

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 66 Session of 2009

INTRODUCED BY PICCOLA, FOLMER, RAFFERTY, FERLO, MUSTO AND GREENLEAF, JANUARY 29, 2009

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 29, 2009

AN ACT

1 Amending the act of March 24, 1980 (P.L.50, No.18), entitled "An
 2 act designating Stony Creek as a component of the
 3 Pennsylvania Wild and Scenic Rivers System in accordance with
 4 the Pennsylvania Scenic Rivers Act; providing for cooperation
 5 and coordination in its protection and use and for the
 6 responsibilities of its management," further providing for
 7 legislative findings and purpose; providing for limitations
 8 on use; and making editorial changes.

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

11 Section 1. Sections 2, 3 and 4 of the act of March 24, 1980
 12 (P.L.50, No.18), known as the Stony Creek Wild and Scenic River
 13 Act, are amended to read:

14 Section 2. Legislative findings and purpose.

15 The General Assembly finds and declares as follows:

16 (1) The Department of Environmental Resources has, in
 17 accordance with the act of December 5, 1972 (P.L.1277, No.
 18 283), known as the "Pennsylvania Scenic Rivers Act,"
 19 fulfilled its obligations and responsibilities prerequisite
 20 to the designation of Stony Creek as a component of the
 21 Pennsylvania Scenic Rivers System. The designation of Stony

1 Creek by this act is for the purpose of conserving and
2 enhancing its scenic quality and promoting public
3 recreational enjoyment in accordance with the provisions of
4 the "Pennsylvania Scenic Rivers Act."

5 (2) In order to preserve and protect this wild component
6 of the Pennsylvania Scenic Rivers System, it is deemed
7 necessary to restrict the use of the lands within the
8 designated component corridor to those uses compatible with
9 the sound use and enjoyment of unspoiled nature.

10 Section 3. Designation and classification.

11 The 16-mile mainstem of Stony Creek and the three tributary
12 streams, Rattling Run, Yellow Springs and Rausch Creek, and
13 related adjacent land areas, from the headwaters in Lebanon
14 County to the Pennsylvania Game Commission gate at Ellendale
15 Forge, Dauphin County, is designated a wild component of the
16 Pennsylvania Scenic Rivers System under the "Pennsylvania Scenic
17 Rivers Act." The boundaries of the component corridor have been
18 defined by the Department of Environmental Resources and are
19 shown on the map entitled, "Stony Creek Study," on file and
20 available for public inspection in the [Bureau of Land Records,
21 Department of Community Affairs of the Commonwealth of
22 Pennsylvania] Division of Archives and Manuscripts in the Bureau
23 of Archives and History of the Pennsylvania Historical and
24 Museum Commission.

25 Section 4. Management responsibilities.

26 The Pennsylvania Game Commission and the Department of
27 [Environmental Resources] Conservation and Natural Resources
28 shall exercise administrative responsibilities in implementing
29 the "Management Guidelines for Wild River Corridors" outlined
30 within the "Discussion of Management Guidelines" in the text of

1 the study of Stony Creek conducted by the Department of
2 Environmental Resources under the "Pennsylvania Scenic Rivers
3 Act," known as the "Stony Creek Study." The Pennsylvania Game
4 Commission shall exercise administrative responsibilities in
5 implementing the land management guidelines on Commonwealth
6 lands within the designated component. The Department of
7 [Environmental Resources] Conservation and Natural Resources
8 shall exercise administrative responsibilities in implementing
9 the water resource management guidelines and where applicable,
10 the surface mining and solid waste disposal provisions of the
11 land management guidelines.

12 Section 2. The act is amended by adding a section to read:
13 Section 4.1. Limitations on use.

14 (a) Land management guidelines.--In implementing and
15 administering the land management guidelines, the Pennsylvania
16 Game Commission and the Department of Conservation and Natural
17 Resources shall not sell, lease, enfeoff, give or grant any
18 license, right-of-way, easement, profit, mineral right or other
19 interest in, on or under any part of the lands within the
20 component corridor; nor shall the Pennsylvania Game Commission
21 enter into any cooperative agreement, as provided under 34
22 Pa.C.S. (relating to game), when the cooperative agreement is
23 not directly and substantively related to impounding, managing,
24 using, maintaining and operating lands and waters for game or
25 wildlife management, or public hunting or furtaking, and to the
26 conservation and preservation of the wilderness quality of the
27 component corridor. Regardless of any existing agreement to the
28 contrary, the lands within the component corridor shall be used
29 solely for public hunting and furtaking, game or wildlife
30 propagation and resource management and public nonmotorized

1 recreational activities, which may include maintenance of the
2 existing rail-to-trail corridor and preservation or restoration
3 of cultural or historic assets within the component corridor.

4 (b) Timbering activities.--To the extent that the
5 Pennsylvania Game Commission conducts or permits timbering
6 activities within the component corridor, such activities shall
7 be limited to those necessary for forest health and wildlife
8 habitat preservation and improvement. All timbering shall employ
9 then-current best management practices to prevent erosion and
10 sedimentation, including minimal impact haul roads and landing
11 areas constructed in a manner so as to be consistent with the
12 wild component designation of the corridor. All timbering
13 activities shall employ applicable erosion and sedimentation
14 control requirements as established by the Department of
15 Environmental Protection. In no event shall any activities
16 carried on or permitted by the Pennsylvania Game Commission or
17 the Department of Conservation and Natural Resources result in
18 any additional vehicular access points into the component
19 corridor.

20 Section 3. Section 5 of the act is amended to read:

21 Section 5. Cooperation and coordination.

22 All State agencies are authorized to seek the help of and
23 enter into agreements with the Federal Government and its
24 agencies and commissions, local governments and concerned
25 private individuals and organizations with the view of fostering
26 cooperation and coordination to further the purpose of this act.
27 To this end, the Department of [Environmental Resources]
28 Conservation and Natural Resources shall also seek the
29 cooperation of the Susquehanna River Basin Commission.

30 Section 4. This act shall take effect immediately.