



JUDGE'S RULING FURTHER CONFIRMS PUBLIC'S RIGHTS ON LITTLE JUNIATA RIVER

June 15, 2007

A Huntingdon County jurist has confirmed his prior ruling guaranteeing the rights of citizens to have access to the Little Juniata River for fishing, boating and other recreation—a move applauded by the state agencies participating in the case.

The ruling yesterday by Huntingdon County Court of Common Pleas Judge Stewart Kurtz denies the defendants' motion for post-trial relief filed after the original decision was handed down in January. The Department of Environmental Protection, the Department of Conservation and Natural Resources and the Pennsylvania Fish and Boat Commission had filed suit in 2003 against Donald Beaver and other defendants who had closed a 1.3-mile section of the Little Juniata River to the public and started a private fishing club.

In addition to upholding his findings that the Little Juniata River is navigable, and therefore public, Kurtz permanently enjoined the defendants "from interfering with the public's rights in the Little Juniata, including the posting and/or hanging of signs, advertising the Little Juniata River as private waters and threatening, harassing and otherwise attempting to exclude the public from fishing, boating, wading and/or recreating on and in the Little Juniata River and the submerged lands owned by the commonwealth."

The commonwealth based ownership of the river on historical evidence of navigation and trade on the Little Juniata River dating from the 1700s and statutory designations of the river as a public highway dating to 1794, 1808 and 1822.

The commonwealth's case drew the support of local residents and businesses and statewide organizations.