

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1178 Session of
1987

INTRODUCED BY LINCOLN, NOVEMBER 19, 1987

SENATOR FISHER, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED,
FEBRUARY 9, 1988

AN ACT

1 Designating Bear Run in Fayette County as a component of the
2 Pennsylvania Scenic Rivers System in accordance with the
3 Pennsylvania Scenic Rivers Act; providing for cooperation by
4 State agencies and local government; ~~limiting certain~~ <—
5 ~~activities~~; limiting liability; and authorizing the
6 expenditure of moneys to further the purposes of the act.

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

9 Section 1. Short title.

10 This act shall be known and may be cited as the Bear Run
11 Scenic River Act.

12 Section 2. Legislative findings and purpose.

13 The Department of Environmental Resources has, in accordance
14 with the act of December 5, 1972 (P.L.1277, No.283), known as
15 the Pennsylvania Scenic Rivers Act, fulfilled its obligations
16 and responsibilities prerequisite to the designation of a
17 portion of Bear Run and a segment of its major tributary, Beaver
18 Run, as a component of the Pennsylvania Scenic Rivers System.
19 The designation of a portion of Bear Run and a segment of its

1 major tributary, Beaver Run, is for the purpose of recognizing
2 its inherent qualities and protecting the scenic qualities and
3 recreational values of this relatively undeveloped river
4 corridor in accordance with the policy and provisions of the
5 Pennsylvania Scenic Rivers Act.

6 Section 3. Designation and classification.

7 (a) The 4.3 mile segment of Bear Run in Fayette County,
8 including a portion of the Beaver Run tributary and related
9 adjacent land area, is designated as a component of the
10 Pennsylvania Scenic Rivers system under the act of December 5,
11 1972 (P.L.1277, No.283), known as the Pennsylvania Scenic Rivers
12 Act. This component, referred to as the Bear Run Scenic River
13 Corridor, is wholly contained on Western Pennsylvania
14 Conservancy property. The boundaries and termini of this
15 component have been defined by the Department of Environmental
16 Resources and are shown on a map entitled "Bear Run Study" which
17 is on file and available for public inspection in the Division
18 of Land Records, of the Pennsylvania Historical and Museum
19 Commission.

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

21 (1) Bear Run - From the 2,080 foot elevation where the
22 stream becomes perennial to the eastern edge of the tunnel
23 which allows Bear Run to flow under the B&O Railroad grade -
24 3.6 miles - Scenic.

25 (2) Beaver Run from the Tree/Teaberry Trail to its
26 confluence with Bear Run - 0.7 miles - Scenic.

27 ~~Section 4. Impoundments.~~

28 ~~Dams, impoundments or other structures which alter the free~~
29 ~~flow characteristics of Bear Run, other than structures whose~~
30 ~~primary purpose is to enhance water quality or fish habitat or~~

<—

1 ~~to serve research purposes shall not be permitted within the~~
2 ~~component.~~

3 Section 5 4. Management responsibilities. <—

4 The Western Pennsylvania Conservancy shall exercise
5 administrative responsibilities in implementing its management
6 plans for this component. Should projects within the Bear Run
7 Scenic River Corridor be needed which require intradepartmental
8 permitting or State agency consistency, actions concerning such
9 projects shall be guided by the "Management Guidelines For
10 Rivers Within The Scenic Classification," as outlined in the
11 text of the "Bear Run Study" conducted by the Department of
12 Environmental Resources under the act of December 5, 1972
13 (P.L.1277, No.283), known as the Pennsylvania Scenic Rivers Act.

14 Section 6 5. Cooperation and coordination. <—

15 All State agencies are authorized to seek the help of and
16 enter into agreements with local governments and concerned
17 private individuals and organizations with the view of fostering
18 cooperation and coordination to further the purpose of this act.

19 Section 7 6. Limitation of liability. <—

20 The provisions of the act of February 2, 1966 (1965 P.L.1860,
21 No.586), entitled "An Act Encouraging landowners to make land
22 and water areas available to the public for recreational
23 purposes by limiting liability in connection therewith, and
24 repealing certain acts," limiting the liability of land and
25 water area owners who make them available to the public for
26 recreational purposes without charge shall be applicable to
27 owners of land and water areas within the Bear Run scenic river
28 component, including such land and water areas in which the
29 Commonwealth or any political subdivision thereof has acquired
30 an easement or other interest less than fee simple.

1 Section ~~8~~ 7. Zoning powers.

<—

2 Nothing in this act shall be construed as granting any new
3 zoning powers to the Commonwealth or any political subdivision
4 thereof or any municipal authority therein.

5 Section ~~9~~ 8. Expenditures of funds.

<—

6 The Department of Environmental Resources is authorized to
7 expend moneys, when available, for:

8 (1) Technical assistance for implementation of and
9 planning under the study of Bear Run conducted by the
10 Department of Environmental Resources under the act of
11 December 5, 1972 (P.L.1277, No.283), known as the
12 Pennsylvania Scenic Rivers Act and known as the "Bear Run
13 Study."

14 (2) Assistance in the education of the general public
15 regarding the Scenic Rivers designation under this act.

16 Section ~~10~~ 9. Effective date.

<—

17 This act shall take effect immediately.