

No. 1988-42

AN ACT

HB 1682

Designating LeTort Spring Run 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 LeTort Spring Run 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 LeTort Spring Run 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 characteristics in accordance with the policy and provisions of the Pennsylvania Scenic Rivers Act.

Section 3. Designation and classification.

(a) The 6.5 mile main stem of LeTort Spring Run in Cumberland County plus the Left Branch and Mill Race and related adjacent land area as it extends from State Route 34 bridge to the Conodoguinet Creek 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 "LeTort Spring Run Scenic River 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.

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

(1) LeTort Spring Run main stem - State Route 34 bridge to abandoned Reading Railroad bridge adjacent to LeTort Park including Left Branch from source to main stem - 2.5 miles - Pastoral.

(2) LeTort Spring Run main stem - Abandoned Reading Railroad bridge adjacent to LeTort Park to Post Road including Mill Race from Henderson Avenue to main stem - 2.5 miles - Modified Recreational.

(3) LeTort Spring Run main stem - Post Road to the confluence with the Conodoguinet Creek - 2.6 miles - Pastoral.

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 LeTort Spring Run," within the designated component as outlined in the text of the "LeTort Spring Run 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 "LeTort Spring Run Scenic River Study" are recommended and voluntary for local governments, landowners and interested organizations in recognizing the value of the LeTort Spring Run. 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 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 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.

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 LeTort Spring Run component 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 LeTort Spring Run 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 "LeTort Spring Run 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 30th day of March, A. D. 1988.

ROBERT P. CASEY