

As Introduced

**126th General Assembly
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H. B. No. 157

**Representatives Distel, Aslanides, McGregor, S. Patton, Seitz, C. Evans,
Carano, Cassell, Hartnett, Brown, Strahorn, Perry**

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A B I L L

To amend section 1541.31 of the Revised Code to 1
revise the Pymatuning Lake Compact. 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1541.31 of the Revised Code be 3
amended to read as follows: 4

Sec. 1541.31. That the compact or agreement mentioned below 5
and every article, matter and thing therein is hereby ratified and 6
approved and shall be and hereafter remain in force agreeable to 7
the true tenor and intent thereof. 8

AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA 9
AND THE STATE OF OHIO RE PYMATUNING LAKE 10

This agreement made and concluded between the commonwealth of 11
Pennsylvania, acting by and through its lawfully authorized 12
agency, namely, the water and power resources board, as party of 13
the first part, and the state of Ohio, acting by and through its 14
lawfully authorized agency, namely, its conservation commissioner, 15
as party of the second part, 16

Witnesseth: 17

Whereas, By act of assembly of Pennsylvania approved May 2, 18

1929, P. L. 1503, as amended by acts of May 5, 1931, P. O. 84, 19
April 24, 1933, P. L. 67, and July 9, 1935, P. L. 619, the 20
department of forests and waters of Pennsylvania, acting through 21
the water and power resources board, was authorized, inter alia, 22
to complete the work begun and continued under an act approved 23
July 25, 1913, P. L. 1270, entitled "An act providing for the 24
erection of a dam at the outlet of Pymatuning swamp, and the 25
establishment of a reservoir to conserve the waters thereof; 26
providing for the taking of land and materials necessary thereto; 27
vesting certain powers and duties in the water supply commission; 28
and making an appropriation", and did duly complete said work, 29
whereby there was created a lake or reservoir, now known and 30
hereinafter called Pymatuning Lake, extending in part across the 31
boundary line between said states of Ohio and Pennsylvania into 32
the state of Ohio, and 33

Whereas, The primary purposes of the project by which said 34
lake was created was to conserve water draining said swamp, all of 35
which has its source in Pennsylvania, as well as control floods 36
and regulate the flow of water in the Shenango and Beaver rivers, 37
and secondary thereto, permit the water and the land surrounding 38
the same to be used for fishing, hunting, recreation and park 39
purposes, under such terms and conditions as the water and power 40
resources board might determine, in such way or ways as in the 41
opinion of the said board will not materially interfere with the 42
primary purpose in said acts of assembly and hereinbefore 43
specifically referred to, and 44

Whereas, In view of the fact that a certain part of the lake 45
extends into the state of Ohio, whereby it is necessary and 46
desirable that the use of the lake for the secondary purposes, 47
namely, hunting, fishing, and recreational use, be uniformly 48
provided for, as well as to guard against inconvenience and 49
mischiefs which might hereafter arise from the uncertainty of 50

jurisdiction within and on said lake, to the end that the lake may
be adequately 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 such 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:

1. 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
therein or thereon unless the lawful holder of a fishing or
hunting license, authorizing ~~him or her~~ the holder so to do,
issued by the proper authorities of Pennsylvania or of Ohio.

2. 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 83
and arrested anywhere on or over said lake or shores thereof or 84
islands therein, regardless of the boundary lines, by any peace 85
officers or persons of either state authorized to make arrests, 86
whether the offenses be committed on or over any part of the lake, 87
on the shores or islands therein, regardless of the state in which 88
the place where the offense was committed lies. 89

3. Islands. All islands within the lake shall be considered 90
as part of the state of Pennsylvania. 91

4. Pollution of water. The lake shall be forever protected 92
against pollution of its waters by industrial trade waste, 93
individual, or municipal sewage from shore or boat, and the 94
discharge of any noxious or deleterious substance, liquid or 95
solid, into the waters of the lake which is or may become 96
inimical, or injurious, to public health or to animal or aquatic 97
life is hereby expressly forbidden. 98

No sewage may be discharged into the waters of the lake 99
except after complete treatment and then only upon permit first 100
approved by the health department of both states. 101

5. Boats and vessels. No ~~hydroplanes or aquaplanes, nor any~~ 102
~~type of boat motor~~ person shall operate any watercraft propelled 103
by a single motor, or any combination of motors, that produces a 104
horsepower rating in excess of a ten horsepower ~~rating shall be~~ 105
~~operated anywhere on said lake, except such~~ on Pymatuning Lake, 106
except a pontoon boat sixteen feet in length or longer propelled 107
by a single motor, or any combination of motors, that produces a 108
horsepower rating of twenty horsepower or less and police or 109
administration ~~motor boats~~ watercraft, ~~to~~ the number of which 110
shall be mutually agreed upon by the parties hereto. ~~Sail boats,~~ 111
~~row boats, canoes and boats propelled by a motor not in excess of~~ 112
~~ten horsepower shall be permitted provided the owners~~ 113

No person shall operate a watercraft without first obtain 114
obtaining a license from the respective state of which the owner 115
is a resident under such regulations as each party to this 116
agreement may now or hereafter adopt. Provided nevertheless that 117
the use of any type of ~~boats~~ watercraft equipped with a motor is 118
expressly limited and restricted to that portion of the lake 119
extending from the main dam near Jamestown northwardly to the 120
causeway at or near Linesville, ~~and provided further, that any~~ 121
~~boat.~~ Watercraft equipped with a motor in excess of ten horsepower 122
rating may be operated on said lake so long as such motor is not 123
used, except for a pontoon boat that is sixteen feet in length or 124
longer. ~~A motor of not more than ten horsepower rating may be~~ 125
~~attached to the boat and used for propelling the boat on said~~ 126
~~lake.~~ 127

No person shall ride or attempt to ride upon one or more 128
water skis, surfboards, towed inflatable devices, or similar 129
devices or use or operate any vessel to tow a person thereon. 130

Nothing contained in this subdivision shall be interpreted to 131
effect a change in the level or flow of water as determined or 132
fixed by the department of ~~environmental~~ conservation and natural 133
resources. 134

Any one who violates any of the provisions of this subsection 135
or who operates any boat equipped with a motor on the lake without 136
being authorized to do so under the provisions of this 137
subdivision, shall upon conviction thereof, be sentenced ~~to pay a~~ 138
~~fine not to exceed fifty dollars and cost of prosecution and, in~~ 139
~~default of payment of the fine and costs, shall undergo~~ 140
~~imprisonment not to exceed thirty days in accordance with the~~ 141
applicable laws for the same or similar violations within the 142
prosecuting jurisdiction, provided that the penalty for said 143
violation shall not exceed a fine of five hundred dollars or 144
imprisonment for thirty days. 145

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~~ fisher shall be entitled to fish from the shores of the state of which ~~he~~ the fisher is a nonresident unless ~~he~~ the fisher complies with the nonresident fishing license law of said state.

In order to permit the fish to fully propagate and develop, no part of the lake shall be open for fishing until July 1, 1937, and thereafter shall be closed in each year between December 10 and June 30.

Unless 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 0.5 of a mile north of Simons, Ohio, and on the north by a line drawn between the point at which the Padanaram 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 migratory bird treaty and federal laws adopted thereunder.

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 177
forbidding the use of a boat as a blind temporarily moored to or 178
grounded on the shore of the lake or islands thereof. 179

8. Wild game and fish sanctuaries. A. The game commission of 180
the state of Pennsylvania, having established a wild migratory 181
bird and game sanctuary or refuge in that part of the lake located 182
southeast of the Pennsylvania railroad crossing, it is expressly 183
agreed that nothing herein contained shall be interpreted as 184
entitling the residents of either state, whether licensed to fish 185
or hunt, or otherwise, to fish in, hunt, ~~trespass~~ trespass, or 186
enter upon said sanctuary for any purpose whatsoever. Anyone so 187
doing shall become amenable to prosecution therefor under the game 188
laws of the state of Pennsylvania applicable to game refuges. 189

B. The conservation division of the department of agriculture 190
of the state of Ohio, having established a fish sanctuary and game 191
refuge in the following portion of the lake: 192

Being the southerly parts of lots Nos. 79 and 80, Richmond 193
township; all of lot No. 41, and all of lot No. 42, except the 194
westerly 1000 feet thereof, in Andover township, Ashtabula county, 195
Ohio: 196

Beginning at a point in the west line of lot No. 79, that is 197
1523 feet south of the north line of lot No. 79; also being the 198
center line of Padanaram road; thence southerly along the county 199
highway along the westerly side of lot No. 79, 1869.5 feet to the 200
north line of Andover township; thence westerly along the 201
northerly line of Andover township, 939.7 feet to the northwest 202
corner of lot No. 41; thence southerly along the highway that 203
marks the westerly line of lot No. 41, 2809.8 feet to the north 204
line of lot No. 42; thence easterly along the north line of lot 205
No. 42, 1000 feet to a point; thence in a southerly direction 206
parallel to and 1000 feet easterly from the westerly line of lot 207

No. 42, 2734 feet, more or less, to the southerly line of lot No. 208
42; thence easterly along the said southerly line of lot No. 42, 209
5180.4 feet to the Ohio and Pennsylvania state line; thence 210
northerly along the said Ohio and Pennsylvania state line, 7297.6 211
feet, more or less, to a point that is 1523 feet southerly from 212
the north line of lot No. 80; thence in a westerly direction, 1523 213
feet southerly from and parallel to the north lines of lots Nos. 214
79 and 80, 5260 feet, more or less, to the place of beginning. 215

It is expressly agreed that nothing herein contained shall be 216
interpreted as entitling the residents of either state, whether 217
licensed to fish or otherwise, to fish in, hunt, trespass, or 218
enter upon said sanctuary for any purpose whatsoever. Anyone so 219
doing shall become amenable to prosecution therefor under the laws 220
of the state of Ohio applicable thereto. 221

9. Reservation of Pennsylvania's right to the body of the 222
water. It is expressly agreed that nothing herein contained shall 223
operate to deny, limit, or restrict the right of the water and 224
power resources board of Pennsylvania, or any authority 225
established hereafter by said state to exercise such power, to at 226
any time now or hereafter, raise or draw off so much of the waters 227
of the lake as in its sole judgment may be necessary to maintain 228
or regulate the flow of the Shenango and Beaver rivers in 229
furtherance of the primary purpose for which said lake was 230
established, and said water and power resources board shall, 231
without let or hindrance, have the full right irrespective of 232
other considerations, to release so much of the water as they may 233
deem proper to maintain the flow of the Shenango and Beaver 234
rivers, irrespective of its effect on the level of the lake or use 235
thereof for other purposes. 236

Section 2. That existing section 1541.31 of the Revised Code 237
is hereby repealed. 238