

ARTICLE II. STATEMENTS OF POLICY

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CHAPTER 11. OUTDOOR RECREATION

Subchap.		Sec.
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B.	[Reserved]	11.101
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Authority

The provisions of this Chapter 11 issued under section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); and the Pennsylvania Scenic Rivers Act (32 P. S. §§ 820.21—820.29), unless otherwise noted.

Source

The provisions of this Chapter 11 adopted May 31, 1974, effective June 1, 1974, 4 Pa.B. 1104, unless otherwise noted.

Subchapter A. SCENIC RIVERS

Sec.	
11.1.	[Reserved and Renumbered].
11.2.	[Reserved and Renumbered].
11.3.	[Reserved and Renumbered].
11.4.	[Reserved and Renumbered].
11.5.	Statement of dredging policy.

§ 11.1. [Reserved and Renumbered].

Source

The provisions of this § 11.1 adopted May 31, 1974, effective June 1, 1974, 4 Pa.B. 1104; amended August 13, 1982, effective August 14, 1982, 12 Pa.B. 2683; reserved and renumbered as 17 Pa. Code § 41.1, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (169951) to (169952).

§ 11.2. [Reserved and Renumbered].**Source**

The provisions of this § 11.2 adopted May 31, 1974, effective June 1, 1974, 4 Pa.B. 1104; amended August 13, 1982, effective August 14, 1982, 12 Pa.B. 2683; reserved and renumbered as 17 Pa. Code § 41.2, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (169952) and (145085) to (145086).

§ 11.3. [Reserved and Renumbered].**Source**

The provisions of this § 11.3 adopted May 31, 1974, effective June 1, 1974, 4 Pa.B. 1104; amended August 13, 1982, effective August 14, 1982, 12 Pa.B. 2683; reserved and renumbered as 17 Pa. Code § 41.3, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial page (145086).

§ 11.4. [Reserved and Renumbered].**Source**

The provisions of this § 11.4 adopted May 31, 1974, effective June 1, 1974, 4 Pa.B. 1104; amended August 13, 1982, effective August 14, 1982, 12 Pa.B. 2683; reserved and renumbered as 17 Pa. Code § 41.4, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (145087) to (145090).

§ 11.5. Statement of dredging policy.

(a) The Department, under its role as proprietor of the mineral resources in the beds of the navigable streams of this Commonwealth, has reviewed its agreement program for commercial dredging and has concluded that further restrictions must be placed on the removal of sand and gravel from the beds of these streams in order to protect the public interest. The Department will accept applications for annual agreements in Lake Erie, the Ohio River and the Allegheny River below East Brady. In the case of the Allegheny River above East Brady, the Department will accept applications for annual agreements only through 1980. The agreements shall be limited to existing dredge pools between river miles 126.4 and 131.9 between Franklin and Oil City, Venango County, and between river miles 184.7 and 185.5, at Conewango Township, Warren County. This 5-year phase-out of dredging in the Upper Allegheny is based on the following reasons:

- (1) *Natural and scenic resources.* The Upper Allegheny River is a unique natural and scenic resource. It has been named as a potential addition to the National Wild and Scenic Rivers System, under proposed Federal legislation, and has been designated for in-depth study as a highest priority river under the Pennsylvania Wild and Scenic Rivers program. Dredging, however, diminishes the qualities which both of these programs protect.

(2) *Fishery resource.* The extraction of sand and gravel from the Upper Allegheny seriously impairs its value as a fishery resource. By destroying riffle areas, the shallow areas of the river most favorable to fish propagation, dredging interferes with the aquatic habitat necessary to support fish life. The deep dredged pools fill with sediment, resulting in an alteration of the fish life inhabiting the pools. Rough fish, such as carp and other bottom feeders, replace game fish. The entire aquatic ecosystem is altered in dredged areas.

(3) *Hydraulic effects.* Dredging has adverse hydraulic effects on the river. By lowering the normal water surface and increasing the cross-sectional area of the river, it prevents the water from assuming its natural slope and creates a falls effect at the upper end of the dredge pool. The lowering of the river bottom by dredging steepens the stream grade at the head of the dredged pool and causes increased flow velocities at this location. The velocities cause additional erosion, resulting in the lowering of the bottom grades of the river and its tributaries. This subsequent erosion condition may persist for years, resulting in possible damage to streamside improvements and degradation of water quality through siltation. Dredging slows water velocity in the rest of the pool; in the winter this effect increases the possibility of ice jams, as the slower moving waters cannot remove the ice.

(4) *Recreational resource.* The Upper Allegheny is also utilized as a recreational resource by canoeists, boaters, and those with summer homes along its shore. These recreational uses contribute substantially to the local economy. Dredging, however, adversely affects uses of the shoreline and may lower property values, both of which would have an impact on the economic benefit of recreational uses. Although it may provide deep pools for boating, dredging creates dangers for canoeists who find themselves pulled over the upper edge of dredged pools and waders who suddenly experience a sharp fall upon stepping over the edge of the pool. The dredge apparatus and barges also interfere with boat traffic on the river.

(b) No other stream in Northwestern Pennsylvania has the recreational and fishery value of the Upper Allegheny River. Although the sand and gravel deposits in the river bed are resources which provide economic opportunities, land deposits of those minerals exist in the area. The removal of extraction operations from the river to land-based deposits will allow both the preservation of the Upper Allegheny as a recreational and fishery resource and the continued production of sand and gravel. The Department believes that 5 years is a completely adequate period to accomplish this conversion.

(c) After a careful consideration of the factors noted in this section, the Department is of the opinion that the preservation of the Upper Allegheny as a natural, scenic, and recreational resource for the present and future citizens of this Commonwealth outweighs any benefits the dredging activity may provide.

Source

The provisions of this § 11.5 adopted March 26, 1976, effective March 27, 1976, 6 Pa.B. 610.

Subchapter B. [Reserved]**§ 11.101. [Reserved and Renumbered].****Source**

The provisions of this § 11.101 adopted April 4, 1975, effective April 5, 1975, 5 Pa.B. 721; amended December 4, 1992, effective December 5, 1992, 22 Pa.B. 5784; reserved and renumbered as 17 Pa. Code § 27.1, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (183010) to (183011).

§ 11.102. [Reserved and Renumbered].**Source**

The provisions of this § 11.102 adopted April 4, 1975, effective April 5, 1975, 5 Pa.B. 721; reserved and renumbered as 17 Pa. Code § 27.2, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (183011) to (183012).

§ 11.103. [Reserved and Renumbered].**Source**

The provisions of this § 11.103 adopted April 4, 1975, effective April 5, 1975, 5 Pa.B. 721; amended November 9, 1979, effective November 10, 1979, 9 Pa.B. 3746; reserved and renumbered as 17 Pa. Code § 27.3, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial page (183012).

§ 11.104. [Reserved and Renumbered].**Source**

The provisions of this § 11.104 adopted April 4, 1975, effective April 5, 1975, 5 Pa.B. 721; amended November 9, 1979, effective November 10, 1979, 9 Pa.B. 3746; reserved and renumbered as 17 Pa. Code § 27.4, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (183012) to (183013).

§ 11.105. [Reserved and Renumbered].**Source**

The provisions of this § 11.105 adopted December 4, 1992, effective December 5, 1992, 22 Pa.B. 5784; reserved and renumbered as 17 Pa. Code § 27.5, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (183013) to (183014).

§ 11.111. [Reserved and Renumbered].**Source**

The provisions of this § 11.111 adopted August 20, 1993, effective August 21, 1993, 23 Pa.B. 3943; reserved and renumbered as 17 Pa. Code § 17.1, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial page (183014).

§ 11.112. [Reserved and Renumbered].**Source**

The provisions of this § 11.112 adopted August 20, 1993, effective August 21, 1993, 23 Pa.B. 3943; reserved and renumbered as 17 Pa. Code § 17.2, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial page (183015).

§ 11.113. [Reserved and Renumbered].**Source**

The provisions of this § 11.113 adopted August 20, 1993, effective August 21, 1993, 23 Pa.B. 3943; reserved and renumbered as 17 Pa. Code § 17.3, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial page (183015).

§ 11.114. [Reserved and Renumbered].**Source**

The provisions of this § 11.114 adopted August 20, 1993, effective August 21, 1993, 23 Pa.B. 3943; reserved and renumbered as 17 Pa. Code § 17.4, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (183015) to (183016).

§ 11.115. [Reserved and Renumbered].**Source**

The provisions of this § 11.115 adopted August 20, 1993, effective August 21, 1993, 23 Pa.B. 3943; reserved and renumbered as 17 Pa. Code § 17.5, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (183016) to (183017).

Subchapter C. [Reserved]**§§ 11.201—11.204. [Reserved and Renumbered].****Source**

The provisions of these §§ 11.201—11.204 adopted June 28, 1974, effective June 29, 1974, 4 Pa.B. 1325; reserved and renumbered as 17 Pa. Code §§ 29.1—29.4, June 7, 1996, effective June 8, 1996, 26 Pa.B. 2707. Immediately preceding text appears at serial pages (183017) to (183019).

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