imd. effective.

¹68 P.S. § 477-1 et seq.

§ 820.148. Expenditure of funds

The Department of Environmental Resources is authorized to expend moneys when available for:

(1) Technical assistance, planning and implementation under the "Yellow Breeches Creek Scenic River Study" conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹

(2) Assistance in the education of the general public regarding the scenic rivers designation and establishment of appropriate conservation measures.
1992, Dec. 4, P.L. 763, No. 116, § 8, imd. effective.

¹32 P.S. § 820.21 et seq.

CHAPTER 49

TULPEHOCKEN CREEK AND YELLOW BREECHES CREEK SCENIC RIVER ACT

Section

- 820.151. Short title.
- 820.152. Legislative findings and purposes.
- 820.153. Designation and classification for Tulpehocken Creek.
- 820.154. Designation and classification for Yellow Breeches Creek.
- 820.155. Management responsibilities.
- 820.156. Special considerations.
- 820.157. Cooperation and coordination.
- 820.158. Limitation of liability.
- 820.159. Zoning powers.
- 820.160. Repairs and construction.
- 820.161. Expenditure of funds.

§ 820.151. Short title

This act shall be known and may be cited as the Tulpehocken Creek and Yellow Breeches Creek Scenic River Act.
1992, Dec. 4, P.L. 767, No. 118, § 1, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating the Tulpehocken Creek and the Yellow Breeches Creek as components of the Pennsylvania Scenic Rivers System; requiring cooperation by State agencies in implementing the purposes of the Scenic Rivers Act; providing for cooperation and coordination in their protection and use and for the responsibilities of their management; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act.
1992, Dec. 4, P.L. 767, No. 118.

§ 820.152. Legislative findings and purposes

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act,¹ fulfilled its obligations and responsibilities prerequisite to the designation of the Tulpehocken Creek and a selected tributary and the Yellow Breeches Creek as components of the Pennsylvania Scenic Rivers System. The designation of these components is for the purposes of protecting their flow and conserving and protecting their pastoral, recreational, fishery and cultural qualities and historic and geologic characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

1992, Dec. 4, P.L. 767, No. 118, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.153. Designation and classification for Tulpehocken Creek

(a) Designation for Tulpehocken Creek. - Certain segments of the main stem of the Tulpehocken Creek in Lebanon and Berks Counties, a small segment of Cacoosing Creek in Berks County and related adjacent land area as it extends from near Kimmerlings Church eastward to its confluence with the Schuylkill River at Reading are designated a component of the Pennsylvania Scenic Rivers System under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The boundaries and termini of the components have been defined by the Department of Environmental Resources and are shown on a map entitled, "Tulpehocken Scenic River Study," which is on file and available for public inspection in the Division of Land Records, Historical and Museum Commission of the Commonwealth of Pennsylvania, Harrisburg, PA 17108.

(b) Classification for Tulpehocken Creek. - Segments of the component are classified as follows:

(1) Tulpehocken Creek: Headwaters of the Tulpehocken Creek near Kimmerlings Church in North Lebanon Township to Ramona Road (Township Route 560) in Jackson Township, 3.4 miles, Pastoral.

(2) Tulpehocken Creek: Western boundary of the Carl Sensenig property, now or formerly owned by Carl Sensenig and wife, to the bridge carrying S.R. 4010 over the Tulpehocken near the entrance to Heidelberg Country Club, 16.8 miles, Pastoral.

(3) Tulpehocken Creek: Base of the Blue Marsh Dam to the creek's confluence with the Schuylkill River at Reading, 6.6 miles, Recreational.

(4) Cacoosing Creek: State Hill Road bridge S.R. 3023 to the confluence with the Tulpehocken Creek, 2.0 miles, Recreational.

(c) Special classification for Tulpehocken Creek. - The Secretary of Environmental Resources is authorized to classify the 3.4 mile segment between Ramona Road and the

western boundary of the property, now or formerly owned by Carl Sensenig and wife, on the Tulpehocken Creek upstream from Flanagan Road in Jackson Township, Lebanon County, as Pastoral when the secretary determines that it meets the established criteria for classification. When classified, that segment shall become part of the Tulpehocken Creek Scenic River component under this act, and all of the provisions of this act and of the Pennsylvania Scenic Rivers Act shall become applicable thereto.
1992, Dec. 4, P.L. 767, No. 118, § 3, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.154. Designation and classification for Yellow Breeches Creek

(a) Designation for Yellow Breeches Creek. - The main stem of the Yellow Breeches Creek in Cumberland County and York County and Hairy Springs Hollow in Cumberland County and related adjacent land area are designated a component of the Pennsylvania Scenic Rivers System under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The boundaries and termini of the component have been defined by the Department of Environmental Resources and are shown on the map entitled "Yellow Breeches Creek Study" which is on file and available for public inspection in the Division of Land Records, Historical and Museum Commission of the Commonwealth of Pennsylvania, provided that the width of the corridor in the segment designated as recreational from the S.R. 2004 bridge to the S.R. 2017 bridge shall be from the top of the steep bank on the south to the Federal Emergency Management Agency floodway boundary on the north.

(b) Classification for Yellow Breeches Creek. - Segments of the component are classified as follows:

- (1) Hairy Springs Hollow headwaters to the backwaters of Big Pond - 5.1 miles, Scenic.
- (2) Yellow Breeches main stem from the backwaters of Big Pond on Hairy Springs Hollow to S.R. 2004 bridge (Bowmansdale) - 32 miles, Pastoral.
- (3) Yellow Breeches main stem from S.R. 2004 bridge (Bowmansdale) to confluence with the Susquehanna River - 18.8 miles, Recreational.

1992, Dec. 4, P.L. 767, No. 118, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.155. Management responsibilities

(a) Tulpehocken Creek. - The Department of Environmental Resources shall exercise administrative responsibilities in implementing the Management Guidelines for the Tulpehocken Creek and Cacoosing Creek tributary, within the designated component. All actions by the department and other State agencies shall be guided by the appropriate Pastoral or Recreational Management Guidelines as outlined in the text "Tulpehocken

Creek Study" conducted by the department under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹

(b) Yellow Breeches Creek. - The Department of Environmental Resources shall exercise administrative responsibilities in implementing the "State Agency Guidelines" for the Yellow Breeches Creek, within the designated component as outlined in the text of the "Yellow Breeches Creek Scenic River Study" conducted by the Department of Environmental Resources under the Pennsylvania Scenic Rivers Act. "Local Management Guidelines" may be developed for the Yellow Breeches Creek Scenic River. These may be recommended and will be voluntary for local governments, landowners and organizations interested in conserving the value of the Yellow Breeches Creek. The Pennsylvania Fish Commission shall exercise enforcement of its fishing and boating regulations and laws within the designated component.

1992, Dec. 4, P.L. 767, No. 118, § 5, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.156. Special considerations

The Department of Environmental Resources shall assist local organizations representative of landowners, conservation groups and local governments within the designated component acting as the local coordination mechanism for the implementation of this act. Nothing in this act shall be construed as granting authority to any level of government or private entity to establish streamside trails without the prior consent and agreement of riparian landowners. Nothing in this act shall be construed as granting additional authority to any municipality or county to restrict or prohibit the use of land within the designated scenic river corridors.

1992, Dec. 4, P.L. 767, No. 118, § 6, imd. effective.

§ 820.157. Cooperation and coordination

State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Delaware River Basin Commission and the Susquehanna River Basin. All State agencies, boards and commissions shall cooperate and coordinate their activities with the department in relation to the Tulpehocken Creek and associated tributary included in the Scenic River component and in relation to the Yellow Breeches Creek in order to further the purpose of this act.

1992, Dec. 4, P.L. 767, No. 118, § 7, imd. effective.

§ 820.158. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts,"¹ limiting the liability of owners of land and water areas who make them available to the public for recreational purposes without charge shall be applicable to public and private owners of land and water areas within the Tulpehocken Creek Scenic River and the Yellow Breeches Creek Scenic River components.

1992, Dec. 4, P.L. 767, No. 118, § 8, imd. effective.

¹68 P.S. § 477-1 et seq.

§ 820.159. Zoning powers

Nothing in this act shall be construed as granting new zoning powers to the Commonwealth or municipalities.

1992, Dec. 4, P.L. 767, No. 118, § 9, imd. effective.

§ 820.160. Repairs and construction

(a) Road repairs. - Where township road repairs are needed, construction activities should be carried out within the existing rights-of-way to maintain vegetation and scenic qualities.

(b) Construction. - Construction, reconstruction, repair or alterations due to safety or capacity considerations shall be consistent with safe highway geometric design and in accordance with the "Guidelines to Improve the Aesthetic Quality of Roads in Pennsylvania," dated June 1978, prepared jointly by the Department of Transportation and the Department of Environmental Resources.

1992, Dec. 4, P.L. 767, No. 118, § 10, imd. effective.

§ 820.16 1. Expenditure of funds

(a) Tulpehocken Creek. - The Department of Environmental Resources is authorized to expend moneys when available for:

(1) Technical assistance for implementation and planning under the Tulpehocken Creek Study conducted by the department under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹

(2) Assistance in the education of the general public regarding the scenic river designation and appropriate conservation measures.

(b) Yellow Breeches Creek. - The Department of Environmental Resources is authorized to expend moneys when available for:

(1) Technical assistance, planning and implementation under the "Yellow Breeches Creek Scenic River Study" conducted by the Department of Environmental Resources under the Pennsylvania Scenic Rivers Act.

(2) Assistance in the education of the general public regarding the scenic rivers designation and establishment of appropriate conservation measures.

1992, Dec. 4, P.L. 767, No. 118, § 11, imd. effective.

¹32 P.S. § 820.21 et seq.

CHAPTER 50

PINE CREEK SCENIC RIVERS ACT

Section

820.171. Short title.

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§ 820.171. Short title

This act shall be known and may be cited as the Pine Creek Scenic Rivers Act.

1992, Dec. 4, P.L. 784, No. 124, § 1, imd. effective.

Historical and Statutory Notes

Title of Act:

An Act designating Pine Creek and certain tributaries in Tioga County as a component of the Pennsylvania Scenic Rivers System; requiring cooperation and coordination by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act.

1992, Dec. 4, P.L. 784, No. 124.

§ 820.172. Legislative findings and purposes

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act,¹ fulfilled its obligations and responsibilities prerequisite to the designation of Pine Creek and selected tributaries in Tioga County as a component of the Pennsylvania Scenic Rivers System. The designation of this component is for the purpose of protecting its free and unimpounded flow and of conserving and protecting its wild, scenic and cultural qualities and historic characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

1992, Dec. 4, P.L. 784, No. 124, § 2, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.173. Designation and classification

(a) **Designation.**-Pine Creek and selected tributaries in Tioga County set forth in subsection (b) and related adjacent land area between the Marsh Creek confluence and the Tioga/Lycoming County line are designated a component of the Pennsylvania Scenic Rivers System under the act of December 5 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹ The boundaries and termini of the component have been defined by the Department of Environmental Resources and are shown on the map entitled "Pine Creek Study," which is on file and available for public inspection with the Pennsylvania Historical and Museum Commission.

(b) **Classification.**-Segments of the component are classified as follows:

(1) Pine Creek - Marsh Creek confluence to Fourmile Run confluence, 4.25 miles, scenic.

(2) Pine Creek - Fourmile Run confluence to Jerry Run confluence, 11.9 miles, wild.

(3) Pine Creek - Jerry Run confluence to the Tioga/Lycoming County line, 1.9 miles, scenic.

(4) Fourmile Run - Painter Leetonia Road Crossing to confluence with Pine Creek, 1.6 miles, wild.

(5) Right Branch Fourmile Run - Gaines/Shippen Township line to confluence with Fourmile Run, 1.0 miles, wild.

(6) Campbells Run - Pine Creek Gorge Natural Area Boundary to confluence with Pine Creek, 1.0 miles, wild.

(7) Pine Island Run - Pine Creek Gorge Natural Area Boundary to confluence with Pine Creek, 1.6 miles, wild.

1992, Dec. 4, P.L. 784, No. 124, §3, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.174. Management guidelines

The Department of Environmental Resources shall exercise administrative responsibilities in implementing the "State Agency Management Guidelines for Pine Creek in Tioga County" within the designated component, as outlined in the text of the "Pine Creek Scenic River Study" conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania

Scenic Rivers Act.¹ The "Recommended Local Management Guidelines for Pine Creek" included in the "Pine Creek Scenic River Study" are recommended and voluntary for local government, landowners and interest organizations in recognizing the value of Pine Creek and selected tributaries in Tioga County. The Pennsylvania Fish Commission shall exercise enforcement of the fishing and boating regulations and laws within the designated corridor.

1992, Dec. 4, P.L. 784, No. 124, § 4, imd. effective.

¹32 P.S. § 820.21 et seq.

§ 820.175. Special consideration

(a) Establishment of implementation team. - The Department of Environmental Resources, in cooperation with local governments,' shall establish an implementation team consisting of, but not limited to, landowners, local governments and conservation organizations to act as a local advocate for the implementation of this act.

(b) Assistance to team. - The Department of Environmental Resources shall assist the implementation team in carrying out recommendations of the Management Guidelines included in the "Pine Creek Scenic River Study."

(c) Road closing prohibited. - No roads will be closed to private property because of scenic river designation.

1992, Dec. 4, P.L. 784, No. 124, § 5, imd. effective.

§ 820.176. Cooperation and coordination

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purposes of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Susquehanna River Basin Commission. All State agencies, boards and commissions shall cooperate and coordinate their activities with the Department of Environmental Resources in relation to the Pine Creek component in order to further the purposes of this act.

1992, Dec. 4, P.L. 784, No. 124, § 6, imd. effective.

§ 820-177. Limitation of liability

The provisions of the act of February 2, 1966 (1965 P.L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts,"¹ limiting the liability of owners of land and water areas who make them available to

the public for recreational purposes without charge shall be applicable to owners of land and water areas within the Pine Creek component.

1992, Dec. 4, P.L. 784, No. 124, § 7, imd. effective.

¹ 68 P.S. § 477-1 et seq.

§ 820.178. Expenditure of funds

The Department of Environmental Resources is authorized to expend moneys when available for:

(1) Technical assistance for implementation of and planning under the "Pine Creek Scenic River Study" conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L. 1277, No. 283), known as the Pennsylvania Scenic Rivers Act.¹

(2) Assistance in the education of the general public regarding the scenic rivers designation and appropriate conservation measures.

1992, Dec. 4, P.L. 784, No. 124, § 8, imd. effective.

¹32 P.S. § 820.21 et seq.