



PUBLIC'S RIGHT OF ACCESS TO LITTLE JUNIATA RIVER WINS CRITICAL PROTECTION

Court Decision Confirms Public Ownership of Historic Resource

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HARRISBURG -- The state agencies responsible for the stewardship of Pennsylvania's natural resources today praised a court decision guaranteeing the rights of citizens to have access to the Little Juniata River in Huntingdon County for fishing, boating and other recreation.

The Department of Environmental Protection (DEP), the Department of Conservation and Natural Resources (DCNR) and the Pennsylvania Fish and Boat Commission (PFBC) 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.

During a week-long trial, the agencies asked the court to confirm the commonwealth's long-standing position that the Little Juniata River is a navigable water of the state that is held in trust for the benefit of the public.

"The court has confirmed what we have maintained throughout this process: the historically navigable waters of the commonwealth belong to the people of the commonwealth, and no individual or corporation has the right to restrict the public's access to these waterways," DEP Secretary Kathleen A. McGinty said. "This decision affirms the state's obligation to preserve and maintain these waters for the benefit of future generations."

DEP is responsible for protecting and improving water quality. It's also charged with regulating dams, flood control projects and other encroachments on Pennsylvania's 83,161 miles of rivers and streams.

The issue first surfaced in 2000 when Donald Beaver began operating an exclusive fly fishing business on the Little Juniata River at and downstream of its confluence with Spruce Creek in Huntingdon County. Beaver and his employees began excluding the public from the waterway by stringing cables across the river and posting "no trespassing" signs at both ends of the 1.3 mile-stretch of river.

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 representing anglers and hunters.

DCNR, which administers public lands for Pennsylvania's multi-billion dollar outdoor recreation and tourism industry, joined the suit to uphold its constitutional responsibility to assure that public resources stay available to the public.

"Pennsylvania has hundreds and hundreds of miles of navigable streams that are important public recreation assets," DCNR Secretary Michael DiBerardinis. "This case helps us to protect the public's access to these waters."

The PFBC, a state agency responsible for managing and protecting Pennsylvania's fishery resources, as well as the regulation and promotion of recreational fishing and boating, also praised the decision.

“The court's ruling that the Little Juniata River is in fact a public waterway makes it clear that those who fish and boat have a right to enjoy one of the state's true natural treasures,” said PFBC Executive Director Doug Austen. “Without access, the finest waters in the commonwealth have little value for public recreation. So protecting the public's rights on public waters is of utmost importance to this agency and our constituents.”