

TUCQUAN CREEK AND BEAR RUN SCENIC RIVERS ACT

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

Cl. 32

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.

Compiler's Note: Section 307(b) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties previously vested in the Department of Environmental Resources by Act 161 of 1988.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

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

Section 2. 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 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.

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 3. 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. 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.

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 4. 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. 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.

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Compiler's Note: The name of the Pennsylvania Fish Commission, referred to in subsec. (a)(1), was changed to the Pennsylvania Fish and Boat Commission by Act 39 of 1991. See 30 Pa.C.S. § 308 (relating to designation of commission).

Section 5. 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.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (b), was abolished by Act 18 of 1995. Its functions were transferred to the Department of Conservation and Natural Resources and the Department of Environmental Protection.

Section 6. 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 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.

Section 7. Zoning powers.

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

Section 8. 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.

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

Compiler's Note: The Department of Environmental Resources, referred to in this section, was abolished by Act 18 of 1995. Its functions were transferred to the Department of

Conservation and Natural Resources and the Department of
Environmental Protection.

Section 9. Effective date.

This act shall take effect immediately.