

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 144

Session of  
1981

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INTRODUCED BY REIBMAN, GREENLEAF, MESSINGER, O'CONNELL AND  
HOWARD, JANUARY 27, 1981

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SENATOR FISHER, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED,  
OCTOBER 14, 1981

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## AN ACT

1 Designating a portion of the Lehigh River as a component of the  
2 Pennsylvania Scenic Rivers System in accordance with the  
3 Pennsylvania Scenic Rivers Act; providing for cooperation,  
4 limitation of liability and regulation of river recreational  
5 usage and authorizing the expenditure of moneys.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the "Lehigh  
10 Scenic River Act."

11 Section 2. Legislative findings and purpose.

12 The Department of Environmental Resources has, in accordance  
13 with the act of December 5, 1972 (P.L.1277, No.283), known as  
14 the "Pennsylvania Scenic Rivers Act," fulfilled its obligations  
15 and responsibilities prerequisite to the designation of a  
16 portion of the Lehigh River as a component of the Pennsylvania  
17 Scenic Rivers System. The designation of this Lehigh scenic  
18 river component by this act is with the view of conserving and

1 enhancing its scenic quality and of promoting public  
2 recreational enjoyment, in accordance with the policy and  
3 provisions of the "Pennsylvania Scenic Rivers Act."

4 Section 3. Definitions.

5 The following words and phrases when used in this act shall  
6 have, unless the context clearly indicates otherwise, the  
7 meaning given to them in this section:

8 "Carrying capacity." The level of use which a resources can  
9 support without causing a change, incapable of restoration by  
10 natural means, in the environment and without causing an unsafe  
11 condition for resource users.

12 Section 4. Designation and classification.

13 (a) The 32-mile portion of the Lehigh River, including 13  
14 tributary streams and related adjacent land areas, from the  
15 Francis E. Walter Dam, Luzerne County, to Jim Thorpe, Carbon  
16 County, is designated as a component of the Pennsylvania Scenic  
17 Rivers System under the Pennsylvania Scenic Rivers Act subject  
18 to the provisions of subsection ~~(e)~~ (D). The boundaries of the <—  
19 component and of the classified segments have been defined by  
20 the Department of Environmental Resources and are shown on the  
21 map entitled "LEHIGH SCENIC RIVER STUDY" which is on file and  
22 available for public inspection in the Bureau of Land Records,  
23 Department of Community Affairs of the Commonwealth of  
24 Pennsylvania.

25 (b) Segments of the component are classified as follows:

26 (1) Lehigh River--Francis E. Walter Dam to Bench Mark  
27 548 at Bear Mountain, Jim Thorpe--32.80 river miles--scenic.

28 (2) Hays Creek--Lehigh River to Fourth Run--1.13 river  
29 miles--scenic.

30 (3) Sandy Run--Lehigh River to Old Railroad Grade

1 Crossing--1.21 river miles--wild.  
2 (4) Hickory Run--Lehigh River to Hickory Run Lake--3.90  
3 river miles--scenic.  
4 (5) Leslie Run--Lehigh River to Poor Man's Pond--1.32  
5 river miles--scenic.  
6 (6) Mud Run--Lehigh River to Panther Creek--6.24 river  
7 miles--scenic.  
8 (7) Drakes Creek--Lehigh River to junction with unnamed  
9 tributary below Christmans--1.47 river miles--scenic.  
10 (8) Stony Creek--Lehigh River to Yellow Run--3.06 river  
11 miles--wild.  
12 (9) Black Creek--Lehigh River to Quakeke Creek--4.35  
13 river miles--scenic.  
14 (10) Bear Creek--Lehigh River to unnamed tributary below  
15 Bear Creek Dam 1400' elevation--3.00 river miles--wild.  
16 (11) Little Bear Creek--Lehigh River to headwaters--1.04  
17 river miles--wild.  
18 (12) Glenn Onoko--Lehigh River to headwaters--.98 river  
19 miles--wild.  
20 (13) Jeans Run--Lehigh River to headwaters to  
21 Nesquehoning Creek--2.72 river miles--wild.  
22 (14) Nesquehoning Creek--Lehigh River to Jeans Run  
23 confluence--.73 river miles--scenic.

24 (C) IF THE FRANCIS E. WALTER DAM IS MODIFIED TO ADD WATER <—  
25 SUPPLY OR HYDROELECTRIC FACILITIES IN ACCORDANCE WITH THE  
26 DELAWARE RIVER BASIN COMPREHENSIVE PLAN AS ADOPTED BY THE  
27 DELAWARE RIVER BASIN COMMISSION, THE DEPARTMENT IS AUTHORIZED TO  
28 ADJUST THE UPSTREAM LIMITS OF THE DESIGNATION OF THE LEHIGH  
29 RIVER AS NECESSARY TO ALLOW CONSTRUCTION AND OPERATION OF THE  
30 FACILITIES.

1       ~~(e)~~ (D) The designation of the Lehigh Scenic River component <—  
2 by this act shall not include the following segments of land  
3 which have been determined to be a necessary corridor for  
4 highway transportation improvement or elimination of highway  
5 hazards, said segments to also be noted and shown on the map  
6 entitled "Lehigh River Study" which is on file and available for  
7 public inspection in the Bureau of Land Records, Department of  
8 Community Affairs of the Commonwealth of Pennsylvania:

9           (1) Carbon-Luzerne Counties:

10           (i) From the present intersection of L.R.408 and  
11 L.R.13018 westward, crossing the Lehigh River through the  
12 Lehigh River Gorge State Park, a 200 foot wide corridor  
13 symmetric to the existing center line of L.R.408.

14           (ii) From the present intersection of L.R.408 and  
15 L.R.13018 northward along the centerline of L.R.408 for a  
16 distance of approximately .2 mile, a width of 150 feet  
17 from the centerline of the existing road, west.

18           (iii) From the present intersection of L.R.408 and  
19 L.R.13018 southward along L.R.13018 for a distance of .1  
20 mile, a width of 150 feet from the centerline of the  
21 existing road, west.

22       The right-of-way listed herein is required for construction  
23 purposes, and only as much of the above right-of-way as is  
24 necessary to maintain the transportation facilities will be  
25 retained, after construction is completed. The remainder will  
26 revert to the property owners.

27       Any highway transportation improvement or elimination of  
28 highway hazards herein shall be in conformance with the  
29 "Guidelines to Improve the Aesthetic Quality of Roads in  
30 Pennsylvania," dated June 1978 and the design shall be mutually

1 agreed upon by the Department of Environmental Resources and the  
2 Department of Transportation.

3 Section 5. Cooperation and coordination.

4 All State agencies are authorized to seek the help of and  
5 enter into agreements with the Federal Government and its  
6 agencies and commissions, local governments and concerned  
7 private individuals and organizations with the view of fostering  
8 cooperation and coordination to further the purpose of this act.  
9 To this end, the Department of Environmental Resources shall  
10 also seek the cooperation of the Delaware River Basin  
11 Commission.

12 Section 6. Limitation of liability.

13 The provisions of the act of February 2, 1966 (1965 P.L.1860,  
14 No.586), entitled "An act encouraging landowners to make land  
15 and water areas available to the public for recreational  
16 purposes by limiting liability in connection therewith, and  
17 repealing certain acts," limiting the liability of owners of  
18 land and water areas who make them available to the public for  
19 recreational purposes without charge shall be applicable to  
20 owners of land and water areas within the Lehigh scenic river  
21 component, including such land and water areas in which the  
22 Commonwealth or any subdivision thereof has acquired any  
23 interest ~~including~~ LESS THAN fee simple. <—

24 Section 7. Responsibilities of the Department of Environmental  
25 Resources.

26 The Department of Environmental Resources shall assume the  
27 role of lead State agency responsible for:

- 28 (1) the coordination of State agency roles and  
29 responsibilities relating to State lands and water resources,  
30 recreation use and control, and the administration of

recreation-related public services on State-owned facilities within the Lehigh scenic river component;

(2) coordinating and integrating the management objectives and policies of all related Commonwealth programs affecting the Lehigh scenic river component;

(3) acting as a point of contact for Lehigh scenic river component residents and visitors;

(4) implementing the recommendations regarding water resource management, land management, recreation use and facility development and administrative responsibilities as outlined within text of the study of the Lehigh River conducted by the Department of Environmental Resources under the "Pennsylvania Scenic Rivers Act" and known as the "Lehigh Scenic River Study"; and

(5) defining and regulating the carrying capacity of the Lehigh River Gorge to minimize the impacts of overuse upon this resource.

#### SECTION 8. SPECIAL PROVISIONS.

ANY COMMONWEALTH ACQUISITION OF EASEMENTS AS APPLIED TO THE STATE WILD AND SCENIC RIVERS PROGRAM ON THE 13 NAMED TRIBUTARIES FOR PURPOSES OF PROTECTING SCENIC VALUES OR PROVIDING PUBLIC ACCESS ON PRIVATELY OWNED PROPERTY SHALL REQUIRE CONSENT OF THE PROPERTY OWNER. THIS PROVISION SHALL NOT, HOWEVER, IN ANY WAY AFFECT THE ACQUISITION OF LAND FOR THE PROPOSED LEHIGH RIVER GORGE STATE PARK.

#### Section 9. Expenditure of funds.

The Departments of Environmental Resources and Community Affairs are authorized to expend moneys when available for: technical assistance for implementation of and planning under the study of the Lehigh River conducted by the Department of

1 Environmental Resources under the "Pennsylvania Scenic Rivers  
2 Act" and known as the "Lehigh Scenic River Study."  
3 Section 9 10. Effective date.  
4 This act shall take effect immediately.

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