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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1178 Session of  
1987

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INTRODUCED BY LINCOLN, NOVEMBER 19, 1987

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AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 21, 1988

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AN ACT

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

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the TUCQUAN CREEK <—  
12 AND Bear Run Scenic ~~River~~ RIVERS Act. <—

13 Section 2. Legislative findings and purpose.

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

1 COMPONENTS of the Pennsylvania Scenic Rivers System. The <—  
2 designation of TUCQUAN CREEK AND ITS CLARK RUN TRIBUTARY AND a <—  
3 portion of Bear Run and a segment of its major tributary, Beaver  
4 Run, is for the purpose of recognizing ~~its~~ THEIR inherent <—  
5 qualities and protecting the scenic qualities and recreational  
6 values of ~~this~~ THESE relatively undeveloped river ~~corridor~~ <—  
7 CORRIDORS in accordance with the policy and provisions of the <—  
8 Pennsylvania Scenic Rivers Act.

9 Section 3. Designation and classification.

10 (A) TUCQUAN CREEK DESIGNATION.-- <—

11 (1) THE 8.1 MILE TUCQUAN CREEK AND ITS CLARK RUN  
12 TRIBUTARY AND RELATED ADJACENT LAND AREA IN LANCASTER COUNTY  
13 WHICH DRAIN INTO THE SUSQUEHANNA RIVER ARE DESIGNATED A  
14 COMPONENT OF THE PENNSYLVANIA SCENIC RIVERS SYSTEM UNDER THE  
15 ACT OF DECEMBER 5, 1972 (P.L.1277, NO.283), KNOWN AS THE  
16 PENNSYLVANIA SCENIC RIVERS ACT. THE BOUNDARIES AND TERMINI OF  
17 THE COMPONENT HAVE BEEN DEFINED BY THE DEPARTMENT OF  
18 ENVIRONMENTAL RESOURCES AND ARE SHOWN ON THE MAP ENTITLED  
19 "TUCQUAN CREEK SCENIC RIVER STUDY" WHICH IS ON FILE AND  
20 AVAILABLE FOR PUBLIC INSPECTION IN THE DIVISION OF LAND  
21 RECORDS, HISTORICAL AND MUSEUM COMMISSION OF THE COMMONWEALTH  
22 OF PENNSYLVANIA.

23 (2) SEGMENTS OF THE COMPONENTS ARE CLASSIFIED AS  
24 FOLLOWS:

25 (I) THE TUCQUAN MAIN STEM - SOURCE NEAR RAWLINSVILLE  
26 TO CONFLUENCE WITH CLARK RUN - 4.5 MILES - SCENIC.

27 (II) CLARK RUN TRIBUTARY - SOURCE AT MOUNT NEBO TO  
28 CONFLUENCE WITH THE TUCQUAN - 2.5 MILES - SCENIC.

29 (III) THE TUCQUAN (SEVEN STREAMS SECTION) - RIVER  
30 ROAD (SR3017) WEST TO MOUTH AT SUSQUEHANNA RIVER - 1.1

1 MILES - WILD.

2 ~~(a) The 4.3 mile segment of Bear Run in Fayette County,~~ <—

3 (B) BEAR RUN.-- <—

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

17 ~~(b) Segments of the component are classified as follows:~~ <—

18 ~~(1) Bear Run From the 2,080 foot elevation where the~~  
19 ~~stream becomes perennial to the eastern edge of the tunnel~~  
20 ~~which allows Bear Run to flow under the B&O Railroad grade—~~  
21 ~~3.6 miles—Scenic.~~

22 ~~(2) Beaver Run from the Tree/Teaberry Trail to its~~  
23 ~~confluence with Bear Run—0.7 miles—Scenic.~~

24 (2) SEGMENTS OF THE COMPONENT ARE CLASSIFIED AS FOLLOWS: <—

25 (I) BEAR RUN - FROM THE 2,080 FOOT ELEVATION WHERE  
26 THE STREAM BECOMES PERENNIAL TO THE EASTERN EDGE OF THE  
27 TUNNEL WHICH ALLOWS BEAR RUN TO FLOW UNDER THE B&O  
28 RAILROAD GRADE - 3.6 MILES - SCENIC.

29 (II) BEAVER RUN FROM THE TREE/TEABERRY TRAIL TO ITS  
30 CONFLUENCE WITH BEAR RUN - 0.7 MILES - SCENIC.

1 Section 4. Management responsibilities.

2 (A) TUCQUAN CREEK.--

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3 (1) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL  
4 EXERCISE ADMINISTRATIVE RESPONSIBILITIES IN IMPLEMENTING THE  
5 "STATE AGENCY GUIDELINES" PORTION OF THE "MANAGEMENT  
6 GUIDELINES FOR THE TUCQUAN CREEK AND CLARK RUN TRIBUTARY"  
7 WITHIN THE DESIGNATED COMPONENT AS OUTLINED IN THE TEXT OF  
8 THE "TUCQUAN CREEK SCENIC RIVER STUDY" CONDUCTED BY THE  
9 LANCASTER COUNTY PLANNING COMMISSION FOR THE DEPARTMENT OF  
10 ENVIRONMENTAL RESOURCES UNDER THE ACT OF DECEMBER 5, 1972  
11 (P.L.1277, NO.283), KNOWN AS THE PENNSYLVANIA SCENIC RIVERS  
12 ACT. THE "LOCAL MANAGEMENT GUIDELINES" INCLUDED IN THE  
13 "TUCQUAN CREEK SCENIC RIVER STUDY" ARE RECOMMENDED AND  
14 VOLUNTARY FOR LOCAL GOVERNMENTS, LANDOWNERS AND INTERESTED  
15 ORGANIZATIONS IN RECOGNIZING THE VALUE OF THE TUCQUAN CREEK  
16 WATERSHED. THE PENNSYLVANIA FISH COMMISSION SHALL EXERCISE  
17 ENFORCEMENT OF ITS FISHING REGULATIONS AND LAWS WITHIN THE  
18 DESIGNATED COMPONENT.

19 (2) THE DEPARTMENT OF ENVIRONMENTAL RESOURCES SHALL  
20 ASSIST A LOCAL ORGANIZATION REPRESENTATIVE OF LANDOWNERS,  
21 CONSERVATION GROUPS AND LOCAL GOVERNMENTS WITHIN THE  
22 DESIGNATED COMPONENT ACTING AS THE LOCAL COORDINATION  
23 MECHANISM FOR THE IMPLEMENTATION OF THIS ACT.

24 (3) NOTHING IN THIS ACT SHALL BE CONSTRUED TO PROHIBIT  
25 HUNTING AND/OR TRAPPING WHERE PERMITTED. HUNTING AND TRAPPING  
26 SHALL CONTINUE TO BE CONDUCTED ACCORDING TO EXISTING LAWS AND  
27 REGULATIONS ADMINISTERED BY THE PENNSYLVANIA GAME COMMISSION.

28 (B) BEAR RUN.--The Western Pennsylvania Conservancy shall  
29 exercise administrative responsibilities in implementing its  
30 management plans for this component. Should projects within the

1 Bear Run Scenic River Corridor be needed which require  
2 intradepartmental permitting or State agency consistency,  
3 actions concerning such projects shall be guided by the  
4 "Management Guidelines For Rivers Within The Scenic  
5 Classification," as outlined in the text of the "Bear Run Study"  
6 conducted by the Department of Environmental Resources under the  
7 act of December 5, 1972 (P.L.1277, No.283), known as the  
8 Pennsylvania Scenic Rivers Act.

9 Section 5. Cooperation and coordination.

10 (A) GENERAL RULE.--All State agencies are authorized to seek <—  
11 the help of and enter into agreements with THE FEDERAL <—  
12 GOVERNMENT AND ITS AGENCIES AND COMMISSIONS, local governments  
13 and concerned private individuals and organizations with the  
14 view of fostering cooperation and coordination to further the  
15 purpose of this act.

16 (B) TUCQUAN CREEK.--THE DEPARTMENT OF ENVIRONMENTAL <—  
17 RESOURCES SHALL ALSO SEEK THE COOPERATION OF THE SUSQUEHANNA  
18 RIVER BASIN COMMISSION. ALL STATE AGENCIES, BOARDS AND  
19 COMMISSIONS SHALL COOPERATE AND COORDINATE THEIR ACTIVITIES WITH  
20 THE DEPARTMENT OF ENVIRONMENTAL RESOURCES IN RELATION TO THE  
21 TUCQUAN CREEK COMPONENT IN ORDER TO FURTHER THE PURPOSE OF THIS  
22 ACT.

23 Section 6. Limitation of liability.

24 The provisions of the act of February 2, 1966 (1965 P.L.1860,  
25 No.586), entitled "An Act Encouraging landowners to make land  
26 and water areas available to the public for recreational  
27 purposes by limiting liability in connection therewith, and  
28 repealing certain acts," limiting the liability of land and  
29 water area owners who make them available to the public for  
30 recreational purposes without charge shall be applicable to

1 owners of land and water areas within the TUCQUAN CREEK AND Bear <—  
2 Run scenic river ~~component~~ COMPONENTS, including such land and <—  
3 water areas in which the Commonwealth or any political  
4 subdivision thereof has acquired an easement or other interest  
5 less than fee simple.

6 Section 7. Zoning powers.

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

10 Section 8. Expenditures of funds.

11 The Department of Environmental Resources is authorized to  
12 expend moneys, when available, for:

13 (1) Technical assistance for implementation of and  
14 planning under the ~~study of Bear Run~~ "TUCQUAN CREEK SCENIC <—  
15 RIVER STUDY" AND THE "BEAR RUN STUDY" conducted by the  
16 Department of Environmental Resources under the act of  
17 December 5, 1972 (P.L.1277, No.283), known as the  
18 Pennsylvania Scenic Rivers Act. ~~and known as the "Bear Run~~ <—  
19 ~~Study."~~

20 (2) Assistance in the education of the general public  
21 regarding the Scenic Rivers ~~designation~~ DESIGNATIONS under <—  
22 this act AND APPROPRIATE CONSERVATION MEASURES. <—

23 Section 9. Effective date.

24 This act shall take effect immediately.