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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1408** Session of  
1991

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INTRODUCED BY HOPPER, NOVEMBER 12, 1991

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REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,  
NOVEMBER 12, 1991

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AN ACT

1 Designating the Yellow Breeches Creek as a component of the  
2 Pennsylvania Scenic Rivers System in accordance with the  
3 Pennsylvania Scenic Rivers Act; and providing for cooperation  
4 and coordination in its protection and use and for the  
5 responsibilities of its management.

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 Yellow  
10 Breeches Creek Scenic River Act.

11 Section 2. Legislative findings and purposes.

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 Yellow  
16 Breeches Creek as a component of the Pennsylvania Scenic Rivers  
17 System. The designation of this component is for the purposes of  
18 protecting its flow and of conserving and protecting its  
19 pastoral and scenic and fishery qualities and historic

1 characteristics in accordance with the policy and provisions of  
2 the Pennsylvania Scenic Rivers Act.

3 Section 3. Designation and classification.

4 The main stem of the Yellow Breeches Creek in Cumberland  
5 County and York County and related adjacent land area are  
6 designated a component of the Pennsylvania Scenic Rivers System  
7 under the act of December 5, 1972 (P.L.1277, No.283), known as  
8 the Pennsylvania Scenic Rivers Act. The boundaries and termini  
9 of the component have been defined by the Department of  
10 Environmental Resources and are shown on the map entitled  
11 "Yellow Breeches Scenic River Study" which is on file and  
12 available for public inspection in the Division of Land Records,  
13 Historical and Museum Commission of the Commonwealth of  
14 Pennsylvania.

15 Section 4. Management responsibilities.

16 The Department of Environmental Resources shall exercise  
17 administrative responsibilities in implementing the "State  
18 Agency Guidelines" portion of the "Management Guidelines for the  
19 Yellow Breeches Creek," within the designated component as  
20 outlined in the text of the "Yellow Breeches Creek Scenic River  
21 Study" conducted by the Department of Environmental Resources  
22 under the act of December 5, 1972 (P.L.1277, No.283), known as  
23 the Pennsylvania Scenic Rivers Act. The "Local Management  
24 Guidelines" included in the "Yellow Breeches Creek Scenic River  
25 Study" are recommended and voluntary for local governments,  
26 landowners and interested organizations in recognizing the value  
27 of the Yellow Breeches Creek. The Pennsylvania Fish Commission  
28 shall exercise enforcement of its fishing and boating  
29 regulations and laws within the designated component.

30 Section 5. Special considerations.

1 The Department of Environmental Resources shall assist a  
2 local organization representative of landowners, conservation  
3 groups and local governments within the designated component  
4 acting as the local coordination mechanism for the  
5 implementation of this act. Nothing in this act shall be  
6 construed as granting authority to any level of government or  
7 private entity to establish streamside trails without the prior  
8 consent and agreement of riparian landowners.

9 Section 6. Cooperation and coordination.

10 All State agencies are authorized to seek the help of and  
11 enter into agreements with the Federal Government and its  
12 agencies and commissions, local governments and concerned  
13 private individuals and organizations with the view of fostering  
14 cooperation and coordination to further the purpose of this act.  
15 To this end, the Department of Environmental Resources shall  
16 also seek the cooperation of the Susquehanna River Basin  
17 Commission. All State agencies, boards and commissions shall  
18 cooperate and coordinate their activities with the Department of  
19 Environmental Resources in relation to the Yellow Breeches Creek  
20 in order to further the purpose of this act.

21 Section 7. Limitation of liability.

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

1 Section 8. Expenditure of funds.

2 The Department of Environmental Resources is authorized to  
3 expend moneys when available for:

4 (1) Technical assistance for implementation of and  
5 planning under the "Yellow Breeches Creek Scenic River Study"  
6 conducted by the Department of Environmental Resources under  
7 the act of December 5, 1972 (P.L.1277, No.283), known as the  
8 Pennsylvania Scenic Rivers Act.

9 (2) Assistance in the education of the general public  
10 regarding the scenic rivers designation and appropriate  
11 conservation measures.

12 Section 9. Effective date.

13 This act shall take effect immediately.