

## No. 1992-116

## AN ACT

## SB 1408

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

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 Yellow Breeches Creek Scenic River Act.

Section 2. Legislative findings and purposes.

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 the Yellow Breeches Creek as a component of the Pennsylvania Scenic Rivers System. The designation of this component is for the purposes of protecting its flow and of conserving and protecting its pastoral and scenic and fishery qualities and historic and geologic characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

Section 3. Designation and classification.

(a) Designation.—The main stem of the Yellow Breeches Creek in Cumberland County and York County and Hairy Springs Hollow in Cumberland County and related adjacent land area are designated a component of the Pennsylvania Scenic Rivers System under the act of December 5, 1972 (P.L.1277, No.283), known as the Pennsylvania Scenic Rivers Act. The boundaries and termini of the component have been defined by the Department of Environmental Resources and are shown on the map entitled "Yellow Breeches Creek Study" which is on file and available for public inspection in the Division of Land Records, Historical and Museum Commission of the Commonwealth of Pennsylvania, provided, however, that the width of the corridor in the segment designated as recreational from the S.R. 2004 Bridge to the S.R. 2017 Bridge shall be from the top of the steep bank on the south to the Federal Emergency Management Agency floodway boundary on the north.

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

(1) Hairy Springs Hollow headwaters to the backwaters of Big Pond - 5.1 miles, Scenic.

(2) Yellow Breeches main stem from the backwaters of Big Pond on Hairy Springs Hollow to S.R. 2004 Bridge (Bowmansdale) - 32 miles, Pastoral.

(3) Yellow Breeches main stem from S.R. 2004 Bridge (Bowmansdale) to confluence with the Susquehanna River - 18.8 miles, Recreational.

**Section 4. Management responsibilities.**

The Department of Environmental Resources shall exercise administrative responsibilities in implementing the "State Agency Guidelines" for the Yellow Breeches Creek, within the designated component as outlined in the text of the "Yellow Breeches Creek Scenic River Study" conducted by the Department of Environmental Resources under the act of December 5, 1972 (P.L.1277, No.283), known as the Pennsylvania Scenic Rivers Act. "Local Management Guidelines" may be developed for the Yellow Breeches Creek Scenic River. These may be recommended and will be voluntary for local governments, landowners and organizations interested in conserving the value of the Yellow Breeches Creek. The Pennsylvania Fish Commission shall exercise enforcement of its fishing and boating regulations and laws within the designated component.

**Section 5. Special considerations.**

The Department of Environmental Resources shall assist local organizations representative of landowners, conservation groups and local governments within the designated component acting as the local coordination mechanism for the implementation of this act. Nothing in this act shall be construed as granting authority to any level of government or private entity to establish streamside trails without the prior consent and agreement of riparian landowners. Nothing in this act shall be construed as granting additional authority to any municipality or county to restrict or prohibit the use of land within the designated scenic river corridor.

**Section 6. 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 Susquehanna River Basin Commission. All State agencies, boards and commissions shall cooperate and coordinate their activities with the Department of Environmental Resources in relation to the Yellow Breeches Creek in order to further the purpose of this act.

**Section 7. 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 Yellow Breeches Creek component.

**Section 8. Expenditure of funds.**

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

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

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

**Section 9. Effective date.**

This act shall take effect immediately.

**APPROVED—The 4th day of December, A. D. 1992.**

**ROBERT P. CASEY**