

No. 1992-124

## AN ACT

HB 416

Designating Pine Creek and certain tributaries in Tioga County as a component of the Pennsylvania Scenic Rivers System; requiring cooperation and coordination by State agencies in implementing the purposes of the Pennsylvania Scenic Rivers Act; limiting liability; and authorizing the expenditure of moneys to further the purposes of this act.

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 Pine Creek Scenic Rivers 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 Pine Creek and selected tributaries in Tioga County as a component of the Pennsylvania Scenic Rivers System. The designation of this component is for the purpose of protecting its free and unimpounded flow and of conserving and protecting its wild, scenic and cultural qualities and historic characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

Section 3. Designation and classification.

(a) Designation.—Pine Creek and selected tributaries in Tioga County set forth in subsection (b) and related adjacent land area between the Marsh Creek confluence and the Tioga/Lycoming County line 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 "Pine Creek Study," which is on file and available for public inspection with the Pennsylvania Historical and Museum Commission.

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

(1) Pine Creek - Marsh Creek confluence to Fourmile Run confluence, 4.25 miles, scenic.

(2) Pine Creek - Fourmile Run confluence to Jerry Run confluence, 11.9 miles, wild.

(3) Pine Creek - Jerry Run confluence to the Tioga/Lycoming County line, 1.9 miles, scenic.

(4) Fourmile Run - Painter Leetonia Road Crossing to confluence with Pine Creek, 1.6 miles, wild.

(5) Right Branch Fourmile Run - Gaines/Shippen Township line to confluence with Fourmile Run, 1.0 miles, wild.

(6) Campbells Run - Pine Creek Gorge Natural Area Boundary to confluence with Pine Creek, 1.0 miles, wild.

(7) Pine Island Run - Pine Creek Gorge Natural Area Boundary to confluence with Pine Creek, 1.6 miles, wild.

#### Section 4. Management guidelines.

The Department of Environmental Resources shall exercise administrative responsibilities in implementing the "State Agency Management Guidelines for Pine Creek in Tioga County" within the designated component, as outlined in the text of the "Pine 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. The "Recommended Local Management Guidelines for Pine Creek" included in the "Pine Creek Scenic River Study" are recommended and voluntary for local government, landowners and interest organizations in recognizing the value of Pine Creek and selected tributaries in Tioga County. The Pennsylvania Fish Commission shall exercise enforcement of the fishing and boating regulations and laws within the designated corridor.

#### Section 5. Special consideration.

(a) Establishment of implementation team.—The Department of Environmental Resources, in cooperation with local governments, shall establish an implementation team consisting of, but not limited to, landowners, local governments and conservation organizations to act as a local advocate for the implementation of this act.

(b) Assistance to team.—The Department of Environmental Resources shall assist the implementation team in carrying out recommendations of the Management Guidelines included in the "Pine Creek Scenic River Study."

(c) Road closing prohibited.—No roads will be closed to private property because of scenic river designation.

#### 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 Pine Creek component in order to further the purposes 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 Pine Creek component.

**Section 8. Expenditure of funds.**

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

(1) Technical assistance for implementation of and planning under the "Pine 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 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