

[CHAPTER 869]

AN ACT

To approve a compact or agreement between the State of Ohio and the Commonwealth of Pennsylvania relating to Pymatuning Lake.

August 28, 1937
[S. 2831]
[Public, No. 398]

Whereas, under date of the 28th day of October 1936, the State of Ohio and the Commonwealth of Pennsylvania entered into a certain compact or agreement in the following words:

Compact between
Ohio and Pennsylv-
ania relating to Py-
matuning Lake.

**"AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA
AND THE STATE OF OHIO RE PYMATUNING LAKE**

"This agreement made and concluded between the Commonwealth of Pennsylvania acting by and through its lawfully authorized agency namely the Water and Power Resources Board as party of the first part and the State of Ohio acting by and through its lawfully authorized agency namely its Director of Conservation as party of the second part.

Text of agreement.

"Witnesseth

"Whereas By act of Assembly of Pennsylvania approved the second day of May one thousand nine hundred and twenty-nine (Pamphlet Laws 1503) as amended by the acts approved the fifth day of May one thousand nine hundred and thirty-one (Pamphlet Laws 84) the twenty-fourth day of April one thousand nine hundred and thirty-three (Pamphlet Laws 67) and the ninth day of July one thousand nine hundred and thirty-five (Pamphlet Laws 619) the Department of Forests and Waters of Pennsylvania acting through the Water and Power Resources Board was authorized inter alia to complete the work begun and continued under an act approved the twenty-fifth day of July one thousand nine hundred and thirteen (Pamphlet Laws 1270) entitled 'An act providing for the erection of a dam at the outlet of Pymatuning Swamp and the establishment of a reservoir to conserve the waters thereof providing for the taking of land and materials necessary thereto vesting certain powers and duties in the Water Supply Commission and making an appropriation' and did duly complete said work whereby there was created a lake or reservoir now known and hereinafter called Pymatuning Lake extending in part across the boundary line between said States of Ohio and Pennsylvania into the State of Ohio and

"Whereas The primary purposes of the project by which said lake was created was to conserve water draining said swamp all of which has its source in Pennsylvania as well as control floods and regulate the flow of water in the Shenango and Beaver Rivers and secondary thereto permit the water and the land surrounding the same to be used for fishing hunting recreational and park purposes under such terms and conditions as the Water and Power Resources Board might determine in such way or ways as in the opinion if¹ the said board will not materially interfere with the primary purpose in said acts of assembly and hereinbefore specifically referred to and

"Whereas In view of the fact that a certain part of the lake extends into the State of Ohio whereby it is necessary and desirable that the use of the lake for the secondary purposes namely hunting fishing and recreational use be uniformly provided for as well as to guard against inconveniences and mischiefs which might hereafter arise from the uncertainty or¹ jurisdiction within and on said lake to the end that the lake may be adequately

¹ So in original.

policed and conflicts of jurisdiction for the arrest and punishment of offenders be avoided.

"Now then therefore In order that law and justice may in all cases be executed and take effect upon said lake from shore to shore in all parts and places thereof where the lake is a boundary between said states the said parties hereto do agree for and in behalf of their respective states in the manner following

"General Use

General use.

"It is hereby agreed that the entire Pymatuning Lake or Reservoir subject to the primary use thereof by the Commonwealth of Pennsylvania for regulating the flow of the water in the Shenango and Beaver Rivers as in Paragraph 9 hereinafter more specifically mentioned shall be open for recreational use equally to the citizens of both contracting parties save as restricted as to hunting fishing and boating in this agreement set forth or hereafter mutually agreed upon by both parties but no person shall be permitted to hunt or fish thereon unless the lawful holder of a fishing or hunting license authorizing him or her so to do issued by the proper authorities of Pennsylvania or of Ohio.

"2. ARREST AND PROSECUTION OF OFFENDERS

Arrest and prosecution of offenders.

"That each state shall enjoy and exercise a concurrent jurisdiction upon the water (but not upon the dry land between the shores of said lake including the islands therein) with respect to the arrest and prosecution of offenders but in such sort that any boat or vessel fastened to or aground on the shore of either state shall be considered exclusively within the jurisdiction of said state but that all capital and other offenses trespasses or damages committed on or over said lake the judicial investigation and determination thereof shall be exclusively vested in the state wherein the offender or person charged with such offense shall be first apprehended arrested prosecuted or first brought to trial it being the intent of this agreement that an offender may be pursued and arrested anywhere on or over said lake or shores thereof or islands therein regardless of the boundary line by any peace officers or persons of either state authorized to make arrests whether the offenses be committed on or over any part of the lake on the shores or islands therein regardless of the state in which the place where the offense was committed lies.

"3. ISLANDS

Islands.

"All islands within the lake shall be considered as part of the State of Pennsylvania.

"4. POLLUTION OF WATER

Pollution of water.

"The lake shall forever be protected against pollution of its waters by industrial trade waste individual or municipal sewage from shore or boat and the discharge of any noxious or deleterious substance liquid or solid into the waters of the lake which is or may become inimical or injurious to public health or to animal or aquatic¹ life is hereby expressly forbidden.

"No sewage may be discharged into the waters of the lake except after complete treatment and then only upon permit first approved by the Health Departments of both states.

"5. BOATS AND VESSELS

Boats and vessels.

"No power or motor boats nor hydroplanes or aquaplanes shall be permitted anywhere on said lake except such police or administration motor boats to the number which shall be mutually agreed upon by the parties hereto. Sail boats, row boats and canoes shall be permitted provided they first obtain a license from the respective state of which the owner is a resident under such regulations as each party to this agreement may now have or hereafter adopt.

¹ So in original.

"6. FISHING

"Any person possessing a duly issued fishing license by either state shall be permitted to fish anywhere on the entire lake (except such portion thereof as is closed to fishing by Paragraph 8 hereof or such further portion as may hereafter by regulation be mutually agreed to by the parties hereto) but no fisherman shall be entitled to fish from the shores of the state of which he is a nonresident unless he complies with the nonresident fishing license law of said state.

Fishing.

"In order to permit the fish to fully propagate and develop no part of the lake shall be open for fishing until the first day of July one thousand nine hundred and thirty-seven and thereafter shall be closed in each year between the tenth day of December and the thirtieth day of June.

"Until otherwise mutually agreed to by both parties hereto the creel size and season limits for the respective kinds of fish caught shall be such as may hereafter be agreed upon between the two states.

"7. RECIPROCAL HUNTING RIGHTS

"Reciprocal hunting rights are hereby granted to the licensed hunters of each state on the water of that portion of the lake both in Pennsylvania and Ohio over the area bounded on the south by an east and west line crossing the State boundary five-tenth of a mile north of Simons Ohio and on the north by a line drawn between the point at which the Padamaram Road crosses the State boundary and a point formerly known as the Polleck Bridge but such reciprocal hunting rights hereby granted shall extend only to such wild migratory birds as are covered by the Federal Bird Treaty and Federal Laws adopted thereunder.

Reciprocal hunting rights.

"Hunting in such portions of the lake as are not included in the area above described and designated shall be and remain under the jurisdiction of the Commonwealth of Pennsylvania.

"No permanent blinds shall be erected anywhere on the lake and shores thereof but this provision shall not be interpreted as forbidding the use of a boat as a blind temporarily moored to or grounded on the shore of the lake or islands thereof.

"8. WILD GAME AND FISH SANCTUARIES

"A. The Game Commission of the State of Pennsylvania having established a wild migratory bird and game sanctuary or refuge in that part of the lake located southeast of the Pennsylvania Railroad Crossing it is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state whether licensed to fish or hunt, trespass or enter upon said sanctuary for any purpose whatsoever. Anyone so doing shall become amenable to prosecution therefor under the Game Laws of the State of Pennsylvania applicable to game refuges.

Wild game and fish sanctuaries.

"B. The Conservation Division of the Department of Agriculture of the State of Ohio having established a fish sanctuary and game refuge in the following portion of the lake.

"Being the southerly parts of Lots Numbers 79 and 80, Richmond Township all of Lot Number 41 and all of Lot Number 42 except the westerly 1000 feet thereof in Andover Township Ashtabula County Ohio.

"Beginning at a point in the west line of Lot Number 79 that is 1523 feet south of the north line of Lot Number 79 also being the center line of Padanaram Road thence southerly along the County Highway along the westerly side of Lot Number 79 1869.5 feet to the north line of Andover Township thence west-

erly along the northerly line of Andover Township 939.7 feet to the northwest corner of Lot Number 41 thence southerly along the highway that marks the westerly line of Lot Number 42 1000 feet to a point thence of Lot Number 42 thence easterly along the north line of Lot Number 42 1000 feet to a point thence in a southerly direction parallel to and 1000 feet easterly from the westerly line of Lot Number 42 2734 feet more or less to the southerly line of Lot Number 42 thence easterly along the said southerly line of Lot Number 42 5180.4 feet to the Ohio and Pennsylvania State line thence northerly along the said Ohio and Pennsylvania State Line 7297.6 feet more or less to a point that is 1523 feet southerly from the north line of Lot Number 80 thence in a westerly direction 1523 feet southerly from and parallel to the north lines of Lots Numbers 79 and 80 5260 feet more or less to the place of beginning.

"It is expressly agreed that nothing herein contained shall be interpreted as entitling the residents of either state whether licensed to fish or otherwise to fish in hunt trespass or enter upon said sanctuary for any purpose whatsoever. Anyone so doing shall become amenable to prosecution therefor under the laws of the State of Ohio applicable thereto.

"9. RESERVATION OF PENNSYLVANIA'S RIGHT TO THE BODY OF THE WATER

"It is expressly agreed that nothing herein contained shall operate to deny limit or restrict the right of the Water and Power Resources Board of Pennsylvania or any authority established hereafter by said state to exercise such power to at any time now or hereafter raise or draw off so much of the waters of the lake as in their sole judgment may be necessary to maintain or regulate the flow of the Shenango and Beaver Rivers in furtherance of the primary purpose for which said lake was established and said Water and Power Resources Board shall without let or hindrance have the full right irrespective of other considerations to release so much of the water as they may deem proper to maintain the flow of the Shenango and Beaver Rivers irrespective of its effect on the level of the lake or use thereof for other purposes.

"In witness whereof The parties hereto have hereunto set their respective hands and seals by for and under the authority of their respective states this 28th day of October 1936.

"COMMONWEALTH OF PENNSYLVANIA

"by and through

"WATER AND POWER RESOURCES BOARD

"Witness

"By J. F. BOGARDUS

"Chairman

"CHAS. E. RYDER

"STATE OF OHIO

"by and through

"CONSERVATION DIVISION

"By L. WOODDELL

"Commissioner

"R. P. JOHNSTON

"Approved as to form and manner of execution

"GROVER C. LADNER

"Grover C. Ladner

"Deputy Attorney General
"Commonwealth of Pennsylvania"

and

Whereas the General Assembly of the Commonwealth of Pennsylvania by act approved the 5th day of June 1937 ratified and approved said compact or agreement; and

Reservation of
Pennsylvania's right
to the body of the
water.

Whereas the General Assembly of the State of Ohio by act approved the 18th day of May 1937 ratified and approved said compact or agreement: Now, therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the aforesaid compact or agreement be, and the same is hereby, approved pursuant to the provisions of a joint resolution of Congress approved the 8th day of June 1936.

Approved, August 28, 1937.

Compact approved.
49 Stat. 1490.
33 U. S. C., Supp.
II, § 567a.

[CHAPTER 870]

AN ACT

To promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes.

August 28, 1937
[S. 2863]
[Public, No. 399]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby recognized that the wastage and inadequate utilization of water resources on farm, grazing, and forest lands in the arid and semiarid areas of the United States resulting from inadequate facilities for water storage and utilization contribute to the destruction of natural resources, injuries to public health and public lands, droughts, periodic floods, crop failures, decline in standards of living, and excessive dependence upon public relief, and thereby menace the national welfare. It is therefore hereby declared to be the policy of Congress to assist in providing facilities for water storage and utilization in the arid and semiarid areas of the United States.

Conservation in
arid and semiarid
areas.

Policy declared.

SEC. 2. In order to effectuate this policy and promote proper land use in the said areas, the Secretary of Agriculture is hereby authorized, from time to time—

Powers of Secretary
of Agriculture.

(1) To formulate and keep current a program of projects for the construction and maintenance in the said areas of ponds, reservoirs, wells, check-dams, pumping installations, and other facilities for water storage or utilization, together with appurtenances to such facilities. The facilities to be included within such program shall be located where they will promote the proper utilization of lands and no such facilities shall be located where they will encourage the cultivation of lands which are submarginal and which should be devoted to other uses in the public interest;

Program of projects
for water-storage fac-
ilities.

Location of facilities.

(2) To construct and to sell or lease, with or without a money consideration, under such terms and conditions as will advance the purposes of this Act, the facilities mentioned in section 2 (1) and included within the program there provided for, including the lands upon which such facilities are located if they have been acquired or reserved for the purposes of this Act;

Sale or lease.

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary for the purposes of this Act; and

Cooperation, etc.,
with agencies, etc.

(4) To obtain options upon and to acquire lands, or rights or interests therein, or rights to the use of water, by purchase, lease, gift, exchange, condemnation, or otherwise, only when necessary for the purposes of this Act.

Acquisition of
land, interests, etc.

SEC. 3. The facilities included in the program provided for in section 2 (1) may be located—

Location of facilities.

(a) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

Federal, etc., lands.