

PYMATUNING SWAMP RESERVOIR PROJECT LAW
Act of May 2, 1929, P.L. 1530, No. 456
AN ACT

Cl. 32

Relating to the erection of a dam at the outlet of Pymatuning Swamp, and the establishment of a reservoir for the flood control of the Shenango and Beaver Rivers; conferring and continuing certain powers and duties on the Department of Forests and Waters in relation to the establishment and maintenance of such reservoir; providing for the acquisition of necessary lands therefor, and the necessary agreements and releases relating thereto, and the disposition of surplus land and materials.

Compiler's Note: Section 303(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 conferred upon the Department of Forests and Waters and the Water and Power Resources Board by Act 456 of 1929.

Section 1. Be it enacted, &c., That the word "department," as used in this act, shall mean the Department of Forests and Waters, and the word "board" shall mean the Water and Power Resources Board of the Department of Forests and Waters.

Section 2. The department, through the board, is hereby authorized and directed to complete the work begun and continued under an act, approved the twenty-fifth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, twelve hundred seventy), entitled "An act providing for the erection of a dam at the outlet of Pymatuning Swamp, and the establishment of a reservoir to conserve the waters thereof; providing for the taking of land and materials necessary thereto; vesting certain powers and duties in the Water Supply Commission; and making an appropriation," and its amendments and supplements.

Section 3. The department, through the board, is hereby authorized and directed to cause a dam to be constructed and/or completed across the outlet of Pymatuning Swamp in Crawford County, for the purpose of establishing a reservoir and conserving the water entering said swamp, and for the purpose of regulating the flow of water in the Shenango and Beaver Rivers. The dam shall be constructed, and the reservoir established, in accordance with plans and specifications which have been or which shall be prepared by or under the direction of the department, and shall be so constructed and established as to conserve said waters in a safe and practical manner, and to regulate the flow therefrom so as to maintain throughout the year as regular a flow of water as possible in said rivers. The reservoir and land surrounding it acquired by the Commonwealth in connection with the project, or portions of such reservoir and lands, may be developed and used for fishing, hunting, game refuges, recreation park, or other purposes; provided, such use

or uses will not, in the opinion of the Water and Power Resources Board, materially interfere with the primary purpose of the reservoir for conserving the water entering Pymatuning Swamp and regulating the flow in the Shenango and Beaver Rivers. The Water and Power Resources Board is vested with complete and final authority concerning the use and development of the land and water comprised within the Pymatuning Reservoir project, and the maintenance and operation of said project, and shall have authority to adopt and establish rules and regulations for the control, management, protection, development, and utilization of such land and water.

The Water and Power Resources Board shall have authority to fix and collect charges for the permissive use of the land and water by private individuals for any purpose or purposes approved by the board. Any moneys so collected by the board shall be paid into the Forests and Waters Fund.

(3 amended July 9, 1935, P.L.619, No.218)

Section 4. In carrying out said plans, the department may acquire, in the name of this Commonwealth, by purchase, condemnation or otherwise, such lands and materials within this Commonwealth as may be needed in carrying out the provisions of this act.

Section 5. (5 repealed June 3, 1971, P.L.118, No.6)

Section 6. The department is hereby authorized to obtain from the owners of the lands which will be submerged or injured in the State of Ohio by reason of the construction and operation of the said dam and reservoir a release or releases of damages which shall result to such land by reason of the construction and operation of the said dam and reservoir.

All contracts, options and releases shall be in such form as shall be approved by the Attorney General. The department shall proceed to the acquisition of the lands necessary for the construction and operation of the said dam and reservoir within the Commonwealth of Pennsylvania, by purchase or condemnation, in the manner hereinbefore provided which lands in the Commonwealth of Pennsylvania may be acquired when and as deemed advisable by said department, and the work of constructing said dam and reservoir may be started and/or proceeded with as soon as the department shall deem advisable.

All proceedings whereby the proper agency of this Commonwealth, under authority of former laws, has secured such releases to lands in the State of Ohio, or title or releases to lands in this Commonwealth are hereby validated.

Section 7. The department may agree with the State of Ohio, or any agency of such State, or with any person, partnership, association or municipal or private corporation, for the removal, relocation, elevating, lowering or otherwise changing of any railroad, railway, telegraph line, telephone line, electric light, heat or power line, gas line, road, highway, street or bridge, or any part thereof, situate within this Commonwealth or the State of Ohio, and to expend moneys appropriated in the State of Pennsylvania or the State of Ohio for such purposes. If such agreement cannot be made, then such removal, relocation, elevation, lowering or changing within this Commonwealth, may be done by the department, and the damages, if

any sustained thereby, shall be fixed as in said condemnation proceedings.

Section 8. No land shall be purchased by the department until the titles thereto have been approved by the Attorney General.

Section 9. The department may, in its discretion, sell at public or private sale, and convey title thereto in the name of the Commonwealth of Pennsylvania, any lands or buildings, or both, acquired by it in the name of this Commonwealth by the authority of this or former acts and which are outside the basin of the Pymatuning Reservoir. All deeds for such property shall be approved by the Attorney General, and shall be executed in the name of the Commonwealth of Pennsylvania by the Secretary of Forests and Waters. The department may also, on such terms and subject to such conditions as it deems most advantageous to the Commonwealth, (a) cut timber on any of the lands so acquired and sell the same; (b) sell any improvements on any of such lands; (c) rent or lease any part or parts of said lands for farming or other purposes; (d) rent or lease any houses or buildings on said land for dwelling or other purposes; and (e) grant easements, rights of way, or other interests in or over said lands for highway or railroad reconstruction and relocation or for any other purpose.

The department, with the approval of the Water and Power Resources Board, may enter into agreements with other departments, boards or commissions of the Commonwealth of Pennsylvania and the State of Ohio, relative to the use of the reservoir and surrounding lands acquired in connection therewith, or portions thereof, for fishing, hunting, game refuges, or other purposes.

All moneys derived from any of the sources authorized by this act shall be paid into the General Fund of the State Treasury.

(9 amended May 5, 1931, P.L.84, No.61)

Section 10. When the said dam is completed, and said reservoir established, it shall be maintained and operated at the expense of this Commonwealth under the direction of the department.