

No. 1978-333

AN ACT

SB 1539

Designating a portion of the Schuylkill River as a component of the Pennsylvania Scenic Rivers System in accordance with the Pennsylvania Scenic Rivers Act; authorizing further classification; providing for cooperation, limitation of liability and protection of critical areas, and authorizing the expenditure of moneys.

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

Section 1. Short title.

This act shall be known and may be cited as the "Schuylkill Scenic River Act."

Section 2. Legislative findings and purpose.

The Department of Environmental Resources has, in accordance with the act of December 5, 1972 (P.L.1277, No.283), known as the "Pennsylvania Scenic Rivers Act," fulfilled its obligations and responsibilities prerequisite to the designation of a portion of the Schuylkill River as a component of the Pennsylvania Scenic Rivers System. The designation of this Schuylkill scenic river component by this act is with the view of conserving and enhancing its scenic quality and of promoting public recreational enjoyment in conjunction with present and future commercial, agricultural, residential, industrial and transportation uses, all in accordance with the policy and provisions of the "Pennsylvania Scenic Rivers Act."

Section 3. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Critical areas." Areas within the Schuylkill scenic river component possessing resource characteristics especially important to certain existing or potential uses, specifically:

- (1) critical natural areas, such as wildlife habitats, geological outcrops, flood plains, steep slopes, aquifer recharge areas, subsidence prone areas and highly erodible soils; and
- (2) critical manmade areas, such as historic sites and districts and cultural sites.

Section 4. Designation and classification.

(a) The portion of the Schuylkill River, including related adjacent land areas, from the Forks at Port Clinton, Schuylkill County, to Fairmont Dam, Philadelphia County, excepting the 5.2 mile segment between Norristown Dam and Spring Mill Creek, is designated as a component of the Pennsylvania Scenic Rivers System under the Pennsylvania Scenic Rivers Act. The boundaries of the component and of the classified

segments have been defined by the Department of Environmental Resources and are shown on the map entitled "SCHUYLKILL RIVER STUDY" which is on file and available for public inspection in the Bureau of Land Records, Department of Community Affairs of the Commonwealth of Pennsylvania.

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

(1) Port Clinton (Forks) to Cross Keys (Bridge)—16.2 river miles—recreational.

(2) Cross Keys (Bridge) to Reading (Route 422 above Fritz Island)—12.3 miles—modified recreational.

(3) Reading (Route 422 Bridge over Fritz Island) to Douglassville (Bridge)—15.3 river miles—recreational.

(4) Douglassville (Bridge) to Norristown Dam—34.2 river miles—modified recreational.

(5) Spring Mill Creek to Fairmont Dam—10.4 river miles—modified recreational.

(c) The Secretary of Environmental Resources is authorized to classify the 5.2 mile segment between Norristown Dam and Spring Mill Creek as "modified recreational" when he determines that it meets the criteria for such classification. When so classified, that segment shall become part of the Schuylkill scenic river component designated under this act, and all of the provisions of this act and of the "Pennsylvania Scenic Rivers Act" shall become applicable thereto.

Section 5. Cooperation and coordination.

All State agencies are authorized to seek the help of and enter into agreements with the Federal Government and its agencies and commissions, local governments and concerned private individuals and organizations with the view of fostering cooperation and coordination to further the purpose of this act. To this end, the Department of Environmental Resources shall also seek the cooperation of the Delaware River Basin Commission.

Section 6. Limitation of liability.

The provisions of the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," limiting the liability of owners of land and water areas who make them available to the public for recreational purposes without charge shall be applicable to owners of land and water areas within the Schuylkill scenic river component, including such land and water areas in which the Commonwealth or any subdivision thereof has acquired an easement or other interest less than fee simple.

Section 7. Cooperation of local authorities.

The Department of Environmental Resources shall encourage all levels of government, Federal, State and local, and private individuals and organizations to recognize and protect those areas within the Schuylkill scenic river component which have been determined by the Department of

Environmental Resources to be critical areas and are shown as such on the map entitled "SCHUYLKILL RIVER STUDY" which is on file and available for public inspection in the Bureau of Land Records, Department of Community Affairs of the Commonwealth of Pennsylvania.

Section 8. Expenditure of funds.

The Departments of Environmental Resources and Community Affairs are authorized to expend moneys when available for:

(1) technical assistance for implementation of and planning under the study of the Schuylkill River conducted by the Department of Environmental Resources under the "Pennsylvania Scenic Rivers Act" and known as the "Schuylkill Scenic River Study"; and

(2) assistance in the development of a booklet guide for recreational users of the Schuylkill scenic river component.

Section 9. Effective date.

This act shall take effect immediately.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP