

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1408 Session of 1991

INTRODUCED BY HOPPER, NOVEMBER 12, 1991

SENATOR BRIGHTBILL, ENVIRONMENTAL RESOURCES AND ENERGY, AS AMENDED, NOVEMBER 10, 1992

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

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

3 Section 3. Designation and classification.

4 (A) DESIGNATION.--The main stem of the Yellow Breeches Creek <—
5 in Cumberland County and York County AND HAIRY SPRINGS HOLLOW IN <—
6 CUMBERLAND COUNTY and related adjacent land area are designated
7 a component of the Pennsylvania Scenic Rivers System under the
8 act of December 5, 1972 (P.L.1277, No.283), known as the
9 Pennsylvania Scenic Rivers Act. The boundaries and termini of
10 the component have been defined by the Department of
11 Environmental Resources and are shown on the map entitled
12 "Yellow Breeches ~~Scenic River~~ CREEK Study" which is on file and <—
13 available for public inspection in the Division of Land Records,
14 Historical and Museum Commission of the Commonwealth of
15 Pennsylvania, PROVIDED, HOWEVER, THAT THE WIDTH OF THE CORRIDOR <—
16 IN THE SEGMENT DESIGNATED AS RECREATIONAL FROM THE SR 2004
17 BRIDGE TO THE SR 2017 BRIDGE SHALL BE FROM THE TOP OF THE STEEP
18 BANK ON THE SOUTH TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY
19 FLOODWAY BOUNDARY ON THE NORTH.

20 (B) CLASSIFICATION.--SEGMENTS OF THE COMPONENT ARE
21 CLASSIFIED AS FOLLOWS:

22 (1) HAIRY SPRINGS HOLLOW HEADWATERS TO THE BACKWATERS OF
23 BIG POND - 5.1 MILES, SCENIC.

24 (2) YELLOW BREECHES MAINSTEM FROM THE BACKWATERS OF BIG
25 POND ON HAIRY SPRINGS HOLLOW TO SR 2004 BRIDGE (BOWMANSDALE)
26 - 32 MILES, PASTORAL.

27 (3) YELLOW BREECHES MAINSTEM FROM SR 2004 BRIDGE
28 (BOWMANSDALE) TO CONFLUENCE WITH THE SUSQUEHANNA RIVER - 18.8
29 MILES, RECREATIONAL.

30 Section 4. Management responsibilities.

1 The Department of Environmental Resources shall exercise
2 administrative responsibilities in implementing the "State
3 Agency Guidelines" ~~portion of the "Management Guidelines for the~~ <—
4 ~~Yellow Breeches Creek,"~~ CREEK, within the designated component <—
5 as outlined in the text of the "Yellow Breeches Creek Scenic
6 River Study" conducted by the Department of Environmental
7 Resources under the act of December 5, 1972 (P.L.1277, No.283),
8 known as the Pennsylvania Scenic Rivers Act. The "Local <—
9 Management Guidelines" ~~included in the "Yellow Breeches Creek~~ <—
10 ~~Scenic River Study" are recommended and voluntary for local~~
11 ~~governments, landowners and interested organizations in~~
12 ~~recognizing the value~~ GUIDELINES" MAY BE DEVELOPED FOR THE <—
13 YELLOW BREECHES CREEK SCENIC RIVER. THESE MAY BE RECOMMENDED AND
14 WILL BE VOLUNTARY FOR LOCAL GOVERNMENTS, LANDOWNERS AND
15 ORGANIZATIONS INTERESTED IN CONSERVING THE VALUE of the Yellow
16 Breeches Creek. The Pennsylvania Fish Commission shall exercise
17 enforcement of its fishing and boating regulations and laws
18 within the designated component.

19 Section 5. Special considerations.

20 The Department of Environmental Resources shall assist a <—
21 local ~~organization~~ ORGANIZATIONS representative of landowners, <—
22 conservation groups and local governments within the designated
23 component acting as the local coordination mechanism for the
24 implementation of this act. Nothing in this act shall be
25 construed as granting authority to any level of government or
26 private entity to establish streamside trails without the prior
27 consent and agreement of riparian landowners. NOTHING IN THIS <—
28 ACT SHALL BE CONSTRUED AS GRANTING ADDITIONAL AUTHORITY TO ANY
29 MUNICIPALITY OR COUNTY TO RESTRICT OR PROHIBIT THE USE OF LAND
30 WITHIN THE DESIGNATED SCENIC RIVER CORRIDOR.

1 Section 6. Cooperation and coordination.

2 All State agencies are authorized to seek the help of and
3 enter into agreements with the Federal Government and its
4 agencies and commissions, local governments and concerned
5 private individuals and organizations with the view of fostering
6 cooperation and coordination to further the purpose of this act.
7 To this end, the Department of Environmental Resources shall
8 also seek the cooperation of the Susquehanna River Basin
9 Commission. All State agencies, boards and commissions shall
10 cooperate and coordinate their activities with the Department of
11 Environmental Resources in relation to the Yellow Breeches Creek
12 in order to further the purpose of this act.

13 Section 7. Limitation of liability.

14 The provisions of the act of February 2, 1966 (1965 P.L.1860,
15 No.586), entitled "An act encouraging landowners to make land
16 and water areas available to the public for recreational
17 purposes by limiting liability in connection therewith, and
18 repealing certain acts," limiting the liability of owners of
19 land and water areas who make them available to the public for
20 recreational purposes without charge shall be applicable to
21 owners of land and water areas ~~relating to~~ WITHIN the Yellow <—
22 Breeches Creek COMPONENT. <—

23 Section 8. Expenditure of funds.

24 The Department of Environmental Resources is authorized to
25 expend moneys when available for:

- 26 (1) Technical assistance ~~for~~, PLANNING AND <—
27 implementation ~~of and planning~~ under the "Yellow Breeches <—
28 Creek Scenic River Study" conducted by the Department of
29 Environmental Resources under the act of December 5, 1972
30 (P.L.1277, No.283), known as the Pennsylvania Scenic Rivers

1 Act.

2 (2) Assistance in the education of the general public
3 regarding the scenic rivers designation and ESTABLISHMENT OF ←
4 appropriate conservation measures.

5 Section 9. Effective date.

6 This act shall take effect immediately.