
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1582 Session of
2008

INTRODUCED BY PICCOLA, RAFFERTY, MUSTO AND GREENLEAF,
SEPTEMBER 19, 2008

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
SEPTEMBER 19, 2008

AN ACT

1 Amending the act of March 24, 1980 (P.L.50, No.18), entitled "An
2 act designating Stony Creek as a component of the
3 Pennsylvania Wild and Scenic Rivers System in accordance with
4 the Pennsylvania Scenic Rivers Act; providing for cooperation
5 and coordination in its protection and use and for the
6 responsibilities of its management," further providing for
7 legislative findings and purpose; providing for limitations
8 on use; and making editorial changes.

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

11 Section 1. Sections 2, 3 and 4 of the act of March 24, 1980
12 (P.L.50, No.18), known as the Stony Creek Wild and Scenic River
13 Act, are amended to read:

14 Section 2. Legislative findings and purpose.

15 The General Assembly finds and declares as follows:

16 (1) The Department of Environmental Resources has, in
17 accordance with the act of December 5, 1972 (P.L.1277,
18 No.283), known as the "Pennsylvania Scenic Rivers Act,"
19 fulfilled its obligations and responsibilities prerequisite
20 to the designation of Stony Creek as a component of the

1 Pennsylvania Scenic Rivers System. The designation of Stony
2 Creek by this act is for the purpose of conserving and
3 enhancing its scenic quality and promoting public
4 recreational enjoyment in accordance with the provisions of
5 the "Pennsylvania Scenic Rivers Act."

6 (2) In order to preserve and protect this wild component
7 of the Pennsylvania Scenic Rivers System, it is deemed
8 necessary to restrict the use of the lands within the
9 designated component corridor to those uses compatible with
10 the sound use and enjoyment of unspoiled nature.

11 Section 3. Designation and classification.

12 The 16-mile mainstem of Stony Creek and the three tributary
13 streams, Rattling Run, Yellow Springs and Rausch Creek, and
14 related adjacent land areas, from the headwaters in Lebanon
15 County to the Pennsylvania Game Commission gate at Ellendale
16 Forge, Dauphin County, is designated a wild component of the
17 Pennsylvania Scenic Rivers System under the "Pennsylvania Scenic
18 Rivers Act." The boundaries of the component corridor have been
19 defined by the Department of Environmental Resources and are
20 shown on the map entitled, "Stony Creek Study," on file and
21 available for public inspection in the [Bureau of Land Records,
22 Department of Community Affairs of the Commonwealth of
23 Pennsylvania] Division of Archives and Manuscripts in the Bureau
24 of Archives and History of the Pennsylvania Historical and
25 Museum Commission.

26 Section 4. Management responsibilities.

27 The Pennsylvania Game Commission and the Department of
28 [Environmental Resources] Conservation and Natural Resources
29 shall exercise administrative responsibilities in implementing
30 the "Management Guidelines for Wild River Corridors" outlined

1 within the "Discussion of Management Guidelines" in the text of
2 the study of Stony Creek conducted by the Department of
3 Environmental Resources under the "Pennsylvania Scenic Rivers
4 Act," known as the "Stony Creek Study." The Pennsylvania Game
5 Commission shall exercise administrative responsibilities in
6 implementing the land management guidelines on Commonwealth
7 lands within the designated component. The Department of
8 [Environmental Resources] Conservation and Natural Resources
9 shall exercise administrative responsibilities in implementing
10 the water resource management guidelines and where applicable,
11 the surface mining and solid waste disposal provisions of the
12 land management guidelines.

13 Section 2. The act is amended by adding a section to read:
14 Section 4.1. Limitations on use.

15 (a) Land management guidelines.--In implementing and
16 administering the land management guidelines, the Pennsylvania
17 Game Commission and the Department of Conservation and Natural
18 Resources shall not sell, lease, enfeoff, give or grant any
19 license, right-of-way, easement, profit, mineral right or other
20 interest in, on or under any part of the lands within the
21 component corridor; nor shall the Pennsylvania Game Commission
22 enter into any cooperative agreement, as provided under Title 34
23 of the Pennsylvania Consolidated Statutes (relating to game),
24 when the cooperative agreement is not directly and substantively
25 related to impounding, managing, using, maintaining and
26 operating lands and waters for game or wildlife management, or
27 public hunting or furtaking, and to the conservation and
28 preservation of the wilderness quality of the component
29 corridor. Regardless of any existing agreement to the contrary,
30 the lands within the component corridor shall be used solely for

1 public hunting and furtaking, game or wildlife propagation and
2 resource management and public nonmotorized recreational
3 activities, which may include maintenance of the existing rail-
4 to-trail corridor and preservation or restoration of cultural or
5 historic assets within the component corridor.

6 (b) Timbering activities.--To the extent that the
7 Pennsylvania Game Commission conducts or permits timbering
8 activities within the component corridor, such activities shall
9 be limited to those necessary for forest health and wildlife
10 habitat preservation and improvement. All timbering shall employ
11 then-current best management practices to prevent erosion and
12 sedimentation, including minimal impact haul roads and landing
13 areas constructed in a manner so as to be consistent with the
14 wild component designation of the corridor. All timbering
15 activities shall employ applicable erosion and sedimentation
16 control requirements as established by the Department of
17 Environmental Protection. In no event shall any activities
18 carried on or permitted by the Pennsylvania Game Commission or
19 the Department of Conservation and Natural Resources result in
20 any additional vehicular access points into the component
21 corridor.

22 Section 3. Section 5 of the act is amended to read:

23 Section 5. Cooperation and coordination.

24 All State agencies are authorized to seek the help of and
25 enter into agreements with the Federal Government and its
26 agencies and commissions, local governments and concerned
27 private individuals and organizations with the view of fostering
28 cooperation and coordination to further the purpose of this act.
29 To this end, the Department of [Environmental Resources]
30 Conservation and Natural Resources shall also seek the

1 cooperation of the Susquehanna River Basin Commission.

2 Section 4. This act shall take effect immediately.