

**SCHUYLKILL SCENIC RIVER ACT**  
**Act of Nov. 26, 1978, P.L. 1415, No. 333**  
AN ACT

Cl. 32

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.

**Compiler's Note:** Section 302 of Act 58 of 1996, which created the Department of Community and Economic Development and abolished the Department of Community Affairs, provided that the functions of the Department of Community Affairs under Act 333 are transferred to the Department of Community and Economic Development.

**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 333 of 1978.

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 "Schuylkill Scenic River 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 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."

(2 amended Mar. 2, 1988, P.L.100, No.17)

**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. 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.

### Section 4. 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 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 New Ringgold Route 895 (Bridge)--10.9 river miles--pastoral.
- (4 amended Dec. 4, 1992, P.L.787, No.125)

**Compiler's Note:** The Department of Environmental Resources, referred to in subsec. (a), 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 5. 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.

**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 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 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.

Section 7. 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.

(7 amended Mar. 2, 1988, P.L.100, No.17)

**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 8. 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" 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.

(8 amended Mar. 2, 1988, P.L.100, No.17)

**Compiler's Note:** The Department of Community Affairs, referred to in this section, was abolished by Act 58 of 1996 and its functions were transferred to the Department of Community and Economic Development.

**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.