

No. 1983-43

AN ACT

SB 867

Designating Octoraro Creek in Lancaster and Chester Counties, 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 Octoraro 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 Octoraro Creek and certain segments of its tributaries as a component of the Pennsylvania Scenic Rivers System. The designation of this component by this act is for the purposes of protecting its free and unpounded flow and of conserving and protecting its pastoral and scenic qualities and historic characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

Section 3. Designation and classification.

(a) Designation.—The 12.25 mile mainstem of Octoraro Creek in Chester and Lancaster Counties plus portions of the East Branch, West Branch and Stewart Run tributary streams and related adjacent land areas as it extends from Township Route 414 (Chester County) and Township Route 455 (Lancaster County) and associated bridge to the Pennsylvania-Maryland line including the 0.4 mile horseshoe bend in West Nottingham Township, Chester County, is designated as 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 "Octoraro Creek Study" which is on file and available for public inspection in the Division of Land Records, Pennsylvania Historical and Museum Commission.

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

(1) Octoraro Creek mainstem - Pine Grove Covered Bridge to Pennsylvania-Maryland line including the 0.4 mile horseshoe bend at Pennsylvania-Maryland line in West Nottingham Township, Chester County - 12.25 miles - pastoral.

(2) East Branch - Township Route 414 (Chester County) and Township Route 455 (Lancaster County) and associated bridge to Legislative Route 15058 (Steelville Road) - 3.5 miles - scenic.

(3) East Branch - Legislative Route 15058 (Steelville Road) to Legislative Route 15025 (Eden Road) - 8.25 miles - pastoral.

(4) West Branch - Meetinghouse Creek to Bowery Run - 4.0 miles - scenic.

(5) West Branch - Octoraro Water Company Dam to Legislative Route 36010 (Puseyville Road) - 2.75 miles - scenic.

(6) West Branch - Legislative Route 36010 (Puseyville Road) to backwaters of Octoraro Lake - 3.75 miles - pastoral.

(7) Stewart Run - A point 2 miles upstream to West Branch confluence - 2.0 miles - scenic.

Section 4. Management responsibilities.

The Department of Environmental Resources shall exercise administrative responsibilities in implementing the State Agency Guidelines portion of the Management Guidelines for the Octoraro Creek, within the designated component as outlined in the text of the Octoraro 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 local management guidelines included in the Octoraro Creek Scenic River Study are recommended and voluntary for local governments, landowners and interested organizations recognizing the value of the Octoraro Creek and needing ideas and encouragement to protect it. The Pennsylvania Fish Commission shall exercise enforcement of its fishing and boating regulations and laws within the designated component.

Section 5. Special consideration.

The Department of Environmental Resources shall assist a local organization representative of landowners, conservation groups and local governments within the designated component acting as the local coordination mechanism for the implementation of the Octoraro Creek Scenic Rivers Act.

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 purposes 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 Octoraro Creek 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 Octoraro Creek Scenic River Component.

Section 8. Zoning powers.

Nothing in this act shall be construed as granting any new zoning powers to the Commonwealth or municipalities.

Section 9. Repairs and construction.

(a) Road repairs.—Where township road repairs are needed, construction activities should be carried out within the existing rights-of-way to maintain vegetation and scenic qualities.

(b) Construction.—All construction, reconstruction, repair or alterations due to safety or capacity considerations shall be done consistent with safe highway geometric design and in accordance with the "Guidelines to Improve the Aesthetic Quality of Roads in Pennsylvania," dated June 1978, prepared jointly by the Department of Transportation and the Department of Environmental Resources.

Section 10. Expenditure of funds.

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

(1) Technical assistance for implementation and planning under the Octoraro 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.

Section 11. Effective date.

This act shall take effect immediately.

APPROVED—The 21st day of October, A. D. 1983.

DICK THORNBURGH