

FRENCH CREEK SCENIC RIVERS ACT
Act of Apr. 29, 1982, P.L. 351, No. 97
AN ACT

Cl. 32

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.

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 97 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 97 of 1982.

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 "French Creek 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 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."

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.

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." 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.

Stream Name	Segment Limits	Approximate Segment Length	Proposed Classification
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 1/4 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 1/4 mile	Scenic
Birch Run	Headwaters - French Creek	3 1/4 miles	Scenic

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 4. 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.

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 5. 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.

Section 6. 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 the Department of Environmental Resources in relation to French Creek in order to further the purposes of this 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 7. 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.

Compiler's Note: The Department of Environmental Resources, referred to in subsec. (c), 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. Effective date.

This act shall take effect immediately.