

RIVER MAINTENANCE

Act of Jun. 12, 1931, P.L. 528, No. 171

Cl. 32

AN ACT

Authorizing the Water and Power Resources Board of the Department of Forests and Waters on its own volition, or at request and expense of any person, partnership, association, corporation, or municipal or quasi-municipal corporation, to define the locations, fix the regimen, protect the bed and banks, plug up holes in the beds and banks, and build dams, in rivers and streams; providing for the recording of changes of and locations of rivers and streams, and the effect thereof, and for the ascertainment of damages for land taken, injured and destroyed; and making appropriations.

Section 1. Be it enacted, &c., That the Water and Power Resources Board of the Department of Forests and Waters is hereby vested with authority, in the name of the Commonwealth of Pennsylvania, to determine the course and define the location, width and depth of any river or stream, or part thereof, wholly or partly within or forming part of the boundary of this Commonwealth, except the tidal waters of the Delaware River and of its navigable tributaries. Said board shall have power to protect the bed and banks of any stream, build dams, retaining walls, or other structures in or along rivers or streams, plug holes in the beds and banks thereof, and/or undertake such other works as will, in the opinion of the said board, improve and fix the regimen of any river or stream, or portion thereof, for the purpose of regulating the flow of such river or stream, for the prevention of percolations from streams through holes in the beds and banks thereof, for the protection of property, fish, life, and the lives of riparian owners and other persons, and for any other purpose not incompatible with the present and future interests of the Commonwealth and its people in the rivers, streams and water resources of the Commonwealth.

Section 2. Whenever the Water and Power Resources Board shall define the location of a river or stream, or part thereof, it shall prepare and have recorded a plan thereof in the office for the recording of deeds of the county where such location was defined, and such recording shall definitely fix the course, location and lines of such river, for all such purposes in law, until altered by any subsequent plan recorded in like manner.

Section 3. The Water and Power Resources Board may, in carrying out the provisions hereof, act on its own volition, or upon request of any person or persons, partnership, association, corporation, county, city, borough, town, or township, if the board considers the same necessary or advisable for any of the reasons set forth in section one of this act. The board and its agents shall have power to enter upon, take, appropriate, or injure any land or lands necessary to carry out the provisions of this act. Where the board acts and undertakes any works herein authorized as the result of a request from a person or persons, partnership, association, corporation, county, city,

borough, town, or township, the actual cost of such work or works shall be paid by the person or persons, partnership, association, corporation, county, city, borough, town, or township making such request.

Section 4. The Water and Power Resources Board is authorized to accept such moneys as may be subscribed or appropriated by any person or persons, or other agency, making requests for work or works under the provisions of this act, but no such work or works shall be commenced until the board is satisfied that the moneys received from such person or persons, or other agency, is sufficient to complete such work or works in a satisfactory manner. Moneys received from such person or persons, or other agency, shall be deposited with the State Treasurer, subject to requisition upon order of the chairman of the Water and Power Resources Board. Any moneys so deposited in the State Treasury are hereby appropriated to the Department of Forests and Waters for the purposes to which they were dedicated. If after receiving such money or moneys the board shall decide it inadvisable or inexpedient to undertake the work, or if insufficient moneys are received to defray the cost of the proposed improvement, then, upon order of the board through the chairman, the money shall be returned to the person or persons, or other agency, making the subscription, and for such purposes said moneys are hereby appropriated. Requisitions for such purposes shall be drawn by the Department of Forests and Waters.

Section 5. Any damages sustained by any property owner by reason of the said board carrying out the provisions of this act shall be paid by the Department of Forests and Waters, and the amount thereof, if not agreed upon between the property owners and the department, shall be ascertained on the petition of the department, or any person, copartnership, association, or corporation interested, in the manner provided by section five of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five hundred thirty), entitled "An act 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," for ascertaining the amount of damages sustained by reason of the erection and maintenance of the dam and reservoir provided for in said act.

The amount of damages assessed against the Commonwealth in any such condemnation proceedings shall be paid, by the Department of Forests and Waters, out of any moneys appropriated for that purpose or received from the person or persons, or other agency, making the request for the work or works authorized under this act and heretofore appropriated.