



**Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission  
Harrisburg, Pennsylvania**

**MINUTES**

**117th Meeting**

**Volume 67**

**HARRISBURG, PENNSYLVANIA  
JANUARY 21, 2016**

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Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission

Minutes

The 117<sup>th</sup> Meeting of the Pennsylvania Fish and Boat Commission was held on Wednesday and Thursday, January 20 and 21, 2016, at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110.

Commission committees met on January 20 beginning at approximately 9:10 a.m. and on January 21 beginning at approximately at 8:15 a.m. The public session for review of this agenda began at or about 9:45 a.m. on January 21.

**Call to Order**

The meeting was called to order by Commission President Edward P. Mascharka III and followed by the Pledge of Allegiance to the Flag.

**Roll Call**

**Members Present**

**Edward P. Mascharka III, President**

**Glade E. Squires, Vice-President**

**Rocco S. Ali**

**G. Warren Elliott**

**Eric C. Hussar**

**Steven M. Ketterer**

**Leonard L. Lichvar**

**William J. Sabatose**

**Members Not Present**

**Norman R. Gavlick**

**Review and Approval of Minutes from the September 29, 2015 Meeting**

A motion was made by Commissioner Squires and seconded by Commissioner Ali to approve the September 29, 2015 minutes as written. Motion carried.

### **Awards and Presentations**

The Commission's Resource First Award was presented to William A. Cornell and The Susquehanna River School. The Pride of the Susquehanna supports the many different agencies, businesses, organizations and people that are working hard to repair this beautiful river. The Susquehanna River is one of the longest and oldest rivers on the entire planet and is even older than the Appalachian Mountains that we know so well. It has been a source of commerce and industry since the arrival of European settlers in the 1600s. Centuries of use and poor care left their toll on this scenic waterway. By the early 20<sup>th</sup> century, the Susquehanna had a reputation for being a polluted waterway. The large runs of shad had disappeared with the creation of several dams along the river. Predatory birds, freshwater mammals and many species of fish began to slip away or disappear entirely. A concentrated effort was made to clean up the Susquehanna River. If you head out to the river during a warm June evening, you are bound to see millions of mayflies swarming the banks every night. The return of these species, and the creatures that feed on them, hints at a cleaner and safer river than in decades past. While the river is currently in better shape than it has been for the better part of a century, there are still many challenges facing the beautiful Susquehanna. The Harrisburg Area Riverboat Society supports these fine organizations that are working hard to improve the river for generations to come. It is with this award that the Commission recognizes William "Bill" Cornell and The Susquehanna River School that realize that great recreational fishing and boating rely on placing the Resource First.

The Fishing Creek Sportsmen's Association was recognized for their donation to "S.O.S. - Save Our Susquehanna!" Campaign. Many thanks to Vice-President Mike Zenzel, Treasurer John Cotter and the Fishing Creek Sportsmen's Association for their generous contribution of \$5,000 to the "S.O.S. - Save Our Susquehanna!" campaign. The Commission launched this campaign to save the river on June 2 by announcing that proceeds would be dedicated to funding water and soil conservation projects along the Susquehanna River whose young smallmouth bass population has been plagued over the last decade by illness and elevated mortality rates. The Association's donation has been deposited into a restricted revenue account where it will be used to fund projects that will help fix the river. It is critical that we focus our collective efforts on protecting this treasure. The Association's gift demonstrates a commitment to the conservation of this valuable natural resource and the Association's contributions to help save the river for this and future generations are commendable, and for that the Commission also thanks them.

A Lifesaving Award was presented to Christian Trayer. On September 16, 2015, Christian was recreating near the shores of the Conodoguinet Creek near the Cave Hill Dam, North Middleton Township, Cumberland County. Hearing a woman shouting for help, Christian entered the water and swam to the victim. Christian was able to use a rescue technique he had learned at a friend's pool to secure the victim, keeping her head above water and returned her to shore. Christian's lifesaving efforts that afternoon are to be commended. Had he not been present and acted quickly, there would have been a less favorable outcome. Because of Christian's bravery, it is a distinct pleasure for the Commission to present him a Lifesaving Award.

The "Wave of Excellence" Award was presented to Elizabeth "Liz" Ebeling, Administrative Officer, Bureau of Fisheries. In keeping with Executive Director Arway's interest in recognizing a job well done, the Commission implemented an employee recognition program entitled the "Wave of Excellence" Award program. The concept is for Commission employees to recognize

other Commission employees who have gone above and beyond the call of duty in performing their work or who have provided extraordinary customer service. Liz Ebeling is the eighth recipient to receive the “Wave of Excellence” Award or the “WE” Award. Liz was nominated by a fellow co-worker and the seventh recipient of the award, Katie Brashear. Liz is known to put “we” (the Commission) above “me.” As the winner of the “Wave of Excellence” Award, Liz will be permitted to keep the award for six months before passing it on.

With 2016 ushering in the Commission’s 150<sup>th</sup> anniversary, Colonel Corey Britcher presented Commissioners with Fish Commissioner badges commemorating this special occasion. Executive Director Arway was also presented with a special retro badge. In March of 1866, the state legislature established what we know today as the Fish and Boat Commission to protect the Commonwealth’s declining fish population. That role would soon change to also address water pollution and eventually boating safety. Over that last 150 years, the actual day-to-day job of being an officer has not changed much. Of course the technology and citizenry has, but the Commission’s officers are still the first line of defense for the aquatic resource and those that enjoy it. During that time, their name changed from Warden to Waterways Patrolman and finally to the current Waterways Conservation Officer. To honor those that came before us, as we continue to look and move forward, the Bureau of Law Enforcement has commemorated the agency’s 150<sup>th</sup> anniversary by commissioning a retro badge. Each officer will be issued a 150<sup>th</sup> year Fish Warden badge to be displayed when in uniform from now until December 31, 2016. At that time, the badge will no longer be authorized for wear. The hope is that wearing this badge will provide many opportunities to share the rich history of the agency with the public and other partner agencies.

At the conclusion of the award presentations, Commission President Mascharka presented Executive Director Arway with his years of service pin. Director Arway was recognized for his 35 years of Commonwealth service.

### **Executive Director’s Report**

The “October – December 2015 Quarterly Report” (Exhibit A) was provided to Commissioners.

### **Announcement of Executive Session**

Commissioner Mascharka announced that an executive session was held on January 20 at 8:00 a.m. and on January 21 at 7:45 a.m. to discuss personnel, real estate and litigation matters.

### **Reports of Commissioner Committees**

#### **Executive and Administrative (Commissioner Mascharka) –**

The Executive and Administrative Committee met on Wednesday, January 20, at approximately 9:10 a.m. and reconvened on Thursday, January 21, at approximately 9:05 a.m. Agenda items were discussed. Pat Berger provided an update on the Legislative Budget and Finance Committee audit. Michele Jacoby provided an engineering update, and Bernie Matscavage provided a license sales report. Judd Michael of Pennsylvania State University spoke about a Commission business plan.

**Boating (Commissioner Ketterer) –**

The Boating Committee met on Thursday, January 21, at approximately 8:35 a.m. Agenda items were discussed. Ryan Walt provided a report on 2015 boat accident statistics.

**Fisheries (Commissioner Squires) –**

The Fisheries Committee met on Wednesday, January 20, at approximately 1:35 p.m. Agenda items were discussed. A hatchery update provided by staff included the Reynoldsdale State Fish Hatchery and the Cooperative Nursery Unit. Jason Detar provided presentations on the U.S. Forest Service Good Neighbor Agreement for the Division of Fisheries Management Area 2 and on alternate crappie regulations at Foster Joseph Sayers Lake.

**Habitat and Environmental (Commissioner Hussar) –**

The Habitat and Environmental Committee met on Wednesday, January 20, at approximately 12:45 p.m. One agenda item was discussed. Ben Page provided an update on Glade Run and Speedwell Forge large scale lake habitat projects. Mark Hartle spoke about the Pennsylvania Department of Environmental Protection's Chapter 93 protection of Class A waters.

**Law Enforcement (Commissioner Ali) –**

The Law Enforcement Committee met on Thursday, January 21, at approximately 8:15 a.m. Updates were given on the Fish Kill hotline and the 21<sup>st</sup> Waterways Conservation Officer class.

The Committee also acted upon proposed revocations. The Committee revoked the fishing privileges of one individual for a period of five years.

**Legislation and Public Outreach (Commissioner Elliott) –**

The Legislation and Public Outreach Committee met on Wednesday, January 20, at approximately 10:10 a.m. A legislative update included a report on Growing Greener 3 given by Secretary John Hanger, Governor's Policy Office. Tim Schaeffer provided an update on the status of a license fee increase. Public outreach items included the Commission's upcoming 150<sup>th</sup> anniversary celebration, the kayak give-away, consolidation of the Summary Book, and female angler recruitment, retention and reactivation. The documentary entitled "Straight Talk: The Ralph Abele Story" was viewed.

**Public Comment to Commissioners and Staff**

There were no comments or questions from the public. Commissioner Elliott spoke of a recent news report concerning a local fatality due to ice fishing and emphasized the importance of safety while ice fishing. This was reiterated by Commission President Mascharka.

## EXECUTIVE AND ADMINISTRATIVE

### A. Easement Acquisition, Kraus Property, Fairview Township, Erie County.

#### Commentary:

Section 2907.2 of the Fish and Boat Code, 30 Pa. C.S. §2907.2, provides that the proceeds from the sale of the special Lake Erie fishing permits and \$6 of the fees for the combination trout/salmon/Lake Erie permits are to be deposited into a restricted account within the Fish Fund for five years and that this restricted account “shall be used to provide public fishing access or to protect or improve fish habitat on or at Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries.” The funds generated through this program are deposited into the Lake Erie restricted account where they are restricted now and into the future for their legislatively intended purposes. *Pennsylvania’s Fishing and Boating Access Strategy* ranks this watershed as the top priority for access improvement statewide.

The Commission has been offered an easement on 1,175 linear feet along Elk Creek as it flows across a parcel of property in Fairview Township, Erie County, for \$18,000. The easement will be for public fishing, boating, and riparian and fishery management and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. The easement area is located off of Elk Valley Road downstream of Fairview Township’s Struchen Flats property. A map depicting the subject parcel is attached as Exhibit B.

Elk Creek provides significant steelhead and trout fishing opportunities in the area. *Pennsylvania’s Fishing and Boating Access Strategy* indicates a need for more access on this section of Elk Creek. The Commission’s regional Law Enforcement and Fisheries staff have recommended that the easement be acquired.

The seller and the Commission have signed an option agreement that will allow staff to perform its due diligence. The Commission’s exercise of the option will be subject to meeting the due diligence and funding requirements. In addition, the seller has agreed to be responsible for all current applicable real estate and transfer taxes that are normally shared between the buyer and the seller. The Commission may, at its sole discretion, pay for the costs to obtain and record a subordination of lien for the property.

#### Briefer:

Scott W. Bollinger, Statewide Public Access Program Manager, Division of Public Access and Property Services

#### Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Elk Creek in Fairview Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

#### Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Elliott to authorize the acquisition of an easement along Elk Creek in Fairview Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.



B. Easement Acquisition, Cubitt Property, Fairview Township, Erie County.

Commentary:

Section 2907.2 of the Fish and Boat Code, 30 Pa. C.S. §2907.2, provides that the proceeds from the sale of the special Lake Erie fishing permits and \$6 of the fees for the combination trout/salmon/Lake Erie permits are to be deposited into a restricted account within the Fish Fund for five years and that this restricted account “shall be used to provide public fishing access or to protect or improve fish habitat on or at Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries.” The funds generated through this program are deposited into the Lake Erie restricted account where they are restricted now and into the future for their legislatively intended purposes. *Pennsylvania’s Fishing and Boating Access Strategy* ranks this watershed as the top priority for access improvement statewide.

The Commission has been offered an easement on 870 linear feet along Elk Creek as it flows across a parcel of property in Fairview Township, Erie County, for \$13,500. The easement will be for public fishing, boating, and riparian and fishery management and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. The easement area is located off of Elk Valley Road downstream of Fairview Township’s Struchen Flats property. A map depicting the subject parcel is attached as Exhibit C.

Elk Creek provides significant steelhead and trout fishing opportunities in the area. *Pennsylvania’s Fishing and Boating Access Strategy* indicates a need for more access on this section of Elk Creek. The Commission’s regional Law Enforcement and Fisheries staff have recommended that the easement be acquired.

The seller and the Commission have signed an option agreement that will allow staff to perform its due diligence. The Commission’s exercise of the option will be subject to meeting the due diligence and funding requirements. In addition, the seller has agreed to be responsible for all current applicable real estate and transfer taxes that are normally shared between the buyer and the seller. The Commission may, at its sole discretion, pay for the costs to obtain and record a subordination of lien for the property.

Briefer:

Scott W. Bollinger, Statewide Public Access Program Manager, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Elk Creek in Fairview Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Squires to authorize the acquisition of an easement along Elk Creek in Fairview Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

C. Easement Acquisition, Otteni Property, McKean Township, Erie County.

Commentary:

Section 2907.2 of the Fish and Boat Code, 30 Pa. C.S. §2907.2, provides that the proceeds from the sale of the special Lake Erie fishing permits and \$6 of the fees for the combination trout/salmon/Lake Erie permits are to be deposited into a restricted account within the Fish Fund for five years and that this restricted account “shall be used to provide public fishing access or to protect or improve fish habitat on or at Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries.” The funds generated through this program are deposited into the Lake Erie restricted account where they are restricted now and into the future for their legislatively intended purposes. *Pennsylvania’s Fishing and Boating Access Strategy* ranks this watershed as the top priority for access improvement statewide.

The Commission has been offered an easement on 410 linear feet along Elk Creek as it flows across a parcel of property in McKean Township, Erie County, for \$5,500. The easement will be for public fishing, boating, and riparian and fishery management and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. The easement area is located off of Rick Road upstream from the Commission’s Rick Road Access. A map depicting the subject parcels is attached as Exhibit D.

Elk Creek provides significant steelhead and trout fishing opportunities in the area. *Pennsylvania’s Fishing and Boating Access Strategy* indicates a need for more access on this section of Elk Creek. The Commission’s regional Law Enforcement and Fisheries staff have recommended that the easement be acquired.

The seller and the Commission have signed an option agreement that will allow staff to perform its due diligence. The Commission’s exercise of the option will be subject to meeting the due diligence and funding requirements. In addition, the seller has agreed to be responsible for all current applicable real estate and transfer taxes that are normally shared between the buyer and the seller. The Commission may, at its sole discretion, pay for the costs to obtain and record a subordination of lien for the property.

Briefer:

Scott W. Bollinger, Statewide Public Access Program Manager, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Elk Creek in McKean Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Ali to authorize the acquisition of an easement along Elk Creek in McKean Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

D. Kozlowski Property Acquisition, McKean Township, Erie County.

Commentary:

Section 2907.2 of the Fish and Boat Code, 30 Pa. C.S. §2907.2, provides that the proceeds from the sale of the special Lake Erie fishing permits and \$6 of the fees for the combination trout/salmon/Lake Erie permits are to be deposited into a restricted account within the Fish Fund for five years and that this restricted account “shall be used to provide public fishing access or to protect or improve fish habitat on or at Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries.” The funds generated through this program are deposited into the Lake Erie restricted account where they are restricted now and into the future for their legislatively intended purposes. *Pennsylvania’s Fishing and Boating Access Strategy* ranks this watershed as the top priority for access improvement statewide.

The Commission has been offered fee title to +/- 8.04 acres of land owned by John Kozlowski and having frontage on Elk Creek in McKean Township, Erie County, for \$100,000. The property provides access to approximately 1,600 linear feet of frontage on Elk Creek. The property is located immediately west of Interstate 79 at the end of Skinner Road near McKean. A map depicting the subject parcel is attached as Exhibit E.

Elk Creek provides significant steelhead and trout fishing opportunities in the area. The Commission’s Regional Law Enforcement and Fisheries staff have recommended that the site be acquired.

The seller and the Commission have signed an option agreement that will allow staff to perform its due diligence. The Commission’s exercise of the option will be subject to meeting the due diligence and funding requirements. In addition, the seller has agreed to be responsible for all current applicable real estate and transfer taxes that are normally shared between the buyer and seller.

Briefer:

Scott W. Bollinger, Statewide Public Access Program Manager, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of the +/- 8.04 acres of land in McKean Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Mascharka to authorize the acquisition of the +/- 8.04 acres of land in McKean Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

E. Flowage Easement Acquisitions, Glade Run Lake, Middlesex Township, Butler County.

Commentary:

The Commission owns a +/-144-acre tract of land in Middlesex Township, Butler County, which contains Glade Run Lake, a +/-52-acre lake. Additionally, the Commission owns one flowage easement totaling +/-2.3 acres. A flowage easement is the right to periodically flow water on and flood and inundate an area without liability for damages resulting from such action.

Glade Run Lake Dam is classified as a high hazard, unsafe dam by the Pennsylvania Department of Environmental Protection (DEP). The lake was drained in June 2011 due to unacceptable levels of erosion caused by uncontrolled seepage at the downstream toe of the dam. Design for the rehabilitation of the dam is complete, and construction began in October 2015. When the dam was originally constructed, the Commission acquired property and flowage easements to meet the design and regulatory standards in place at that time. Due to changes in regulatory standards, the Commission is now required to obtain flowage easements to meet the current design storm elevations.

The DEP's current method for dam and storm event analysis indicates that the proposed dam rehabilitation project will increase the maximum water elevation by approximately 5.3 feet. Thus, there will be an area between the originally purchased easement boundary and the new design flood elevation that may be inundated. This area will need to be acquired as flowage easements. The areas are expected to have minimal value. The Commission will pay the estimated fair market value of the rights or accept donations if offered. The flowage easement areas are estimated to be approximately 12 acres and will include approximately nine parcels, as identified on Exhibit F. The exact acreage and number of affected properties will be determined by document research and property surveys.

Staff will pursue the acquisition of the new easement areas in an amicable manner and only utilize the Commonwealth's power of eminent domain as a last resort. Additionally, staff will adhere to the Commission's standard practices for acquiring property including meeting due diligence and funding requirements.

Briefer:

Mark H. Mitchell, P.L.S., Chief, Property Services Section, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of the flowage easements described in the Commentary.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Hussar to authorize the acquisition of the flowage easements described in the Commentary. Motion carried.

## **BOATING FINAL RULEMAKING**

### A. Amendment to Section 53.8 (Boats).

#### Commentary:

Earlier this year, the Commission was contacted by numerous boaters and an outfitter regarding its regulation at section 53.8 that prohibits the use of single-chambered inflatable boats on its lakes. The Department of Conservation and Natural Resources has a similar regulation that prohibits the use of these boats on state park lakes. These regulations were promulgated prior to the manufacture and widespread availability of high-quality, durable inflatable canoes, kayaks and stand-up paddleboards.

The use of other inflatable devices is addressed in other sections of Chapter 53 as well. Section 53.16(c) prohibits launching or retrieving swimming aids such as inner tubes from Commission-owned or –controlled access areas. Float tubes on Commission-owned or –controlled lakes are addressed in section 53.19. Specifically, they must have a secondary bladder for additional emergency flotation and the user must wear a Coast Guard approved personal flotation device.

Thirty-three states responded to a survey administered by the National Association of State Boating Law Administrators (NASBLA) regarding special regulations relating to the use of inflatable boats. One of the respondents indicated that single-chambered air-inflated devices do not meet that state’s definition of vessel. Another respondent indicated that single-chambered inflatable vessels are prohibited from use statewide. There were no other responses regarding special regulations for recreational use of single-chambered inflatable boats. Additionally, NASBLA does not have a model act regarding inflatable vessels. Therefore, states may deal with specific issues as they see fit.

A review of Pennsylvania’s recreational boating accident statistics reveals that there are no reportable accidents regarding loss of inflation for any incidents involving inflatable boats since 1985. With the recent advent of high-quality, durable inflatable boats with less than two separate buoyancy chambers, such as inflatable standup paddleboards, staff believe that the current regulation is overly restrictive and may be eliminated. The Commission therefore proposed that §53.8 be amended to remove the requirement.

A notice of proposed rulemaking containing the proposed amendment was published at 45 Pa. B. 6689 (November 21, 2015) (Exhibit G). The Commission did not receive any public comments regarding the proposed change.

#### Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, this amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Squires to adopt the amendment as set forth in the notice of proposed rulemaking. This amendment will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

B. Amendment to Section 105.4 (Overloading and Improper Loading).

Commentary:

Staff wish to clarify the Commission's regulations relating to overloading and improper loading by adopting language recommended by the National Association of State Boating Law Administrators Model Act for Maximum Loading and Horsepower Capacity Compliance. The model act prohibits the operation of certain recreational vessels when those vessels exceed their loading or powering capacities or exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the Code of Federal Regulations. The Commission therefore proposed changes to §105.4.

A notice of proposed rulemaking containing the proposed amendments was published at 45 Pa. B. 6689 (November 21, 2015) (Exhibit G). The Commission did not receive any public comments regarding the proposed change.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Hussar to adopt the amendments as set forth in the notice of proposed rulemaking. These amendments will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

C. Amendment to Section 111.40 (Luzerne County).

Commentary:

Lily Lake is a 160-acre impoundment situated on a 376-acre parcel owned by the Commission in southeastern Luzerne County. The Commission acquired Lily Lake in 1968. When the Commission initially acquired Lily Lake, there was controversy over what uses of the lake should be allowed. Cottage owners insisted on water skiing and high-speed motorboat operation. Staff were opposed to high-powered motorboat activity on the lake primarily because of the size of the lake (approximately 90 acres of boatable water) and concern that allowing water skiing and internal combustion motors would create a safety hazard. The Lily Lake Property Owners' Association retained legal counsel and sent the Commission a letter on June 29, 1970 detailing its request for a 60 horsepower limitation and other proposals. However, before negotiations with the property owners concluded, the Commission adopted regulations at its May 3, 1971 meeting prohibiting internal combustion engines on Commission lakes. The minutes from that meeting state that "the regulations adopted for all wholly owned Fish Commission lakes [are to] be applied to Lily Lake." The property owners association again submitted a proposal in 1972 that they believed would allow for compatible, multiple uses of boats for fishing and other activities, including water skiing.

On April 6, 1973, the Commission's Executive Director provided a report on the situation to the Commissioners and referred the matter to the Boating Advisory Board (BAB) for study. On May 16, 1973, members of the BAB met with the property owners association to develop a consensus proposal. As a result, they mutually agreed to a high-speed operating zone where all ski operations would occur and that would be buoyed by the Commission. The high-speed operating zone was proposed as being 2,000 feet long and 650 feet wide and approximately 75 feet from the northern shore which was uninhabited.

In addition, the property owners association proposed a limit of 60 horsepower and maximum of 18 feet in length for all boats on the lake, as initially recommended by their attorney in 1970. The rationale provided at the time was "the 60 HP limitation will make it unattractive to the hard core water skier but would still permit the several cottage owners who own 60 HP boats now to continue to use them." Also expressed was a concern of attracting a large number of boats from outside the area, but it was believed that the horsepower limitation would minimize that.

During discussion of the consensus proposal at a BAB meeting on August 20, 1973, a Commissioner noted that the main reason for the Commission's allowing the use of only electric motors on its lakes was to "prevent noise and pollution." He further stated that since these elements were already present on Lily Lake when the Commission acquired it in 1968, this rationale had to be discounted at this lake.

The consensus proposal was advanced from the BAB to the Commission, and upon approval at its October 20, 1973 meeting, the Commission published a notice of proposed rulemaking on December 15, 1973 to prohibit the use of boats with greater than 60 horsepower engines or greater than 18 feet in length on Lily Lake. Additionally, boats



were limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset from the Saturday preceding Memorial Day to September 30. No public comments were received. The regulation went into effect upon publication in the *Pennsylvania Bulletin* on January 26, 1974.

The regulations for Lily Lake have seen minor amendments since 1973; however, there have been no changes to the horsepower or boat length limitations since their adoption. The current Permit to Install Floating Structures and Private Aids to Navigation indicates the high-speed zone as 1,500 feet by 600 feet, mid-lake along the opposite shoreline from the boat launch and homes.

The Commission maintains a surfaced launch ramp and parking at Lily Lake that can accommodate 18 vehicle-trailer combinations and more than 25 cars. To date, there are no reportable recreational boating accidents recorded for Lily Lake.

On May 18, 2015, Commission representatives met with members of the Lily Lake Property Owners' Association. The purpose of the meeting was to discuss a request from the property owners association to increase the maximum allowable horsepower to 90 and boat length to 25 feet.

The Commission owns four lakes with horsepower or speed restrictions and the Pennsylvania Department of Conservation and Natural Resources owns ten. A comparison of lake acreage to horsepower or mile-per-hour restrictions on these lakes indicates that Lily Lake is currently the second smallest lake but has the highest horsepower allowance. (See chart below.)

Pymatuning Reservoir	Crawford	DCNR	17,088	20 hp
Lake Arthur	Butler	DCNR	3,225	20 hp
Foster Joseph Sayers Lake	Centre	DCNR	1,730	45 mph
Lake Wilhelm	Mercer	DCNR	1,680	20 hp
Glendale Lake	Cambria	DCNR	1,635	20 hp
East Branch Clarion River Lake	Elk	DCNR	1,554	45 mph
Nockamixon Lake	Bucks	DCNR	1,450	20 hp
Lake Marburg	York	DCNR	1,275	20 hp
Beltzville Lake	Carbon	DCNR	949	45 mph
Yellow Creek Lake	Indiana	DCNR	720	20 hp
Harveys Lake	Luzerne	PFBC	658	45 mph
Lake Canadohta	Crawford	PFBC	169	10 hp
Lily Lake	Luzerne	PFBC	160	60 hp
Sugar Lake	Crawford	PFBC	90	6 hp

The Commission's local law enforcement staff recommended a change to allow boats up to 20 feet in length but that we maintain the horsepower limitation at 60 due to the small size of the impoundment. Boat registration records reveal that such an increase in length will potentially allow for an additional 1,672 actively registered motorboats in Luzerne and the seven surrounding counties to operate on Lily Lake. It is predicted that the increased length allowance will enhance boating opportunities for the lake residents and northeast region without having a significant impact on user conflicts or safety on this

small impoundment. The Commission therefore proposed a change to §111.40 to prohibit boats greater than 20 feet in length instead of the current 18 feet.

A notice of proposed rulemaking containing the proposed amendment was published at 45 Pa. B. 6689 (November 21, 2015) (Exhibit G). The Commission did not receive any public comments regarding the proposed change.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, this amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Lichvar and seconded by Commissioner Squires to adopt the amendment as set forth in the notice of proposed rulemaking. This amendment will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

## OTHER MATTERS

D. Additional Grant to Wildlands Conservancy, Lehigh River Access Area Development, Northampton and Lehigh Counties.

Commentary:

At the January 2012 meeting, the Commission approved a grant in the amount of \$270,000 to the Wildlands Conservancy to rehabilitate and construct two boat launch facilities listed as access sites on the Lehigh River Water Trail map and to install new signage along the entire length of the Lehigh River Water Trail. The sites are known as the Walnutport Access in Walnutport, Northampton County, and the Treichler's Bridge Access in North Whitehall Township, Lehigh County.

The total estimated cost of the project was \$333,324. The \$270,000 grant from the Commission came from a settlement of natural resources damages stemming from the release of hazardous substances at the Palmerton Zinc Pile Superfund Site in Carbon County. In addition, the Conservancy received funding from the Department of Conservation and Natural Resources, and Walnutport Borough and Lehigh County each agreed to provide funding towards the project.

After receiving approval of the final engineering drawings for the access sites, the Conservancy released the projects for bid. Upon receiving the bids in July 2015, the Conservancy found that its lowest bids exceeded the amount of its funding. The Conservancy therefore has requested additional funding from the Commission in the amount of \$80,000 in order to complete the boat launch facilities.

Staff are presenting the request for an additional \$80,000 in funding to the Commission for approval. Staff have reviewed the bids and have found them to be in order. The project cannot be scaled back without having an undesirable impact on the project as a whole. The additional funding will come from the settlement of natural resource damages at the Superfund Site.

Improvements to existing access areas on the Lehigh River were included in the preferred alternative in the restoration plan finalized by the Palmerton Trustee Council, the seven-agency group of state and federal natural resource trustees formed to ensure coordination and cooperation in addressing natural resource damage and restoration concerns and responsibilities arising from the Superfund Site. In addition, the Pennsylvania Fishing and Boating Access Strategy indicates a need for more angler and boater access to the entire section of the Lehigh River in Lehigh and Northampton Counties. The Lehigh Watershed ranks sixth in priority out of the 52 watersheds evaluated in the Access Strategy.

Briefer:

Scott Bollinger, Statewide Public Access Program Manager, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission approve an additional grant in the amount of \$80,000 to the Wildlands Conservancy, as more fully described in the Commentary.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Ali to approve an additional grant in the amount of \$80,000 to the Wildlands Conservancy, as more fully described in the Commentary. Motion carried.

## **FISHERIES** **FINAL RULEMAKING**

A. Amendment to Section 65.24 (Miscellaneous Special Regulations): Opossum Lake (7B), Cumberland County.

Commentary:

Opossum Lake, a 59-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lower Frankford Township, Cumberland County, approximately six miles west-northwest of the Borough of Carlisle. This lake was completely dewatered in October 2008 to make dam and spillway repairs and modifications per dam safety standards of the Pennsylvania Department of Environmental Protection. Following completion of the dam and spillway repairs and modifications as well as construction of numerous habitat enhancement devices, the impoundment was refilled and the Commission resumed annual adult trout stocking during spring 2013 to provide angling opportunities for stocked trout. Additionally, the Commission began to re-establish a high quality warmwater and coolwater fishery through fingerling plants of select fish species beginning in summer 2013. This process was completed during fall 2015; however, additional fingerlings may be stocked as deemed necessary.

Immediately upon refilling of the lake, the Commission opened the lake to fishing under a miscellaneous special regulation that allowed for the harvest of trout under Commonwealth inland seasons, sizes, and creel limits but allowed catch-and-release fishing only for all other fish species. The Commission took this approach to allow a balanced fishery to develop under protective regulations while offering acceptable levels of recreational angling opportunities. This regulation will remain in effect until June 18, 2016.

Based on a recent staff assessment of the fish community, the fishery continues to develop; however, the fishery has not progressed to levels where staff believe that regulations should be relaxed at this time. Therefore, the Commission proposed that the current miscellaneous special regulation be extended until such time as deemed appropriate for its removal. Staff plan to monitor the fishery biennially. Once the warmwater fishery has been re-established, staff will recommend that the lake be removed from the miscellaneous special regulation and included in one of the Commission's existing warmwater regulation programs.

A notice of proposed rulemaking containing the proposed amendment was published at 45 Pa. B. 6695 (November 21, 2015) (Exhibit H). The Commission received one public comment opposing the proposed change. Copies of all public comments were provided to the Commissioners.

Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect on June 19, 2016.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Hussar to adopt the amendment as set forth in the notice of proposed rulemaking. The amendment will go into effect on June 19, 2016. Motion carried.

B. Amendment to Section 65.24 (Miscellaneous Special Regulations): Leaser Lake (3B), Lehigh County.

Commentary:

Leaser Lake, a 117-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lynn Township, Lehigh County, approximately 20 miles west-northwest of the City of Allentown. The dam impounds an unnamed tributary to Ontelaunee Creek. This lake was completely dewatered in 2008-2009 to make dam and spillway repairs and modifications per dam safety standards of the Pennsylvania Department of Environmental Protection. Following completion of the dam and spillway repairs and modifications as well as construction of numerous habitat enhancement devices, the impoundment was nearly refilled by spring 2013, then partially drained by 20 feet in late summer 2014 for additional repairs and fully refilled in 2015. The Commission resumed annual adult trout stocking during spring 2013 to provide angling opportunities for stocked trout. Additionally, the Commission began to re-establish a high quality warmwater and coolwater fishery through fingerling plants of select fish species beginning in 2013. This process remains on-going albeit with some cancellations, such as Walleye fingerlings, required in 2014 due to the partial drawdown.

Immediately upon refilling of the lake, the Commission opened the lake to fishing under a miscellaneous special regulation that allowed for the harvest of trout under Commonwealth inland seasons, sizes, and creel limits but allowed catch and release fishing only for all other fish species. The Commission took this approach to permit balanced fish populations to develop under protective regulations while offering acceptable levels of recreational angling opportunities. This regulation will remain in effect until June 18, 2016.

Based on the stocking delay that occurred due to the 2014 partial drawdown, a recent fisheries management assessment of the fish community and information from staff and anglers regarding their catches, the growth and abundances of warmwater and coolwater fish populations have not progressed to levels where staff believe that regulations should be relaxed at this time. Therefore, the Commission proposed that the current miscellaneous special regulation be extended until such time as deemed appropriate for its removal. Staff plan to monitor the fishery biennially. Once the warmwater and coolwater fish populations have been re-established, staff will recommend that the lake be removed from the miscellaneous special regulation and included in one of the Commission's existing warmwater regulation programs.

A notice of proposed rulemaking containing the proposed amendment was published at 45 Pa. B. 6695 (November 21, 2015) (Exhibit H). The Commission received one public comment opposing the proposed change. Copies of all public comments were provided to the Commissioners.

Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect on June 19, 2016.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Ali to adopt the amendment as set forth in the notice of proposed rulemaking. The amendment will go into effect on June 19, 2016. Motion carried.

## DESIGNATIONS

### C. Designation of Upper Kettle Creek Basin as Catch and Release All-Tackle under Section 65.15.

#### Commentary:

The upper Kettle Creek basin was managed under the Wild Brook Trout Enhancement Program through July 2015. As part of evaluating the wild Brook Trout enhancement regulations, staff monitored 16 treatment and seven control streams (statewide regulations) throughout Pennsylvania. The goal of the evaluation was to assess the Wild Brook Trout Enhancement Program as a whole to determine its efficacy. Results of the program evaluation indicated that the regulation was not effective at increasing the number of adult ( $\geq 4$  inches) or legal size ( $\geq 7$  inches) wild Brook Trout. As a result, staff recommended that the wild Brook Trout enhancement regulations be eliminated, and the Board approved this action at the July 2015 Commission meeting. Staff also indicated that a subset of the streams managed under the wild Brook Trout enhancement regulations might be moved to another existing special regulation if the data supported this management change.

During the review of the Wild Brook Trout Enhancement Program, staff noted that the upper Kettle Creek basin streams seemed to respond differently than the other streams included in the study. Staff worked with the Pennsylvania Cooperative Fish and Wildlife Research Unit to analyze the data on an individual stream basis to determine if this was the case. Results indicated that five of the seven sample sites located on upper Kettle Creek and four of its tributaries had a significant increase in the number of legal-size Brook Trout. These were the only streams managed under the wild Brook Trout enhancement regulations that showed a significant increase. The upper Kettle Creek watershed is the largest stronghold for Brook Trout in Pennsylvania, is a destination fishery for anglers, and was the largest system included in the study. These factors may help to explain why this system responded differently than the other waters in the program.

Based on the final data review and the ecological importance of the upper Kettle Creek watershed, staff recommend that the upper Kettle Creek basin from the headwaters of Kettle Creek downstream to the confluence with Long Run, including Long Run and all tributaries upstream to the headwaters, be designated as catch and release all-tackle under 58 Pa. Code § 65.15. Staff plan to continue monitoring the wild Brook Trout populations in this watershed.

A notice of proposed designation was published at 45 Pa. B. 7072 (December 12, 2015) (Exhibit I). The Commission received a total of 12 public comments regarding the proposed designation – four prior to and eight during the formal comment period. Eight of the comments support the proposal; two prefer catch and release artificial lures only; one prefers catch and release fly-fishing only; and one supports single barbless hooks. Copies of all public comments were provided to the Commissioners.

In addition, a meeting was held at Sinnemahoning State Park on November 18, 2015. Ten members of the public attended. None voiced opposition to the proposal.

Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission approve the designation of the upper Kettle Creek basin from the headwaters of Kettle Creek downstream to the confluence with Long Run, including Long Run and all tributaries upstream to the headwaters, as catch and release all-tackle under 58 Pa. Code § 65.15 as described in the Commentary. If approved, the designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Hussar to approve the designation of the upper Kettle Creek basin from the headwaters of Kettle Creek downstream to the confluence with Long Run, including Long Run and all tributaries upstream to the headwaters, as catch and release all-tackle under 58 Pa. Code § 65.15 as described in the Commentary. The designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.



D. Designation of Lake Winola (Wyoming County) as Stocked Trout Water Open to Year-round Fishing under Section 65.19.

Commentary:

Lake Winola is a 197-acre natural lake located in Overfield Township, Wyoming County. The Commission maintains a boat access at the lake and has stocked it with adult hatchery trout for many years. In addition to hatchery trout, Lake Winola supports very popular fisheries for Bluegill and Yellow Perch. Currently, Lake Winola is managed as a Stocked Trout Water and as such is closed to all fishing from March 1 to the opening day of trout season.

Approximately a dozen anglers contacted fisheries management staff this past winter to request placing Lake Winola in the Stocked Trout Waters Open to Year-round Fishing Program. These anglers want to enjoy ice fishing for panfish during the traditionally closed period between March 1 and the opening day of trout season. Fisheries management and law enforcement staff are in favor of this proposal because it provides more angling opportunities for this popular fishery.

A notice of proposed designation was published at 45 Pa. B. 7072 (December 12, 2015) (Exhibit D). The Commission did not receive any public comments regarding the proposed designation.

Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission approve the designation of Lake Winola, Wyoming County, as a stocked trout water open to year-round fishing under 58 Pa. Code § 65.19 as described in the Commentary. If approved, the designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Ali to approve the designation of Lake Winola, Wyoming County, as a stocked trout water open to year-round fishing under 58 Pa. Code § 65.19 as described in the Commentary. The designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.

## E. Classification of Wild Trout Streams: Proposed Additions, Revisions and Removals.

### Commentary:

The Department of Environmental Protection's regulations at 25 Pa. Code §105.1 define the term "wild trout stream" as "a stream identified as supporting naturally reproducing trout populations by the Fish and Boat Commission under 58 Pa. Code §57.11 (relating to listing of wild trout streams)." This term has regulatory significance because wetlands that are located in or along the floodplain of the reach of a wild trout stream and the floodplain of streams tributary thereto are considered "exceptional value" and are thus entitled to the highest level of protection.

The Commission adopted a statement of policy at 58 Pa. Code § 57.11 that sets forth the basis for the classification of streams supporting the natural reproduction of trout. Under § 57.11, it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how the stream is managed. The statement of policy provides that the Commission's Fisheries Management Division will maintain the list of wild trout streams and that the Executive Director, with approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin* and solicit public comments.

Staff recommend the addition of 99 new waters to the Commission's list of wild trout streams, revisions to the section limits of three waters, and the removal of one water from the list. These changes are the result of recent surveys conducted on these waters. Exhibit J provides information on the locations and a data summary for each of these waters. Surveying unassessed waters and documenting wild trout populations are consistent with the Commission's Strategic Plan for Management of Trout Fisheries in Pennsylvania, the statewide Strategic Plan and the agency's Resource First philosophy.

A notice of proposed designations was published at 45 Pa. B. 6643 (November 14, 2015) (Exhibit K). The Commission received a total of 49 public comments – 24 support all of the proposed designations, and 25 support the designation of specific waters. Copies of all public comments were provided to the Commissioners.

### Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

### Recommendation:

Staff recommend that the Commission add 99 new waters to the Commission's list of wild trout streams, revise the section limits of three waters and remove one water from the list as set forth in the notice of proposed designations. If approved, these additions, revisions and removal will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

### Action:

A motion was made by Commissioner Lichvar and seconded by Commissioner Ali to add 99 new waters to the Commission's list of wild trout streams, revise the section limits of three waters and remove one water from the list as set forth in the notice of proposed designations. These additions, revisions and removal will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.

F. Proposed Additions to List of Class A Wild Trout Streams.

Commentary:

Pursuant to 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout populations. Criteria developed for Class A Wild Trout populations are species specific. Wild Trout Biomass Class Criteria include provisions for wild Brook Trout, wild Brown Trout, mixed wild Brook and Brown Trout, wild Rainbow Trout, mixed wild Brook and Rainbow Trout and mixed wild Brown and Rainbow Trout populations.

Staff recommend the addition of 37 stream sections to the Commission's list of Class A wild trout streams. These changes are the result of recent surveys conducted on these waters. Exhibit L provides information on the locations and a data summary for each of these waters.

A notice of proposed designation was published at 45 Pa. B. 6647 (November 14, 2015) (Exhibit M). This proposal includes 38 stream sections. The Commission received a total of 29 public comments – 25 support all of the proposed designations, and four support the designation of specific waters. Copies of all public comments were provided to the Commissioners.

After the notice of proposed designation was published in the *Pennsylvania Bulletin*, staff became aware that the West Decatur Sportsman's Club is concerned about the potential effect of the Class A designation on a children's derby that is held annually on Laurel Run in Clearfield County. As a result, staff recommend that the Commission defer consideration of the designation of Laurel Run, Clearfield County, at this time. Staff plan to meet with representatives of the club in the near future to discuss their concerns and then address the Laurel Run Class A designation at the March 2016 Commission meeting.

Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission add 37 stream sections to its Class A wild trout streams list as set forth in the notice of proposed designations and defer action on Laurel Run, Clearfield County, until the March 2016 meeting. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Ali to add 37 stream sections to its Class A wild trout streams list as set forth in the notice of proposed designations and defer action on Laurel Run, Clearfield County, until the March 2016 meeting. These additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.

## OTHER MATTERS

### G. Proposal to Continue Stocking Class A Wild Trout Streams under Section 57.8a.

#### Commentary:

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout fisheries. The policy provides that with rare exceptions, these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking. However, there may be circumstances that justify stocking a Class A wild trout stream. Prior to granting permission to stock a Class A wild trout stream under § 71.4 (relating to stocking of designated waters), the Executive Director will obtain the approval of the Commission.

In a separate agenda item, staff recommend the addition of 38 stream sections to the Commission's Class A wild trout streams list. Among these waters are Fishing Creek, Section 14, in Clinton County, and Kishacoquillas Creek, Section 5, in Mifflin County. Both of these waters were stocked in 2014. Both stream sections support high levels of angler use for the stocked trout component of the fishery, falling into the top 93<sup>rd</sup> (Fishing Creek) and 96<sup>th</sup> (Kishacoquillas Creek) percentile of angler use for all the stocked stream sections that have been evaluated by Commission staff statewide. Neither of these stream sections meets the criteria for a Class A wild Brook Trout, a Class A mixed wild Brook and Brown Trout or a Class A mixed wild Brook and Rainbow Trout stream.

If the Commission adds these two waters to its Class A wild trout streams list, staff recommend the continued stocking of both sections.

#### Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

#### Recommendation:

If the Commission adds Fishing Creek, Section 14, and Kishacoquillas Creek, Section 5, to its list of Class A wild trout streams in the agenda item under Fisheries F., staff recommend their continued stocking with hatchery trout due to their high current angler use levels while also maintaining high biomass Class A wild trout fisheries.

#### Action:

A motion was made by Commissioner Squires and seconded by Commissioner Sabatose to approve the continued stocking of Fishing Creek, Section 14, and Kishacoquillas Creek, Section 5, with hatchery trout due to their high current angler use levels while also maintaining high biomass Class A wild trout fisheries. Motion carried.

## H. Adoption of the Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2016 - 2017.

### Commentary:

Throughout 2015, the Commission worked to develop a new trout management plan to guide trout management from 2016 – 2017. The new plan was developed based on input provided by a work group that consisted of Commission staff, anglers affiliated with a variety of sportsmen’s organizations, and independent trout anglers who are not affiliated with an organized group.

Some of the key issues addressed in the plan include:

- the prioritized sampling of unassessed waters
- protection of Class A wild trout waters
- stocked trout efficiency
- managing waters through fingerling stocking
- in-stream flow and habitat protection and improvement
- public access to trout waters; and
- the Lake Erie steelhead and brown trout stocking program

Staff presented the draft plan to the Fisheries Committee on November 24, 2015 at a meeting in Erie. Staff subsequently made edits to the plan as requested by the Fisheries Committee at that meeting and then placed the draft plan on the Commission’s website for a 30-day public comment period.

The Commission received 75 public comments covering a range of topics. The Commission received 25 comments in support of the plan. The Commission also received 18 comments objecting to the posting of cooperative nursery stocking schedules on the Commission’s website (14 comments from southeast Pennsylvania). The remaining 32 comments have the following common themes: more emphasis on wild trout waters; more emphasis on developing tailwaters; opposition to the Keystone Select Stocked Trout Waters Program; the designation of more special regulation areas; and the stocking of more trout in streams and fewer in lakes. Copies of all public comments were provided to the Commissioners.

Upon reviewing the comments, staff propose a number of changes to the draft plan. These edits are shown in Exhibit N.

### Briefer:

Jason Detar, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission adopt the Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2016 – 2017 as set forth in Exhibit N.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Hussar to adopt the Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2016 – 2017 as set forth in Exhibit N. Motion carried.

## **HABITAT AND ENVIRONMENTAL**

### **A. Statewide Habitat Improvement and Fisheries Management Grant Program.**

#### Commentary:

Over the years the Commission has established a number of grant programs based on funding from various internal and external funding sources. Funding from these sources is typically placed in restricted revenue accounts because the use of the funds is usually tied to specific requirements in agreements or the law as to how the funds may be used. Most often, the use of these funds is directed to recompense the loss or damage of a specific natural resource or regional area so their use is narrow in focus. Among these funding sources are revenues from the sale of the Lake Erie permit; settlement agreements for natural resource damages associated with pollution cases; pass-through grants from Federal and other partners; voluntary mitigation for water withdrawals; environmental mitigation for permitting development projects; and settlement agreements associated with the relicensing of hydropower projects. Establishment of these grant programs has included case-specific requests to the Commission to authorize the Executive Director to approve individual grants for any projects not exceeding a set dollar amount. In recent years, this amount has been \$100,000 per project, per year. For grants exceeding \$100,000, separate Commission approval has been sought.

There are several new funding sources that may be utilized to support grants. These sources include funding in the amount of \$100,000 per year for habitat work and dam removals as a result of the relicensing of the Peach Bottom Atomic Power Station; another is funding in the amount of \$50,000 per year for dam removals as a result of the relicensing of the Muddy Run Pumped Storage Project. Both funding sources must be used to fund projects in the lower Susquehanna River basin in York and Lancaster Counties. There are additional funds that could be used in the near future to fund grants, such as the Dunkard Creek pollution settlement. There will surely be additional funds available from a variety of sources in the future.

For increased efficiency as well as consistency in the use of these varied funding sources, staff are recommending that the Commission authorize the Executive Director to approve a new grant program entitled the Statewide Habitat Improvement and Fisheries Management Grant Program. This new grant program will fund a variety of projects, regardless of the funding source. Potential projects include but are not limited to dam removals, habitat restoration, water quality improvement, stocking fish, translocating mussels, studies, educational and outreach efforts and other projects to protect, conserve and enhance the Commonwealth's aquatic resources. Limitations on how the funds may be spent will be set by the applicable agreement or law.

Similar statewide programs were established by the Commission at its October 2004 meeting for grants for fish passage and associated habitat restoration and at the October 2012 meeting for grants to develop public fishing and boating access to the Commonwealth's waterways. This approach has proven to be an effective, streamlined process to properly disburse these funds for their narrow, intended purposes.

Briefer:

Mark A. Hartle, Chief, Division of Environmental Services

Recommendation:

Staff recommend that the Commission approve the Statewide Habitat Improvement and Fisheries Management Grant Program and authorize the Executive Director to award individual grants in the amount of \$100,000 or less per grantee per project per year, utilizing the various funding sources identified in the Commentary. For grants exceeding \$100,000, staff will seek separate Commission approval.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Ali to approve the Statewide Habitat Improvement and Fisheries Management Grant Program and authorize the Executive Director to award individual grants in the amount of \$100,000 or less per grantee per project per year, utilizing the various funding sources identified in the Commentary. For grants exceeding \$100,000, staff will seek separate Commission approval. Motion carried.



### **Other New Business**

A motion was made by Commissioner Sabatose and seconded by Commissioner Squires that the Board ask Executive Director Arway to direct staff to investigate all feasible alternatives to the existing Trophy Trout Artificial Lures Only regulations in place on Saucon Creek, Northampton County, and report its findings to the Board at a future Commission meeting. Commissioner Squires then made a motion to amend the motion, which Commissioner Ali seconded, to specify the section of Saucon Creek that flows through Saucon Park and to specify the March 2016 Commission meeting. Motion to amend carried. Motion as amended carried.

Director Arway took the opportunity to remind everyone of the upcoming 150<sup>th</sup> anniversary celebration that will coincide with the March 30, 2016 Commission meeting. He said that he would like the public, including all anglers and boaters, to join the Commission in celebrating this special milestone in a variety of events to be held not only in Harrisburg but around the state throughout the year.

### **Time and Place of March 2016 Commission Meeting**

The next meeting will be held on March 30-31, 2016 in Harrisburg.

### **Adjournment**

A motion was made by Commissioner Sabatose and seconded by Commissioner Ali to adjourn the meeting at approximately 10:50 a.m. Motion carried.

*Guests*  
**PENNSYLVANIA FISH AND BOAT COMMISSION  
COMMISSION MEETING  
January 21, 2016  
HARRISBURG, PENNSYLVANIA**

NAME

ADDRESS  
& PHONE #

AFFILIATION

I WISH TO PROVIDE  
PUBLIC COMMENT  
(CHECK HERE!)

None



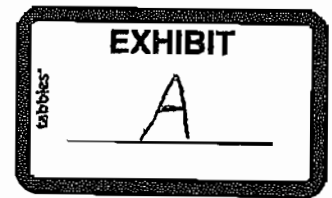
## PUBLIC NOTICES

### **SUNSHINE ACT MEETING NOTICES**

Thursday, January 7, 2016

If you need an accommodation due to a disability,  
please contact the ADA contact name listed below

PA Fish and Boat Commission Meetings: January 20, 2016, 8:00 AM.  
1601 Elmerton Ave., HBG. Add'l meeting scheduled at 8AM: 1/21/16.  
Contact Name: Teresa Erdman 705-7801



## October - December 2015 Quarterly Report

### Strategic Plan Implementation

The following updates include the major activities or accomplishments during the quarter that further the July 2014 – June 2017 PFBC Strategic Plan. The bulleted list does not include every detail about what is being done on a particular goal, just the highlights that help to track implementation.

If there is nothing listed for a particular goal, either there was nothing major to report during the quarter, or work has yet to commence on the goal.

Overall, please note that the quarterly report is intended to be a tracking tool for the strategic plan rather than an auditing tool.

### Funding

**Goal 1A: Implement a Spending Reallocation Plan within which the Commission does not spend more than it generates in revenue each fiscal year and maintains agency administrative and support services necessary to deliver programs and services.**

- A. Through June 2017, implement, review, and update the Spending Reallocation Plan (SRP) to reflect evolving fiscal realities.
- B. By July 2015, present updated SRP to the Board of Commissioners.
- C. Through June 2017, work with PFBC staff and partners to identify and implement projects using restricted revenue account funds to address settlement agreement conditions and PFBC priorities.

**Goal 1B: Increase revenues.**

- A. Through June 2017, implement operational decisions to increase revenues.
  - 1. Continue to grow Natural Gas and Water Access programs.
  - 2. By June 2017, develop, implement, and evaluate annual marketing campaign plans designed to increase license sales (and corresponding federal reimbursements) by 10% through the end of license year 2017.
  - 3. By July 2015, secure dedicated funding to support the water rescue program.
- B. Through June 2017, advocate for legislative solutions to maintain and increase revenues.
  - 1. Identify, develop, and advocate for state legislative opportunities to maintain and increase agency revenues.
    - o *Continued to work with legislators, legislative staff and outside partners to advance Senator Brewster's fishing license increase proposal, including a special Pennsylvania Legislative Sportsmen's Caucus briefing at the state capitol co-hosted by the Pennsylvania Federation of Sportsmen's Clubs and Trout Unlimited.*
    - o *Secured the commitment of Governor Wolf to a comprehensive, five-year remediation plan for the ten remaining high-hazard, unsafe dams that are managed by PFBC on behalf of the Commonwealth and commenced*

*implementation of the plan using Oil Company Franchise Tax (OCFT) revenues attributable to motorboat fuel pursuant to Act 89.*

- *Began working with partners from the Governor's Office, other agencies, and outside of government on the framework for a Growing Greener 3 initiative, including an analysis of infrastructure and operational categories that help support fishing, boating, and aquatic resources that would benefit from new Growing Greener funding.*
- 2. In cooperation with the Association of Fish and Wildlife Agencies (AFWA), advocate for federal legislation to maintain and increase agency revenues.
  - *The Sport Fish Restoration and Boating Trust Fund was reauthorized through 2020 as part of the Fixing America's Surface Transportation (FAST) Act passed by Congress and signed into law by President Obama on December 4.*
- C. Through June 2017, promulgate regulatory changes to increase revenues.
  - 1. By January 2015, require senior resident lifetime license holders to purchase a trout/salmon permit annually to fish for trout.

## **Conservation**

### **Goal 2: Protect, conserve, and enhance aquatic resources and habitats.**

- A. By January 2015 complete a revision to the *Strategic Plan for Management of Trout Fisheries in Pennsylvania* to include the following:
  - 1. Through June 2017, continue efforts to improve Pennsylvania's tailwater trout fisheries.
  - 2. Immediately begin implementation of recommendations from the stocked trout efficiency study.
  - 3. By December 2015, design an angler survey to provide a statewide assessment of angler use, angler catch, angler opinions, and an economic contribution of trout angling on trout stocked lakes in order to make informed decisions regarding future trout stocking allocations in lakes.
  - 4. By December 2015, complete evaluations of all current fingerling stocking efforts and provide recommendations for future implementation of the program.
- A. *Completed a draft of the revised Strategic Plan for Management of Trout Fisheries in Pennsylvania Fisheries and presented it to Commissioners and the public at a Fisheries Committee meeting held on November 24. A 30-day public comment period was open during December 2015. The final plan will be presented at the January 2016 Commission meeting for Commissioner approval.*
- B. *Finalized development of Keystone Select Stocked Trout Waters program.*
- B. Through June 2017, continue implementation of river management plans for the Delaware, Susquehanna, and Three Rivers systems.
  - 1. Efforts specific to all three river systems will include:
    - a. Maintenance of long-term adult and young-of-year Smallmouth Bass data sets.

- b. Sampling requirements specific to meeting objectives outlined in the species-specific warmwater management plans for Muskellunge, Walleye, and Catfish.
  - 2. Efforts specific to the Susquehanna River will include:
    - a. Continued participation on interagency technical committees assessing water quality of the Susquehanna River and the impacts to the Smallmouth Bass population.
    - b. With partners, implement a fish community sampling procedure to more broadly track the condition of the fishery.
    - c. By June 2017, identify a method and criteria to determine the impairment status of the river.
      - o *Staff worked with DEP to complete the CADDIS report.*
  - 3. Efforts specific to the Three Rivers will include cooperation with Ohio River states to expand our knowledge regarding the expansion of Asian carp in the Ohio River system and reduce or eliminate the threat to the river's ecology.
  - 4. Efforts specific to Delaware River will include:
    - a. Annual monitoring of American Shad populations at historic stations.
    - b. American Shad spawning activities to support restoration efforts.
- C. By January 2015, complete the 2nd edition of the Lehigh River Fisheries Management Plan.
- D. Through June 2017, implement gamefish management plans for Muskellunge, Walleye, and Catfish.
- E. By June 2017, complete the development of a strategic plan for the management of black bass in Pennsylvania.
- F. By June 2017, facilitate or complete population inventories and home range assessments for Timber Rattlesnake, Blanding's Turtle, Eastern Massasauga, Bog Turtle, Eastern Mud Salamander, Rough Green Snake, Broadhead Skink, New Jersey Chorus Frog, Southern Leopard Frog, Kirtland's Snake, Northern Cricket Frog, Eastern Redbelly Turtle, Eastern Pearlshell, Dwarf Wedgemussel, Bluebreast Darter, Tippecanoe Darter, Gilt Darter, Iowa Darter, Eastern Sand Darter, Spotted Darter, Black Bullhead, Bowfin, and Horneyhead Chub.
  - o *A State Wildlife Grant was executed with East Stroudsburg University for Long-Term Monitoring of the Timber Rattlesnake in Pennsylvania, which will extend through 12/31/18.*
  - o *Participated in the following active grants during the quarter: NFWF Bog turtle habitat restoration, Massasauga habitat restoration and monitoring project, Bog turtle habitat restoration and recovery grant (NFWF), Bog Turtle inventory of gap and historic areas in southeast PA (year 2), Tulpehocken-Quittapahilla Watershed, Bog Turtle habitat assessment, Eastern Pearlshell inventory project, Regional Land Acquisition grant (Cherry Valley – bog turtle). National Competitive SWG Bog Turtle regional grant was recently approved.*
  - o *Submitted comments to USFWS regarding the proposed listing of the Eastern Massasauga.*
- G. Through June 2017, continue implementation of statewide action plans for the following species: Eastern Pearlshell Mussel, Bog Turtle, Eastern Massasauga Rattlesnake, and Timber Rattlesnake.
- H. By December 2014, research and finalize statewide action plans for the Salamander Mussel and Chesapeake Logperch. Through June 2017, implement these plans.

- I. By June 2015, work with other members of the Pennsylvania Natural Heritage Partnership to complete the upgrade to the Pennsylvania Natural Diversity Inventory environmental review tool.
  - o *Tool ready for implementation 12/31/15. Staff training by DCNR will occur 1/8/16.*
- J. By June 2017, assist the Pennsylvania Department of Environmental Protection and other governmental agencies with the development of policies and reservoir operation procedures that limit alteration of natural flow regimes to levels that maintain critical species, habitats, and ecological conditions.
  - o *In August 2015, worked with PA DEP and NY DEC Division of Fish, Wildlife and Marine Resources on an Upper Delaware Thermal relief request to maintain the tailwater trout fishery. The request received no positive action, but PA DEP requested development of a thermal protocol that will be coordinated with New York State.*
  - o *Attended Friends of the Upper Delaware's Water, Water, Everywhere Conference in October. Grassroots support for a thermal relief program was strong. Met with PA's Decree Party Principal on 10/28/15 and provided requested review of thermal relief and ramp down proposals.*
- K. By September 30, 2015, together with partners, complete a new State Wildlife Action Plan.
  - o *Completed, approved by Commissioners and submitted to the USFWS by the deadline.*
- L. Through June 2017, continue to conduct the following permit reviews: Species Impact; Scientific Collector; Threatened and Endangered Species; Nongame Special; Venomous Snake; Amphibian and Reptile Organized Hunt; Commercial Snapping Turtle; Water Obstruction and Encroachment; Triploid Grass Carp; Mining; Drawdown; Water Allocation; FERC Hydropower; 316(a) Clean Water Act Thermal Variance; 316(b) Clean Water Act Impingement and Entrainment; and select Algicide, Herbicide or Fish Control Chemical in Waters of the Commonwealth.
- M. By June 2017, sample at least 2,000 prioritized, un-inventoried streams that have been identified by Commission staff as most at risk from the effects of human activities, and continue to forge partnerships to augment Commission sampling efforts.
  - o *Worked through the Environmental Quality Board in November 2015 to elevate 50 Class A trout streams to HQ in proposed rulemaking.*
- N. Through June 2017, continue the development of a PFBC sampling protocol manual to ensure consistent data collection techniques for waterways.
  1. By December 2014, complete documentation of PFBC-approved sampling protocols for large rivers.
  2. By December 2015, complete documentation of PFBC-approved sampling protocols for lakes.
  3. By December 2016, complete documentation of PFBC-approved sampling protocols for herptiles.
- O. Through June 2017, annually address the following habitat improvement goals:
  1. Refine the stream and lake prioritization approaches to guide habitat improvement work. Work with partners to avoid duplication of efforts and maximize cooperation to address common goals.

- *The Habitat Improvement Prioritization Workgroup met twice during the quarter to further develop a new GIS decision tool used to prioritize stream sections for habitat improvement work. Completion of the tool is planned for early in the first quarter of 2016.*
- 2. Develop and implement lake habitat improvement plans into all PFBC high-hazard dam rehabilitation efforts.
  - *Staff worked with Save Colyer Lake on the Colyer Lake Fish Habitat Project which involved over 300 rock and wood habitat structures placed in November. H.R.I. Inc. donated over \$10,000 worth of rock rubble used in the construction. Graymont Quarry donated 300 tons of pulverized limestone to improve water alkalinity.*
- 3. Develop a plan to prioritize dam removals and culvert passage objectives statewide and facilitate fish passage through the removal of 25 dams, improved culvert installations, or the installation of fishways.
- P. By January 2016, simplify fishing regulations.

## **Recreation**

**Goal 3A: Engage in targeted education and outreach activities that address the five key elements of fishing and boating participation and engage partners to enhance the Commission's efforts through the multiplier effect at the local level.**

- A. Through June 2017, develop and implement annual plans for delivering training and instructional resources to sportsmen's clubs, conservation organizations, and outdoor recreation providers for Family Fishing, SMART Angler, women's, and other effective programs at the local level.
  - *Eyed Brook Trout eggs were shipped to 280 classrooms participating in Trout in the Classroom for the 2015-16 school year.*
  - *Planning and preparations continued for the 2016 show season.*
  - *Data on 2015 outputs was compiled, reviewed and summarized for the US Coast Guard Boating Safety Education Report, 2015 PFBC Annual Report, and the Aquatic Resource Education Project Report*
- B. Through June 2017, maintain Fishing Tackle Loaner Program to make equipment accessible for group or individual loan.
  - *At the end of the quarter, there were 75 active Fishing Tackle Loaner Sites. Education staff will continue to add additional sites as needed.*
- C. Through June 2017, develop and implement annual plans to present fishing opportunities in appealing and convenient "packages" such as PA's Best Fishing Waters, Family Fishing Festivals, and mentored youth opportunities.
  - *On October 18, a special Mentored Youth Trout Day took place on three waters. High water temperatures prevented these waters from being stocked for the Labor Day opportunity.*



- D. Through June 2017, develop and implement annual plans for mentoring programs, with focused opportunities (e.g., different species or seasons) and increased outside partnership engagement.
  - 1. Increase lead-in and follow-up contacts for mentored fishing opportunities (such as promotions, partnerships, surveys, newsletters).
  - 2. Incorporate recruitment and retention elements into mentoring program promotions and partnerships.
  - 3. By July 2016, assess the overall effectiveness of the Mentored Youth Fishing Day program.
- E. Through June 2017, use increased understanding of customer demographics, current research, and customer trends to enhance recruitment and retention of anglers and boaters by identifying targeted segments for outreach and education.

**Goal 3B: Conduct outreach and informational efforts designed to reduce boating-related casualties, maintain water rescue program to provide necessary training for emergency response personnel to safely and effectively respond to water-related emergencies, and pursue new public access as resources allow.**

- A. Through June 2017, annually identify and implement specific strategies to reduce casualties of targeted user groups.
- B. By January 2015, use point-of-sale messaging to increase awareness of minimum boating safety legal requirements.
- C. Through June 2017, continue to play a leadership role in the Pennsylvania Helicopter Aquatic Rescue Team (PA-HART) program.
  - o *PA-HART training continues. BLE has stepped up its leadership role and is integrating WCOs to augment existing volunteers.*
- D. By July 2015, establish BLE swiftwater strike team as a certified Type 1 response team.
- E. Through June 2017, annually conduct Operation Dry Water, a statewide boating safety and boating under the influence saturation detail.
- F. Through June 2017, administer the Floating Structure and Aids to Navigation program.
- G. Through June 2017, administer Lake Erie Access Program and, as resources allow, pursue other public access opportunities consistent with Pennsylvania's Fishing and Boating Access Strategy.

**Goal 3C: Ensure that fish production levels are met annually to optimize fishing opportunities.**

- A. Through at least July 2015, continue to operate all 13 state fish hatcheries.
  - 1. Trout Culture: Annually produce and stock up to 3.2 million adult trout or 1.9 million pounds to stock in the Commonwealth.
    - o *For the quarter, 104,300 adult and 17,000 put-grow-take fingerling trout were stocked, and 56,000 fingerling trout were distributed to cooperative nurseries.*
    - a. By July 2015, evaluate the public demand and expectations for stocked trout and provide a recommendation on how many trout should be raised.

2. Warm/Cool Water Culture: Annually produce warm/cool water species through in house production or acquisition to meet requests to stock species requested by Fisheries Management.
    - *For the quarter, the PFBC produced and stocked 1,296 Largemouth Bass fingerlings; 19,255 Tiger Muskellunge fingerlings; 4,582 Brown Bullhead fingerlings; 733 Chain Pickerel fingerlings; 212,395 Channel Catfish fingerlings; 53,000 Lake Trout fingerlings; 84,437 Muskellunge fingerlings; 53,100 White Crappie fingerlings and 2,600 Channel Catfish yearlings*
  3. Cooperative Nurseries: Annually produce fish and eggs to supply the needs of the cooperative nurseries throughout the Commonwealth.
- B. Through June 2017, ensure the safe and efficient maintenance and operation of state fish hatcheries while remaining in compliance with environmental regulations and fish health guidelines.
1. Annually utilize available funding for maintenance and operation of hatcheries and identify budget shortfalls which may lead to fish production decreases.
    - *Renovations at Reynoldsdale State Fish Hatchery are more than 90% complete. Trout are being loaded into new raceways, systems are being tested, and staff are being trained.*
    - *Bird netting is being installed at Reynoldsdale, Tylersville and Benner Spring State Fish Hatcheries.*
    - *Influent and effluent UV filtration systems were installed at the Fairview State Fish Hatchery.*
    - *Lighting upgrades are underway at Pleasant Mount State Fish Hatchery to improve energy efficiency.*
  2. Consistently maintain and update hatchery permits and perform water quality analysis according to permits.
    - *All 14 State Fish Hatchery permits are current or are waiting on a response from PA DEP. During the quarter, a permit renewal application was submitted for Union City State Fish Hatchery. All water quality analysis has been performed according to the requirements of each permit.*
  3. Annually perform fish health inspections, provide diagnostic services, and maintain fish transfer records.
    - *During the quarter, staff completed six fish health inspections, conducted 54 diagnostic investigations, and reviewed 12 fish transfers.*
- C. Through July 2017, maintain and promote existing cooperative nurseries.
1. Through July 2017, increase the presence of cooperative nursery information in the *Pennsylvania Angler and Boater* magazine and the PFBC website.
    - *Articles for "Currents" section of magazine have been provided on a regular basis.*
  2. By December 2016, perform an analysis of existing cooperative nurseries and recommended production levels.
    - *Analysis of existing cooperative nurseries and recommended production levels is currently on-going.*

3. By July 2016, evaluate and recommend improvements to the cooperative nursery application process.
  - o *Prospective nursery application was developed in electronic format for ease of routing and review.*

## **Internal Resources**

### **Goal 4: Optimize agency efficiency through continuation of investments in information technology, employee training and development, and infrastructure planning and implementation.**

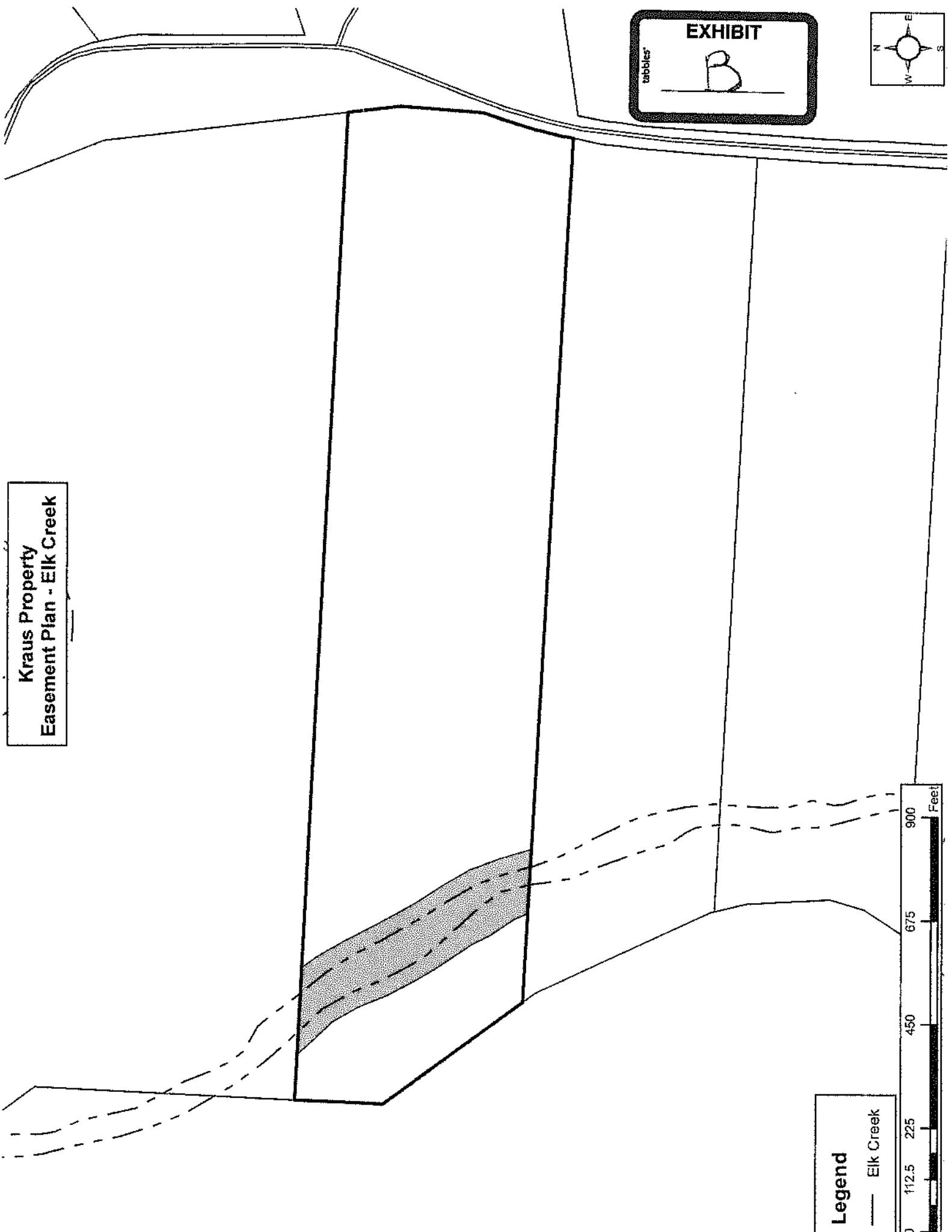
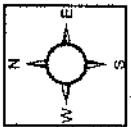
#### **A. Information Technology**

2. By June 2016, redesign the Commission's website to simplify and enhance ease of navigation.
3. By June 2017, continue to plan for and support IT updates, enhancements, and maintenance of critical business applications to meet the needs and requirements of program areas.
  - a. By September 2014, identify and prioritize essential application enhancements for key business areas.
  - b. By July 2015, develop and implement annual plans for prioritized and funded application enhancements.
    - o *Several program enhancements to the Registration and Titling System (RATS) were implemented to meet U.S. Coast Guard requirements. Work was completed more than a year in advance of USCG regulations taking effect.*
    - o *Application enhancements continue to be made the Resource First Portal (RFP).*
4. Through June 2017, continue to convert business applications to the new .NET/SQL application standard platform as necessary.
  - o *Progress continues to be made with conversions of legacy applications. IntranetApps were converted from ASP and Visual Basic to the .NET/SQL platform.*
5. By July 2015, identify and begin utilizing available partnerships, infrastructure, software, data, and training to provide meaningful and useful information for managers and executive leadership to make critical programmatic, marketing, and business decisions.
6. By June 2017, develop the capability of a GIS layer containing Commission properties.
  - a. By June 2016, validate existing data, through general referencing, on Commission property holdings.
    - o *95% of all fee and easement properties have been reviewed and validated.*
  - b. By June 2017, develop GIS layer for Commission properties.

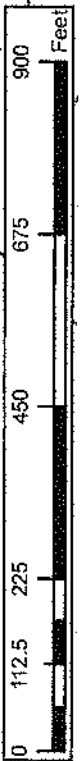
- *45% of reviewed and validated properties have been made into shapefiles in ArcMap (GIS). These files will be merged into the GIS master file.*
- B. Training and Development
2. Through June 2017, continue to re-invest in employee development opportunities.
  3. By June 2016, complete the training of a new class of WCOs.
    - *WCO class completed Act 120 training on 12/4/15 and is currently undergoing the conservation-oriented enforcement training at H.R. Stackhouse Training School.*
- C. Through June 2017, continue to implement a comprehensive multi-year Infrastructure Plan for the engineering, maintenance, and development of the Commission's dams, access areas, administrative buildings, hatcheries, marinas, and bridges.
1. Through June 2017, leverage funding sources to complete high-hazard dam repairs.
    - *Completed construction of \$4.4 million dam rehabilitation project of Speedwell Forge Lake in Lancaster County.*
    - *Completed \$4.8 million rehabilitation of Colyer Lake Dam in Centre County.*
    - *Commenced with construction of the \$2.8 million rehabilitation of Glade Run Lake Dam in Butler County.*
    - *Completed repairs to the outlet works of Kaercher Creek Lake Dam in Berks County to meet proper permit standards.*
    - *Completed the \$1 million in-house construction rehabilitation for the Lake Nessmuk Dam and began refill of the lake.*
  2. By March 2015, prioritize access areas that the Commission manages on behalf of the Commonwealth and begin implementing repairs on an established cycle.
  3. By December 2014, complete plan for where and how to house the Commission's Centre County-based staff.
  4. By June 2016, complete plans to optimize Commission field staff into as few locations as possible to meet identified business needs.
  5. By December 2014, complete return on investment analysis of marinas managed by the Commission.
  6. By January 2015, prioritize bridges that the Commission manages on behalf of the Commonwealth and begin implementing repairs on an established cycle.
  7. By June 2017, complete a Commission-wide energy savings analysis.
    - By December 2015, complete an energy savings analysis for state fish hatcheries.
      - *Drafts of the energy savings report are being circulated for review among Bureau of Hatchery staff at the time of this update. A final report is anticipated by the end of the first quarter of 2016.*

**Kraus Property  
Easement Plan - Elk Creek**

tabbles®  
**EXHIBIT**  
B

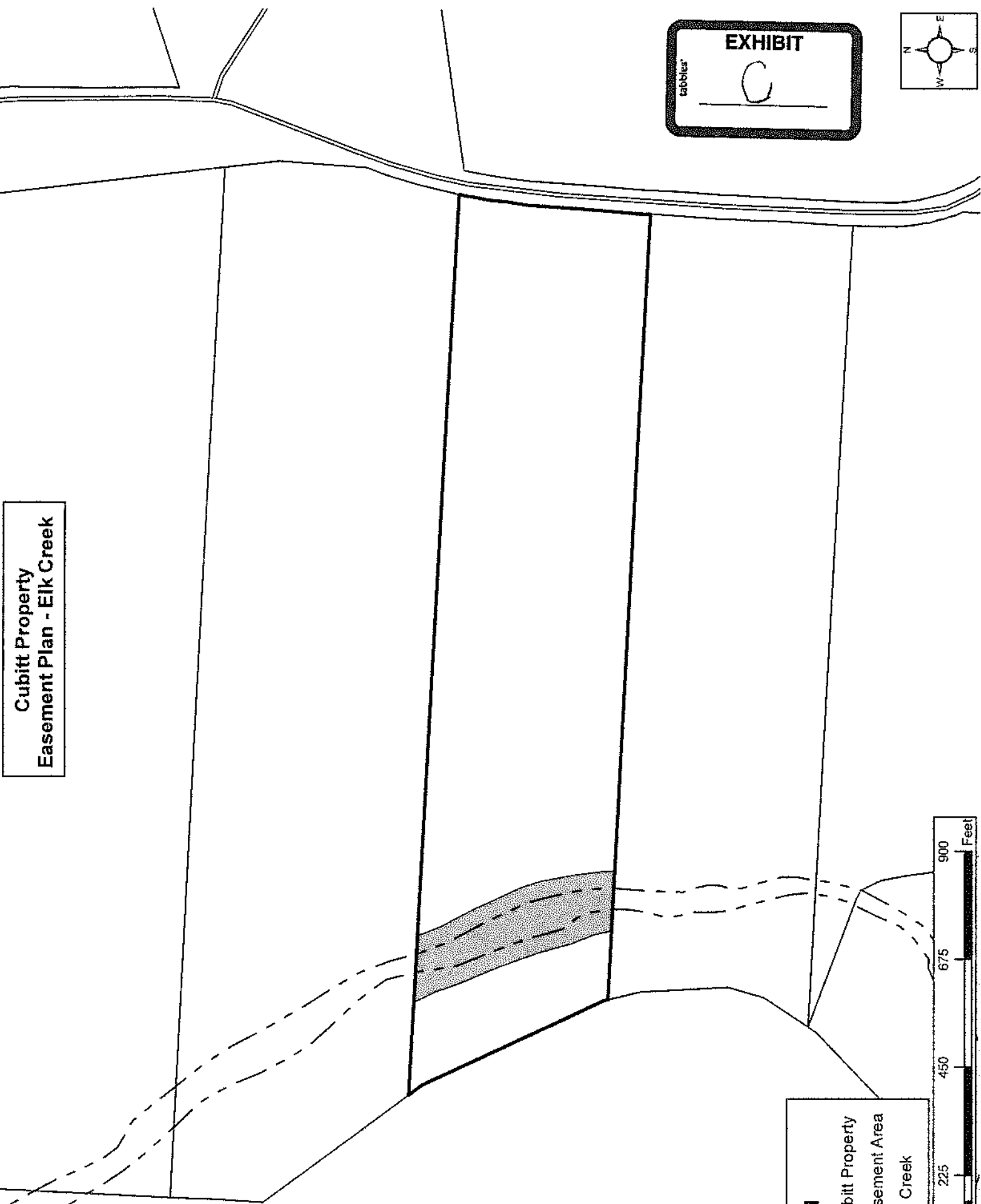
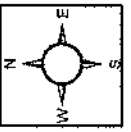


**Legend**  
— Elk Creek



Cubitt Property  
Easement Plan - Elk Creek

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EXHIBIT  
C



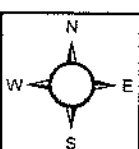
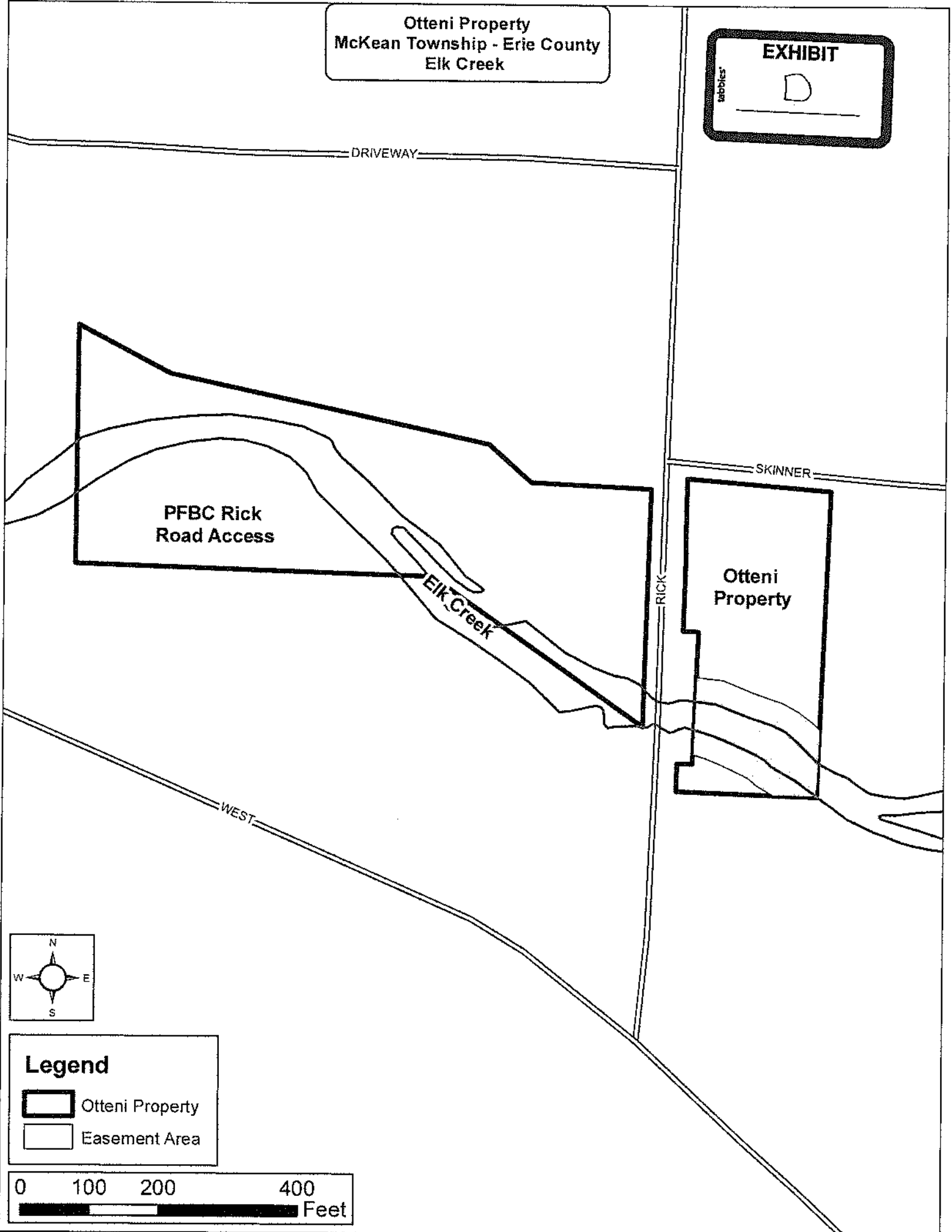
**Legend**

- Cubitt Property
- Easement Area
- Elk Creek



Otteni Property  
McKean Township - Erie County  
Elk Creek

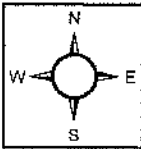
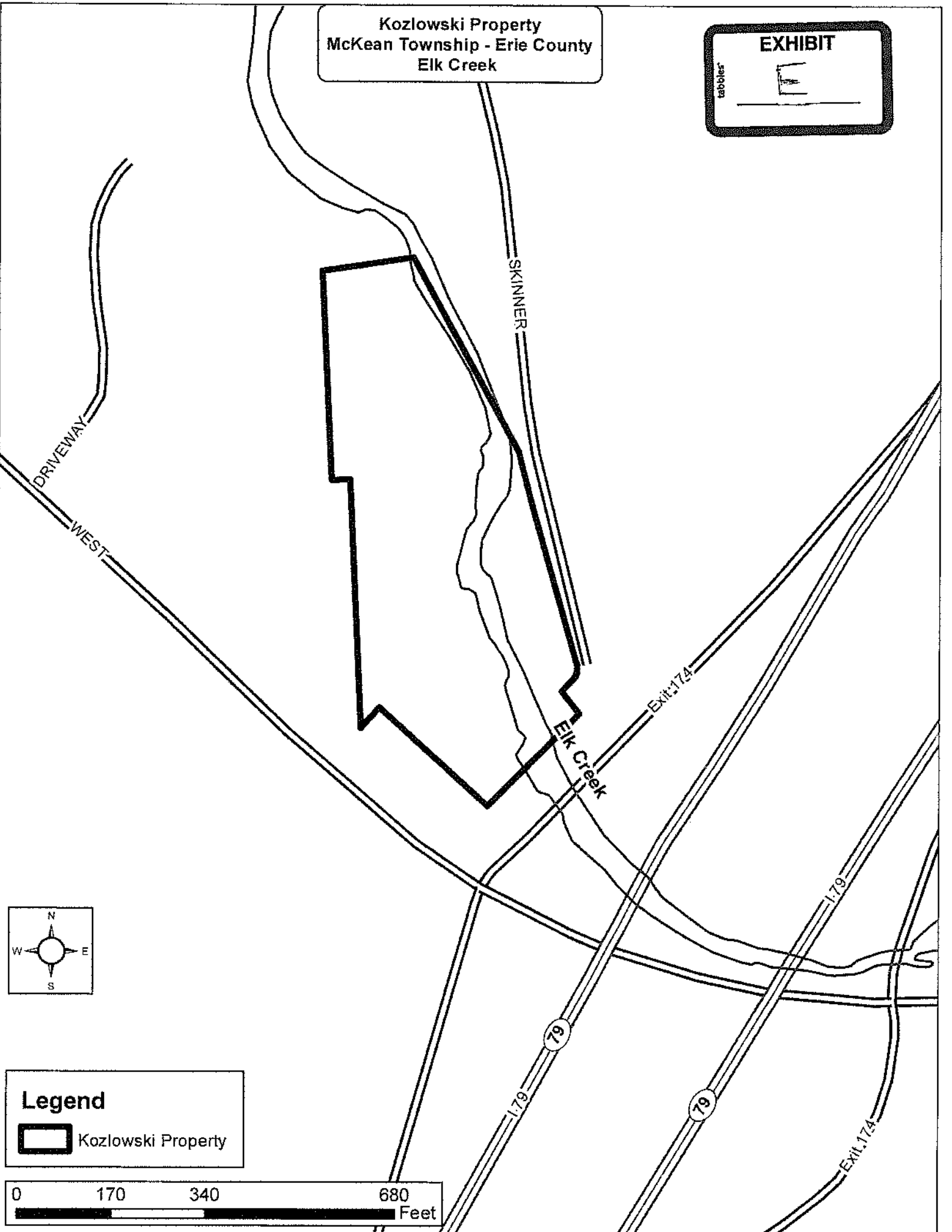
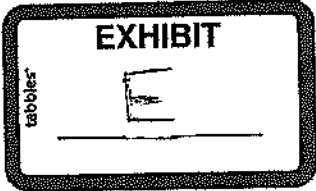
EXHIBIT  
D




**Legend**  
[Thick black line] Otteni Property  
[Thin black line] Easement Area

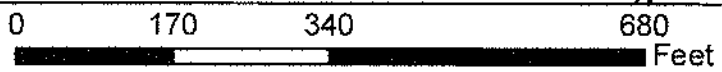
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Kozlowski Property  
McKean Township - Erie County  
Elk Creek

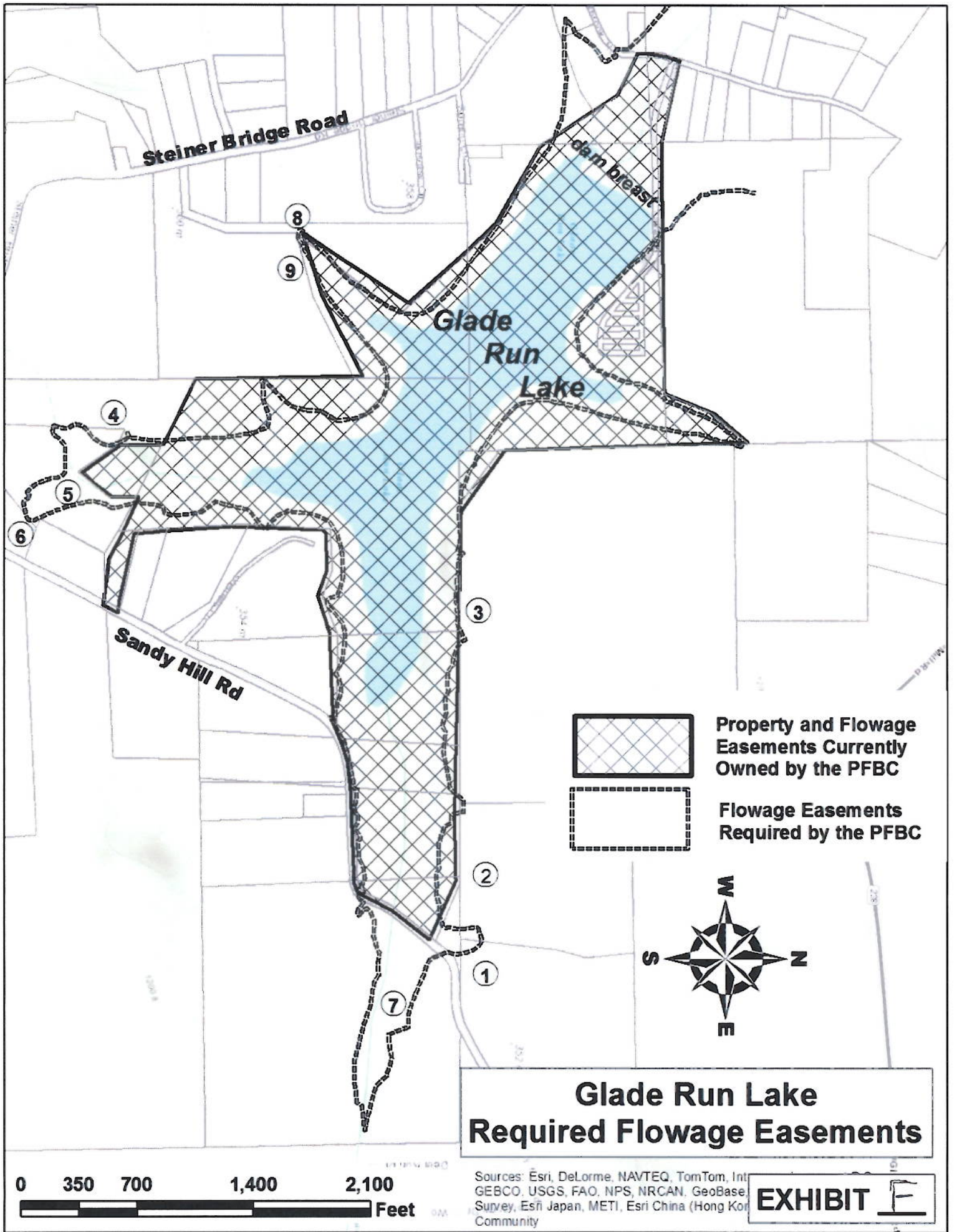


**Legend**

 Kozlowski Property







**Glade Run Lake  
Required Flowage Easements**

Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap,
 GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, Swire,
 Suprey, Esri Japan, METI, Esri China (Hong Kong), Swire,
 Esri India, Swire, Esri Australia, Esri Korea, Esri Singapore,
 Esri Brazil, Esri Mexico, Esri Russia, Esri France, Esri UK,
 Esri Germany, Esri Italy, Esri Spain, Esri Portugal, Esri
 Belgium, Esri Netherlands, Esri Luxembourg, Esri Austria,
 Esri Switzerland, Esri Czech Republic, Esri Slovakia, Esri
 Poland, Esri Hungary, Esri Czechia, Esri Slovakia, Esri
 Community

**EXHIBIT** F

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CHS. 53, 105 AND 111 ]

### Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 105 and 111 (relating to Commission property; operational conditions; and special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The proposed amendment to § 53.8 (relating to boats) is published under the statutory authority of section 741 of the code (relating to control of property). The proposed amendment to § 105.4 (relating to overloading and improper loading) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendment to § 111.40 (relating to Luzerne County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. Purpose and Background

The proposed rulemaking is designed to simplify and improve the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals. On July 31, 2015, the Boating Advisory Board (BAB) considered these proposals and recommended that the Commission approve the publication of a proposed rulemaking.

#### E. Summary of Proposals

(1) Earlier this year, the Commission was contacted by numerous boaters and an outfitter regarding § 53.8 that prohibits the use of single-chambered inflatable boats on its lakes. The Department of Conservation and Natural Resources (Department) has a similar regulation that prohibits the use of these boats on State Park lakes. These regulations were promulgated prior to the manufacture and widespread availability of high-quality, durable inflatable canoes, kayaks and stand-up paddleboards.

The use of other inflatable devices is addressed in other sections of Chapter 53 as well. Section 53.16(c) (relating to special use) prohibits launching or retrieving swimming aids such as inner tubes from Commission-owned or Commission-controlled access areas. Float tubes on Commission-owned or Commission-controlled lakes are addressed in § 53.19 (relating to use of float tubes on Commission-controlled lakes). Specifically, they must have

a secondary bladder for additional emergency flotation and the user shall wear a Coast Guard-approved personal flotation device.

Thirty-three states responded to a survey administered by the National Association of State Boating Law Administrators (NASBLA) regarding special regulations relating to the use of inflatable boats. One of the respondents indicated that single-chambered air-inflated devices do not meet that state's definition of "vessel." Another respondent indicated that single-chambered inflatable vessels are prohibited from use statewide. There were no other responses regarding special regulations for recreational use of single-chambered inflatable boats. Additionally, NASBLA does not have a model act regarding inflatable vessels. Therefore, states may deal with specific issues as they see fit.

A review of recreational boating accident statistics in this Commonwealth reveals that there have not been reportable accidents regarding loss of inflation for incidents involving inflatable boats since 1985. With the recent advent of high-quality, durable inflatable boats with less than two separate buoyancy chambers, such as inflatable standup paddleboards, the Commission believes that the current regulation is overly restrictive and may be eliminated. The Commission therefore proposes to amend § 53.8 to read as set forth in Annex A.

(2) The Commission wishes to clarify its regulations regarding overloading and improper loading by adopting language recommended by NASBLA's Model Act for Maximum Loading and Horsepower Capacity Compliance. This model act prohibits the operation of certain recreational vessels when those vessels exceed their loading or powering capacities or exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the *Code of Federal Regulations*. The Commission therefore proposes to amend § 105.4 to read as set forth in Annex A.

(3) Lily Lake is a 160-acre impoundment situated on a 376-acre parcel owned by the Commission in southeastern Luzerne County. The Commission acquired Lily Lake in 1968. When the Commission initially acquired Lily Lake, there was controversy over what uses of the lake should be allowed. Cottage owners insisted on water skiing and high-speed motorboat operation. Staff were opposed to high-powered motorboat activity on the lake primarily because of the size of the lake (approximately 90 acres of boatable water) and concern that allowing water skiing and internal combustion motors would create a safety hazard. The Lily Lake Property Owners' Association (Association) retained legal counsel and sent the Commission a letter on June 29, 1970, detailing its request for a 60 horsepower limitation and other proposals. However, before negotiations with the property owners concluded, the Commission adopted regulations at its May 3, 1971, meeting prohibiting internal combustion engines on Commission lakes. The minutes from that meeting state that "the regulations adopted for all wholly owned Fish Commission lakes [are to] be applied to Lily Lake." The Association again submitted a proposal in 1972 that they believed would allow for compatible, multiple uses of boats for fishing and other activities, including water skiing.

On April 6, 1973, the Commission's Executive Director provided a report on the situation to the Commissioners and referred the matter to the BAB for study. On May 16,

## PROPOSED RULEMAKING

1973, members of the BAB met with the Association to develop a consensus proposal. As a result, they mutually agreed to a high-speed operating zone where all ski operations would occur and that would be buoyed by the Commission. The high-speed operating zone was proposed as being 2,000 feet long and 650 feet wide and approximately 75 feet from the northern shore which was uninhabited.

In addition, the Association proposed a limit of 60 horsepower and maximum of 18 feet in length for all boats on the lake, as initially recommended by their attorney in 1970. The rationale provided at the time was "the 60 HP limitation will make it unattractive to the hard core water skier but would still permit the several cottage owners who own 60 HP boats now to continue to use them." Also expressed was a concern of attracting a large number of boats from outside the area, but it was believed that the horsepower limitation would minimize that.

During discussion of the consensus proposal at a BAB meeting on August 20, 1973, a Commissioner noted that the main reason for the Commission's allowing the use of only electric motors on its lakes was to "prevent noise and pollution." He further stated that since these elements were already present on Lily Lake when the Commission acquired it in 1968, this rationale had to be discounted at this lake.

The consensus proposal was advanced from the BAB to the Commission, and upon approval at its October 20, 1973, meeting, the Commission published a proposed rulemaking at 3 Pa.B. 2882 (December 15, 1973) to prohibit the use of boats with greater than 60 horsepower

engines or greater than 18 feet in length on Lily Lake. Additionally, boats were limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset from the Saturday preceding Memorial Day to September 30. No public comments were received. The regulation went into effect upon final-form publication at 4 Pa.B. 133 (January 26, 1974).

The regulations for Lily Lake have seen minor amendments since 1973. However, there have not been changes to the horsepower or boat length limitations since adoption. The current Permit to Install Floating Structures and Private Aids to Navigation indicates the high-speed zone as 1,500 feet by 600 feet, mid-lake along the opposite shoreline from the boat launch and homes.

The Commission maintains a surfaced launch ramp and parking at Lily Lake that can accommodate 18 vehicle-trailer combinations and more than 25 cars. To date, there are no reportable recreational boating accidents recorded for Lily Lake.

On May 18, 2015, Commission representatives met with members of the Association. The purpose of the meeting was to discuss a request from the property owners association to increase the maximum allowable horsepower to 90 and boat length to 25 feet.

The Commission owns four lakes with horsepower or speed restrictions and the Department owns ten. A comparison of lake acreage to horsepower or mile-per-hour restrictions on these lakes indicates that Lily Lake is currently the second smallest lake and has the highest horsepower allowance.

<i>Name</i>	<i>County</i>	<i>Owner</i>	<i>Acreage</i>	<i>Horsepower or Mile-per-Hour Restriction</i>
Pymatuning Reservoir	Crawford	Department	17,088	20 horsepower
Lake Arthur	Butler	Department	3,225	20 horsepower
Foster Joseph Sayers Lake	Centre	Department	1,730	45 mile-per-hour
Lake Wilhelm	Mercer	Department	1,680	20 horsepower
Glendale Lake	Cambria	Department	1,635	20 horsepower
East Branch Clarion River Lake	Elk	Department	1,554	45 mile-per-hour
Nockamixon Lake	Bucks	Department	1,450	20 horsepower
Lake Marburg	York	Department	1,275	20 horsepower
Beltzville Lake	Carbon	Department	949	45 mile-per-hour
Yellow Creek Lake	Indiana	Department	720	20 horsepower
Harveys Lake	Luzerne	Commission	658	45 mile-per-hour
Lake Canadohta	Crawford	Commission	169	10 horsepower
Lily Lake	Luzerne	Commission	160	60 horsepower
Sugar Lake	Crawford	Commission	90	6 horsepower

The Commission's local law enforcement staff recommend a change to allow boats up to 20 feet in length but that the Commission maintains the horsepower limitation at 60 due to the small size of the impoundment. Boat registration records reveal that an increase in length will potentially allow for an additional 1,672 actively registered motorboats in Luzerne County and the 7 surrounding counties to operate on Lily Lake. It is predicted that the increased length allowance will enhance boating

opportunities for the lake residents and northeast region without having a significant impact on user conflicts or safety on this small impoundment. The Commission therefore proposes to amend § 111.40 to read as set forth in Annex A.

#### F. Paperwork

The proposed amendments will not increase paperwork and will not create new paperwork requirements.

**G. Fiscal Impact**

The proposed amendments will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will not impose new costs on the private sector or the general public.

**H. Public Comments**

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-268. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 53. COMMISSION PROPERTY**

**§ 53.8. Boats.**

\* \* \* \* \*

[ (f) Inflatable boats used on Commission lakes shall be at least 7 feet in length, made of durable reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.

(g) (f) A boat using a Commission lake or access area must be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code.

\* \* \* \* \*

**Subpart C. BOATING**

**CHAPTER 105. OPERATIONAL CONDITIONS**

**§ 105.4. Overloading and improper loading.**

(a) A person may not operate a boat when the boat is loaded with passengers or cargo beyond its safe carrying capacity[, taking into consideration weather and other existing operating conditions.] as determined by one of the following:

- (1) The boat's maximum weight capacity.
- (2) The boat's maximum persons capacity.
- (3) The boat's maximum horsepower.

(4) Capacity limits as identified on the boat's capacity label or through calculations provided by the United States Coast Guard through the Commission.

(b) A person may not operate a boat loaded in a manner that adversely affects its trim or stability, taking into consideration weather and other existing operating conditions.

**CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.40. Luzerne County.**

(a) *Lily Lake.*

(1) Boats with greater than 60 horsepower engines or greater than [ 18 ] 20 feet in length are prohibited.

\* \* \* \* \*

[Pa.B. Doc. No. 15-2046. Filed for public inspection November 20, 2015, 9:00 a.m.]

**[ 58 PA. CODE CH. 75 ]**

**Fishing; Endangered Species**

The Fish and Boat Commission (Commission) proposes to amend Chapter 75 (relating to endangered species). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's lists of endangered, threatened and candidate species.

**A. Effective Date**

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

**B. Contact Person**

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

**C. Statutory Authority**

The proposed amendments to §§ 75.1 and 75.2 (relating to endangered species; and threatened species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species). The proposed amendments to § 75.3 (relating to candidate species) are published under the statutory authority of 2102 of the code (relating to rules and regulations).

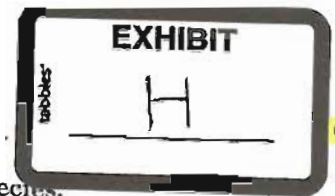
**D. Purpose and Background**

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

**E. Summary of Proposal**

(1) Hornyhead Chub (*Nocomis biguttatus*). The Hornyhead Chub is a medium sized minnow with a robust body. Adult length is typically 4 to 6 inches. Breeding males have a distinct bright red spot behind the eye. It is a nest building minnow, constructing large pebble mounds by transporting gravel with its mouth. It inhabits clear, small to medium-sized streams with clean gravel, rubble and sandy substrates. In general, the Hornyhead Chub is highly intolerant of increased siltation and intermittent flows.

The Hornyhead Chub occurs in North America from the Mohawk River system in New York, west to the Red River



F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY, Executive Director

Fiscal Note: 48A-267. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.1. Endangered species.

\* \* \* \* \*

(b) Fish. The following species are endangered:

\* \* \* \* \*

(28) Eastern sand darter, Etheostoma pellucida.

(29) Hornyhead chub, Nocomis biguttatus.

(c) Reptiles and amphibians. The following species are endangered:

\* \* \* \* \*

§ 75.2. Threatened species.

\* \* \* \* \*

(b) Fish. The following species are threatened:

[ (1) Mountain brook lamprey, Ichthyomyzon greeleyi.

(2) ] (1) Bigmouth shiner, Notropis dorsalis.

[ (3) ] (2) Southern redbelly dace, Phoxinus erythrogaster.

[ (4) ] (3) Spotted sucker, Minytrema melanops.

[ (5) ] (4) Brindled madtom, Noturus miurus.

[ (6) ] (5) Chesapeake Logperch, Percina bimaculata.

(c) Amphibians and reptiles. The following species are threatened:

\* \* \* \* \*

§ 75.3. Candidate species.

(a) General. The species listed in subsections (b) and (c) are considered candidate species which could achieve endangered or threatened status in the future. They are subject to seasons, size, creel—bag—and possession limits specified in this subpart. A person who catches these species is encouraged to release them immediately and unharmed to the waters or other area from which they were taken.

(b) [ Fishes ] Fish.

[ (1) Ohio lamprey, Ichthyomyzon bdellium.

(2) ] (1) Least brook lamprey, Lampetra aepyptera.

[ (3) Bowfin, Amia calva.

(4) ] (2) Central mudminnow, Umbra limi.

[ (5) ] (3) Eastern mudminnow, Umbra pygmaea.

[ (6) Hornyhead chub, Nocomis biguttatus.

(7) ] (4) Brook stickleback, Culaea inconstans.

(c) Amphibians and reptiles.

(1) Blandings Turtle, Emydoidea blandingii.

(2) Broadhead Skink, Plestiodon laticeps.

[ (3) Timber Rattlesnake, Crotalus horridus. ]

[Pa.B. Doc. No. 15-2047. Filed for public inspection November 20, 2015, 9:00 a.m.]

[ 58 Pa. Code Ch. 65 ]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on June 19, 2016.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendments to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals.

E. Summary of Proposals

(1) Opossum Lake, a 47-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lower Frankford Township, Cumberland

County, approximately 6 miles west-northwest of the Borough of Carlisle. The dam impounds Opossum Creek at river mile 0.5. This lake was completely dewatered in October 2008 to make dam and spillway repairs and modifications per dam safety standards of the Department of Environmental Protection (Department). Following completion of the dam and spillway repairs and modifications as well as construction of numerous habitat enhancement devices, the impoundment was refilled and the Commission resumed annual adult trout stocking during spring 2013 to provide angling opportunities for stocked trout. Additionally, the Commission began to re-establish a high quality warmwater and coolwater fishery through fingerling plants of select fish species beginning in summer 2013. This process is ongoing.

Immediately upon refilling of the lake, the Commission opened the lake to fishing under a miscellaneous special regulation that allows for the harvest of trout under Commonwealth inland seasons, sizes and creel limits but allows catch and release fishing only for all other fish species. The Commission took this approach to allow a balanced fishery to develop under protective regulations while offering acceptable levels of recreational angling opportunities. This regulation will remain in effect until June 18, 2016.

Based on a recent assessment of the fish community, the fishery continues to develop. However, the fishery has not progressed to levels where the Commission believes that regulations should be relaxed at this time. Therefore, the Commission proposes that the current miscellaneous special regulation be extended until deemed appropriate for its removal. Commission staff will continue to monitor the fish populations as they develop and make the necessary adjustments to the species being stocked and the regulations governing the fishery to continually provide high quality recreational angling opportunities at Opossum Lake. Once the warmwater fishery has been re-established, the Commission will propose that the lake be removed from the miscellaneous special regulation and included in one of the Commission's existing warmwater regulation programs.

The Commission proposes to amend § 65.24 to read as set forth in Annex A.

(2) Leaser Lake, a 117-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lynn Township, Lehigh County, approximately 20 miles west-northwest of Allentown. The dam impounds an unnamed tributary to Ontelaunee Creek. This lake was completely dewatered in 2008-2009 to make dam and spillway repairs and modifications per Department dam safety standards. Following completion of the dam and spillway repairs and modifications as well as construction of numerous habitat enhancement devices, the impoundment was nearly refilled by spring 2013, then partially drained by 20 feet in late summer 2014 for additional repairs and fully refilled in 2015. The Commission resumed annual adult trout stocking during spring 2013 to provide angling opportunities for stocked trout. Additionally, the Commission began to re-establish a high quality warmwater and coolwater fishery through fingerling plants of select fish species beginning in 2013. This process remains on-going albeit with some cancellations, such as walleye fingerlings, required in 2014 due to the partial drawdown.

Immediately upon refilling of the lake, the Commission opened the lake to fishing under a miscellaneous special regulation that allowed for the harvest of trout under Commonwealth inland seasons, sizes and creel limits but allowed catch and release fishing only for all other fish species. The Commission took this approach to permit balanced fish populations to develop under protective regulations while offering acceptable levels of recreational angling opportunities. This regulation will remain in effect until June 18, 2016.

Based on the stocking delay that occurred, a recent fisheries management assessment of the fish community and information from Commission staff and anglers regarding their catches, the growth and abundances of warmwater/coolwater fish populations have not progressed to levels where staff believe that regulations should be relaxed at this time. Therefore, the Commission proposes that the current miscellaneous special regulation be extended until deemed appropriate for its removal. Commission staff will continue to monitor the fish populations as they mature, make necessary adjustments to the species and numbers being stocked, and select regulations governing the fisheries with the goal of providing high quality recreational angling opportunities at Leaser Lake. Once the warmwater/coolwater fish populations have been re-established, the Commission will propose that the lake be removed from the miscellaneous special regulation and included in one of the Commission's existing warmwater regulation programs.

The Commission proposes to amend § 65.24 to read as set forth in Annex A.

#### F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

#### G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

**Fiscal Note:** 48A-269. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

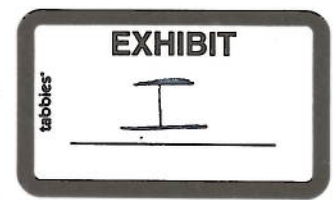
CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
		* * * * *
Crawford	Pymatuning Reservoir	Only carp and suckers may be taken by means of spearing or archery in compliance otherwise with § 63.8 (relating to long bows, crossbows, spears and gigs). Minnow seines and dip nets are restricted to no more than 4 feet in size, and the mesh of the nets shall measure no less than 1/8 nor more than 1/2-inch on a side. Float line fishing is prohibited.
Cumberland	Opossum Lake	<b>All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed.</b>
		<b>Trout—Inland regulations apply. See § 61.1.</b>
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (smallmouth and largemouth)—From May 1 to 12:01 a.m. the first Saturday after June 11—Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters. Remainder of the year—No harvest—Catch and immediate release only; catch-measure-immediate release tournaments only.
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (smallmouth and largemouth)—From May 1 to 12:01 a.m. the first Saturday after June 11—Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters. Remainder of the year—No harvest—Catch and immediate release only; catch-measure-immediate release tournaments only.
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Daily limit: First Saturday after April 11 until Labor Day—5 trout per day; day after Labor Day to first Saturday after April 11 of the following year—3 trout per day. Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number.
Lehigh	Leaser Lake	<b>All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed.</b>
		<b>Trout—Inland regulations apply. See § 61.1.</b>
Luzerne	Harveys Lake	During the period from the first Saturday after April 11 through midnight March 31, the daily creel limit for trout (combined species) is 3, only one of which may exceed 18 inches in length. Fishing is prohibited from April 1 through 8 a.m. of the first Saturday after April 11. Warmwater/coolwater species, except as provided in this section—Inland regulations apply.
		* * * * *

[Pa.B. Doc. No. 16-2048. Filed for public inspection November 20, 2015, 9:00 a.m.]



## FISH AND BOAT COMMISSION

### Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on January 20 and 21, 2016, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective upon publication in the *Pennsylvania Bulletin*:

58 Pa. Code § 65.15. *Catch and release all-tackle.*

The Commission will consider designating the following water as catch and release all-tackle under § 65.15:

County	Water
Potter/Tioga	Upper Kettle Creek Basin, from the headwaters of Kettle Creek downstream to the confluence with Long Run, including Long Run and all tributaries upstream to the headwaters

58 Pa. Code § 65.19. *Stocked trout waters open to year-round fishing.*

The Commission will consider designating the following water as a stocked trout water open to year-round fishing under § 65.19:

County	Water
Wyoming	Lake Winola

At this time, the Commission is soliciting public input concerning the previous designations. Persons with comments, objections or suggestions concerning the designations are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 15-2190. Filed for public inspection December 11, 2015, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

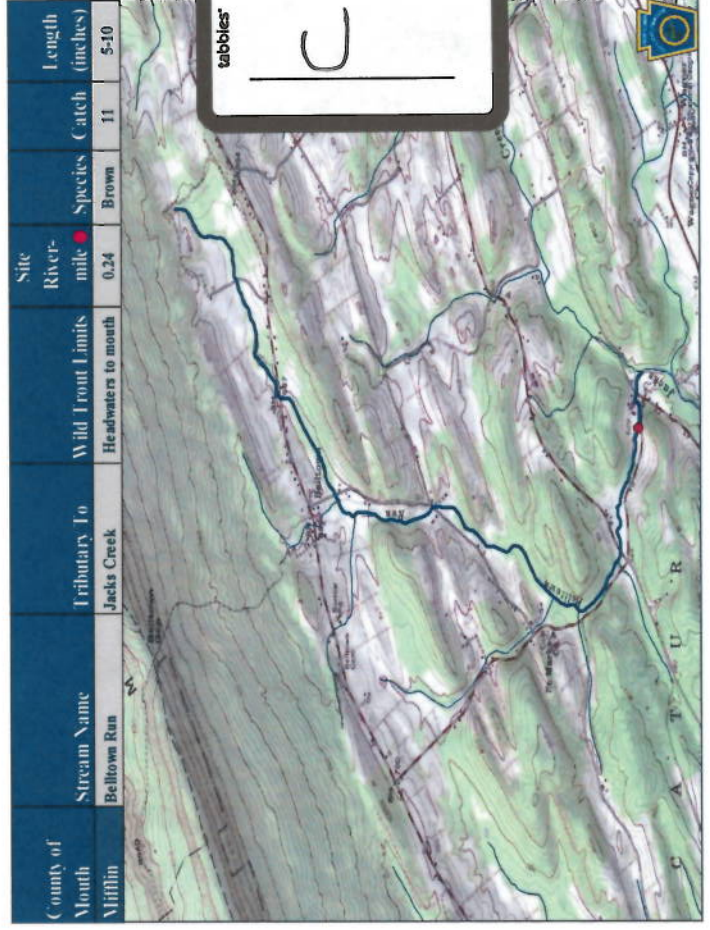
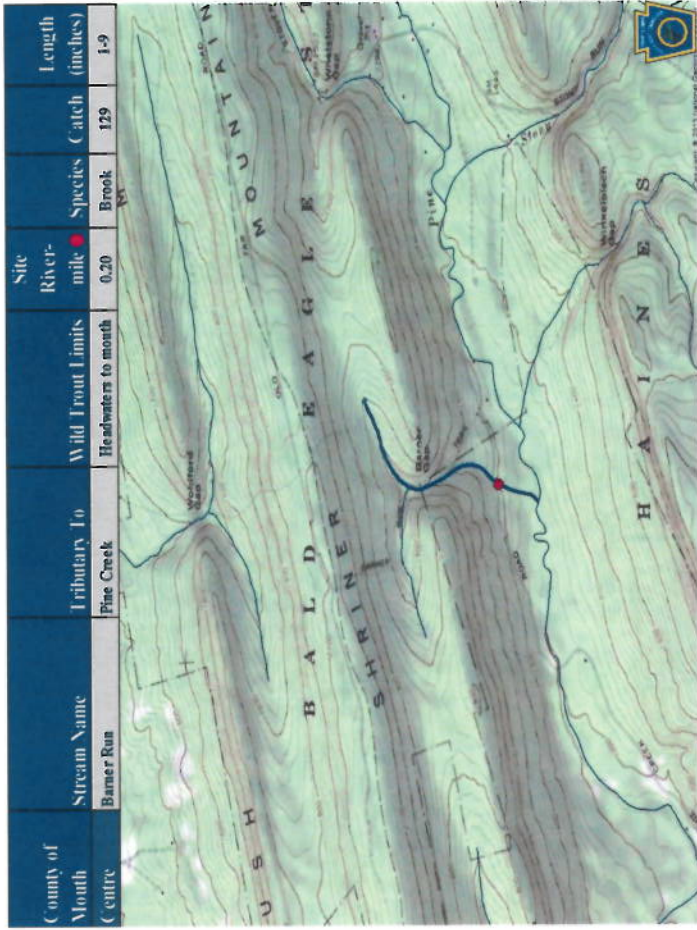
### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

Reg No.	Agency/Title	Close of the Public Comment Period	IRRC Comments Issued
54-85	Pennsylvania Liquor Control Board Limited Wineries 45 Pa.B. 5791 (September 26, 2015)	10/26/15	11/25/15
7-496	Environmental Quality Board Remining Requirements 45 Pa.B. 5920 (October 3, 2015)	11/2/15	12/2/15

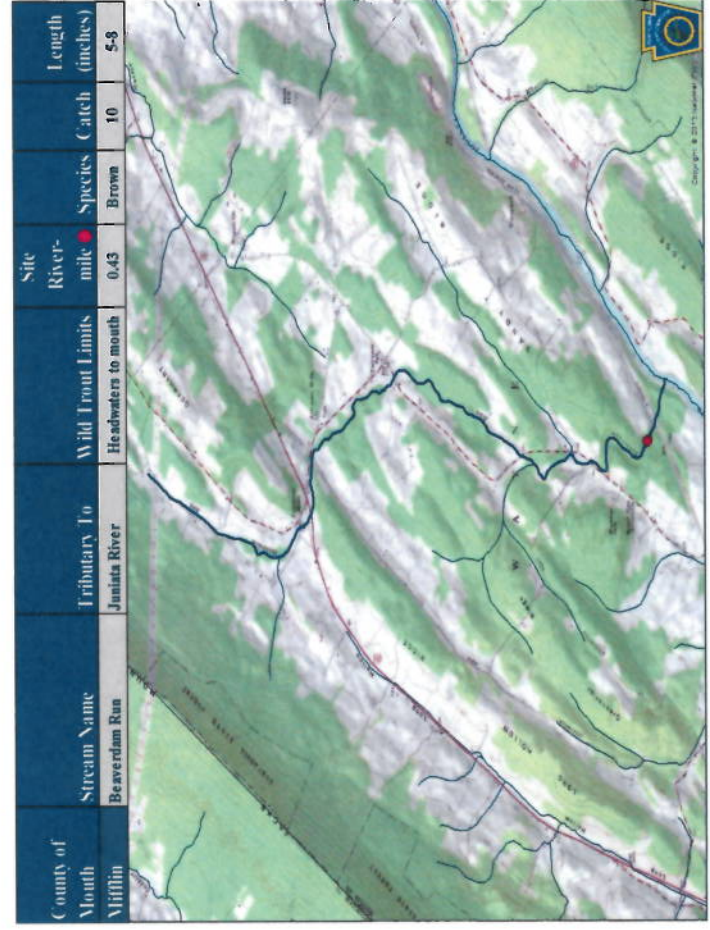
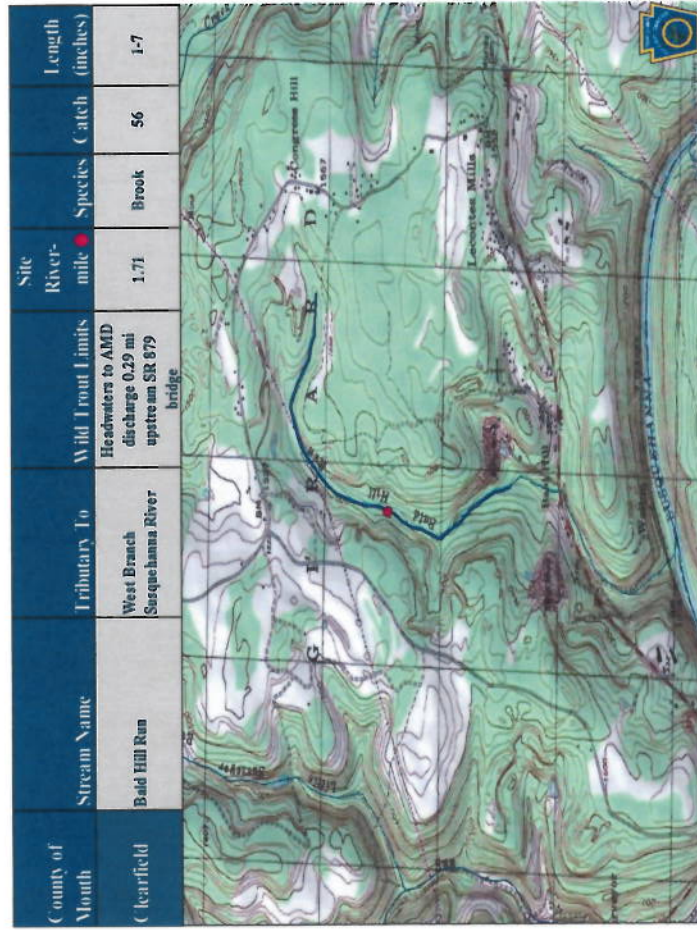


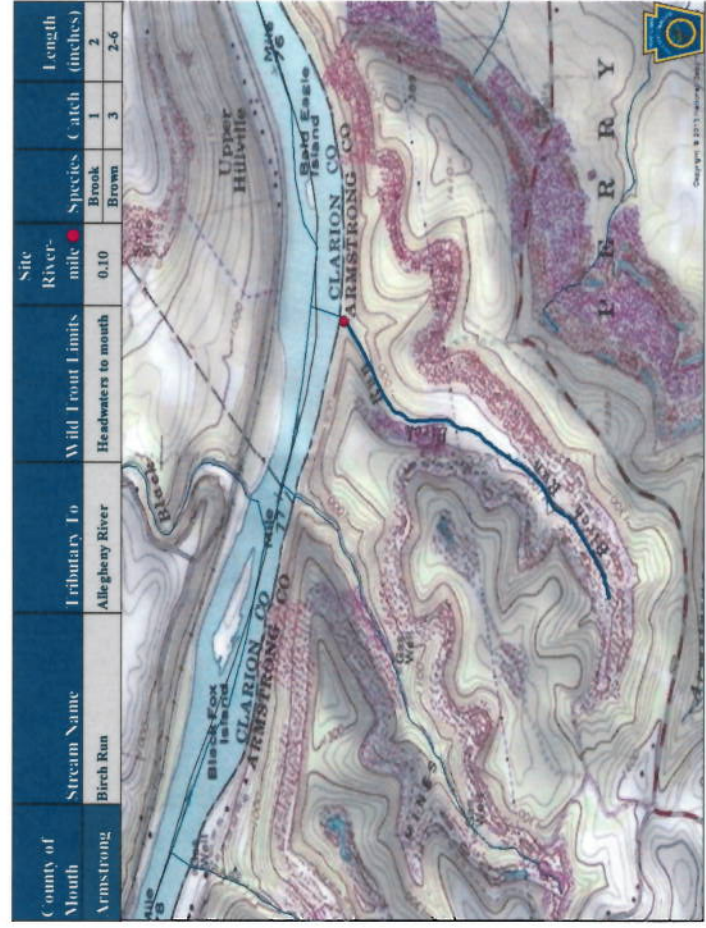
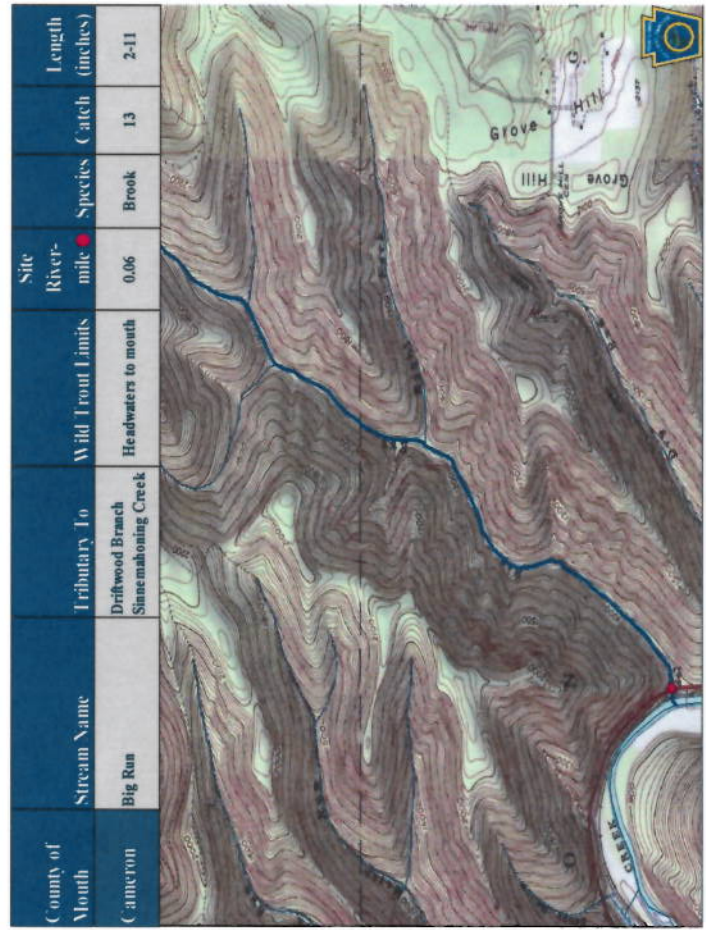
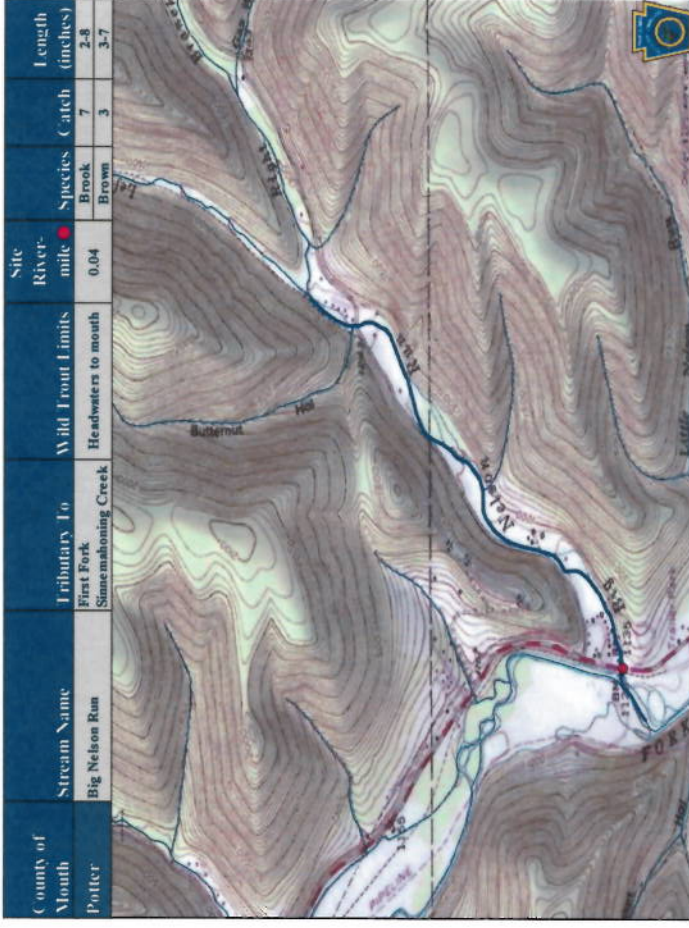
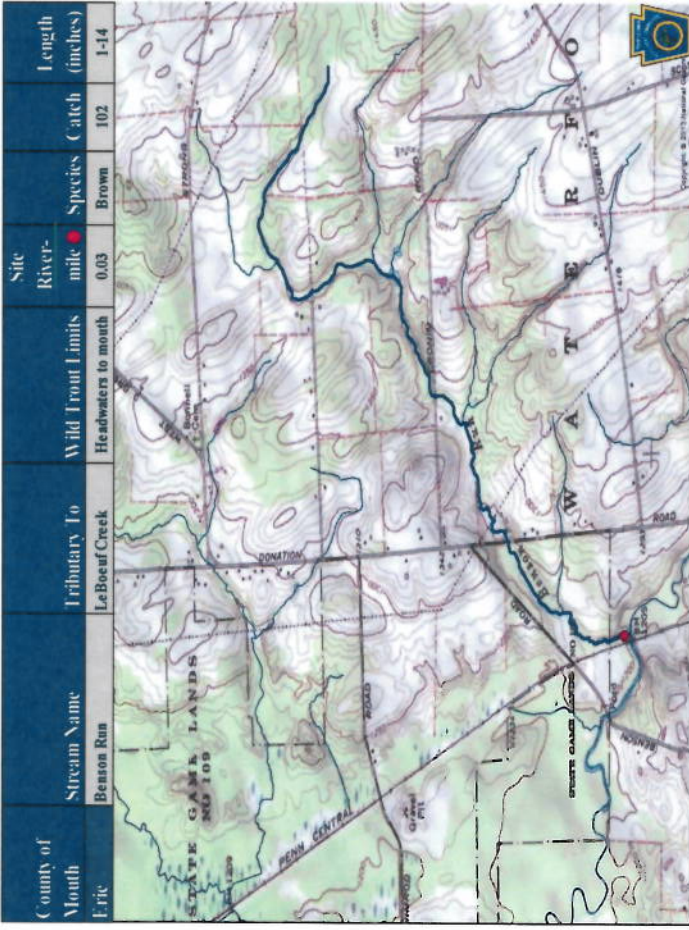


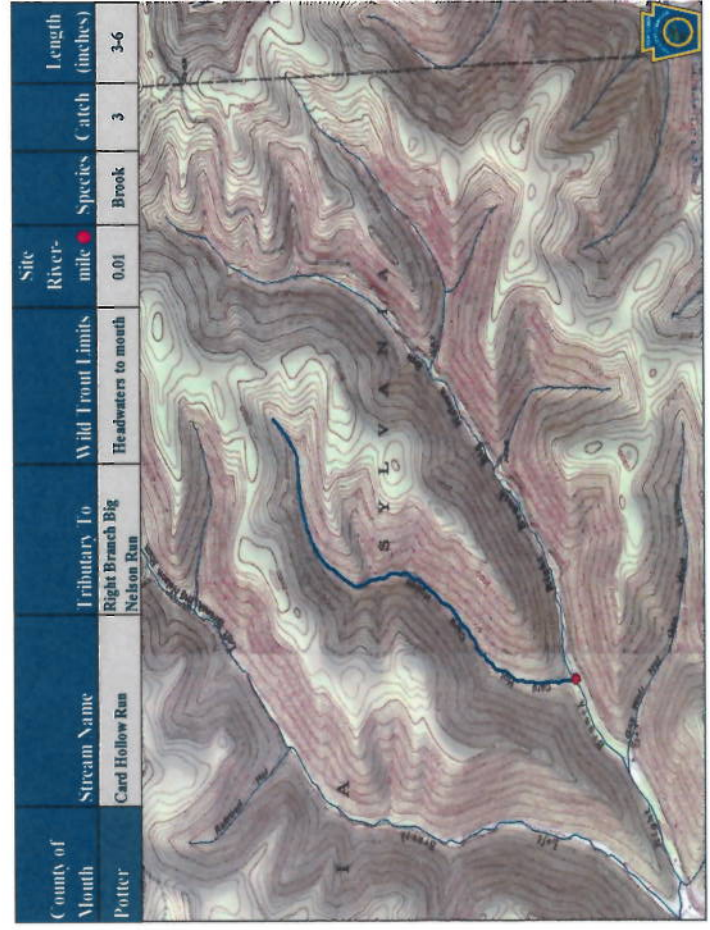
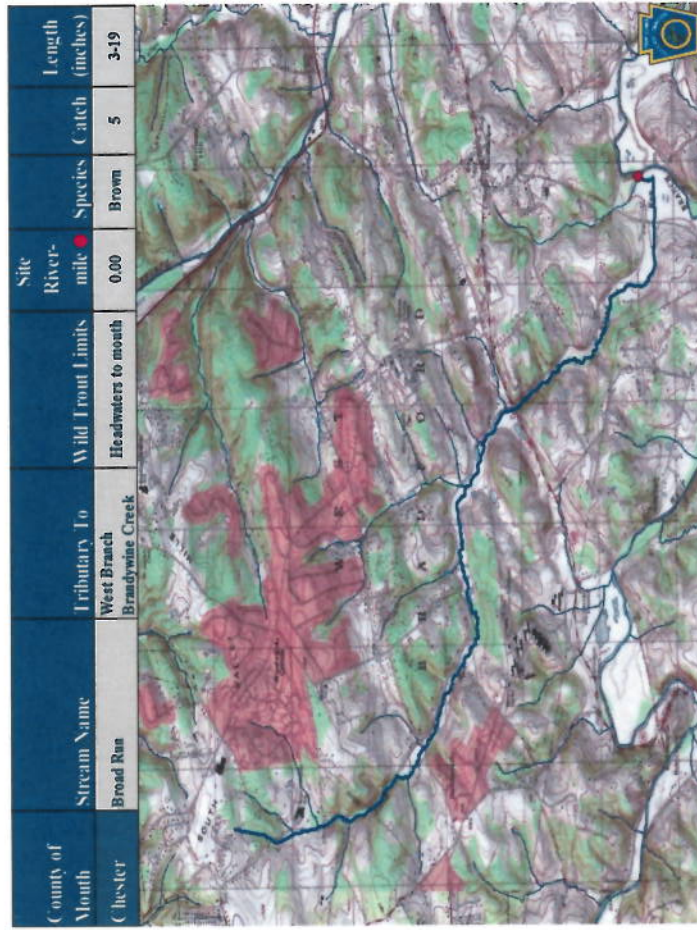
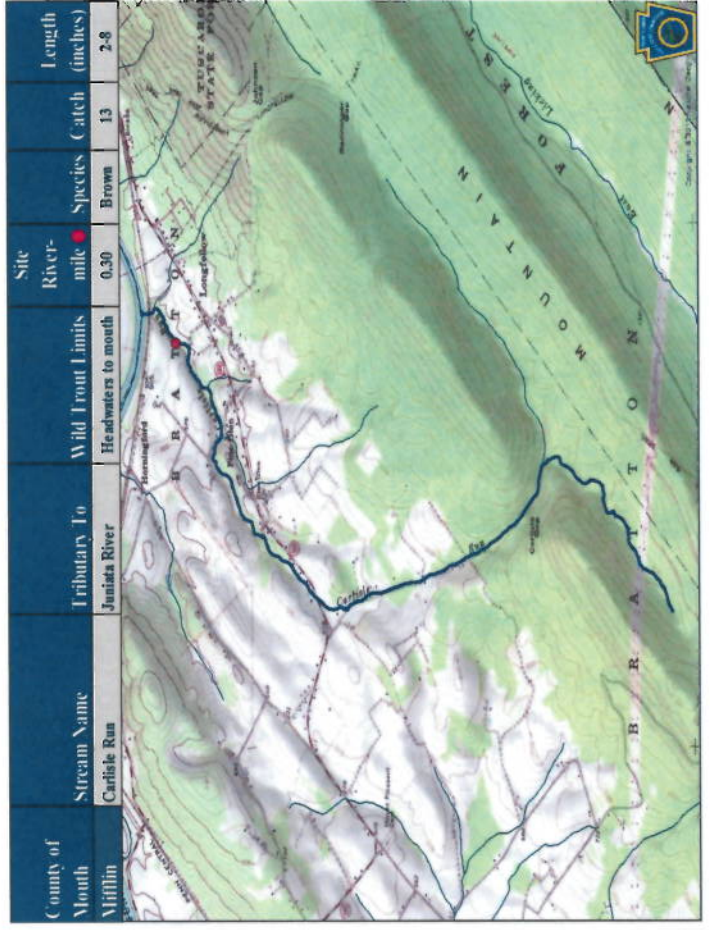
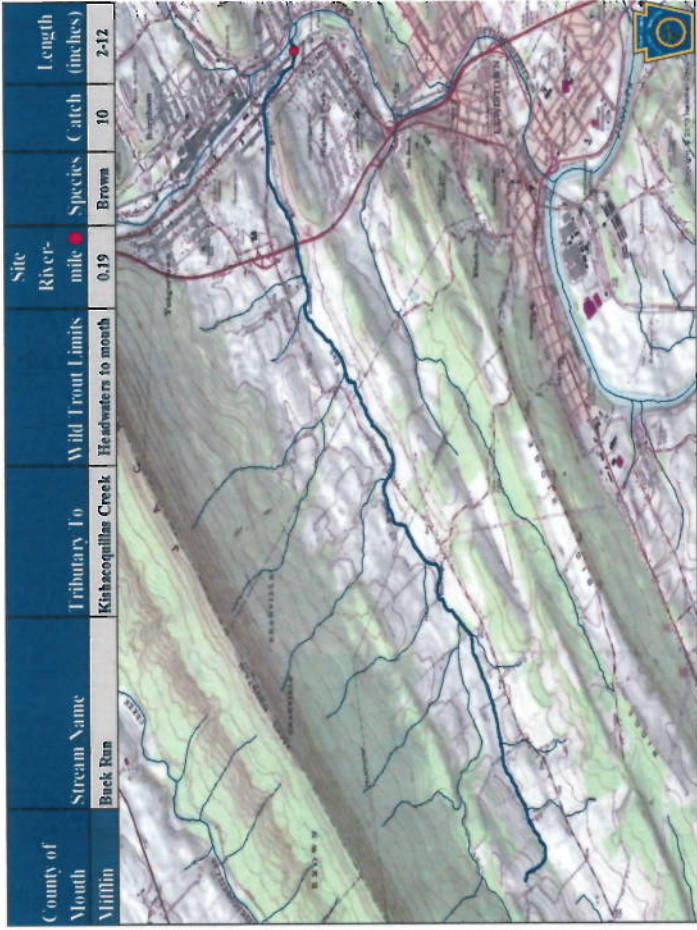
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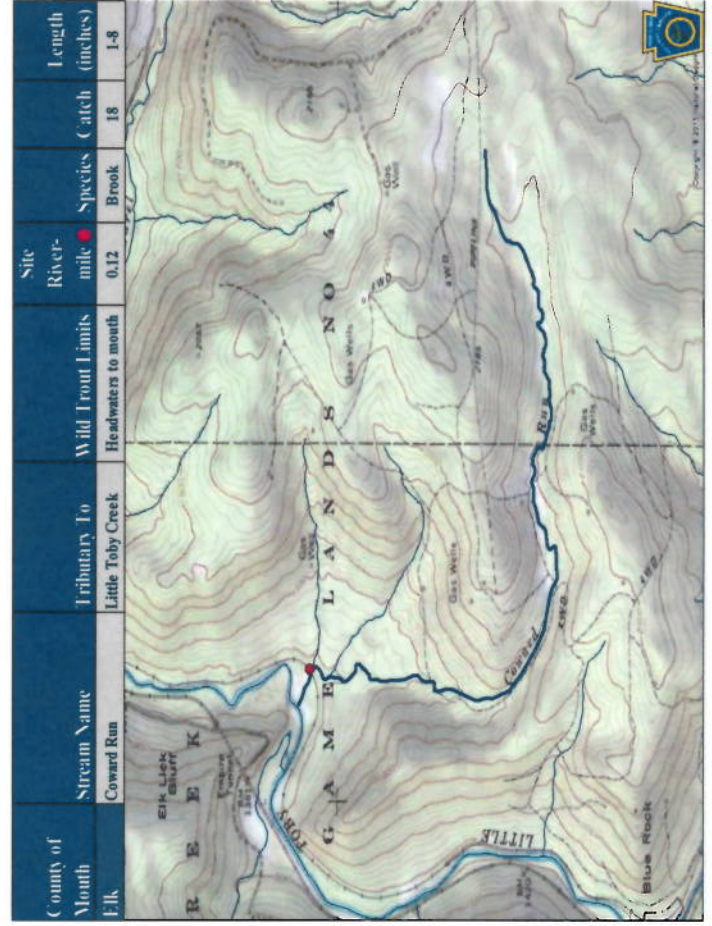
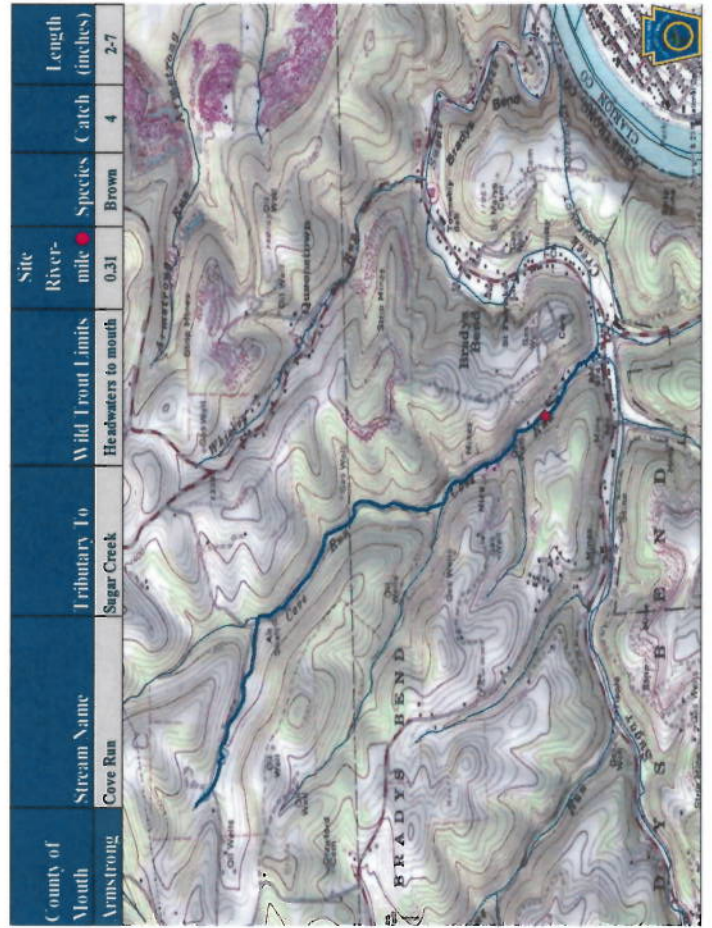
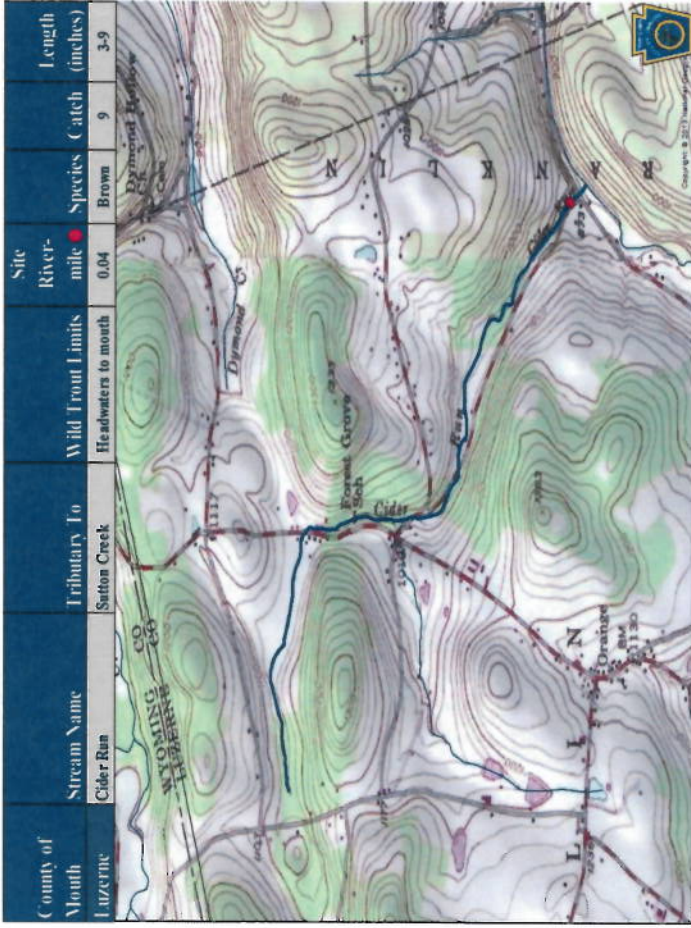
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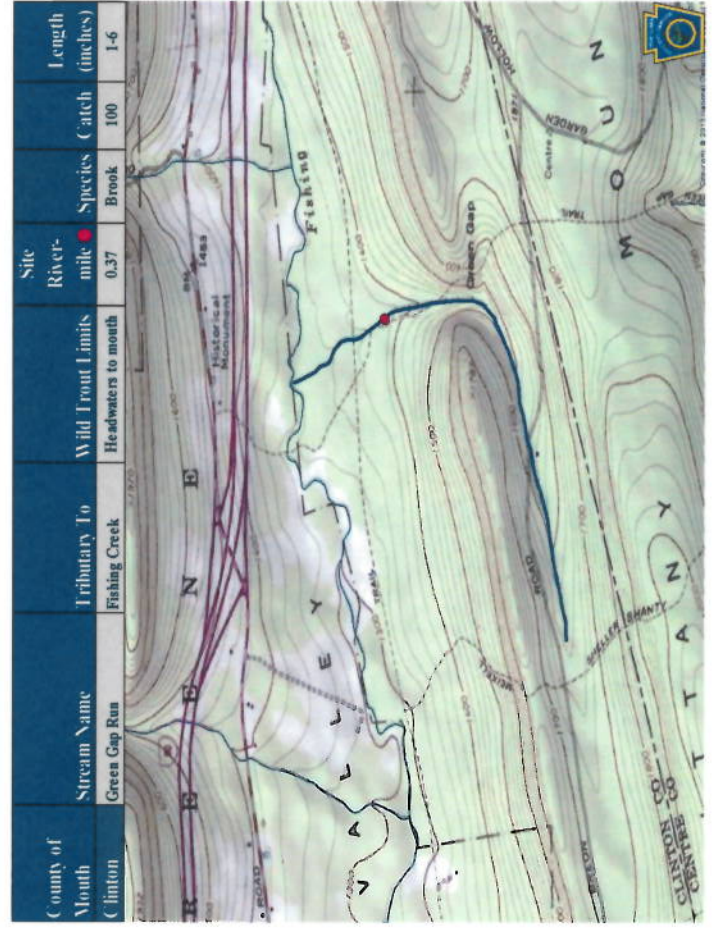
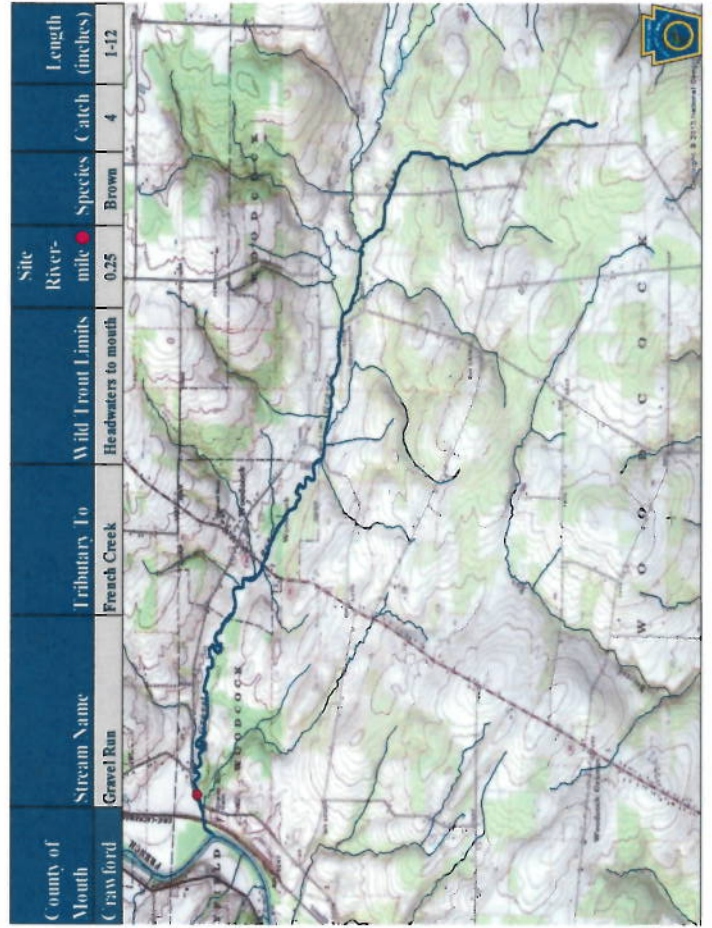
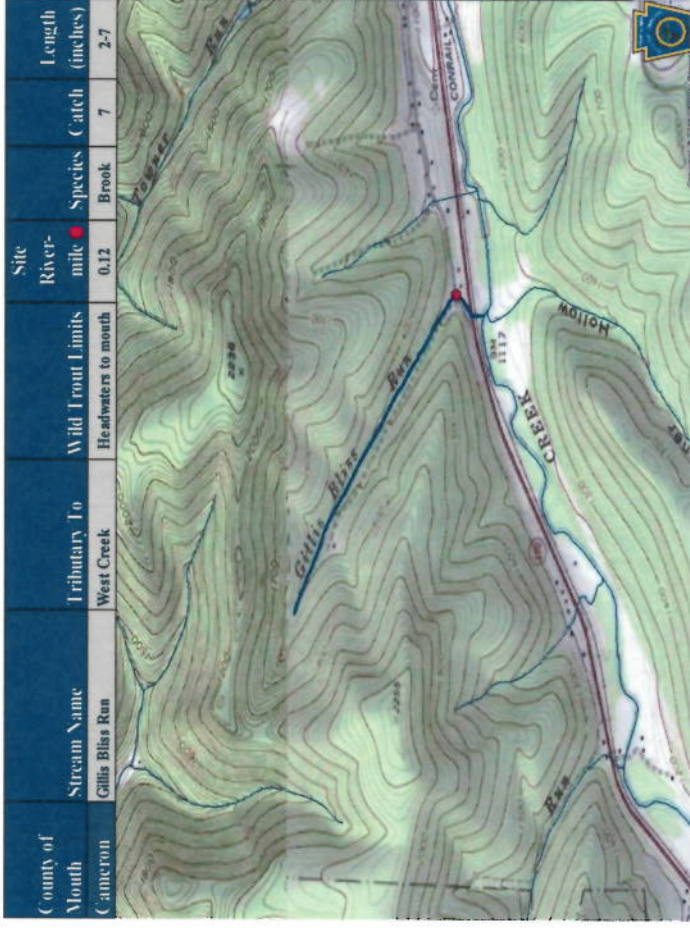
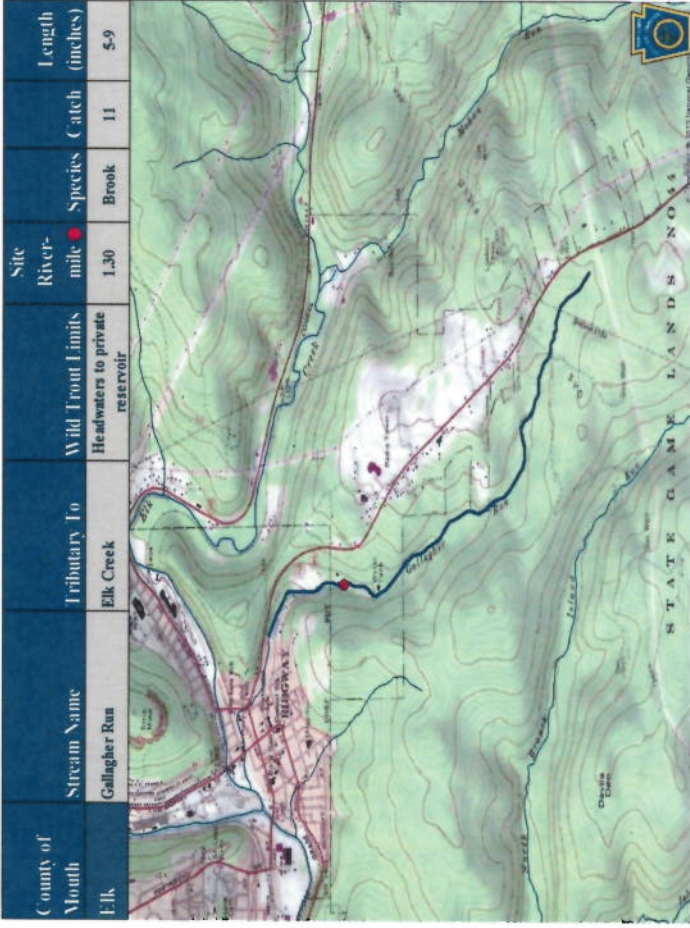


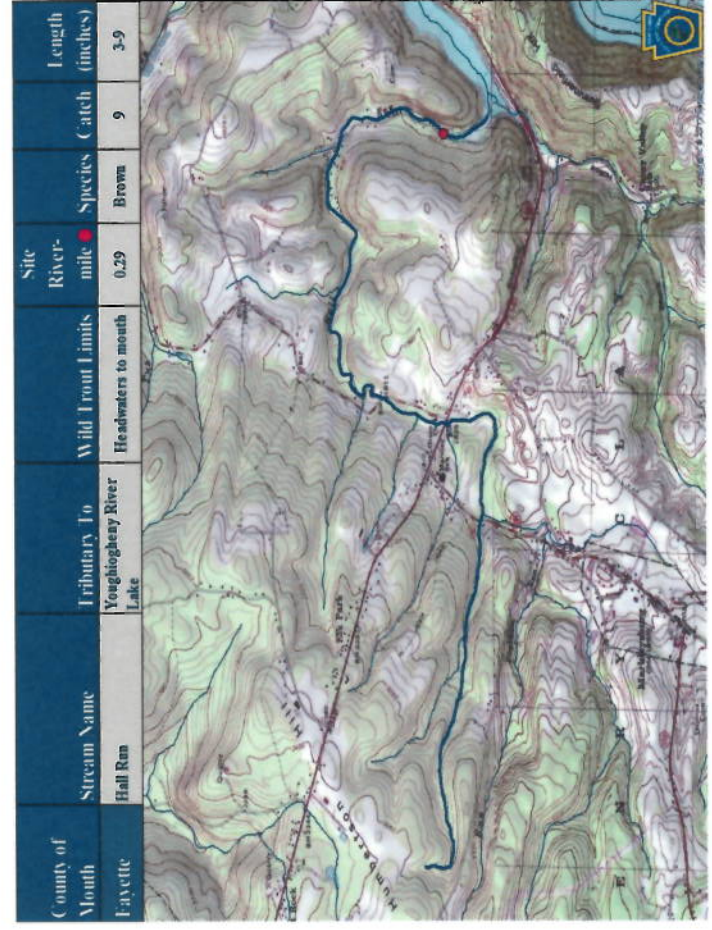
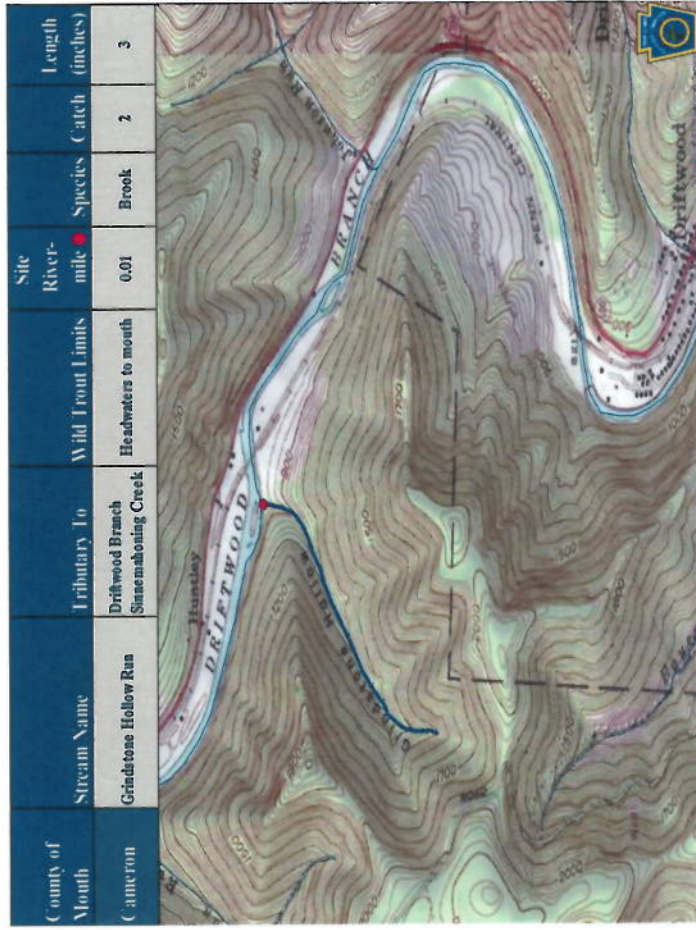
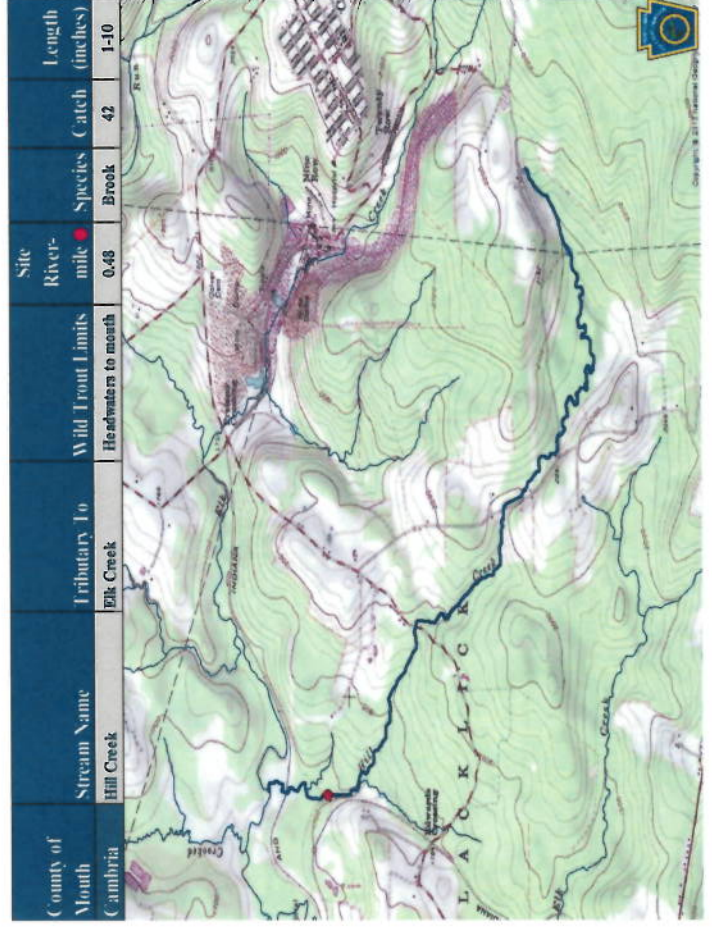
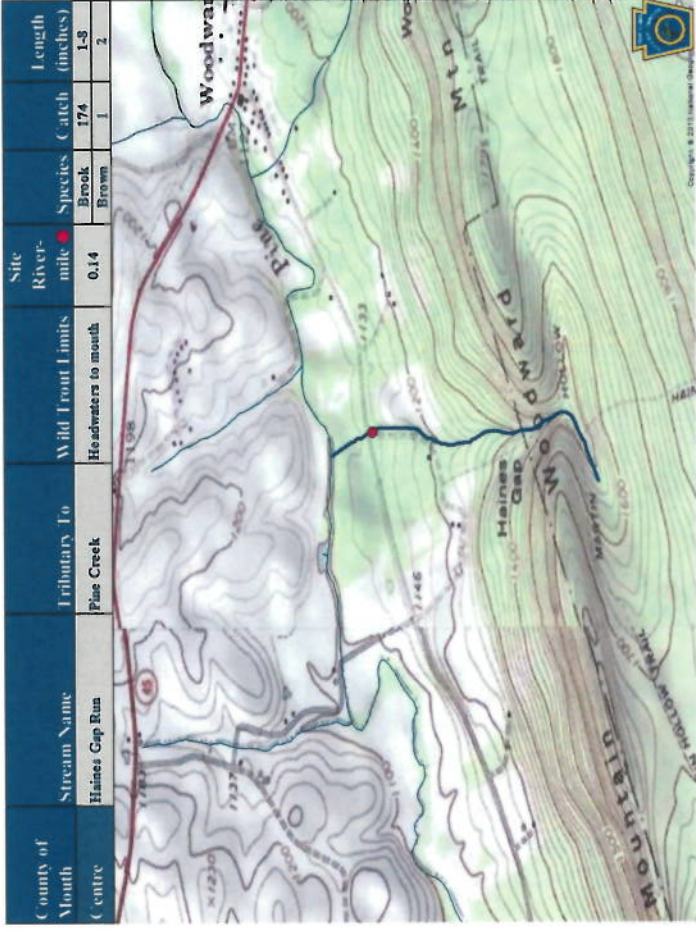
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Snyder	Dry Run	Sasquehanna Creek	Headwaters to mouth	0.01	Brown 15	2-12

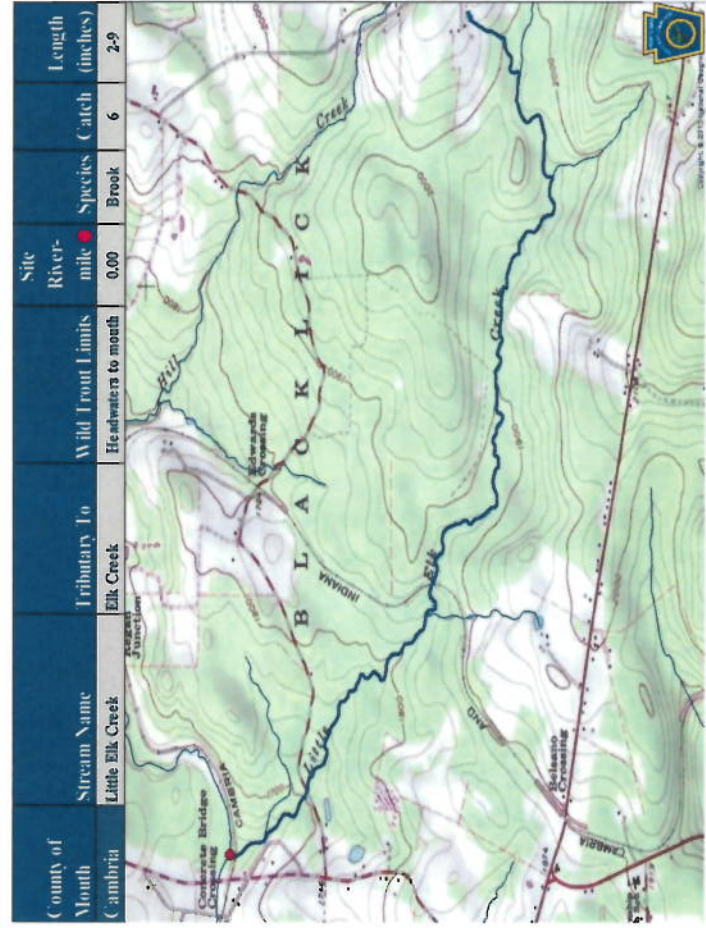
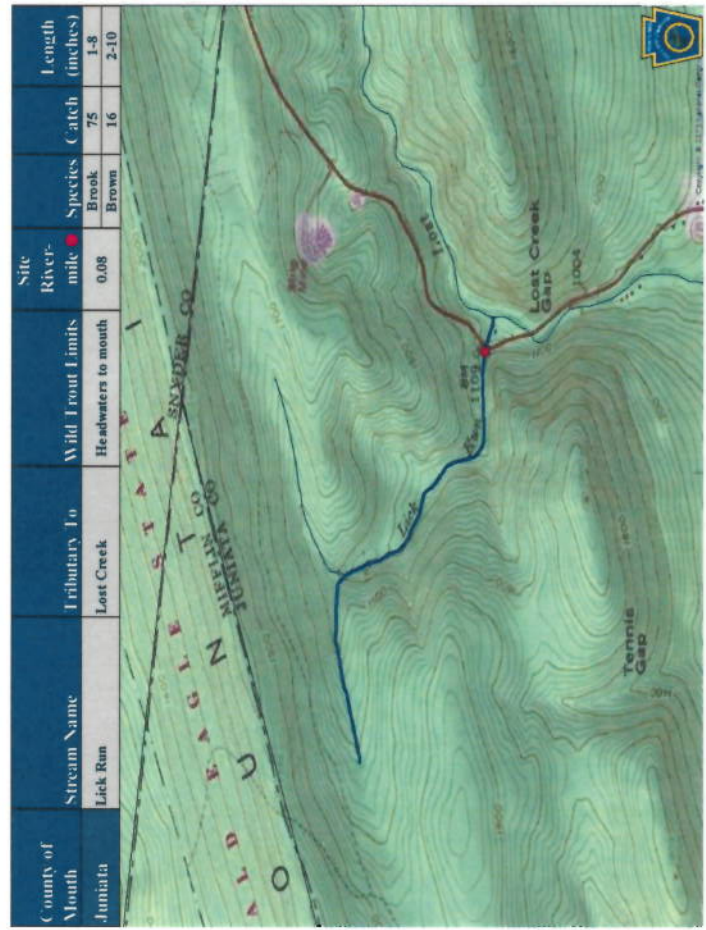
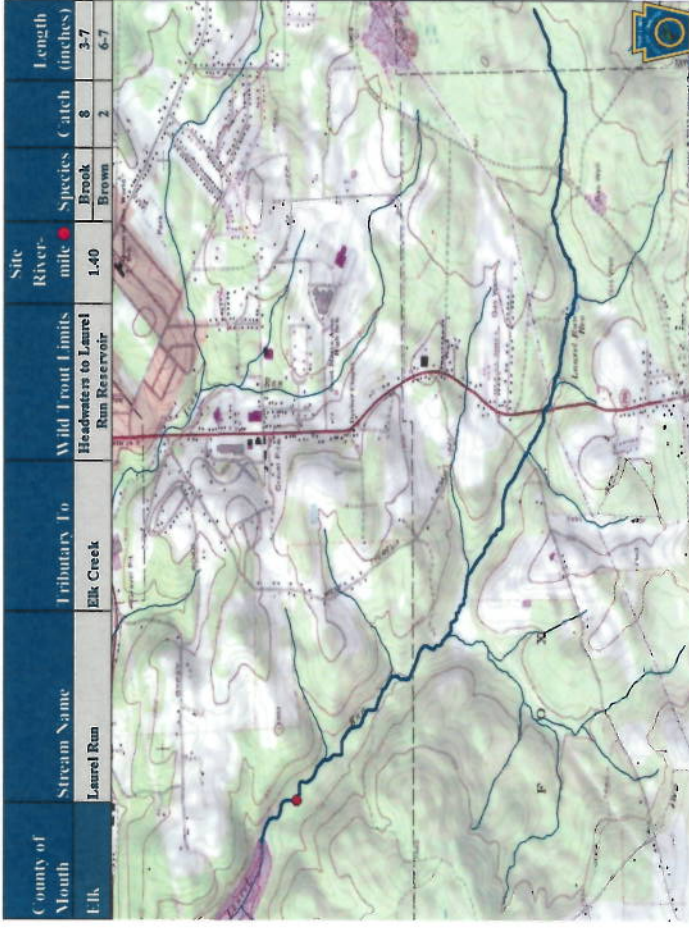
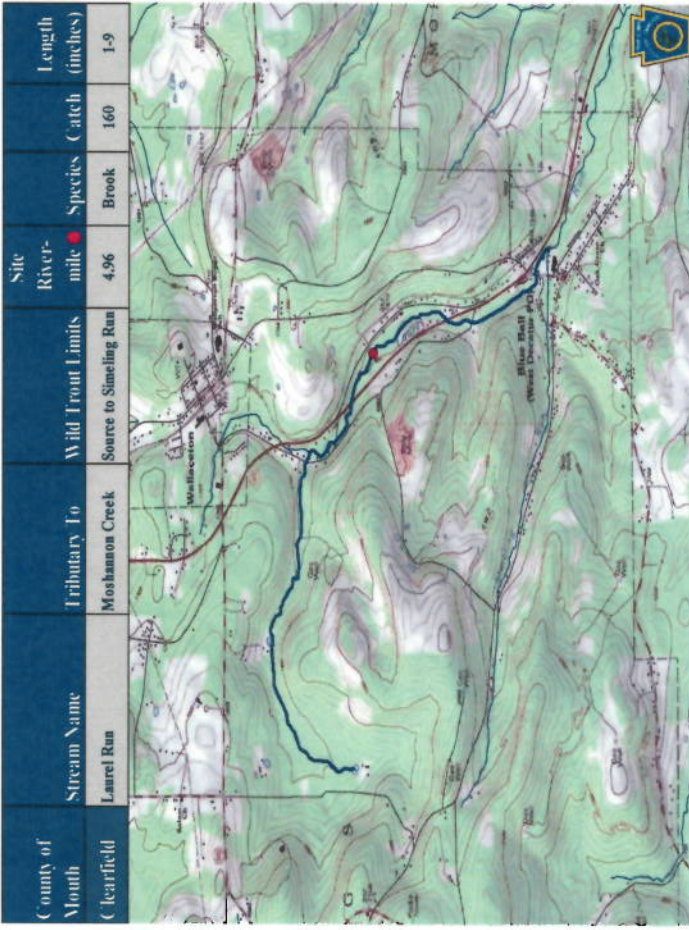
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Clearfield	Dutch Hollow Run	Mosquito Creek	Headwaters to mouth	0.05	Brook 28	2-7

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Elk	Dog Hollow Run	Clarion River	Headwaters to mouth	0.23	Brook 31	2-7

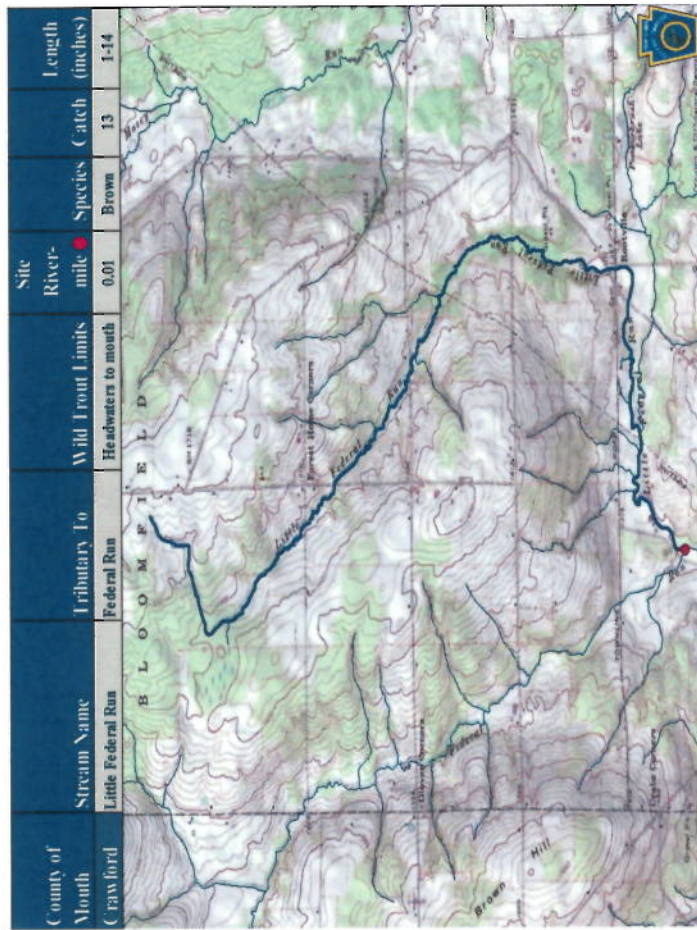
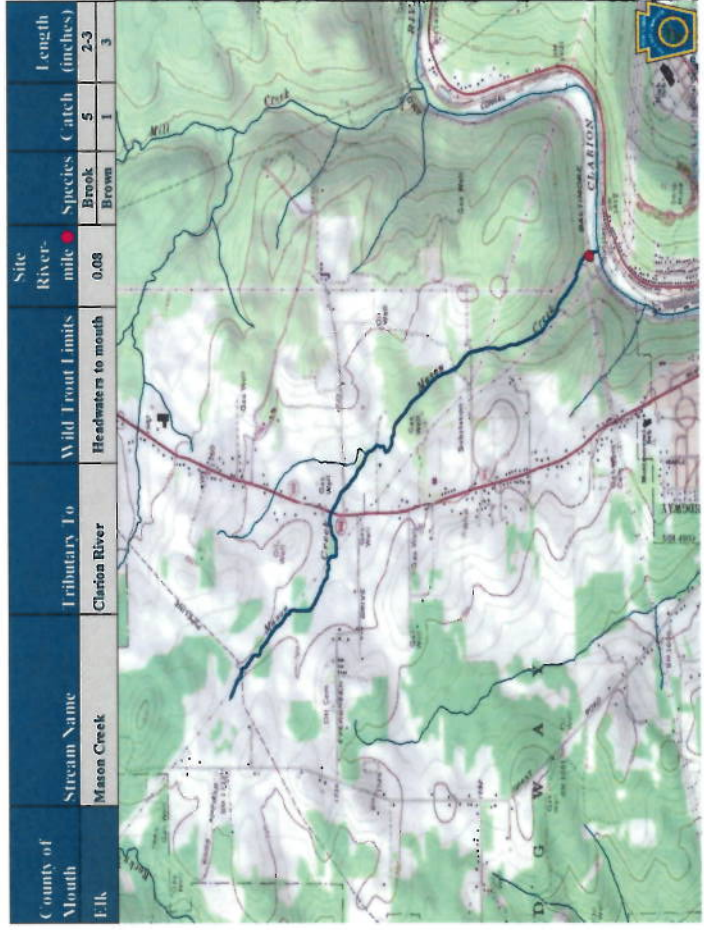
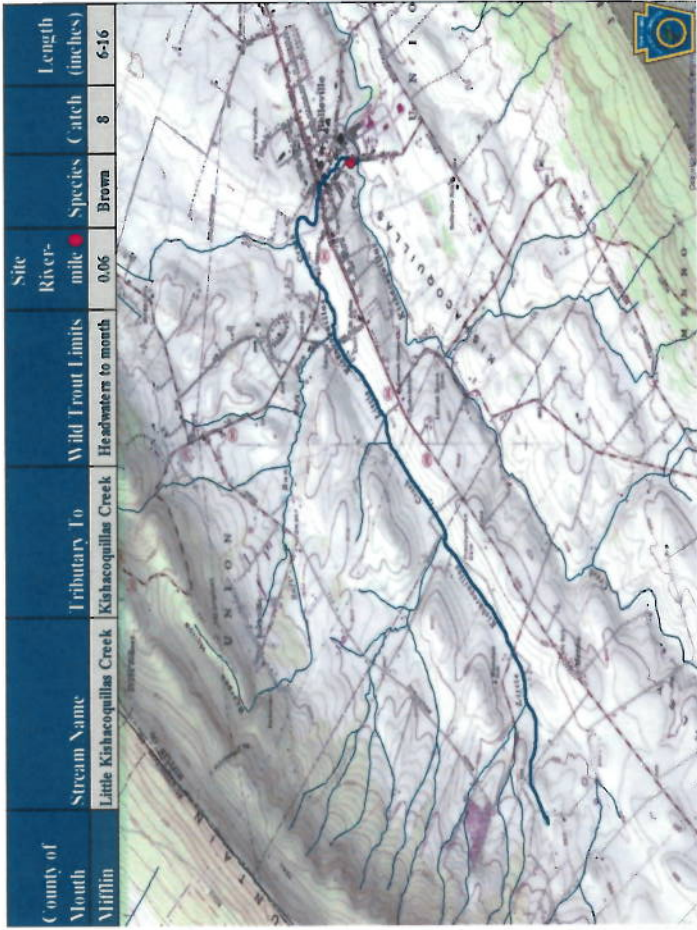
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Elk	Dusty Hollow Run	Elk Creek	Headwaters to mouth	0.01	Brook 44	1-6

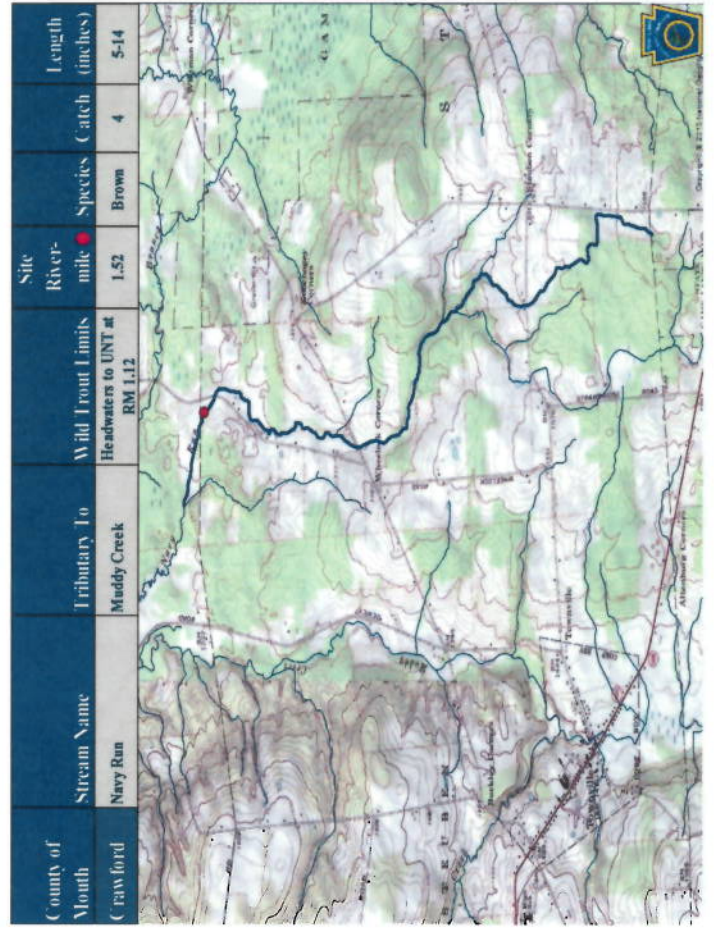
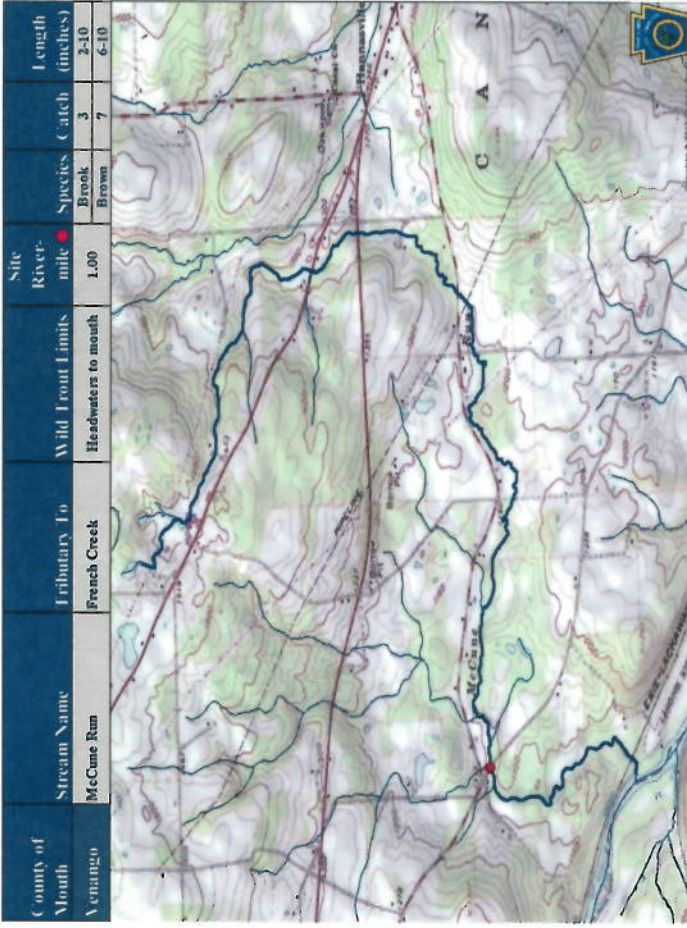
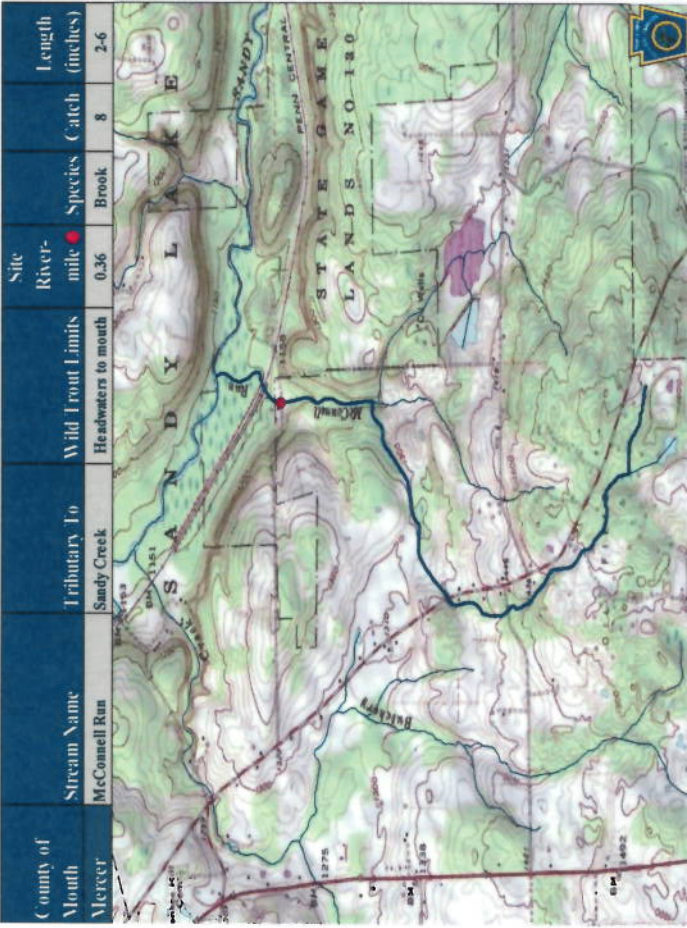


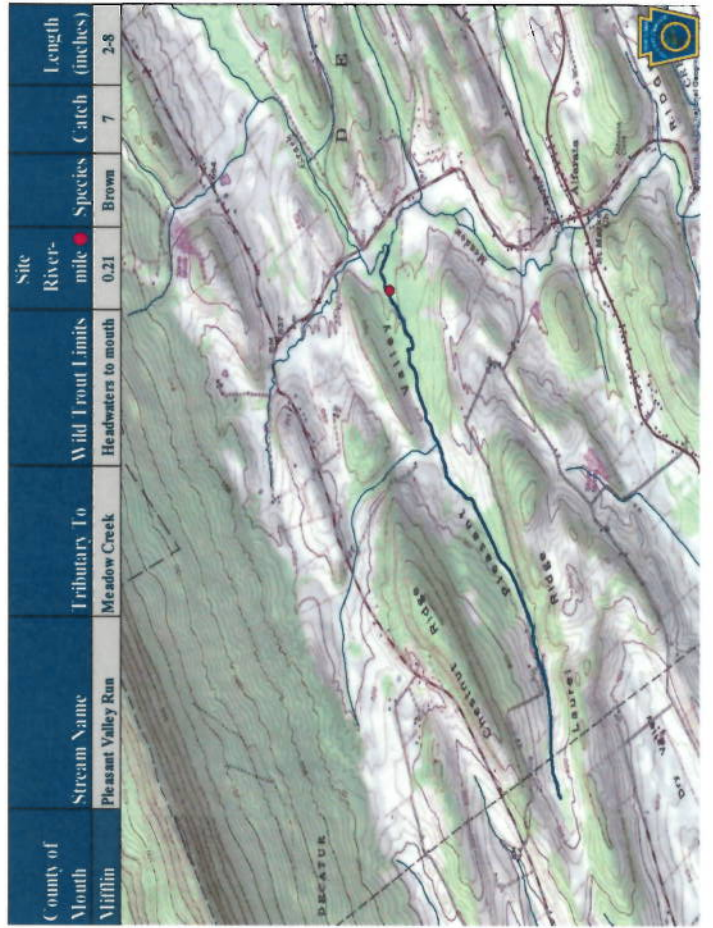
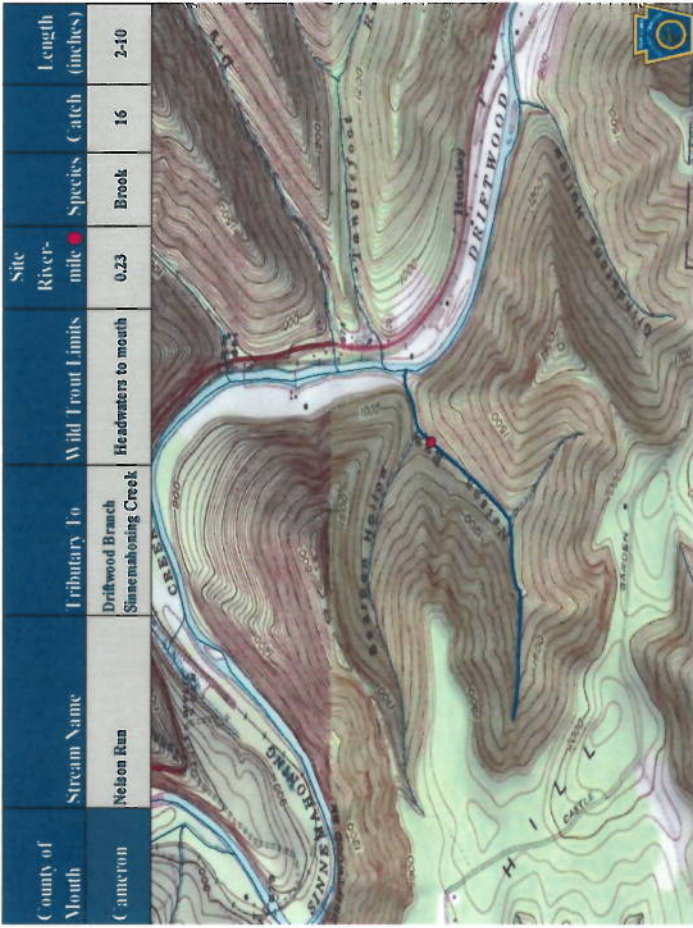
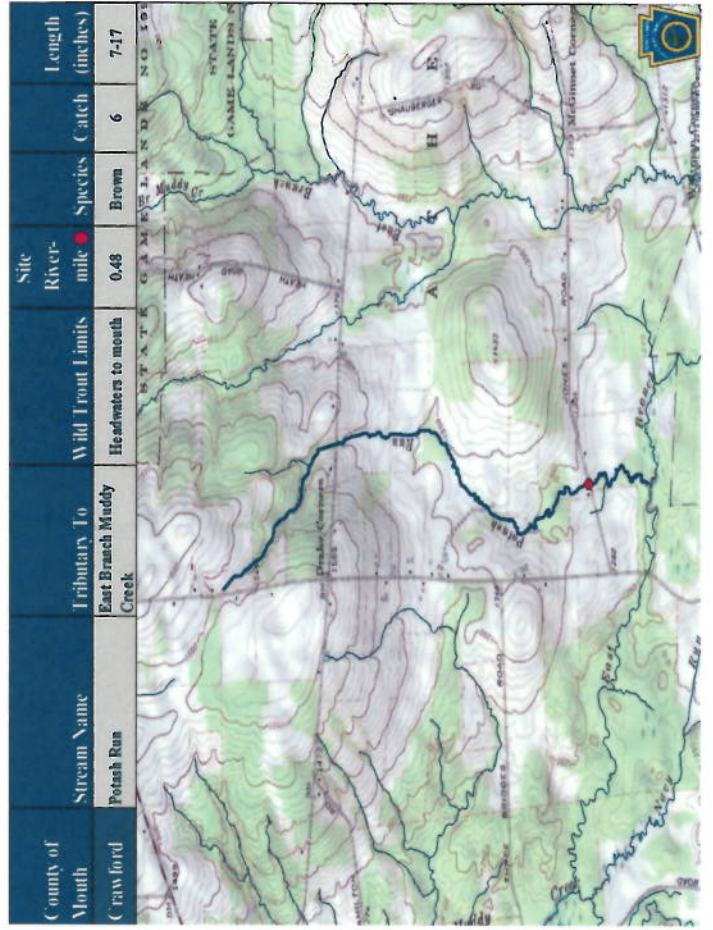
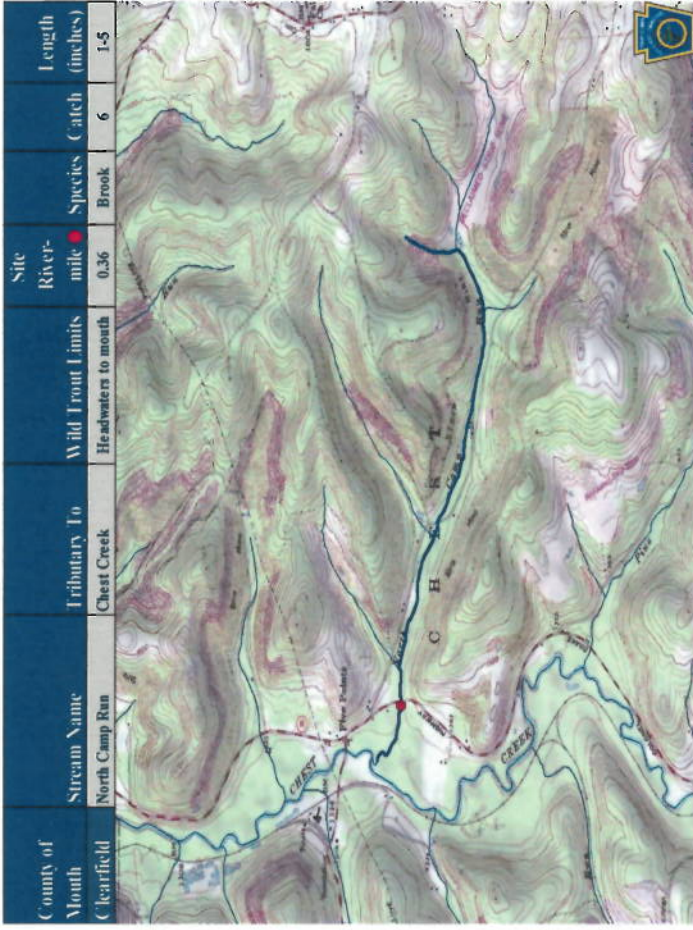


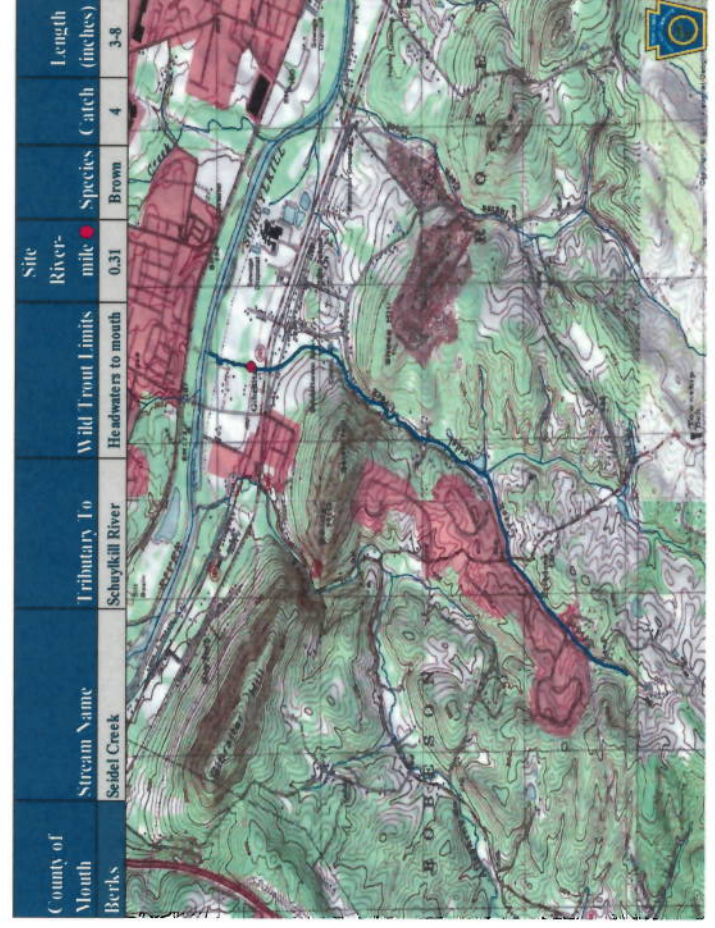
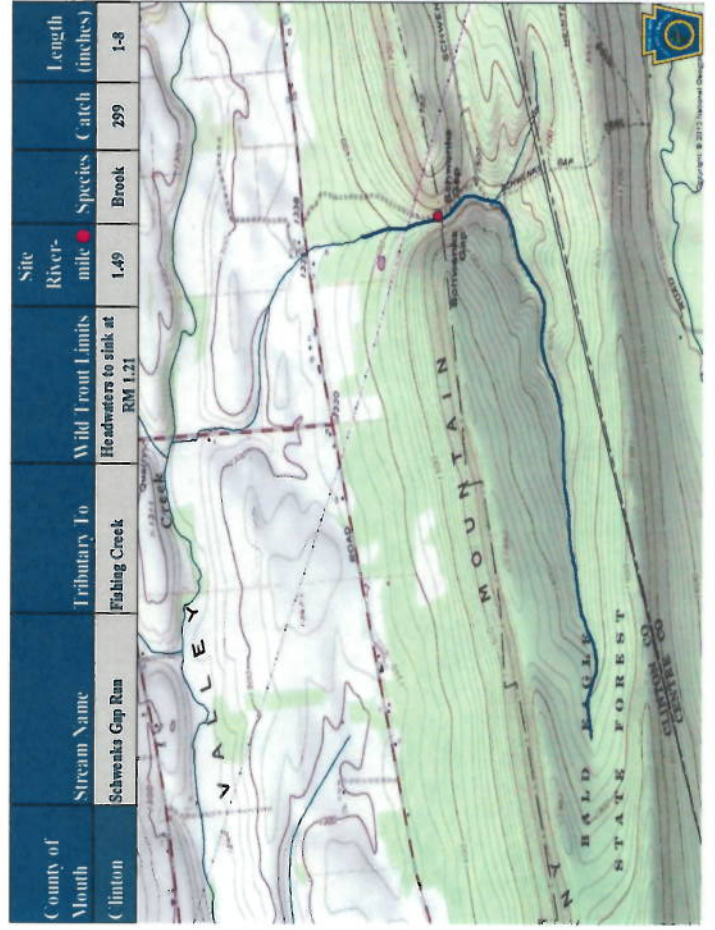
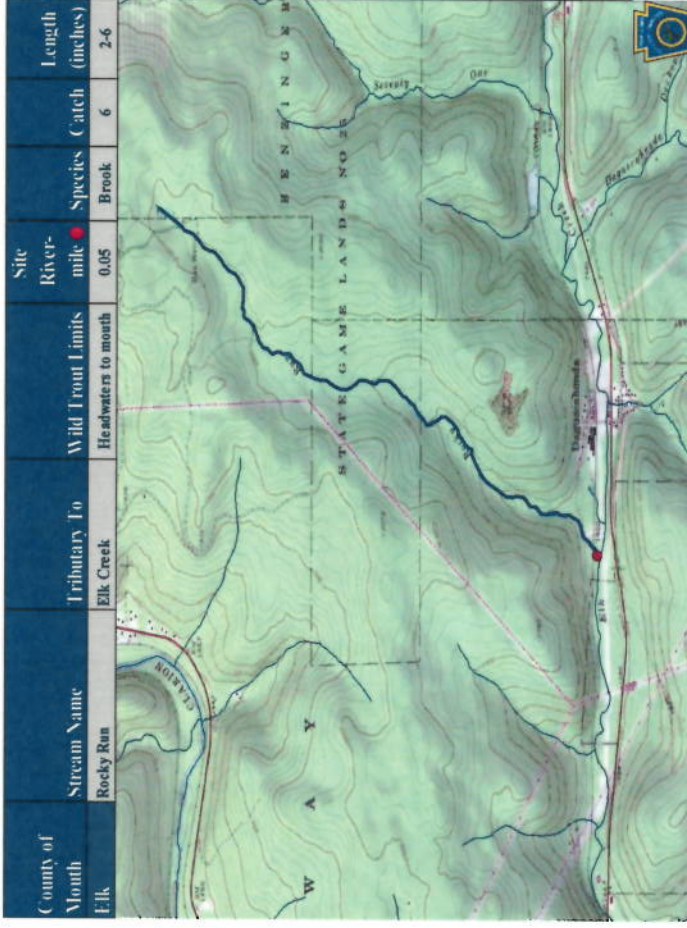
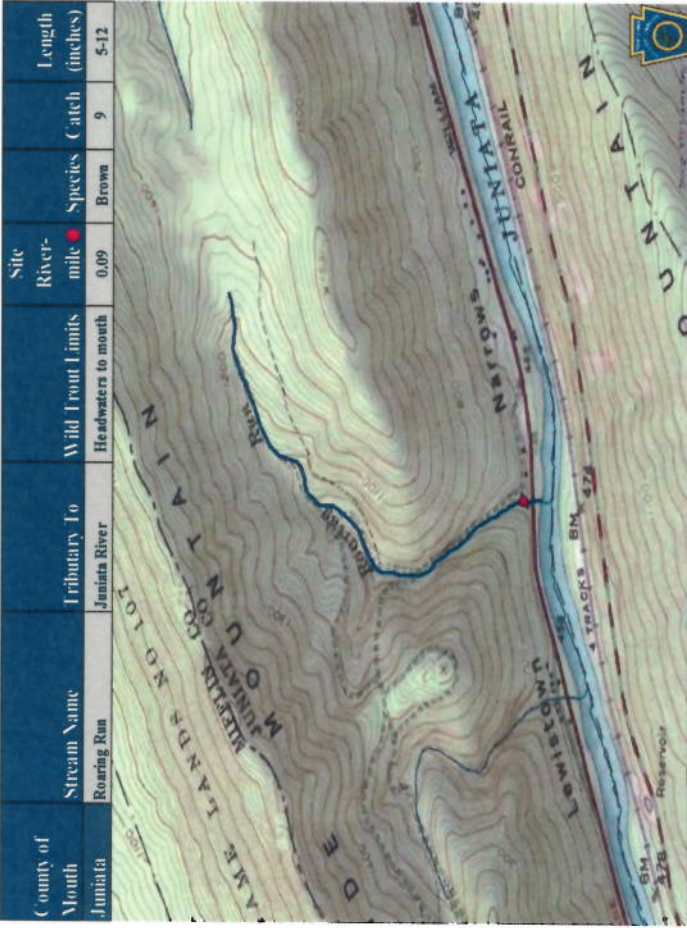


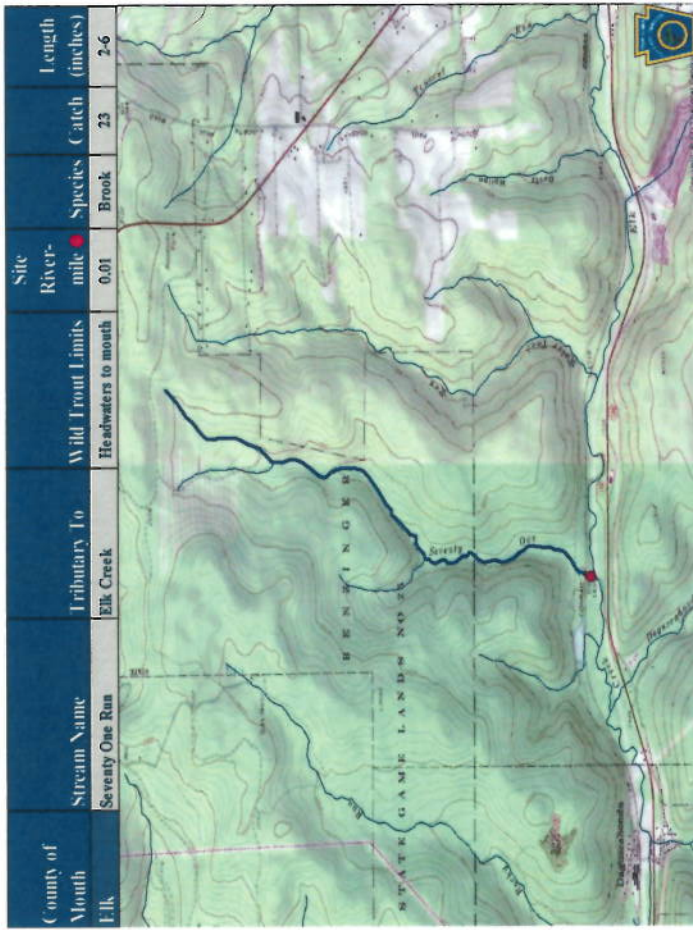
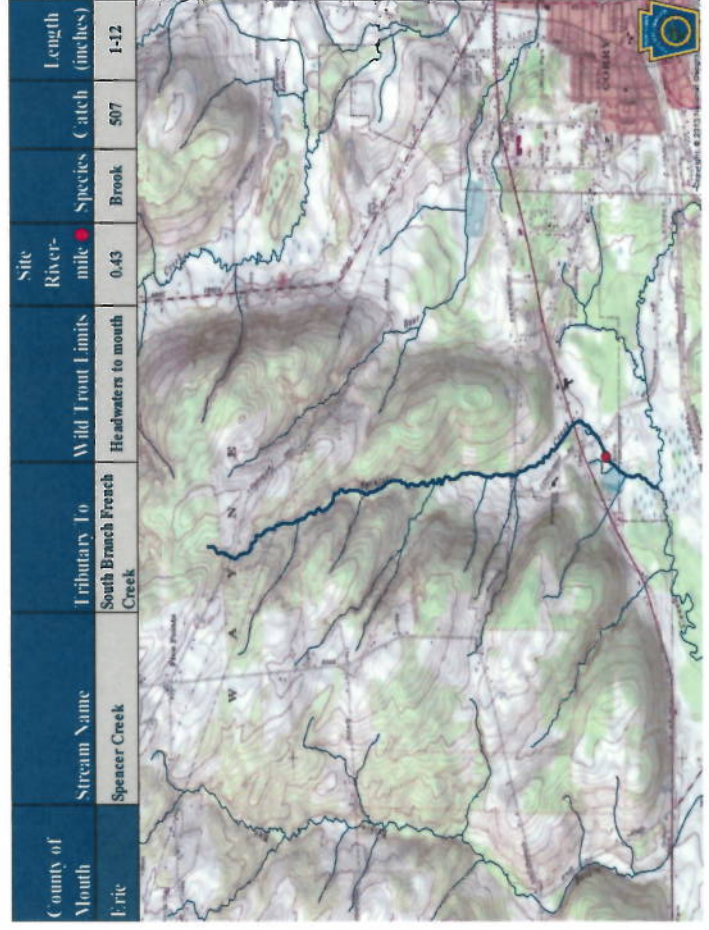
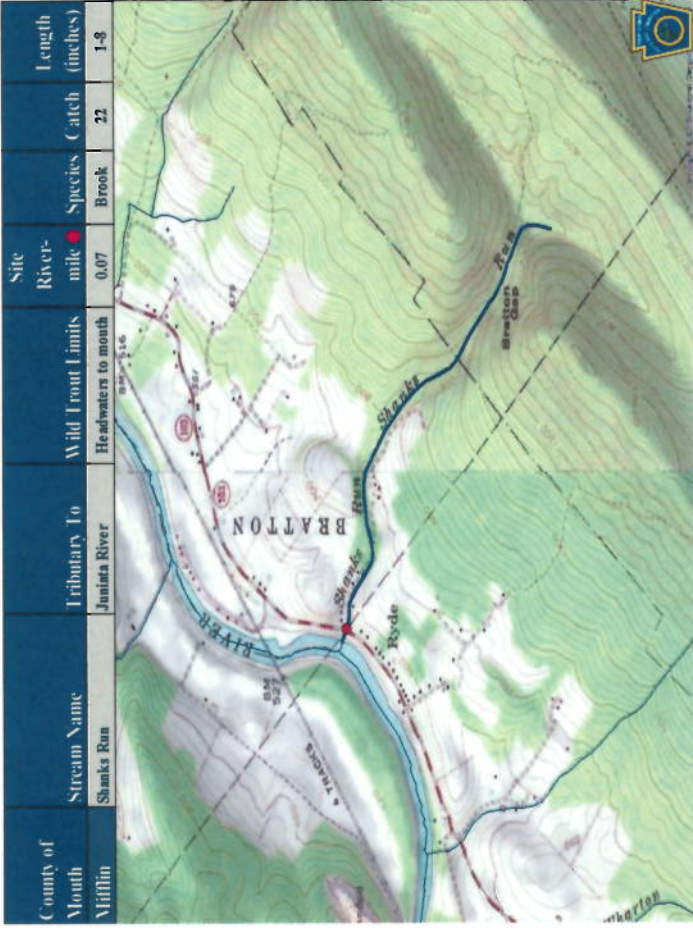


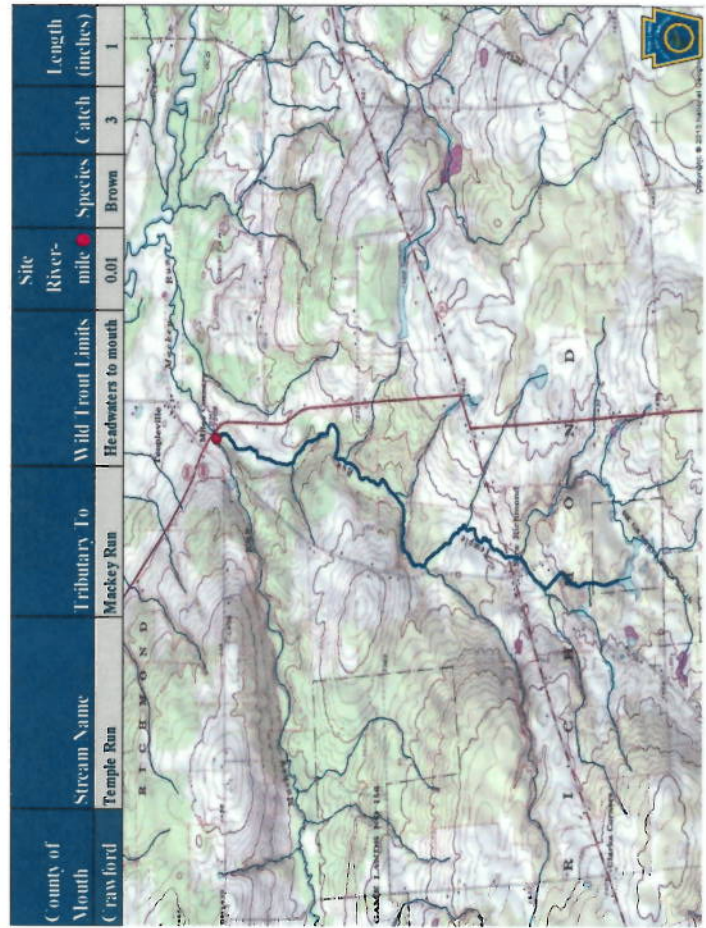
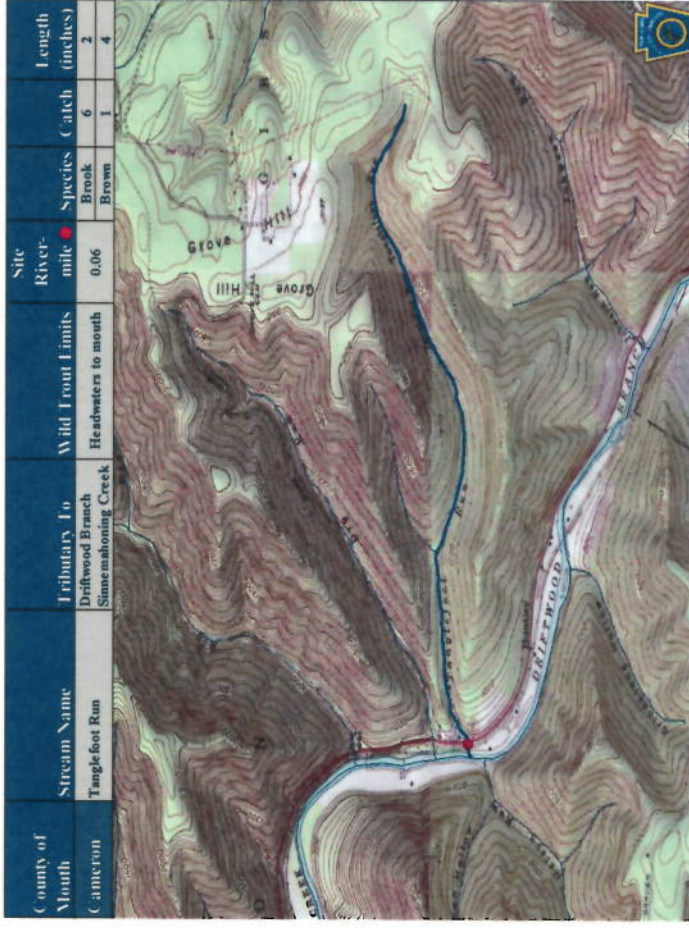
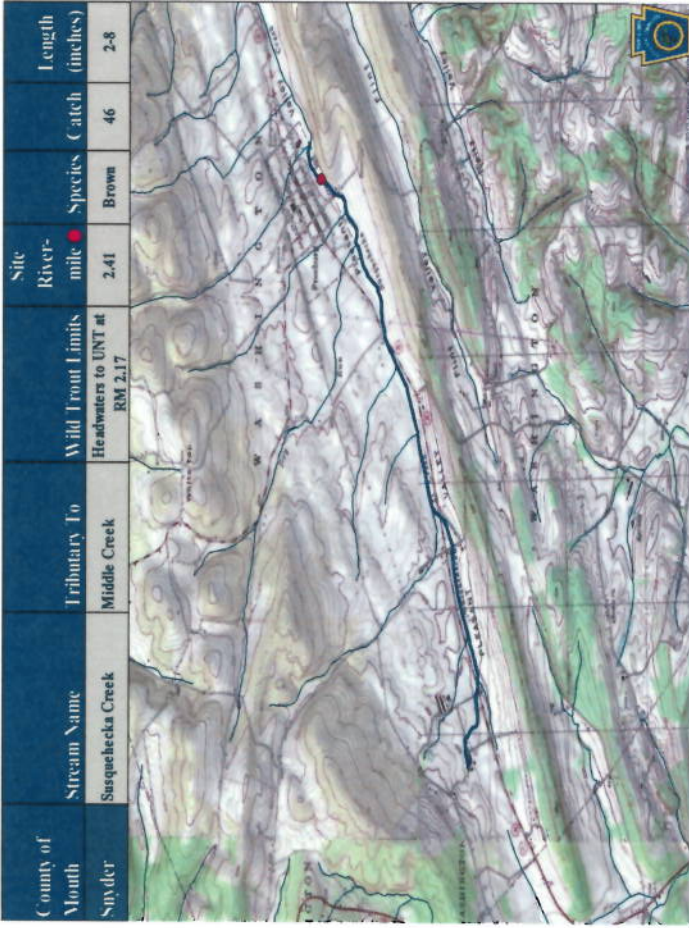


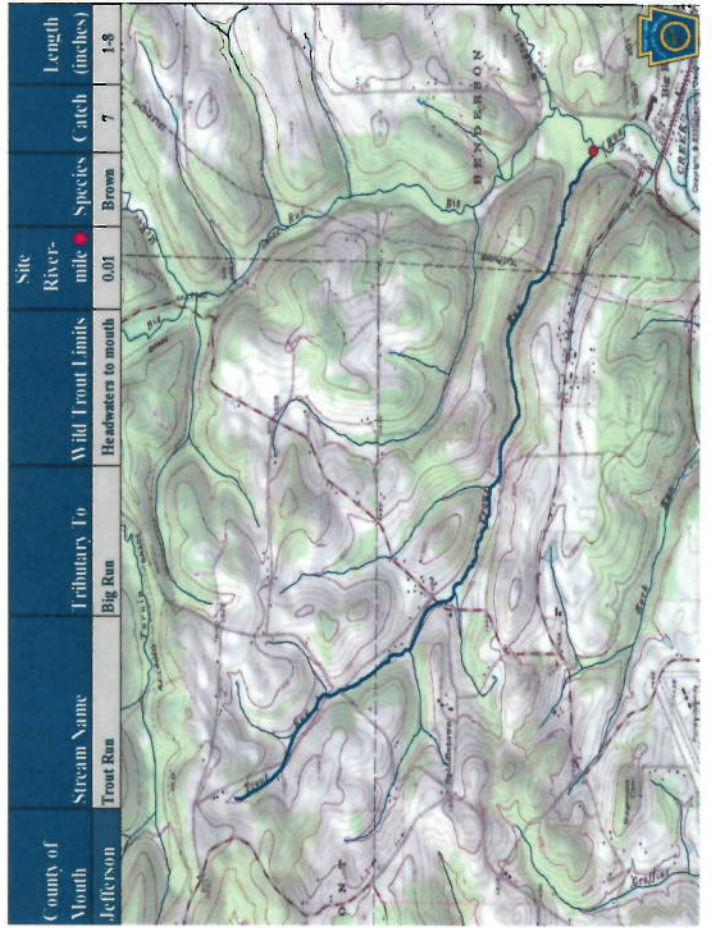
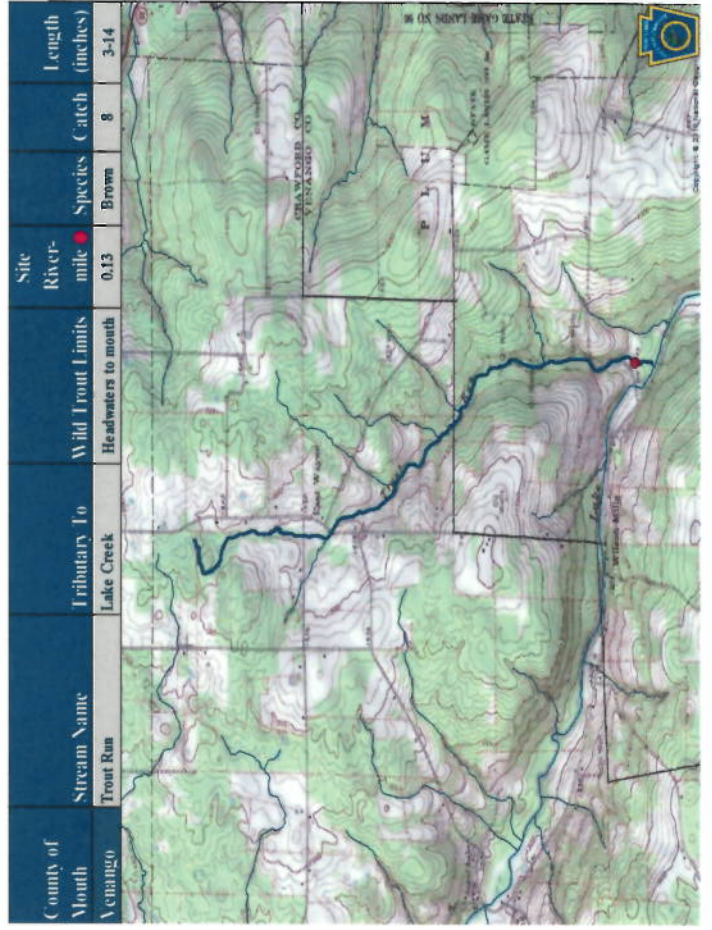
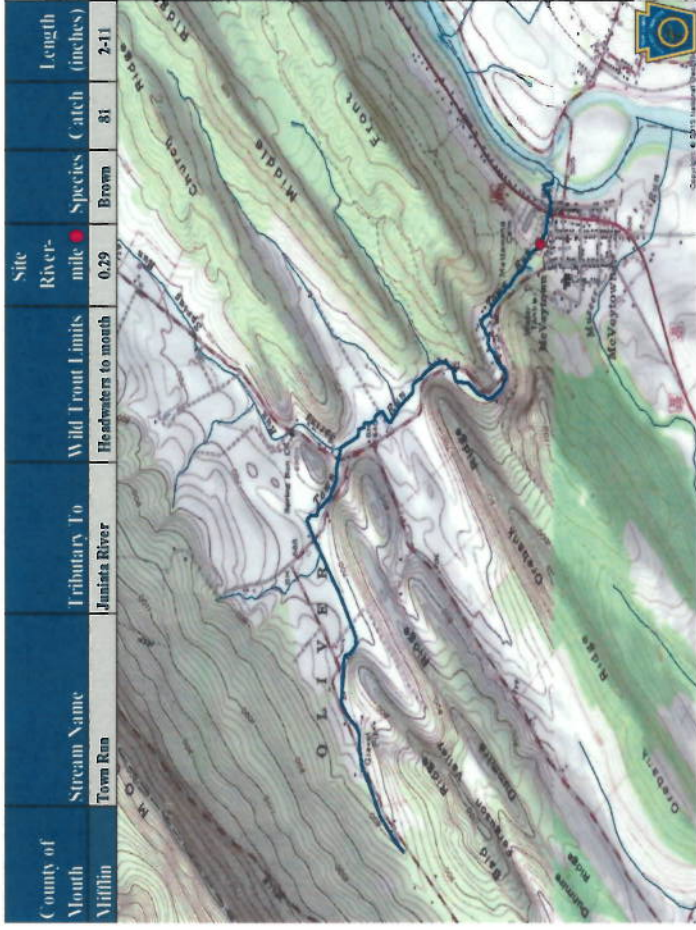


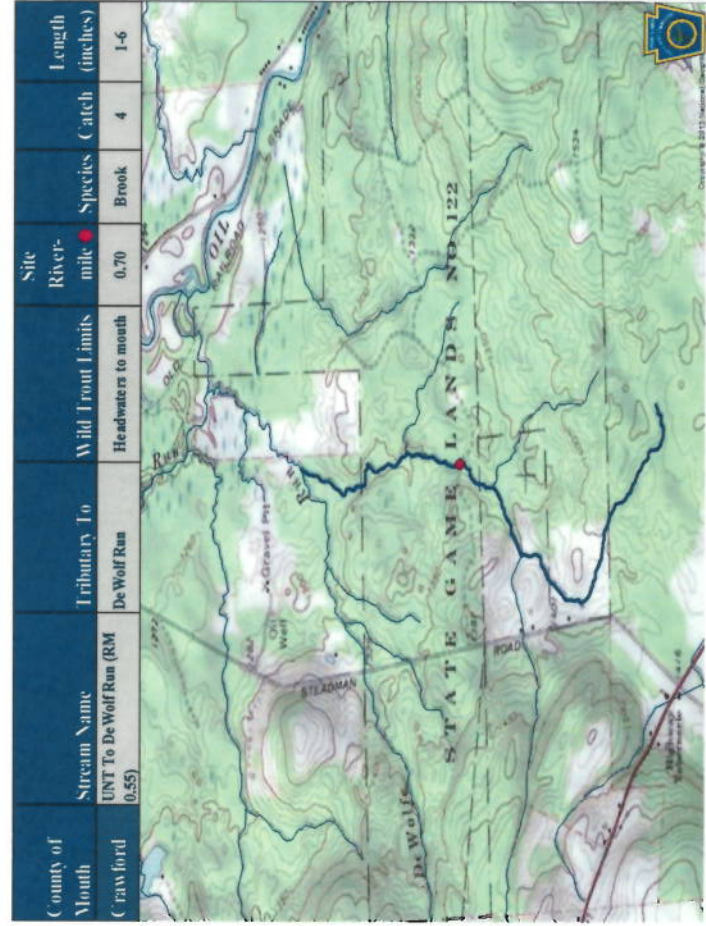
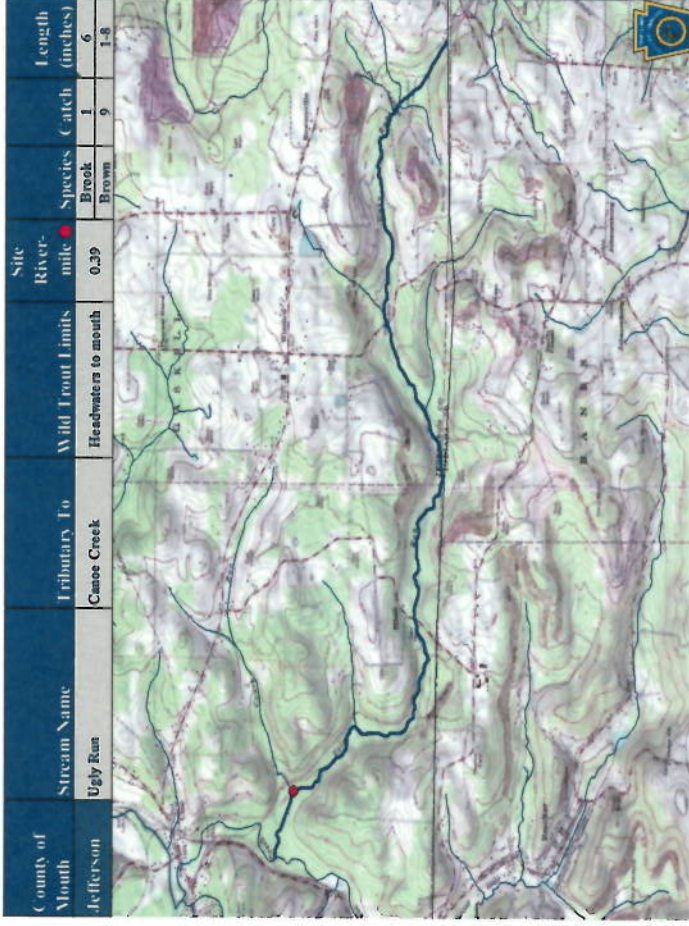
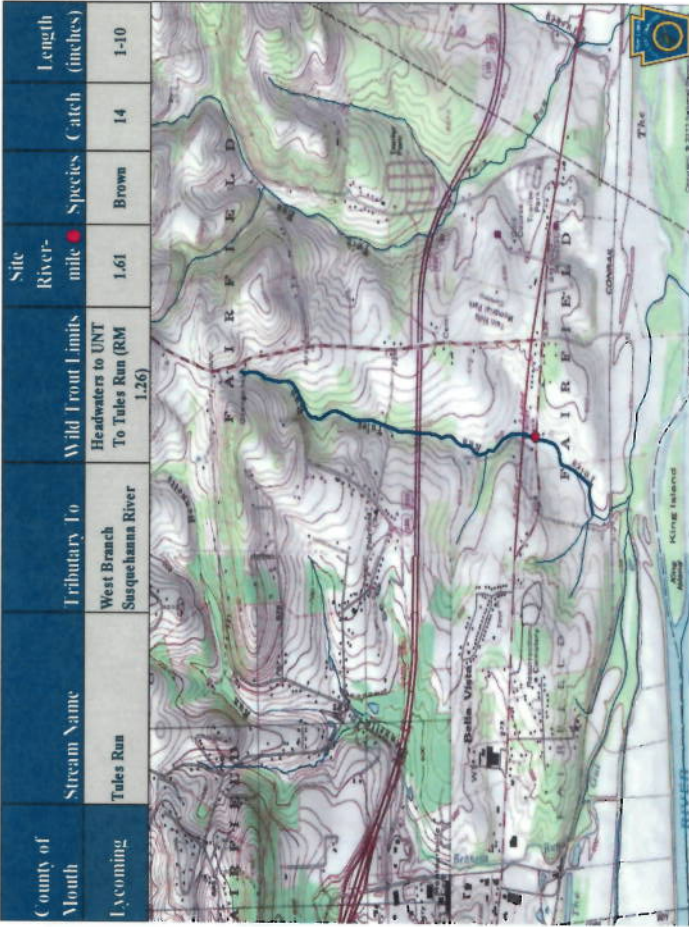












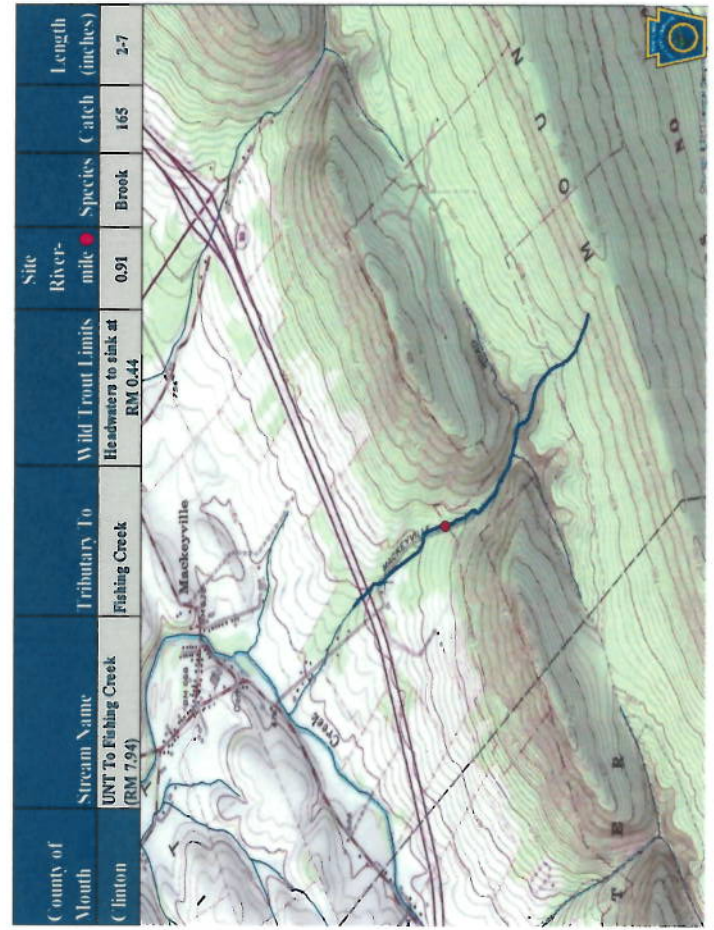
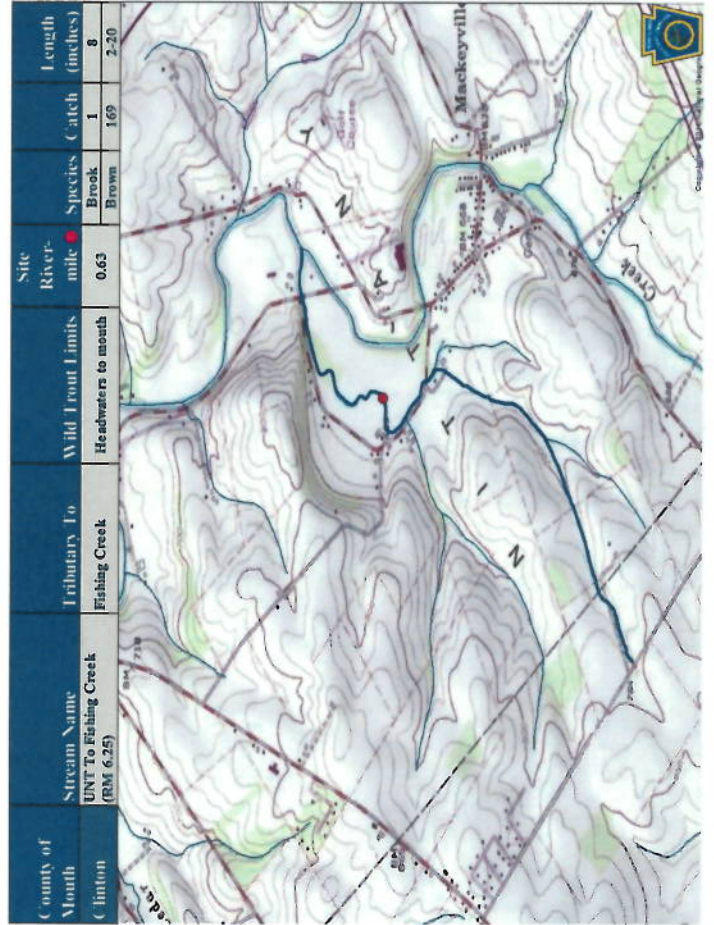
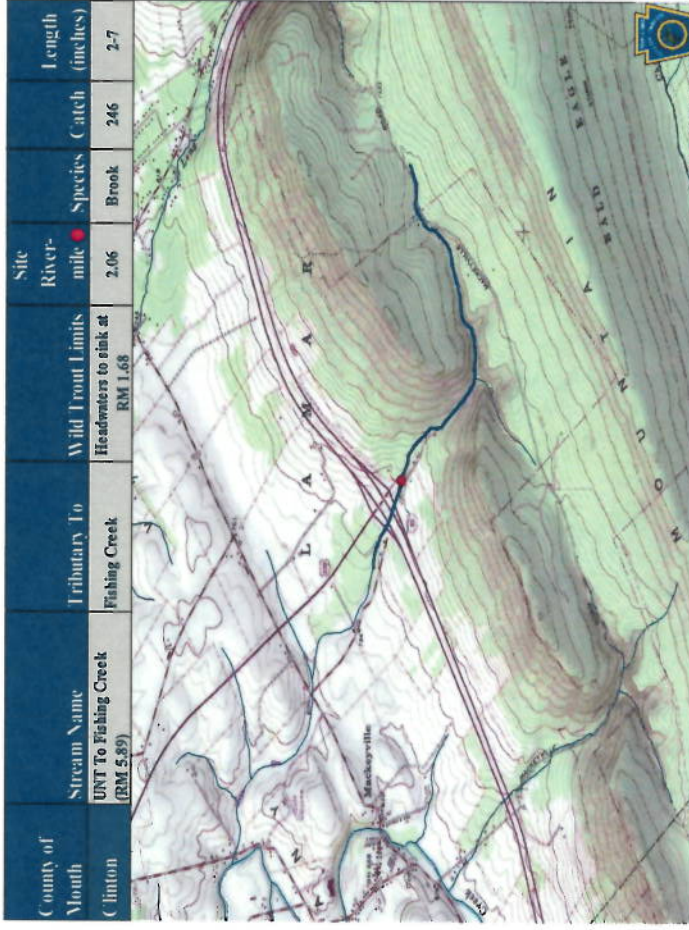
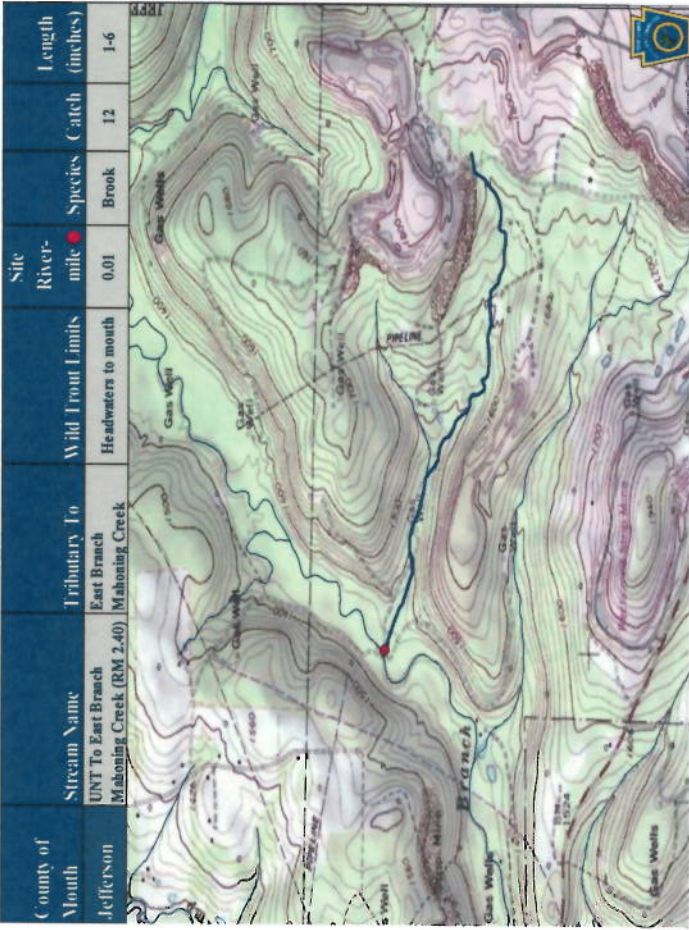


County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT To Dabois Reservoir (RM 15.40)	Dabois Reservoir	Headwaters to mouth	0.26	Brook	7	4-5

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species	Catch	Length (inches)
Jefferson	UNT To East Branch Maining Creek (RM 1.94)	East Branch Maining Creek	Headwaters to mouth	0.11	Brook	14	2-6

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species	Catch	Length (inches)
Sullivan	Unt To Double Run (RM 0.28)	Double Run	Headwaters to mouth	0.30	Brook	187	1-9

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species	Catch	Length (inches)
Chester	UNT To East Branch Brandywine Ck (RM 5.88)	East Branch Brandywine Creek	Headwaters to mouth	0.40	Brook	11	2-9

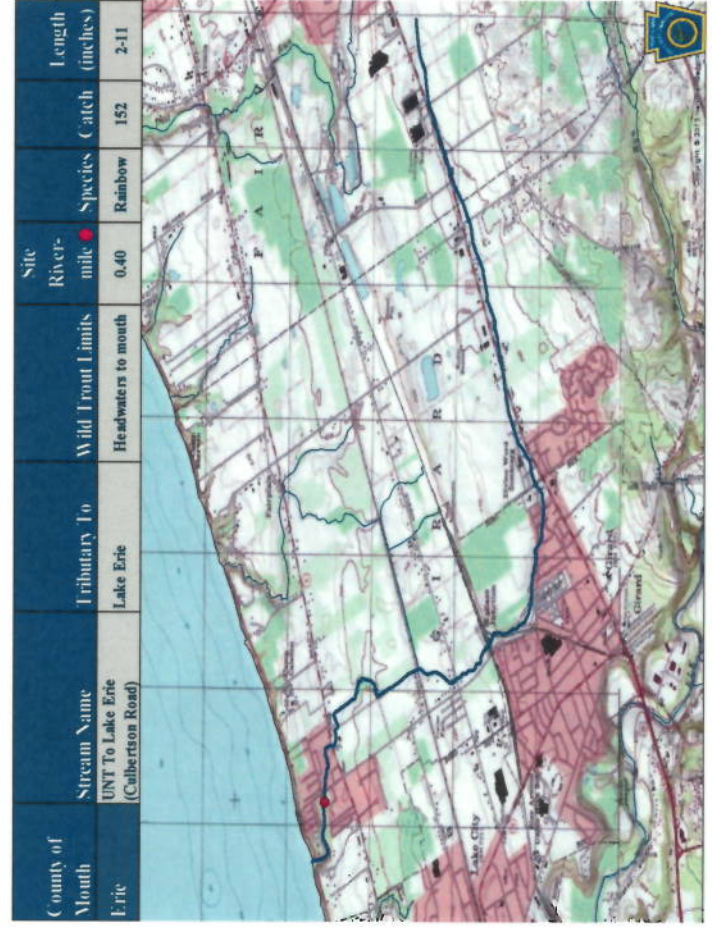
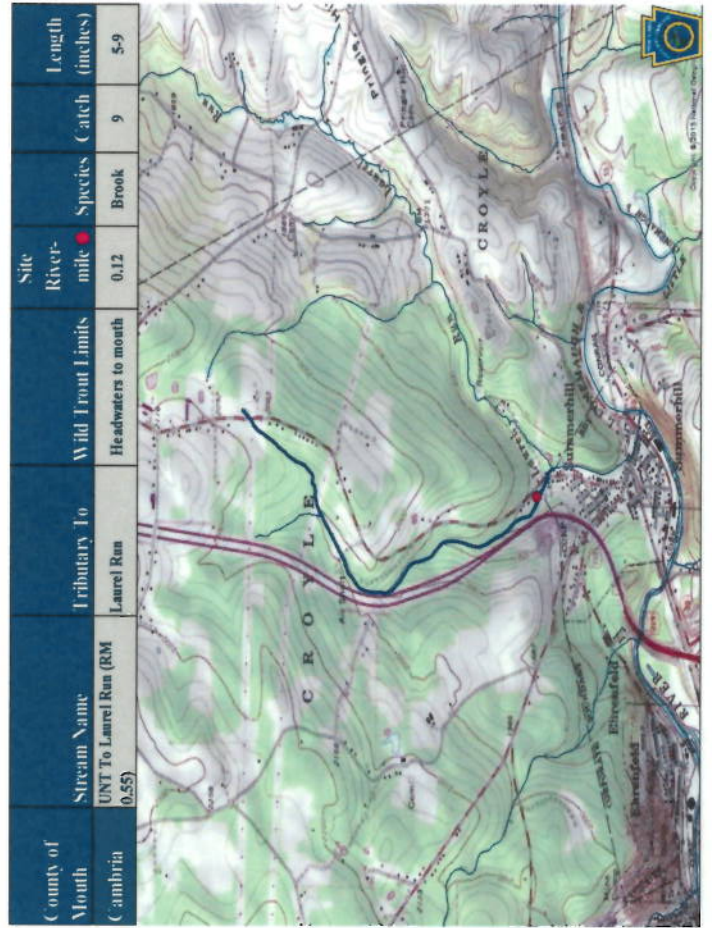
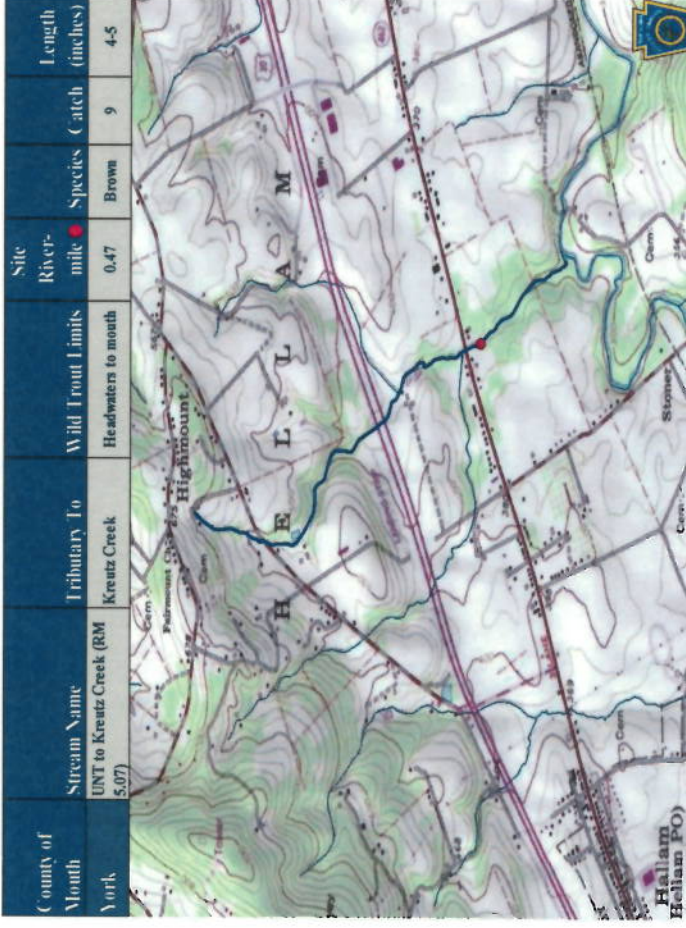
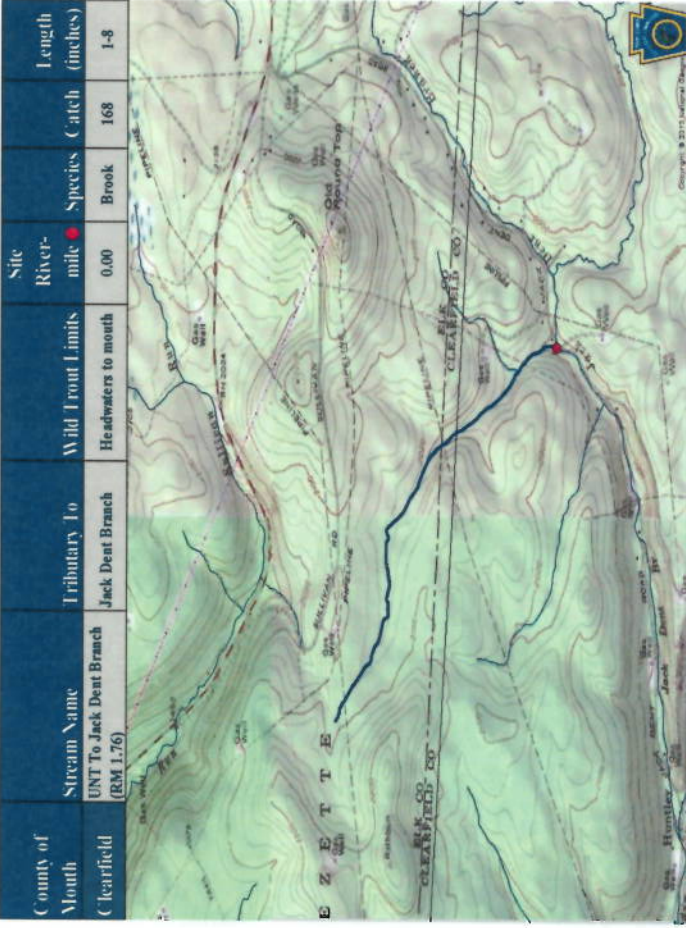


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Clinton	UNT to Fishing Creek (RM 40.83)	Fishing Creek	Headwaters to mouth	0.40	118	1-3

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Berks	UNT To Ironstone Creek (Ironstone Park)	Ironstone Creek	Headwaters to mouth	0.00	24	3-14

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Clinton	UNT to Fishing Creek (RM 17.73)	Fishing Creek	Headwaters to mouth	0.02	128 Brook 38 Brown	1-3 1-7

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Centre	UNT to Gingerich Gap Run (RM 1.43)	Gingerich Gap Run	Headwaters to Slak at RM 0.99	1.48	86 Brook	1-3

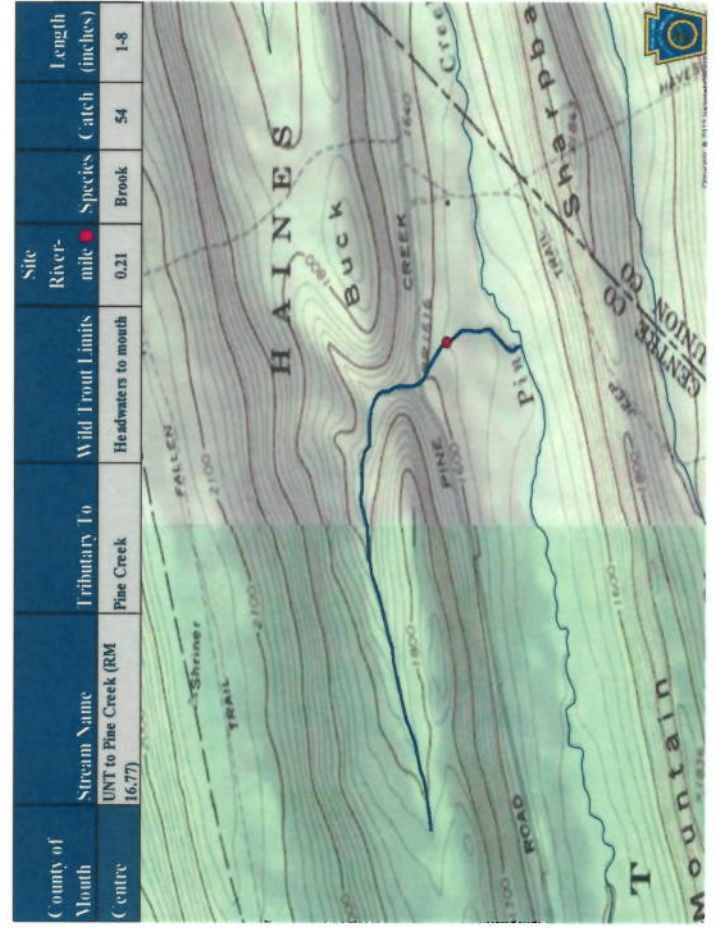
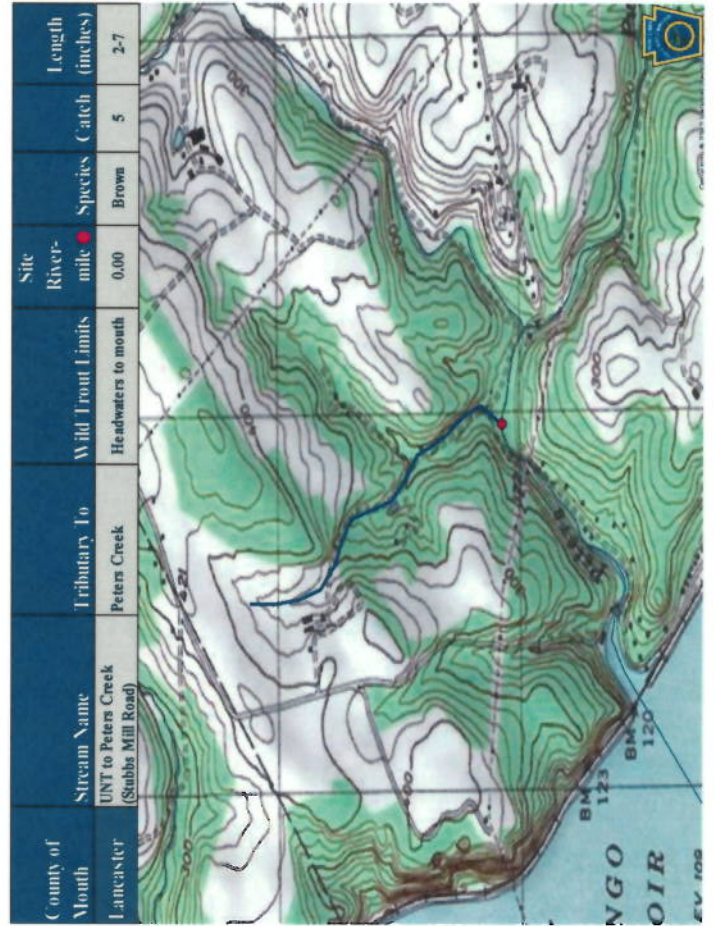
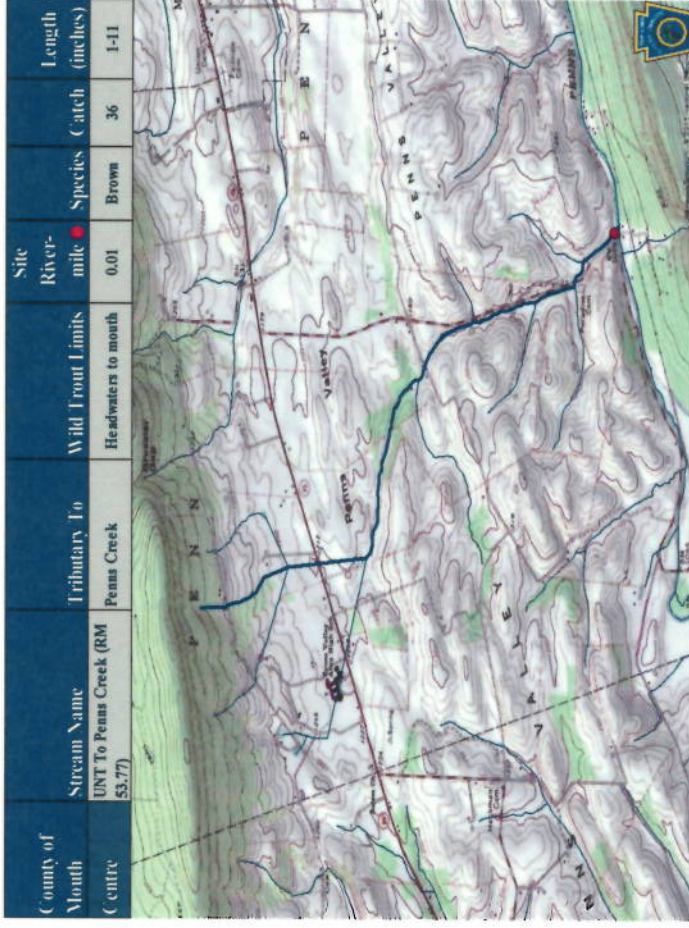


County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species	Catch	Length (inches)
Sullivan	UNT To Loyalsock Creek (RM 37.27)	Loyalsock Creek	Headwaters to mouth	0.11	Brook	4	4-5

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species	Catch	Length (inches)
Sullivan	UNT To Loyalsock Creek (RM 43.18)	Loyalsock Creek	Headwaters to mouth	0.08	Brook	7	2-5

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species	Catch	Length (inches)
Sullivan	UNT To Loyalsock Creek (RM 34.63)	Loyalsock Creek	Headwaters to mouth	0.01	Brook	88	1-11

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species	Catch	Length (inches)
Sullivan	UNT To Loyalsock Creek (RM 42.74)	Loyalsock Creek	Headwaters to mouth	0.02	Brook	17	2-6



County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species Catch	Length (inches)
Cambria	UNT To North Branch Little Conemaugh River (RM 7.92)	North Branch Little Conemaugh River	Headwaters to mouth	0.11	12	4-9

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species Catch	Length (inches)
Cambria	UNT To Trout Run (RM 2.59)	Trout Run	Headwaters to mouth	0.03	77	2-8

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species Catch	Length (inches)
Cambria	UNT To North Branch Little Conemaugh River (RM 7.20)	North Branch Little Conemaugh River	Headwaters to mouth	0.04	6	5-10

County of Mouth	Stream Name	Tributary To	Wild Front Limits	Site River-mile	Species Catch	Length (inches)
Mercer	UNT To Sandy Creek (RM 15.49)	Sandy Creek	Headwaters to mouth	0.01	12	3-7

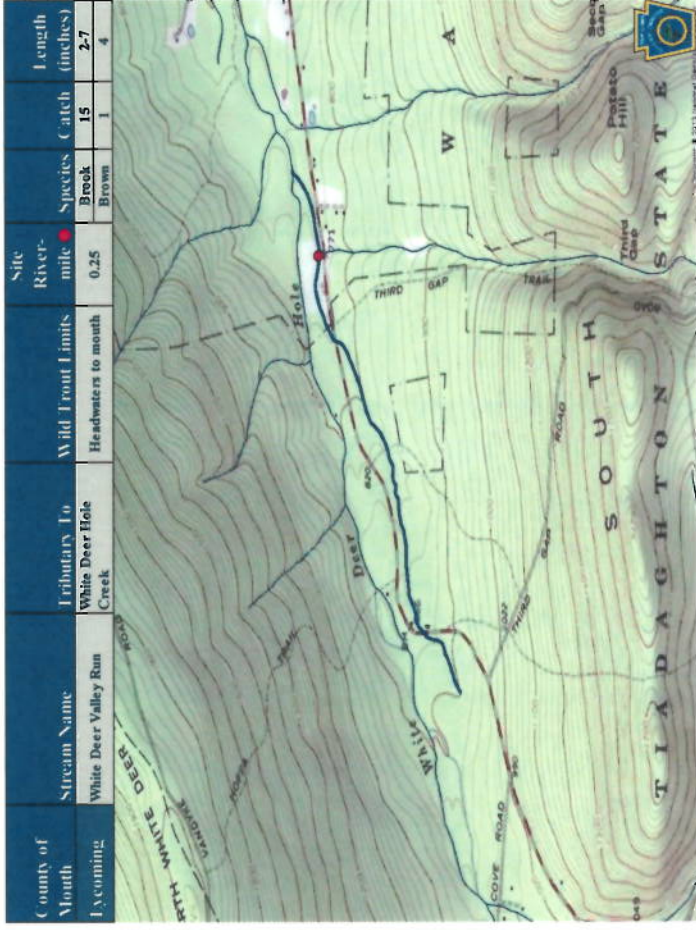
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clister	UNT To Valley Creek (Cedar Hollow)	Valley Creek	Headwaters to mouth	0.10	Brown	274	2-14

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT To West Branch Susquehanna River (RM 193.26)	West Branch Susquehanna River	Headwaters to mouth	0.01	Brook	24	2-9

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch
Northumberland	Warrior Run	West Branch Susquehanna River	Headwaters to Rousenale Drive at RM 4.0	4.75	Brown	5

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Schuylkill	Wash Creek	Mahoning Creek	Headwaters to mouth	0.34	Brook	110	2-9





The final date for submission of applications for reimbursement of local real estate taxes paid in the calendar year ending December 31, 2015, is the close of business on February 1, 2016. Applications shall be filed with the Bureau of Aviation using dotGrants, the Department's web based grants administration program. For more detailed information on the Local Real Estate Tax Reimbursement Grant Program, review the information on the Department's web site at <http://www.penndot.gov>. Hover the cursor over "Doing Business" and click on "Aviation" then select "Grants" under "Resources."

Interested persons may direct their request for online participation, inquiries or comments regarding the Local

Real Estate Tax Reimbursement Grant Specialist East, Bureau of Aviation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 705-1222, [catgreen@pa.gov](mailto:catgreen@pa.gov) or for western region airports to Marcia Scott-Williams, Grant Specialist West, Bureau of Aviation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 705-1205, [msscottwill@pa.gov](mailto:msscottwill@pa.gov).

LESLIE S. RICHARDS,  
Secretary

(Pa.B. Doc. No. 15-2021. Filed for public inspection November 13, 2015, 9:00 a.m.)

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions, Revisions and Removals; January 2016

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on January 20 and 21, 2016, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

County of Mouth	Stream Name	Section Limits	Tributary To	Mouth Lat / Lon
Armstrong	Birch Run	Headwaters to Mouth	Allegheny River	41.033300 79.619414
Armstrong	Cove Run	Headwaters to Mouth	Sugar Creek	40.987652 79.634421
Berks	Seidel Creek	Headwaters to Mouth	Schuylkill River	40.287894 75.863838
Berks	UNT to Ironstone Creek (Ironstone Park)	Headwaters to Mouth	Ironstone Creek	40.295008 75.676538
Cambria	Hill Creek	Headwaters to Mouth	Elk Creek	40.548381 78.839844
Cambria	Little Elk Creek	Headwaters to Mouth	Elk Creek	40.536422 78.862720
Cambria	UNT to Laurel Run (RM 0.55)	Headwaters to Mouth	Laurel Run	40.380100 78.759694
Cambria	UNT to North Branch Little Conemaugh River (RM 7.20)	Headwaters to Mouth	North Branch Little Conemaugh River	40.458084 78.682151
Cambria	UNT to North Branch Little Conemaugh River (RM 7.92)	Headwaters to Mouth	North Branch Little Conemaugh River	40.464771 78.676645
Cambria	UNT to Trout Run (RM 2.59)	Headwaters to Mouth	Trout Run	40.371589 78.659581
Cameron	Big Run	Headwaters to Mouth	Driftwood Branch Sinnemahoning Creek	41.381389 78.159167
Cameron	Gillis Bliss Run	Headwaters to Mouth	West Creek	41.489851 78.297977
Cameron	Grindstone Hollow Run	Headwaters to Mouth	Driftwood Branch Sinnemahoning Creek	41.363299 78.145882
Cameron	Nelson Run	Headwaters to Mouth	Driftwood Branch Sinnemahoning Creek	41.370439 78.159278
Cameron	Tanglefoot Run	Headwaters to Mouth	Driftwood Branch Sinnemahoning Creek	41.371668 78.159189

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Centre	Barner Run	Headwaters to Mouth	Pine Creek	40.934104 77.323704
Centre	Haines Gap Run	Headwaters to Mouth	Pine Creek	40.895006 77.368998
Centre	UNT to Gingerich Gap Run (RM 1.43)	Headwaters to Sink at RM 0.99	Gingerich Gap Run	40.920992 77.504391
Centre	UNT to Penns Creek (RM 53.77)	Headwaters to Mouth	Penns Creek	40.853353 77.497301
Centre	UNT to Pine Creek (RM 16.77)	Headwaters to Mouth	Pine Creek	40.954459 77.244114
Chester	Broad Run	Headwaters to Mouth	West Branch Brandywine Creek	39.932119 75.680402
Chester	UNT to East Branch Brandywine Creek (RM 5.88)	Headwaters to Mouth	East Branch Brandywine Creek	39.977036 75.684059
Chester	UNT to Valley Creek (Cedar Hollow)	Headwaters to Mouth	Valley Creek	40.067417 75.517273
Clearfield	Bald Hill Run	Headwaters to AMD Discharge 0.29 mile Upstream SR 879 Bridge	West Branch Susquehanna River	41.069683 78.302803
Clearfield	Dutch Hollow Run	Headwaters to Mouth	Mosquito Creek	41.129101 78.131912
Clearfield	Laurel Run	Headwaters to Simeling Run	Moshannon Creek	40.906667 78.226667
Clearfield	North Camp Run	Headwaters to Mouth	Chest Creek	40.791070 78.674064
Clearfield	UNT to Dubois Reservoir (RM 15.40)	Headwaters to Mouth	Dubois Reservoir	41.109058 78.630089
Clearfield	UNT to Jack Dent Branch (RM 1.76)	Headwaters to Mouth	Jack Dent Branch	41.229370 78.364650
Clearfield	UNT to West Branch Susquehanna River (RM 193.26)	Headwaters to Mouth	West Branch Susquehanna River	40.922324 78.620934
Clinton	Green Gap Run	Headwaters to Mouth	Fishing Creek	41.048181 77.179749
Clinton	Schwenks Gap Run	Headwaters to Sink at RM 1.21	Fishing Creek	41.037436 77.260706
Clinton	UNT to Fishing Creek (RM 5.89)	Headwaters to Sink at RM 1.68	Fishing Creek	41.067884 77.463693
Clinton	UNT to Fishing Creek (RM 6.25)	Headwaters to Mouth	Fishing Creek	41.064384 77.465246
Clinton	UNT to Fishing Creek (RM 7.94)	Headwaters to Sink at RM 0.44	Fishing Creek	41.048355 77.465743
Clinton	UNT to Fishing Creek (RM 17.73)	Headwaters to Mouth	Fishing Creek	40.983079 77.488401
Clinton	UNT to Fishing Creek (RM 40.83)	Headwaters to Mouth	Fishing Creek	41.048318 77.169835
Crawford	Gravel Run	Headwaters to Mouth	French Creek	41.757359 80.111748
Crawford	Little Federal Run	Headwaters to Mouth	Federal Run	41.768990 79.891411
Crawford	Little Sugar Creek	Headwaters to Mouth	West Branch Sugar Creek	41.602581 79.885643
Crawford	Navy Run	Headwaters to UNT at RM 1.12	Muddy Creek	41.722359 79.871071

## NOTICES

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<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Crawford	Potash Run	Headwaters to Mouth	East Branch Muddy Creek	41.718349 79.846512
Crawford	Temple Run	Headwaters to Mouth	Mackey Run	41.748039 79.940742
Crawford	UNT to DeWolf Run (RM 0.55)	Headwaters to Mouth	DeWolf Run	41.678580 79.790899
Elk	Coward Run	Headwaters to Mouth	Little Toby Creek	41.335790 78.828050
Elk	Dog Hollow Run	Headwaters to Mouth	Clarion River	41.373850 78.792780
Elk	Dusty Hollow Run	Headwaters to Mouth	Elk Creek	41.420960 78.600400
Elk	Gallagher Run	Headwaters to Private Reservoir	Elk Creek	41.422634 78.732941
Elk	Laurel Run	Headwaters to Laurel Run Reservoir	Elk Creek	41.419579 78.604317
Elk	Mason Creek	Headwaters to Mouth	Clarion River	41.438890 78.731904
Elk	Mohan Run	Headwaters to Mouth	Elk Creek	41.416351 78.694237
Elk	Rocky Run	Headwaters to Mouth	Elk Creek	41.418360 78.665750
Elk	Seventy One Run	Headwaters to Mouth	Elk Creek	41.422500 78.633650
Elk	Silver Run	Headwaters to Mouth	Elk Creek	41.422670 78.585100
Elk	Tencent Run	Headwaters to Mouth	Elk Creek	41.422320 78.589969
Elk	Water Tank Run	Headwaters to Mouth	Elk Creek	41.422330 78.617740
Erie	Benson Run	Headwaters to Mouth	LeBoeuf Creek	41.959812 79.967889
Erie	Spencer Creek	Headwaters to Mouth	South Branch French Creek	41.919265 79.684082
Erie	UNT to Lake Erie (Culbertson Road)	Headwaters to Mouth	Lake Erie	42.033253 80.338898
Fayette	Hall Run	Headwaters to Mouth	Youghiogheny River Lake	39.750388 79.415531
Jefferson	Couch Run	Headwaters to Mouth	Ugly Run	40.923900 78.926640
Jefferson	Trout Run	Headwaters to Mouth	Big Run	40.976040 78.886630
Jefferson	Ugly Run	Headwaters to Mouth	Canoe Creek	40.925667 78.983167
Jefferson	UNT to Big Run (RM 1.79)	Headwaters to Mouth	Big Run	40.986626 78.890948
Jefferson	UNT to East Branch Mahoning Creek (RM 1.94)	Headwaters to Mouth	East Branch Mahoning Creek	40.964390 78.837185
Jefferson	UNT to East Branch Mahoning Creek (RM 2.40)	Headwaters to Mouth	East Branch Mahoning Creek	40.969220 78.833610
Jefferson	Windfall Run	Headwaters to Mouth	Big Run	40.979290 78.883350
Juniata	Lick Run	Headwaters to Mouth	Lost Creek	40.677580 77.284428

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Juniata	Roaring Run	Headwaters to Mouth	Juniata River	40.604264 77.474877
Juniata	Tennis Run	Headwaters to Mouth	Lost Creek	40.647839 77.294665
Lancaster	UNT to Peters Creek (Stubbs Mill Road)	Headwaters to Mouth	Peters Creek	39.761986 76.226284
Luzerne	Cider Run	Headwaters to Mouth	Sutton Creek	41.389167 75.871389
Lycoming	Tules Run	Headwaters to UNT to Tules Run (RM 1.26)	West Branch Susquehanna River	41.231191 76.856628
Lycoming	White Deer Valley Run	Headwaters to Mouth	White Deer Hole Creek	41.113240 77.086610
Mercer	McConnell Run	Headwaters to Mouth	Sandy Creek	41.337593 80.047533
Mercer	UNT to Sandy Creek (RM 15.49)	Headwaters to Mouth	Sandy Creek	41.335537 80.037789
Mifflin	Beaverdam Run	Headwaters to Mouth	Juniata River	40.404719 77.805121
Mifflin	Belltown Run	Headwaters to Mouth	Jacks Creek	40.685210 77.406021
Mifflin	Buck Run	Headwaters to Mouth	Kishacoquillas Creek	40.625832 77.560555
Mifflin	Carlisle Run	Headwaters to Mouth	Juniata River	40.510347 77.673808
Mifflin	Little Kishacoquillas Creek	Headwaters to Mouth	Kishacoquillas Creek	40.600710 77.724664
Mifflin	Pleasant Valley Run	Headwaters to Mouth	Meadow Creek	40.678628 77.459274
Mifflin	Shanks Run	Headwaters to Mouth	Juniata River	40.438452 77.758149
Mifflin	Town Run	Headwaters to Mouth	Juniata River	40.500086 77.738233
Northumberland	Warrior Run	Headwaters to Rosendale Drive at RM 4.0	West Branch Susquehanna River	41.073200 76.855064
Potter	Big Nelson Run	Headwaters to Mouth	First Fork Sinnemahoning Creek	41.556110 78.034447
Potter	Card Hollow Run	Headwaters to Mouth	Right Branch Big Nelson Run	41.581497 78.001472
Schuylkill	Wash Creek	Headwaters to Mouth	Mahoning Creek	40.763056 75.893333
Snyder	Dry Run	Headwaters to Mouth	Susquehecka Creek	40.757038 76.943840
Snyder	Susquehecka Creek	Headwaters to UNT at RM 2.17	Middle Creek	40.777180 76.902863
Sullivan	UNT to Double Run (RM 0.28)	Headwaters to Mouth	Double Run	41.463509 76.579758
Sullivan	UNT to Loyalsock Creek (RM 34.63)	Headwaters to Mouth	Loyalsock Creek	41.470318 76.639053
Sullivan	UNT to Loyalsock Creek (RM 37.27)	Headwaters to Mouth	Loyalsock Creek	41.491853 76.607427
Sullivan	UNT to Loyalsock Creek (RM 42.74)	Headwaters to Mouth	Loyalsock Creek	41.464729 76.551643
Sullivan	UNT to Loyalsock Creek (RM 43.18)	Headwaters to Mouth	Loyalsock Creek	41.459730 76.546199

County of Mouth	Stream Name	Section Limits	Tributary To	Mouth Lat/Lon
Sullivan	UNT to Loyalsock Creek (RM 47.93)	Headwaters to Mouth	Loyalsock Creek	41.457143 76.478160
Venango	McCune Run	Headwaters to Mouth	French Creek	41.459309 79.988098
Venango	Trout Run	Headwaters to Mouth	Lake Creek	41.546158 79.897186
York	UNT to Kreutz Creek (RM 5.07)	Headwaters to Mouth	Kreutz Creek	40.009515 76.572034

The Commission also will consider the following revisions to the section limits of streams on the list:

County of Mouth	Stream Name	Current Limits	Revised Limits	Tributary To	Mouth Lat/Lon
Berks	Laurel Run	Headwaters to 1.3 kilometers Upstream SR 222	Headwaters to Mouth	Schuylkill River	40.379722 75.951111
Clinton	Tangascootack Creek	Headwaters to Muddy Run	Headwaters to Mouth	West Branch Susquehanna River	41.178055 77.547218
Mifflin	Kishacoquillas Creek	T-368 Bridge to Mill Road Bridge	Headwaters to Mill Road Bridge	Juniata River	40.593611 77.576389

In addition, the Commission will consider the removal of the following stream from the list:

County of Mouth	Stream Name	Section Limits	Tributary To	Mouth Lat/Lon
Somerset	Flugey Hollow	Headwaters to Mouth	Sandy Run	39.912498 79.336388

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 15-2022. Filed for public inspection November 13, 2015, 9:00 a.m.]

### Proposed Changes to List of Class A Wild Trout Waters; January 2016

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

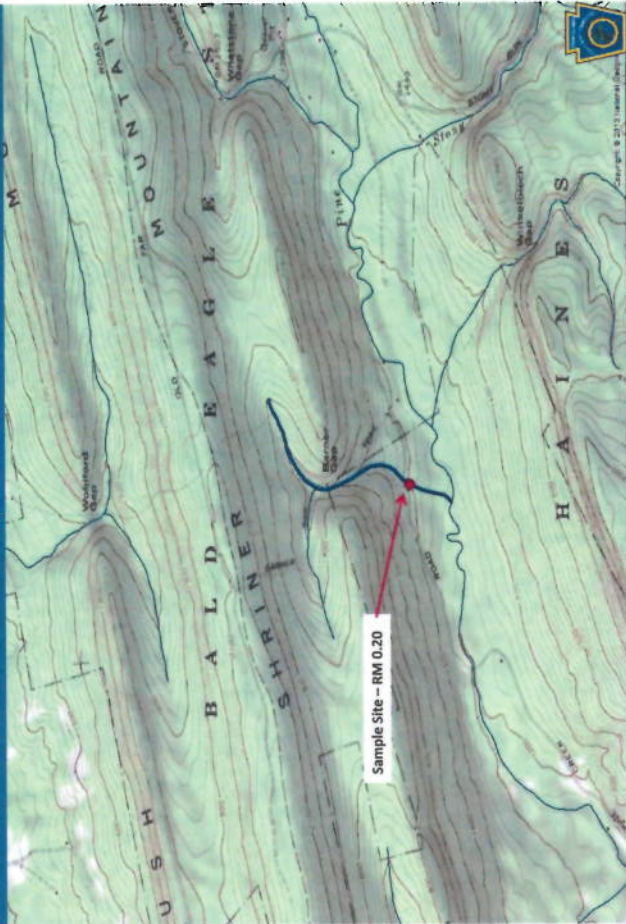
(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

# Barner Run, Centre County



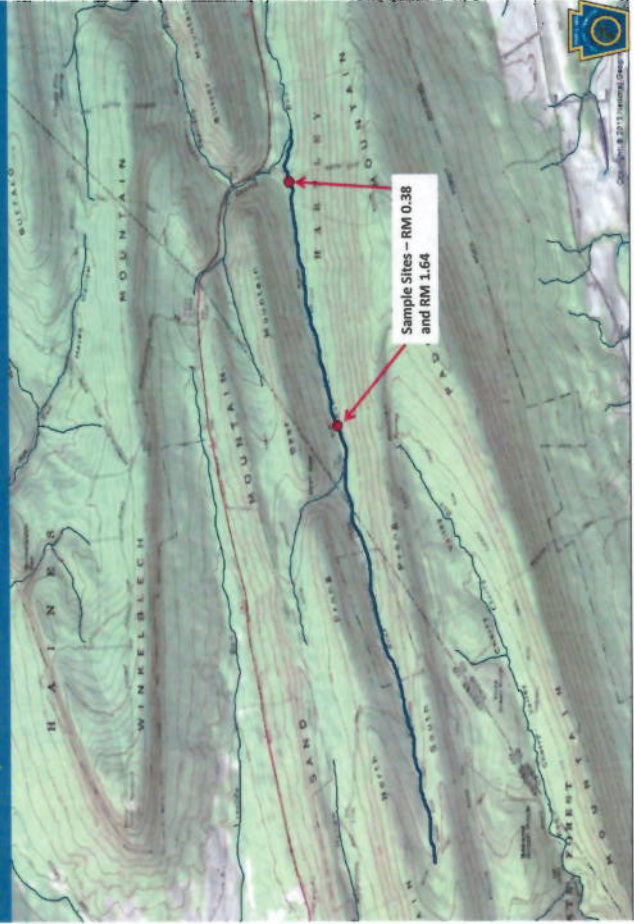
# Barner Run, Centre County

Brook Trout RM - 0.20  
Site Length - 180 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	15	0.56	542
2	38	3.37	1372
2	27	5.80	975
4	32	15.82	1155
5	8	7.09	289
6	5	7.42	181
8	3	10.03	108
9	1	4.72	36
Total	129	54.78	4658



# Bear Run, Centre and Union Counties



# Bear Run, Centre and Union Counties

Brook Trout RM - 0.38  
Site Length - 325 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	94	0.94	289
2	16	0.38	49
3	24	1.38	74
4	75	9.93	231
5	40	9.46	123
6	20	7.95	62
7	11	6.80	34
8	2	1.79	6
Total	282	39.63	868

Brown Trout RM - 0.38  
Site Length - 325 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	2	0.12	19
4	8	1.11	77
5	15	3.81	145
6	5	2.12	48
7	1	0.65	10
9	1	1.30	10
Total	32	9.11	309

## Bear Run, continued

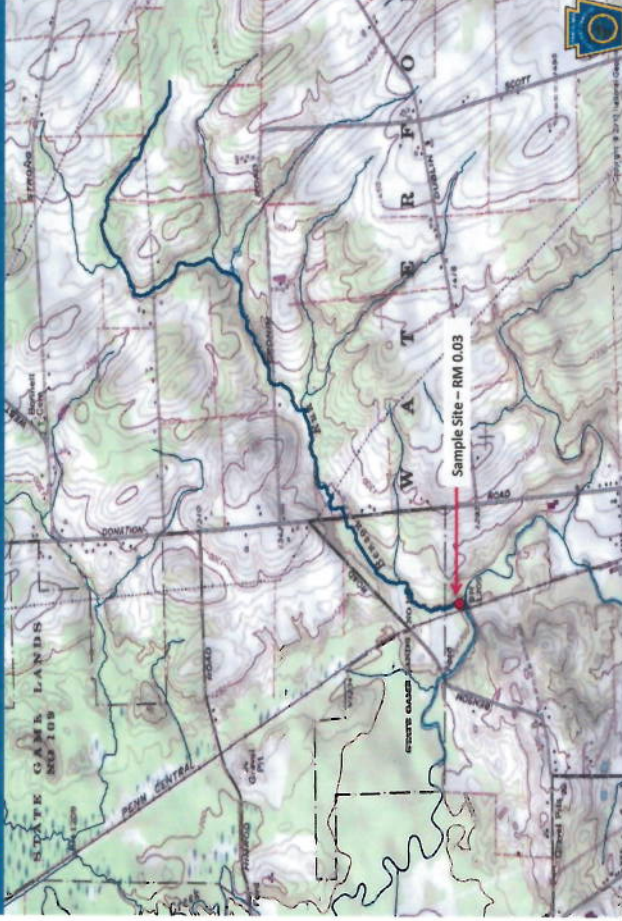
Brook Trout RM - 1.67  
Site Length - 360 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	14	0.16	156
2	2	0.05	22
3	55	3.65	614
4	70	10.70	781
5	46	12.55	513
6	8	3.67	89
7	6	4.28	67
8	2	2.07	22
Total	203	31.13	2264

Brown Trout RM - 1.67  
Site Length - 360 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
6	1	0.49	11
7	1	0.75	11
Total	2	1.24	22

## Benson Run, Erie County

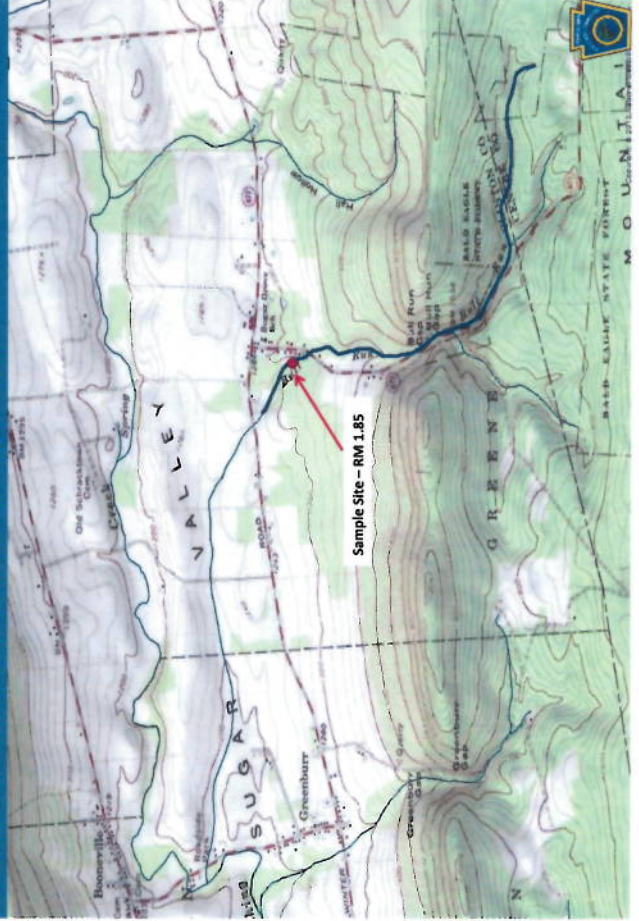


## Benson Run, Erie County

Brown Trout RM - 0.03  
Site Length - 511 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	104	0.57	540
2	33	0.44	171
4	7	0.52	36
5	28	3.82	145
6	11	2.51	57
7	4	1.40	21
8	7	3.53	36
9	8	5.60	42
10	7	6.62	36
11	5	6.15	26
12	2	3.15	10
13	1	1.98	5
14	2	4.91	10
Total	219	41.20	1135

## Bull Run, Centre and Clinton Counties





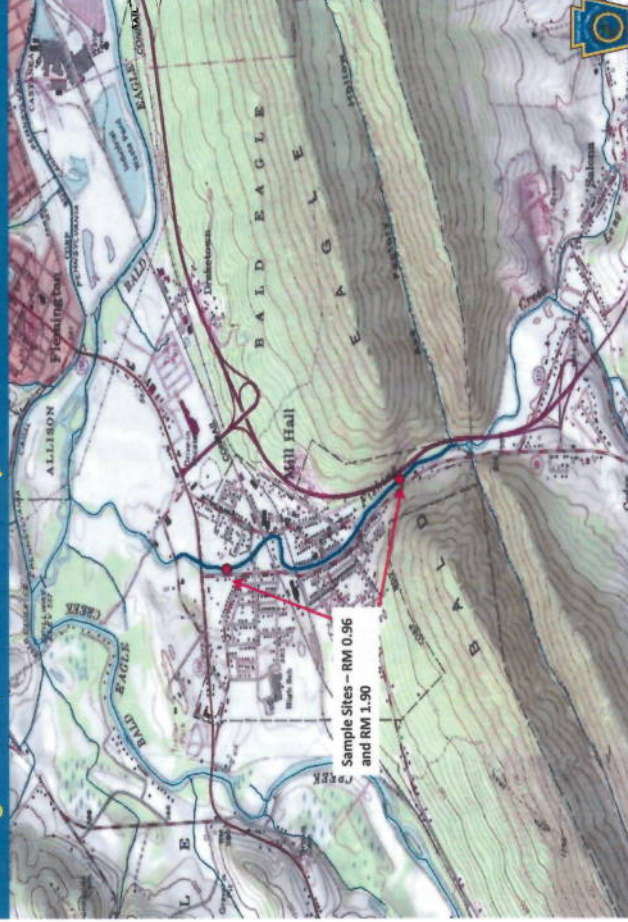
## Bull Run, Centre and Clinton Counties

Brook Trout RM - 1.85  
Site Length - 340 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	55	1.87	760
3	14	1.15	193
4	70	13.24	967
5	59	19.92	815
6	36	20.43	497
7	5	4.41	69
8	1	1.28	14
9	1	1.81	14
Total	241	64.11	3329



## Fishing Creek, Clinton County



## Fishing Creek, Clinton County

Brown Trout RM - 0.96  
Site Length - 343 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	17	0.17	26
4	96	2.13	149
5	1	0.04	2
7	1	0.10	2
8	12	1.81	19
9	34	7.11	53
10	20	5.65	31
11	4	1.47	6
13	3	1.78	5
14	11	8.07	17
15	30	26.89	47
16	14	15.1	22
17	13	17.40	20
18	2	3.28	3
19	2	3.76	3
20	3	6.42	5
22	1	3.08	2
Total	264	104.26	412



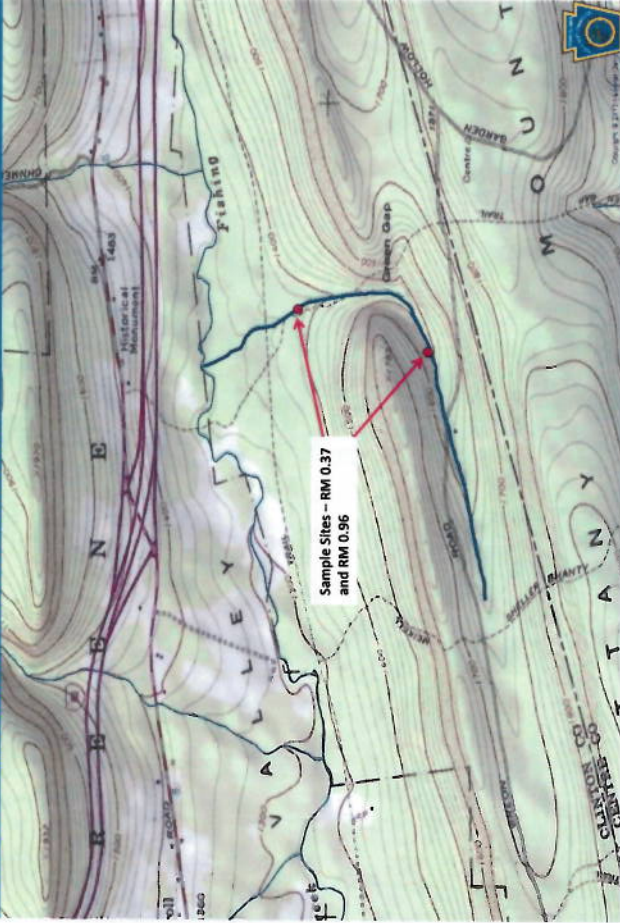
## Fishing Creek, continued

Brown Trout RM - 1.90  
Site Length - 440 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	48	0.37	58
4	43	0.74	52
7	5	0.40	6
8	72	8.41	87
9	118	19.14	142
10	30	6.58	36
11	6	1.71	7
12	11	4.01	13
13	12	5.51	14
14	27	15.36	32
15	51	35.44	61
16	36	30.11	43
17	6	6.23	7
18	6	7.63	7
19	1	1.46	1
22	1	2.39	1
Total	473	145.49	567



## Green Gap Run, Clinton County



## Green Gap Run, Clinton County

Brook Trout RM - 0.37  
Site Length - 260 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.02	20
2	21	1.03	418
3	28	3.32	558
4	23	6.27	458
5	19	9.25	378
6	8	6.55	159
Total	100	26.44	1991

Brook Trout RM - 0.96  
Site Length - 165 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.03	33
2	39	3.12	1270
3	18	3.49	586
4	33	14.72	1075
5	20	15.93	651
6	17	22.76	554
7	2	4.16	65
Total	130	64.21	4234

## Haines Gap Run, Centre County



## Haines Gap Run, Centre County

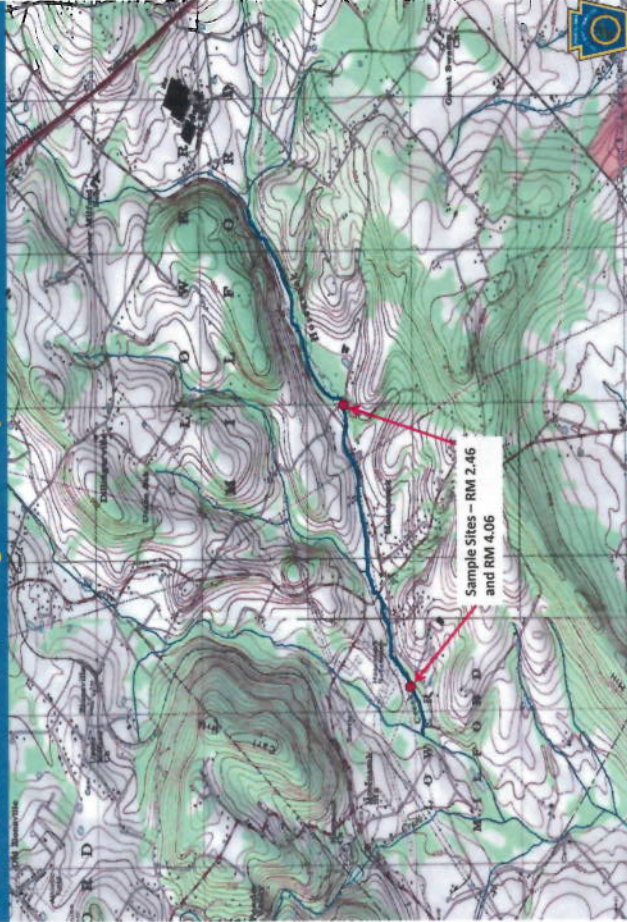
Brook Trout RM - 0.14  
Site Length - 237 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	9	0.21	200
2	73	3.99	1622
3	33	4.37	733
4	34	10.35	756
5	21	11.41	467
6	1	0.91	22
7	2	2.84	44
8	1	2.06	22
Total	174	36.14	3866

Brown Trout RM - 0.14  
Site Length - 237 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.06	4
Total	1	0.06	4

# Hosensack Creek, Lehigh County



# Hosensack Creek, Lehigh County

Brown Trout RM - 2.46  
Site Length - 342 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.01	5
2	470	6.34	2499
3	10	0.34	53
5	5	0.70	27
6	18	4.20	96
7	49	17.50	260
8	22	11.35	117
9	17	12.19	90
10	10	9.69	53
11	58	6.29	27
12	8	12.91	43
15	2	6.14	11
Total	617	87.66	3281

Brown Trout RM - 4.06  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.03	24
2	394	8.13	3203
3	4	0.21	33
6	19	6.78	154
7	60	32.77	488
8	18	14.21	146
9	13	14.26	106
10	20	29.64	163
11	8	15.40	65
12	1	2.47	8
15	1	4.70	8
Total	541	128.60	4398



# Jamison Run, Clinton County



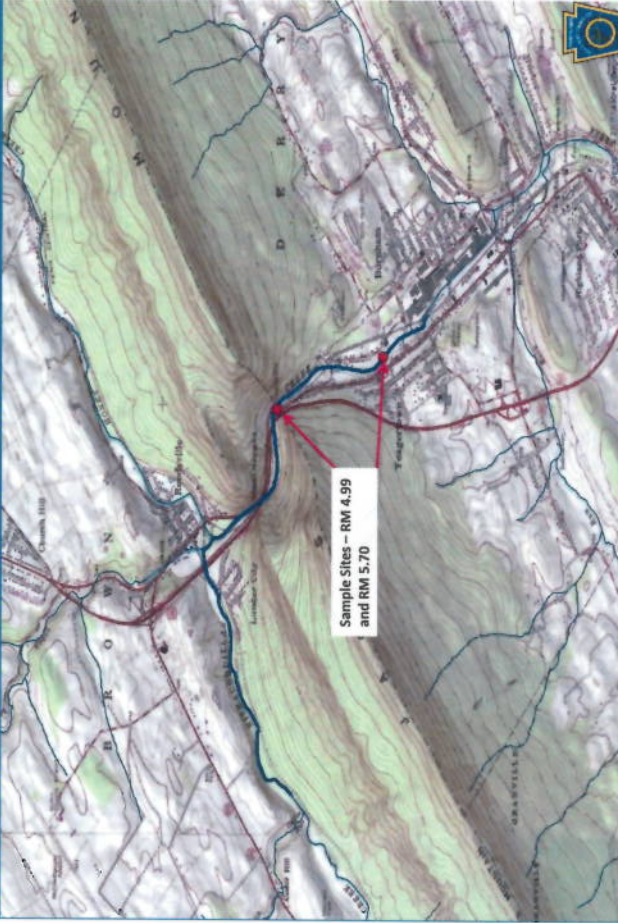
# Jamison Run, Clinton County

Brook Trout RM - 0.01  
Site Length - 315 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.03	32
2	26	1.04	421
4	6	1.33	97
5	21	8.32	340
6	19	12.65	308
7	18	18.63	292
8	8	12.00	130
9	1	2.12	16
Total	101	56.12	1636



## Kishacoquillas Creek, Mifflin County



## Kishacoquillas Creek, Mifflin County

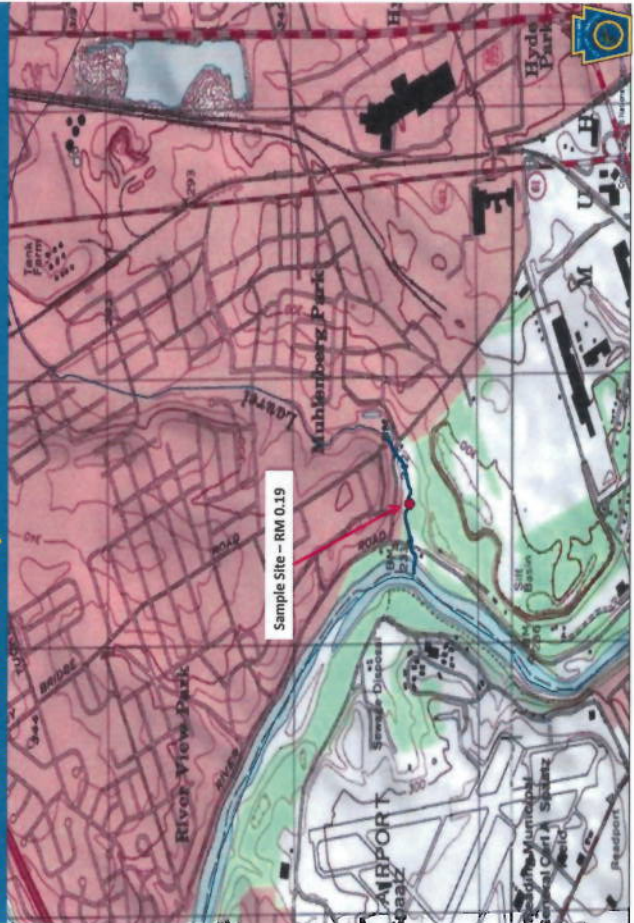
**Brown Trout RM - 4.99**  
Site Length - 261 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	26	0.35	54
4	269	5.05	352
5	1	0.05	2
7	12	1.68	25
8	20	4.04	42
9	23	6.46	48
10	49	18.60	102
11	36	17.75	75
12	18	11.37	37
13	18	14.32	37
14	15	14.78	31
15	4	4.81	8
Total	391	99.29	813

**Brown Trout RM - 5.70**  
Site Length - 394 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	3	0.01	4
3	51	0.45	70
4	184	3.62	252
5	9	0.32	12
6	1	0.06	1
7	27	2.49	37
8	49	6.53	67
9	47	8.70	64
10	99	24.76	136
11	54	17.54	74
12	44	18.32	60
13	27	14.15	37
14	7	4.54	10
15	4	3.17	5
16	1	0.95	1
19	1	1.66	1
Total	608	107.27	831

## Laurel Run, Berks County



## Laurel Run, Berks County

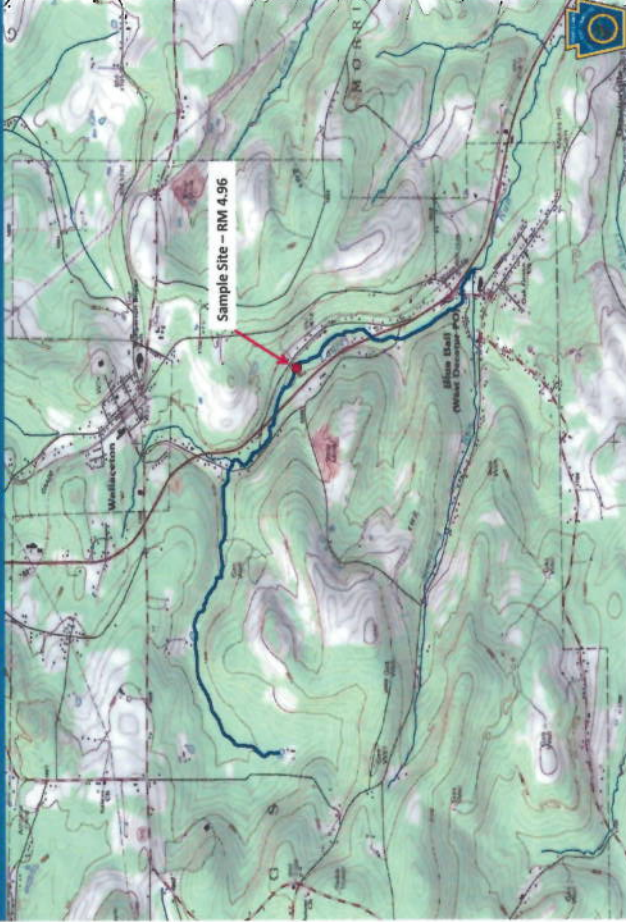
**Brown Trout RM - 0.19**  
Site Length - 288 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	9	0.32	51
4	50	3.98	278
5	31	4.61	175
8	4	2.20	23
9	20	14.76	109
10	14	14.49	80
11	6	7.85	33
12	3	5.10	17
14	2	5.30	11
Total	139	58.61	777

**Brook Trout RM - 0.19**  
Site Length - 288 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
10	1	1.30	7
Total	1	1.30	7

# Laurel Run, Clearfield County

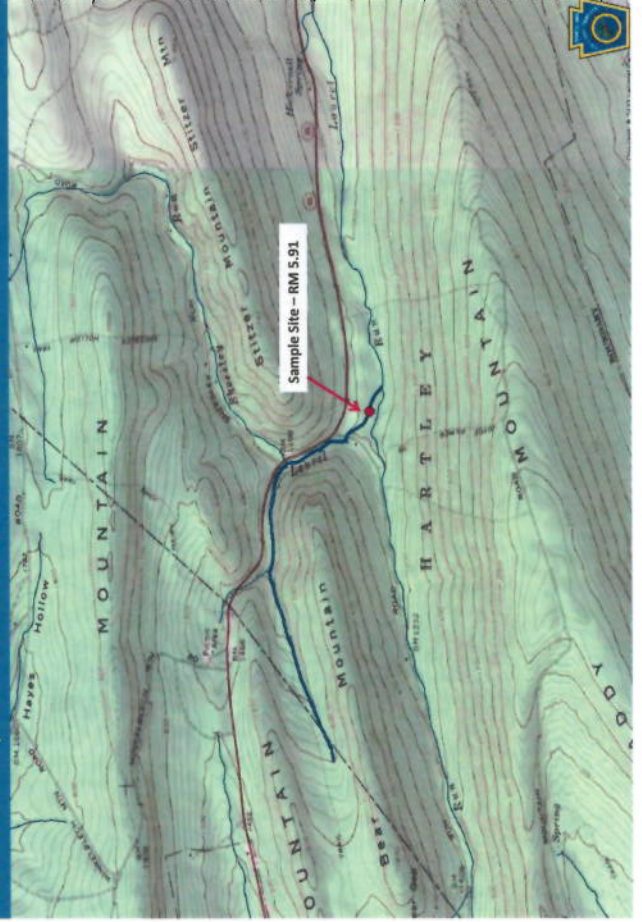


# Laurel Run, Clearfield County

Brook Trout RM - 4.96  
Site Length - 525 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.01	6
2	15	0.21	87
3	80	2.76	463
4	77	6.11	446
5	44	6.23	255
6	26	6.19	151
7	21	7.77	122
8	6	3.22	35
9	2	1.52	12
Total	272	34.02	1577

# Laurel Run, Centre and Union Counties



# Laurel Run, Centre and Union Counties

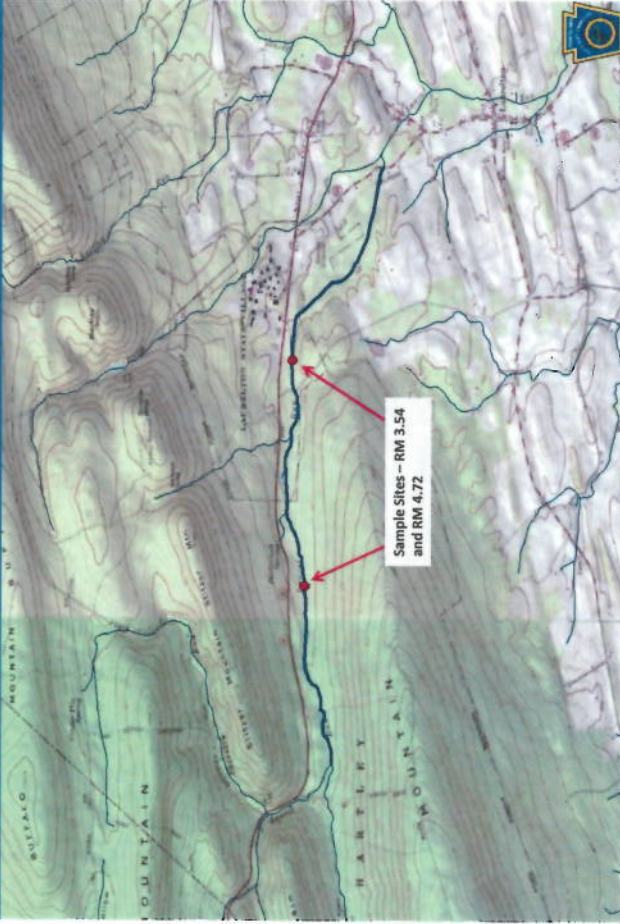
Brook Trout RM - 5.91  
Site Length - 360 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	20	0.15	141
2	156	2.71	1100
4	24	2.32	169
5	21	3.62	148
6	14	4.06	99
7	9	4.05	63
8	2	1.31	14
Total	246	18.22	1734

Brown Trout RM - 5.91  
Site Length - 360 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	16	0.12	113
2	3	0.05	21
3	2	0.09	14
4	27	2.73	190
5	7	1.30	49
6	30	9.28	212
7	8	3.79	56
8	7	4.79	49
9	7	6.66	49
10	1	1.29	7
Total	108	30.10	760

## Laurel Run, Union County



## Laurel Run, Union County

Brook Trout RM - 3.54  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.01	14
2	4	0.07	28
4	28	2.65	193
5	33	5.57	228
6	9	2.55	62
7	15	6.61	104
8	1	0.64	7
9	1	0.90	7
Total	93	19.00	643

Brown Trout RM - 3.54  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.01	14
2	1	0.02	7
3	9	0.40	62
4	32	3.17	221
5	16	2.90	110
6	13	3.94	90
7	9	4.17	62
8	5	3.35	35
9	7	6.52	48
10	1	1.26	7
11	2	3.27	14
12	4	8.38	28
Total	101	37.39	698

## Laurel Run, continued

Brook Trout RM - 4.72  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.02	20
2	3	0.05	20
3	1	0.04	7
4	3	0.27	20
5	4	0.64	26
6	9	2.42	59
7	5	2.09	33
Total	28	5.53	185

Brown Trout RM - 4.72  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.02	20
2	1	0.02	7
3	5	0.21	33
4	19	1.78	124
5	15	2.58	98
6	23	6.59	150
7	4	1.76	26
8	7	4.44	46
9	5	4.41	33
10	2	2.38	13
Total	84	24.19	550

## Lick Run, Juniata County



## Lick Run, Juniata County

Brook Trout RM - 0.08  
Site Length - 235 meters

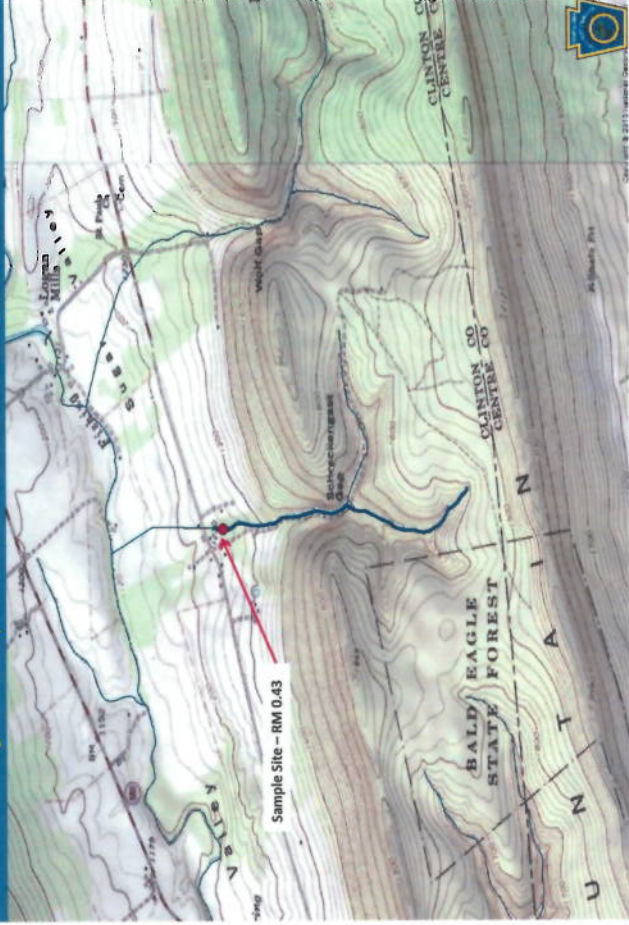
Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	4	0.05	49
2	134	4.06	1652
3	2	0.15	25
4	68	11.48	838
5	38	11.45	469
6	34	17.23	419
7	4	3.15	49
Total	284	47.57	3501

Brown Trout RM - 0.08  
Site Length - 235 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.03	25
5	3	0.97	37
6	7	3.79	86
7	1	0.83	12
8	6	7.18	74
11	1	2.92	12
Total	20	15.72	246



## Schreckengast Gap Run, Clinton County



## Schreckengast Gap Run, Clinton County

Brook Trout RM - 0.43  
Site Length - 250 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	32	2.51	1022
3	1	0.19	32
4	13	5.69	415
5	17	13.28	543
6	15	19.69	479
7	5	10.20	160
Total	83	51.56	2651



## Schwenks Gap Run, Clinton County



## Schwenks Gap Run, Clinton County

Brook Trout RM - 1.49  
Site Length - 344 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.02	23
2	130	3.63	1476
3	50	3.38	568
4	76	11.81	863
5	28	7.77	318
6	7	3.27	79
7	5	3.63	57
8	1	1.05	11
Total	299	34.56	3395

## Shanks Run, Mifflin County



## Shanks Run, Mifflin County

Brook Trout RM - 0.07  
Site Length - 105 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.03	25
2	22	1.35	547
3	13	1.93	323
4	5	1.70	124
5	21	12.77	522
6	7	7.16	174
8	2	4.61	50
9	1	3.26	25
Total	72	32.81	1790

Brown Trout RM - 0.07  
Site Length - 105 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
5	1	0.65	25
Total	1	0.65	25

## Shingletown Branch, Centre and Huntingdon Counties





## Shingletown Branch, Centre and Huntingdon Counties

Brook Trout RM - 0.40  
Site Length - 429 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	7	0.05	45
2	283	4.48	1822
3	16	0.61	103
4	99	8.73	637
5	65	10.23	419
6	35	9.26	225
7	16	6.58	103
8	2	1.19	13
Total	523	41.13	3367

Brown Trout RM - 0.40  
Site Length - 429 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	8	0.13	52
3	5	0.21	32
6	6	1.69	39
7	8	3.46	52
Total	27	5.49	175



## Spencer Run, Erie County



## Spencer Creek, Erie County

Brook Trout RM - 0.43  
Site Length - 627 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	74	0.30	286
2	282	2.68	1089
5	16	1.51	62
6	55	8.73	212
7	23	5.67	89
8	19	6.79	73
9	26	13.14	100
10	6	4.16	23
11	3	2.72	12
12	3	3.79	12
Total	507	49.49	1958



## Tennis Run, Juniata County



## Tennis Run, Juniata County

**Brook Trout RM – 0.34**  
Site Length – 270 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
4	3	0.31	23
5	7	1.31	54
6	6	1.89	46
7	4	1.95	31
8	1	0.71	8
Total	21	6.17	162

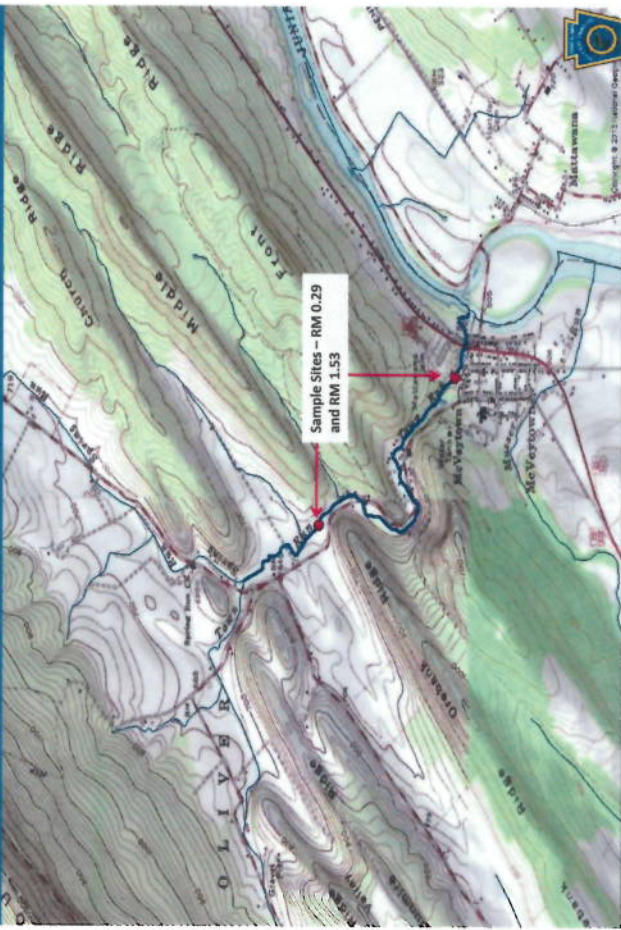
**Brook Trout RM – 1.62**  
Site Length – 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	4	0.04	40
2	229	5.67	2306
3	24	1.44	242
4	67	9.24	675
5	49	12.06	493
6	32	13.24	322
7	8	5.15	81
Total	413	46.84	4159

**Brown Trout RM – 0.34**  
Site Length – 270 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	8	0.06	61
2	116	2.25	888
4	6	0.66	46
5	12	2.41	92
6	6	2.01	46
7	7	3.60	54
8	5	3.71	38
9	3	3.10	23
10	5	6.97	38
11	1	1.81	8
12	3	6.96	23
14	1	3.62	8
Total	173	37.16	1325

## Town Run, Mifflin County



## Town Run, Mifflin County

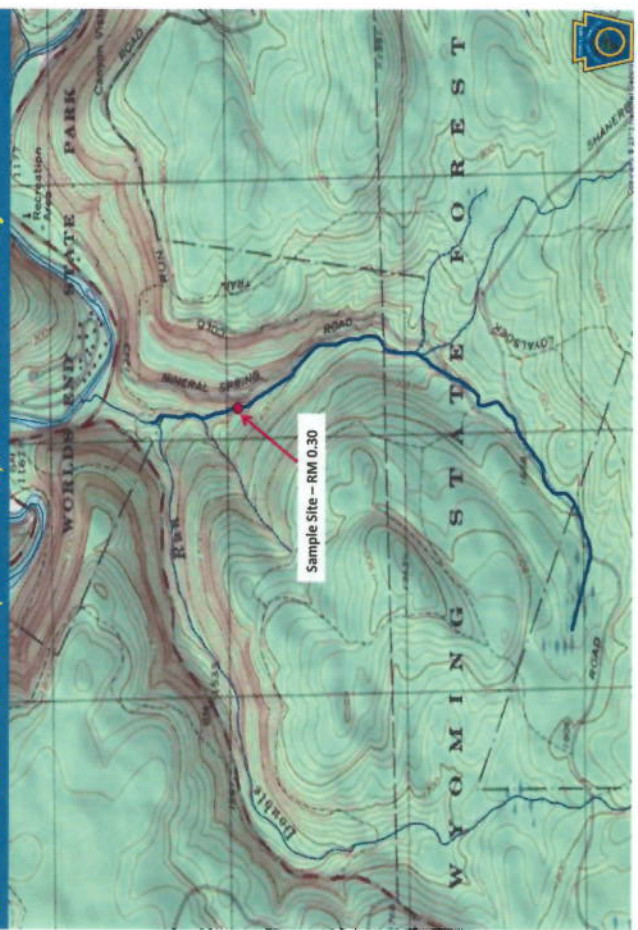
**Brook Trout RM – 0.29**  
Site Length – 116 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	171	1.79	3070
3	126	14.42	2262
7	1	1.21	18
8	10	17.43	180
10	6	19.63	108
11	3	12.75	54
Total	317	73.23	5692

**Brown Trout RM – 1.53**  
Site Length – 330 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.02	8
6	1	0.34	8
7	4	2.06	31
8	10	7.45	77
9	3	3.1	23
10	1	1.40	8
11	2	3.63	15
12	5	11.64	38
13	3	8.79	23
14	1	3.63	8
16	1	5.33	8
Total	32	47.39	247

## UNT To Double Run (RM 0.28), Sullivan County



## UNT To Double Run (RM 0.28), Sullivan County

Brook Trout RM - 0.30  
Site Length - 330 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.02	19
2	111	2.64	1075
3	107	6.17	1036
4	99	13.12	958
5	78	18.46	755
6	13	5.17	126
7	7	4.33	68
9	1	1.27	10
Total	418	51.18	4047



## UNT To Fishing Creek (RM 5.89), Clinton County



## UNT To Fishing Creek (RM 5.89), Clinton County

Brook Trout RM - 2.06  
Site Length - 353 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	101	3.85	1563
3	33	3.04	511
4	60	12.72	929
5	33	12.49	511
6	16	10.18	248
7	3	2.97	46
Total	246	45.25	3808



## UNT To Fishing Creek (RM 6.25), Clinton County



## UNT To Fishing Creek (RM 6.25), Clinton County

**Brown Trout** RM - 0.63  
Site Length - 327 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.02	8
3	194	5.04	790
4	44	2.57	179
6	3	0.54	12
7	10	2.74	41
8	10	3.95	41
9	2	1.10	8
10	2	1.48	8
11	1	0.96	4
12	2	2.47	8
13	4	6.22	16
14	1	1.93	4
15	1	2.35	4
16	1	2.83	4
17	1	3.51	4
20	1	5.62	4
Total	279	43.33	1135

**Brook Trout** RM - 0.63  
Site Length - 327 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
8	1	0.38	4
Total	1	0.38	4



## UNT To Fishing Creek (RM 7.94), Clinton County



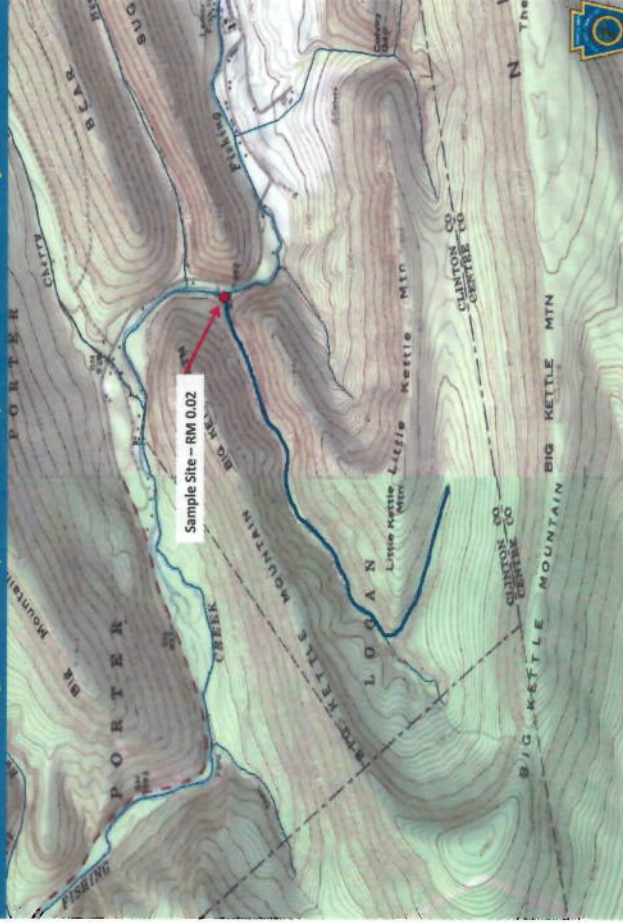
## UNT To Fishing Creek (RM 7.94), Clinton County

**Brook Trout** RM - 0.91  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	66	5.01	2037
3	33	6.06	1019
4	23	9.72	710
5	29	21.88	895
6	11	13.95	340
7	3	5.91	93
Total	165	62.53	5094



## UNT To Fishing Creek (RM 17.73), Clinton County



## UNT To Fishing Creek (RM 17.73), Clinton County

Brook Trout RM - 0.02  
Site Length - 325 meters

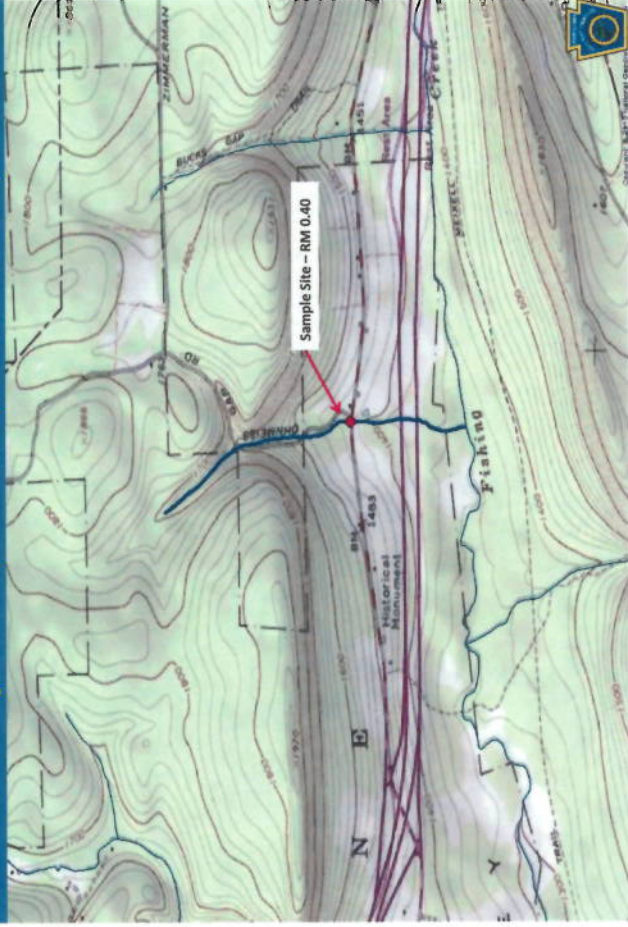
Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	12	0.20	194
2	77	3.06	1246
3	5	0.48	81
4	57	12.63	922
5	21	8.31	340
6	13	8.64	210
7	4	4.13	65
8	1	1.50	16
Total	190	38.95	3074

Brown Trout RM - 0.02  
Site Length - 325 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	9	0.15	146
4	6	1.39	97
5	26	11.05	421
6	12	8.52	194
7	4	4.35	65
8	1	1.57	16
Total	58	27.03	939



## UNT To Fishing Creek (RM 40.83), Clinton County



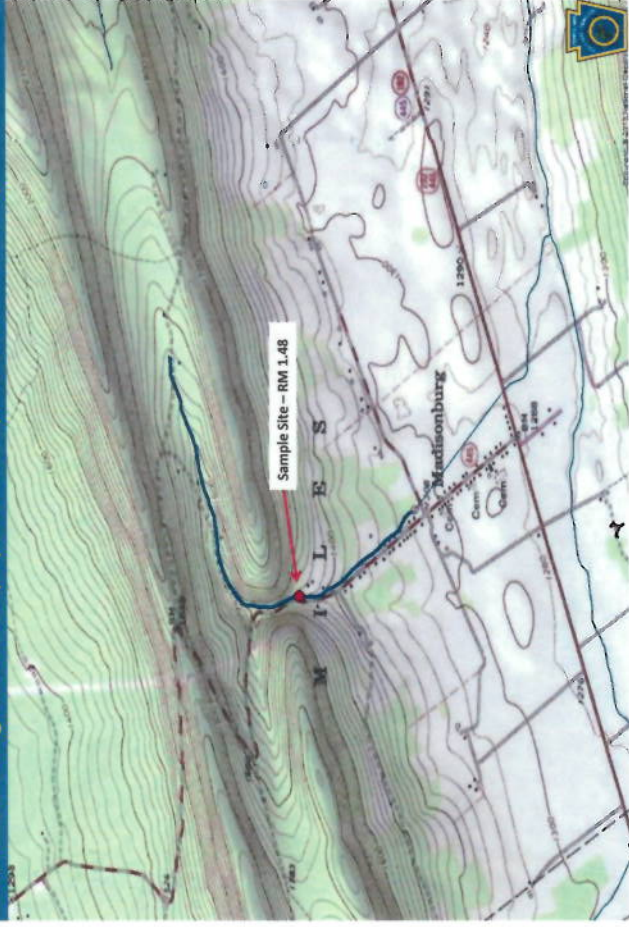
## UNT To Fishing Creek (RM 40.83), Clinton County

Brook Trout RM - 0.40  
Site Length - 200 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	5	0.17	168
2	56	4.62	1879
3	9	1.80	302
4	23	10.57	772
5	10	8.20	336
6	8	11.03	268
7	6	12.86	201
8	1	3.11	34
Total	118	52.36	3960



## UNT To Gingerich Gap (RM 1.43), Centre County



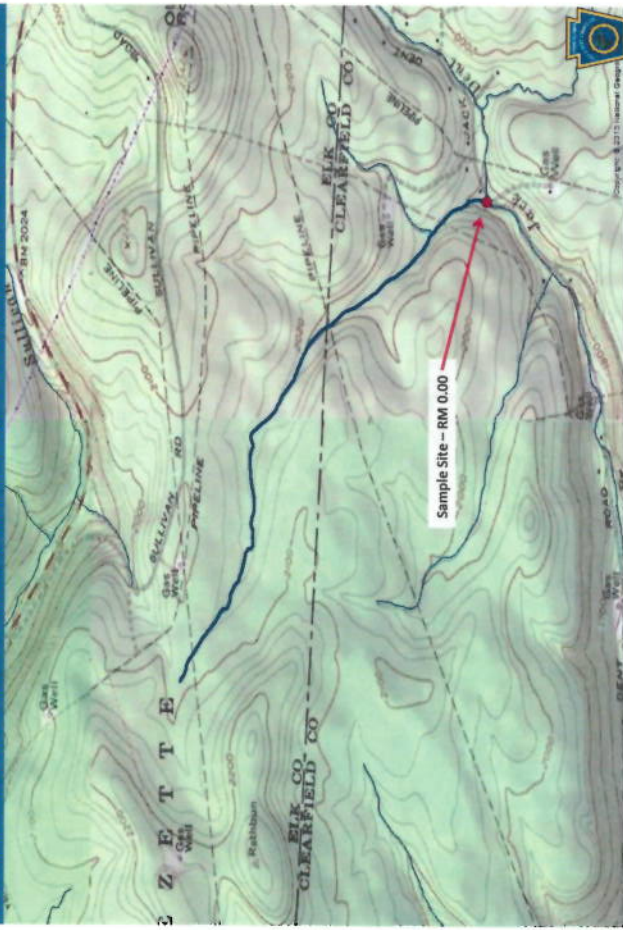
## UNT To Gingerich Gap Run (RM 1.43), Centre County

Brook Trout RM - 1.48  
Site Length - 230 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.04	42
2	55	5.66	2301
4	4	2.29	167
5	19	19.43	795
6	2	3.44	84
7	3	8.02	126
8	2	7.75	84
Total	86	46.63	3599



## UNT To Jack Dent Branch (RM 1.76), Clearfield and Elk Counties



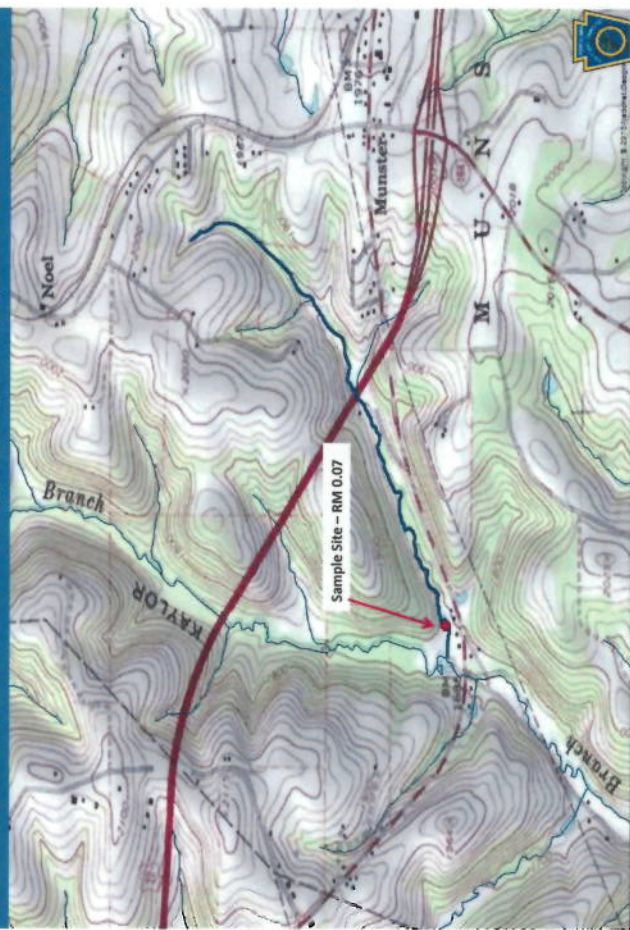
## UNT To Jack Dent Branch (RM 1.76), Clearfield and Elk Counties

Brook Trout RM - 0.00  
Site Length - 310 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.02	22
2	52	2.75	1118
3	29	3.71	624
4	46	13.55	989
5	20	10.51	430
6	14	12.37	301
7	5	6.87	108
8	1	1.99	22
Total	168	51.77	3614



## UNT To North Branch Little Conemaugh River (RM 7.92) - Cambria County



### UNT To North Branch Little Conemaugh River (RM 7.92) – Cambria County

Brook Trout RM – 0.07  
Site Length – 253 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	22	2.77	465
4	6	1.74	127
6	7	6.08	148
7	8	10.80	169
8	3	5.87	63
9	1	2.77	21
10	2	7.59	42
Total	49	37.62	1035



### UNT To Penns Creek (RM 53.77), Centre County



### UNT To Penns Creek (RM 53.77), Centre County

Brown Trout RM – 0.01  
Site Length – 135 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.25	242
2	11	2.25	887
5	2	4.24	161
6	7	24.76	565
7	6	32.51	484
9	3	32.64	242
10	3	44.10	242
11	1	19.09	81
Total	36	159.84	2904



### UNT To Pine Creek (RM 16.77), Centre County



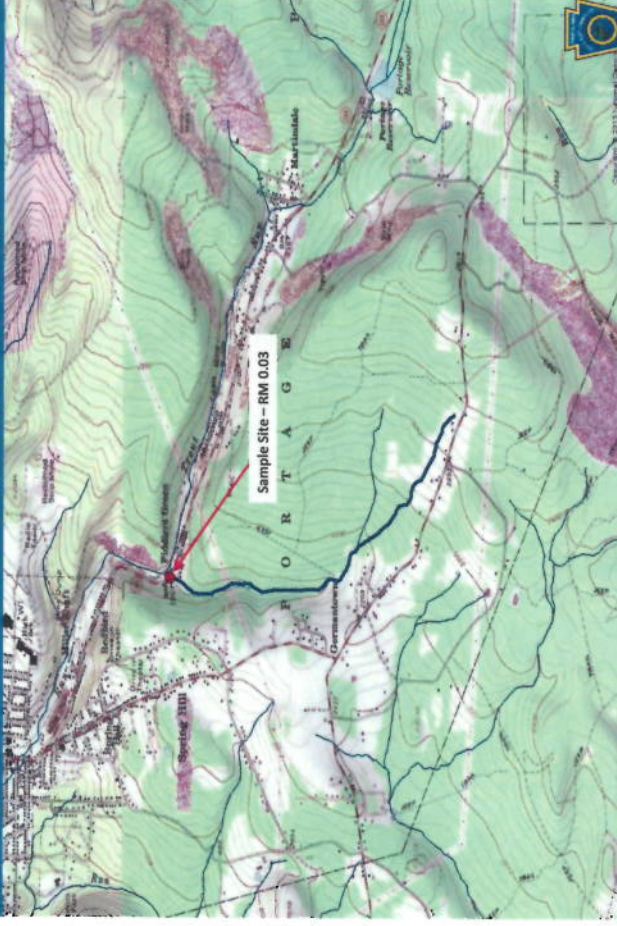
## UNT To Pine Creek (RM 16.77), Centre County

Brook Trout RM - 0.21  
Site Length - 190 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	6	0.18	170
2	19	1.33	540
3	20	3.38	568
4	36	14.00	1023
5	13	9.03	369
6	6	7.00	170
7	2	3.63	57
8	1	2.63	28
Total	103	41.18	2925



## UNT To Trout Run (RM 2.59), Cambria County



## UNT To Trout Run (RM 2.59), Cambria County

Brook Trout RM - 0.03  
Site Length - 330 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	48	2.29	932
3	14	1.62	272
4	11	2.92	214
5	12	5.70	233
6	11	8.78	214
7	12	14.88	233
8	3	5.39	58
Total	111	41.58	2156



## UNT To Valley Creek (Cedar Hollow), Chester County





## UNT To Valley Creek (Cedar Hollow), Chester County

Brown Trout RM - 0.01  
Site Length - 186 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	213	11.79	3274
3	186	17.46	2862
5	12	5.59	184
6	56	40.46	874
7	50	53.74	779
8	32	45.32	492
9	13	28.50	207
10	9	23.67	138
11	2	6.91	31
14	1	6.44	15
Total	574	239.88	8856



## UNT To West Branch Susquehanna River (RM 193.26), Clearfield County



## UNT To West Branch Susquehanna River (RM 193.26), Clearfield County

Brook Trout RM - 0.01  
Site Length - 100 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	10	1.18	481
4	1	0.66	48
5	5	5.88	240
6	4	7.90	192
7	2	6.14	96
8	1	4.45	48
9	1	6.29	48
Total	24	32.50	1153



## Wash Creek, Schuylkill County



## Wash Creek, Schuylkill County

Brook Trout RM - 0.34  
Site Length - 505 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	5	0.09	38
4	23	2.36	173
5	43	7.89	323
6	21	6.47	158
7	11	5.27	83
8	5	3.47	38
9	2	1.96	15
Total	110	27.51	828

Brown Trout RM - 0.34  
Site Length - 505 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.04	4
3	1	0.05	2
4	2	0.22	4
5	9	1.77	18
6	8	2.63	16
7	3	1.51	6
8	2	1.46	4
9	7	7.08	14
10	1	1.37	2
11	1	1.78	2
Total	36	17.91	72



## Water Tank Run, Elk County



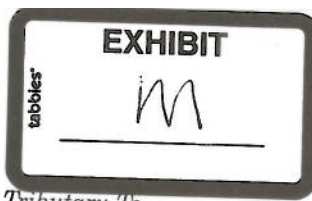
## Water Tank Run, Elk County

Brook Trout RM - 0.07  
Site Length - 500 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.01	14
2	69	1.22	495
3	31	1.32	222
4	57	5.60	409
5	54	9.46	387
6	28	8.25	201
7	25	11.45	179
8	12	7.96	86
9	11	10.32	79
11	1	1.68	7
Total	290	57.27	2079



NOTICES



6647

County of Mouth	Stream Name	Section Limits	Tributary To	Mouth Lat/Lon
Sullivan	UNT to Loyalsock Creek (RM 47.93)	Headwaters to Mouth	Loyalsock Creek	41.457143 76.478160
Venango	McCune Run	Headwaters to Mouth	French Creek	41.459309 79.988098
Venango	Trout Run	Headwaters to Mouth	Lake Creek	41.546158 79.897186
York	UNT to Kreutz Creek (RM 5.07)	Headwaters to Mouth	Kreutz Creek	40.009515 76.572034

The Commission also will consider the following revisions to the section limits of streams on the list:

County of Mouth	Stream Name	Current Limits	Revised Limits	Tributary To	Mouth Lat/Lon
Berks	Laurel Run	Headwaters to 1.3 kilometers Upstream SR 222	Headwaters to Mouth	Schuylkill River	40.379722 75.951111
Clinton	Tangascootack Creek	Headwaters to Muddy Run	Headwaters to Mouth	West Branch Susquehanna River	41.178055 77.547218
Mifflin	Kishacoquillas Creek	T-368 Bridge to Mill Road Bridge	Headwaters to Mill Road Bridge	Juniata River	40.593611 77.576389

In addition, the Commission will consider the removal of the following stream from the list:

County of Mouth	Stream Name	Section Limits	Tributary To	Mouth Lat/Lon
Somerset	Flugey Hollow	Headwaters to Mouth	Sandy Run	39.912498 79.336388

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 15-2022. Filed for public inspection November 13, 2015, 9:00 a.m.]

**Proposed Changes to List of Class A Wild Trout Waters; January 2016**

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on January 20 and 21, 2016.

County	Stream	Section	Limits	Tributary To	Mouth Lat/Lon	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Berks	Laurel Run	3	UNT approx. 20 meters upstream SR 3059 to Mouth	Schuylkill River	40.379722 75.951111	1.30	58.61	—	0.32	2013
Cambria	UNT to North Branch Little Conemaugh River (RM 7.92)	1	Headwaters to Mouth	North Branch Little Conemaugh River	40.464771 78.676645	37.62	—	—	1.52	2015
Cambria	UNT to Trout Run (RM 2.59)	1	Headwaters to Mouth	Trout Run	40.371589 78.659581	41.58	—	—	1.99	2014
Centre	Barner Run	1	Headwaters to Mouth	Pine Creek	40.934104 77.323704	54.78	—	—	1.01	2015
Centre	Haines Gap Run	1	Headwaters to Mouth	Pine Creek	40.895006 77.368998	36.14	0.06	—	0.84	2014
Centre	UNT to Gingerich Gap Run (RM 1.43)	1	Headwaters to Sink at RM 0.99	Gingerich Gap Run	40.920992 77.504391	46.63	—	—	1.20	2015
Centre	UNT to Penns Creek (RM 53.77)	1	Headwaters to Mouth	Penns Creek	40.853353 77.497301	159.84	—	—	3.25	2015
Centre	UNT to Pine Creek (RM 16.77)	1	Headwaters to Mouth	Pine Creek	40.954459 77.244114	41.18	—	—	1.18	2015
Centre/Canton	Bull Run	1	Headwaters to Sink at RM 1.62	Fishing Creek	41.014422 77.358097	64.11	—	—	2.10	2015
Centre/Huntingdon	Shingletown Branch	1	Headwaters to Mouth	Laurel Run	40.718700 77.833191	41.13	5.49	—	2.63	2015
Centre/Union	Bear Run	1	Headwaters to Mouth	Laurel Run	40.899251 77.263914	37.89	5.18	—	4.10	2015
Centre/Union	Laurel Run	1	Headwaters to Bear Run	Penns Creek	40.870278 77.188889	18.22	30.10	—	1.71	2015
Chester	UNT to Valley Creek (Cedar Hollow)	1	Headwaters to Mouth	Valley Creek	40.067417 75.517273	—	239.88	—	0.50	2012
Clearfield	Laurel Run	1	Headwaters to Simeling Run	Moshannon Creek	40.906667 78.226667	34.02	—	—	2.80	2015
Clearfield	UNT to West Branch Susquehanna River (RM 193.26)	1	Headwaters to Mouth	West Branch Susquehanna River	40.922324 78.620934	82.50	—	—	0.60	2015
Clearfield/Elk	UNT to Jack Dent Branch (RM 1.76)	1	Headwaters to Mouth	Jack Dent Branch	41.229370 78.364650	51.77	—	—	1.77	2014

County	Stream	Section	Limits	Tributary To	Mouth Lat/Lon	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Clinton	Fishing Creek	14	Axe Factory Hollow to SR 2015 Bridge	Bald Eagle Creek	41.122222 77.483056	0.07	124.85	—	1.60	2013
Clinton	Green Gap Run	1	Headwaters to Mouth	Fishing Creek	41.048181 77.179749	45.34	—	—	1.60	2015
Clinton	Jamison Run	1	Headwaters to Mouth	McElhattan Reservoir	41.067780 77.316391	56.12	—	—	1.88	2015
Clinton	Schreckengast Gap Run	1	Headwaters to Sink at RM 0.42	Fishing Creek	41.002494 77.395620	51.56	—	—	1.12	2015
Clinton	Schwenks Gap Run	1	Headwaters to Sink at RM 1.21	Fishing Creek	41.037436 77.260706	34.56	—	—	2.13	2014
Clinton	UNT to Fishing Creek (RM 5.89)	1	Headwaters to Sink at RM 1.68	Fishing Creek	41.067884 77.463693	45.25	—	—	2.01	2014
Clinton	UNT to Fishing Creek (RM 6.25)	1	Headwaters to Mouth	Fishing Creek	41.064384 77.465246	0.38	43.30	—	2.10	2014
Clinton	UNT to Fishing Creek (RM 7.94)	1	Headwaters to Sink at RM 0.44	Fishing Creek	41.048355 77.465743	62.53	—	—	1.49	2014
Clinton	UNT to Fishing Creek (RM 17.73)	1	Headwaters to Mouth	Fishing Creek	40.983079 77.488401	38.95	27.03	—	2.00	2015
Clinton	UNT to Fishing Creek (RM 40.83)	1	Headwaters to Mouth	Fishing Creek	41.048318 77.169835	52.36	—	—	1.13	2015
Elk	Water Tank Run	1	Headwaters to Mouth	Elk Creek	41.422330 78.617740	57.27	—	—	3.07	2014
Erie	Benson Run	1	Headwaters to Mouth	LeBoeuf Creek	41.959812 79.967889	—	41.20	—	3.17	2015
Erie	Spencer Creek	1	Headwaters to Mouth	South Branch French Creek	41.919265 79.684082	49.49	—	—	3.87	2015
Juniata	Lick Run	1	Headwaters to Mouth	Lost Creek	40.677580 77.284428	47.57	15.72	—	1.37	2015
Juniata	Tennis Run	1	Headwaters to Mouth	Lost Creek	40.647839 77.294665	26.51	18.61	—	3.88	2015
Mifflin	Kishacoquillas Creek	5	1.5 miles upstream Tea Creek to Penn Central RR Bridge	Juniata River	40.593611 77.576389	—	103.25	—	3.71	2012
Mifflin	Sbanks Run	2	Spring at RM 0.23 to Mouth	Juniata River	40.438452 77.758149	32.80	0.65	—	0.23	2014
Mifflin	Town Run	2	Spring at RM 2.01 to Mouth	Juniata River	40.500086 77.738233	—	60.32	—	2.01	2015

County	Stream	Section	Limits	Tributary To	Mouth Lat/Lon	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Montgomery	Hosensack Creek	2	UNT 640 meters downstream SR 2031 to UNT 180 meters upstream T-387	Perkiomen Creek	40.425000 75.528944	—	108.13	—	2.96	2014
Schuylkill	Wash Creek	1	Headwaters to Mouth	Mahoning Creek	40.763056 75.893333	27.51	17.91	—	2.65	2015
Sullivan	UNT to Double Run (RM 0.28)	1	Headwaters to Mouth	Double Run	41.463509 76.579758	51.18	—	—	2.04	2014
Union	Laurel Run	2	Bear Run to SR 235 Bridge	Penns Creek	40.870278 77.188889	12.26	30.77	—	3.59	2015

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-2023. Filed for public inspection November 13, 2015, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

Reg. No.	Agency/Title	Received	Public Meeting
16A-7020	State Board of Certified Real Estate Appraisers Biennial License Fee for Licensed Appraiser Trainees	10/29/15	12/10/15

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 16-2024. Filed for public inspection November 13, 2015, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Appeal of Atlantis Petro, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2014-0043(I); Doc. No. UT15-10-020

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501--508 and 701--704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference will be held on January 5, 2016, at 9:30 a.m. A hearing will occur on January 20, 2016, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before December 22, 2015. Answers to petitions to intervene, if any, will be filed on or before January 4, 2016.

On or before December 22, 2015, each party will file with the Administrative Hearings Office a prehearing statement which will contain: (1) a statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and addresses of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Contemporaneously with service of the prehearing statement on the opposing party, each party will supply the other: (1) a copy of any listed document not previously

supplied; and (2) a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing will be supplied to the other party within 2 business days. Copies of documents and expert reports need not be filed with the Administrative Hearings Office. A party will be precluded at hearing from using a document not listed and supplied unless the use was not reasonably foreseeable. Experts may testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

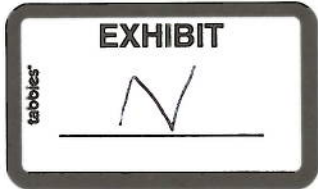
TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-2025. Filed for public inspection November 13, 2015, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1--56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held





**Strategic Plan for Management of Trout Fisheries in Pennsylvania  
2016 – 2017**

Bureau of Fisheries  
Pennsylvania Fish and Boat Commission



## Goal of the Strategic Plan

The goal of this strategic plan is to insure that adequate protection is afforded to Pennsylvania's wild trout resources and that fisheries provided through the management of wild trout and stocking of adult and fingerling trout will continue to provide excellent angling opportunities in Pennsylvania.

The *Strategic Plan for Management of Trout Fisheries in Pennsylvania 2010-2014* identified 25 issues and 71 strategies to address those issues. The ~~2015~~2016-2017 version of the plan will focus on issues that weren't completed in the previous plan and add some new issues that need to be addressed to attain the goal of the plan. As this plan is a primarily a continuation of the 2010-2014 plan, its implementation began in 2015. This plan identifies ~~19~~22 issues as priorities. Addressing these issues will be the primary focus of PFBC trout management through 2017. Under each of the resource categories, measurable and time-bound strategies were developed.

DRAFT

## MANAGEMENT OF WILD TROUT WATERS

### Strategies:

The following strategies address the highest priority issues related to threats and opportunities that face the Commonwealth's wild trout resources. The strategies identified for each of the priority issues are designed to protect, conserve and enhance our wild trout resources while providing enhanced fishing opportunities for the anglers of the Commonwealth. Addressing these issues will be the primary focus of the PFBC's wild trout management program through 2017.

Issue 1: The PFBC has not assessed all of the streams throughout the Commonwealth. As a result, the total number of streams that support wild trout populations in Pennsylvania is unknown, which leads to inadequate protection of these streams. The PFBC does not currently have the ability to assess these most at-risk streams at a rate that outpaces the rate of degradation.

#### Strategies:

- Between 2015 and 2017, develop and annually update prioritized lists of unassessed streams that are likely to support wild trout and potential Class A streams that are the most at risk from the effects of human activities.
- Through 2017, PFBC staff will continue to work with Unassessed Waters Program partners to sample at least 1,500 priority unassessed waters and Class A re-inventories.

Issue 2: Maintaining free public access to Pennsylvania's wild trout fisheries is important to provide trout angling opportunities.

#### Strategies:

- Improve public access to at least eight wild trout streams between 2015 and 2017. Access improvements may include, but are not limited to improved parking areas, long-term access easements, and purchase of riparian lands. Highest priority will be placed on streams with high quality fisheries that can support the potential increased use resulting from improved access.
- Through 2017, work to develop a dedicated source of funding to be used to improve public access on waters throughout the Commonwealth.

Issue 3: The PFBC currently does not have a monitoring program to annually track the status and trends of wild trout populations across Pennsylvania. As a result, the rate of population loss or improvement, overall condition of populations, and status of wild trout resources as a whole is unknown.

#### Strategy:

- By 2017, work with the PA Cooperative Fish and Wildlife Research Unit to develop an appropriate monitoring design to assess status and trends of wild trout populations across Pennsylvania. The study design and sample site selection will include a review of long-term datasets collected by PFBC, PA DEP, and other agencies as well as those agencies' sampling designs and sampling schedules to allow interagency coordination, if feasible.

Issue 4: The expansion of wild trout populations is impeded in streams where habitat is the primary limiting factor. Furthermore, better knowledge of the effects of habitat manipulations on wild trout populations is needed.

#### Strategies

- Conduct at least 25 instream and/or riparian habitat enhancement projects on wild trout streams between 2015 and 2017.
- Continue to work with project partners to seek additional grant funding for habitat work on wild trout streams (e.g., Western PA Conservancy, Northcentral PA Conservancy, County Conservation Districts and other federal, state and local agencies and non-profit groups).
- By 2016, implement a grant program using Peach Bottom Settlement funds to improve wild trout habitat in York and Lancaster Counties.
- Implement recommendations of the Habitat Improvement Prioritization Workgroup and utilize findings to provide technical assistance to project partners in identifying and prioritizing projects that most effectively assist the PFBC in enhancing and restoring habitat in wild trout streams. Adaptively manage and update recommendations of the Habitat Improvement Prioritization Workgroup as needed.
- Through 2017, continue to monitor the response of wild trout populations and physical habitat conditions to various habitat treatments at select projects on wild trout streams.

Issue 5: Through their ability to impede fish movement and alter physical, chemical and biological processes in streams, manmade barriers remain a deterrent to fully functional wild trout streams.

Strategy:

- When deemed biologically appropriate, remove barriers and/or improve fish passage on five wild trout streams between 2015 and 2017.

Issue 6: Impairment of the natural flow regime through water withdrawals and reservoir operations threatens the quality of wild trout waters.

Strategies:

- Through 2017, assist the Pennsylvania Department of Environmental Protection and other governmental agencies with the development of policies and reservoir operation procedures that limit the alteration of natural flow regimes to levels that maintain critical species, habitats and ecological conditions.
- Continue to work closely with the New York Department of Environmental Conservation (NYDEC) and the Parties to the 1954 U. S Supreme Court Decree to achieve greatly improved operating rules to protect and improve the upper Delaware River trout fishery. Develop reservoir release recommendations in coordination with NYDEC Fisheries staff using an adaptive management approach to encompass the breadth of New York City reservoir storage levels and diversion rates by March 2017.
- Work closely with the Pennsylvania Department of Conservation and Natural Resources, DEP, utilities, the U. S. Army Corps of Engineers, and other reservoir owners to maintain and improve tailwater fisheries through flow and temperature management, and stocking strategies.

Issue 7: Criteria for inclusion of waters into special regulation programs for wild and stocked trout fisheries are lacking. The degree to which special regulation programs are meeting management objectives needs to be fully evaluated.

## Strategies

- By ~~December 2015~~2016, develop specific criteria that trout waters must meet in order to be included in a special regulation program. At a minimum these objectives should include or consider the following:
  - Whether special regulations are necessary and supported biologically (e.g., to substantially improve the quality of the fishery or to protect recovering fish populations).
  - Whether harvest or tackle types are primary limiting factors to the quality of the fishery.
  - An evaluation of the potential impact on angler participation if angling regulation changes are implemented.
  - Whether there is social support by the primary users and major riparian landowners of the fishery for establishing or changing special regulations.

## MANAGEMENT OF STREAMS WITH TROUT FISHERIES MAINTAINED BY STOCKING

### Strategies:

The following strategies address the highest priority threats and opportunities to the provision of high quality trout angling opportunities on the Commonwealth's stocked trout streams. These priorities are designed to protect, conserve and enhance stocked trout waters while providing enhanced fishing opportunities for the anglers of the Commonwealth. General needs identified in other sections of the document related to special regulation criteria and protection of trout streams, such as water quality and water quantity protection, and the control of aquatic invasive species, will not be included in this section.

Issue 8: Fish culture practices and hatchery effluent management need to be continually adjusted to ~~increase~~ improve effluent water quality to ensure protection of aquatic resources downstream from PFBC trout hatcheries.

### Strategies:

- Continue to evaluate and revise hatchery management practices to optimize fish production and continually improve aquatic habitats downstream of hatchery discharges.
- Beginning in the spring of 2016 a flocculation effluent treatment system will be on-line at the renovated Reynoldsdale State Fish Hatchery. Water treatment efficiency data from this system will be collected for at least three years to determine the feasibility of future systems to be implemented at other hatcheries pending funding availability.

Issue 9: Cooperative Nurseries provide considerable support to the PFBC's stocked trout program and the program must be maintained and improved.

### Strategies:

- Evaluate production capacity at existing facilities and investigate requests to establish new nurseries. By 2016, the Cooperative Nursery Unit (CNU) will perform an analysis of existing cooperative nurseries and recommended production levels as stated in the Agency Strategic Plan.
- Between 2015 and 2017 provide technical assistance to all cooperative nurseries when discussing wastewater handling. Due to budget limitations there are no plans to increase funding to improve nursery effluent water quality.
- Between 2015 and 2017, update the Resource First Portal (RFP) database to more efficiently track cooperative nursery stockings.
- By ~~December 2015~~ 2017, determine the feasibility of posting cooperative nursery tentative stocking schedules on the PFBC website.

Issue 10: The cost to operate the stocked trout program is significant and as such, the PFBC must investigate ways to optimize hatchery operations and program efficiency.

### Strategies:

- Utilize the computerized trout production program to improve the efficiency of fish feed use. The computerized trout program continues to be used at seven of the eight trout hatcheries. Reynoldsdale will begin using this system upon completion of the hatchery renovations in

early 2016. As new hatchery managers and foreman are hired, periodic training sessions pertaining to the operation of the computerized program will be provided.

- By 2017, purchase mechanical egg pickers and fish pumps to reduce labor costs associated with incubating trout eggs and moving fish between rearing units. Two fish pumps and three mechanical egg pickers are currently being used at various PFBC hatcheries. Additional units will be purchased as funds are available.
- Between 2015 and 2017 continue to analyze post-stocking data to determine the percentage of trips made with distribution trucks at full capacity and reconfigure stocking assignments and schedules to maximize full capacity truck trips.
- By 2016, implement stocked trout efficiency improvements, including removal of low use waters. and a review of angler use and associated return on investment on stream sections that receive fall trout stockings

Issue 11: Stocked trout angling opportunities are limited in streams where habitat is the primary limiting factor.

Strategies:

- Conduct at least 25 instream and/or riparian habitat enhancement projects on stocked trout streams between 2015 and 2017.
- Implement recommendations of the Habitat Improvement Prioritization Workgroup and utilize findings to provide technical assistance to project partners to identify and prioritize projects that most effectively assist the PFBC in enhancing and restoring habitat in stocked trout streams. Adaptively manage and update recommendations of the Habitat Improvement Prioritization Workgroup as needed.

Issue 12: The maintenance of free public access to Pennsylvania's stocked trout fisheries is important to maintain Pennsylvania's angling heritage.

Strategies:

- Improve public access to at least five stocked streams between 2015 and 2017. Access improvements may include, but are not limited to improved parking areas, long-term access easements, and purchase of riparian lands.
- Work with the PFBC access coordinator to create greater public awareness of the need to secure public access and be proactive in pursuing landowner easements along stocked trout streams.
- On all stocked trout streams with PFBC assisted habitat improvement projects, assure public access, parking, and signage that encourages use of the site and provides information on the benefits of the project.

Issue 13: Recent generations are increasingly disconnected from the Commonwealth's aquatic resources.

Strategies:

- Through 2017, work with Trout Unlimited to continue and expand the Trout in the

Classroom program.

- Through 2017, continue to provide Mentored Youth Trout Days on all trout stocked waters statewide.
- By 2016, develop a program to stock select waters with greater numbers of larger trout. Delayed Harvest areas regionally distributed across the state will be selected for stocking greater numbers of larger fish. Evaluate angler use, satisfaction and economic impact of this program.

Issue 14: Fingerling trout stocking may provide an opportunity to provide fisheries of high quality at lower costs than stocking with adult trout in some limited circumstances. Our knowledge of the success of fingerling trout stocking programs in streams to meet management objectives is inadequate.

Strategies:

- By 2017, evaluate all current fingerling stocking efforts on wadeable streams and provide recommendations on the continuation and possible expansion/reduction of these programs.
- Explore the possibility of improved survival of stocked fingerling trout by stocking advanced fall fingerlings in select tailwaters and productive coldwater streams.
- Continue to conduct water quality and habitat evaluations on additional waters with potential to be managed using stocked fingerlings. For those waters that meet adequate year-round water temperatures, physical habitat, and/or biological characteristics, attempt to establish new fingerling stocked fisheries where appropriate.



## LAKES MANAGED FOR TROUT

### Strategies:

The following strategies are designed to address the highest priority threats and opportunities to the Commonwealth's lakes as they pertain to the management of trout.

Issue 15: The maintenance of free public access to Pennsylvania's lakes is important to uphold Pennsylvania's angling heritage.

#### Strategy:

- Improve public access to at least four lakes between 2015 and 2017. Access improvements may include, but are not limited to improved parking areas, long-term access easements, and purchase of riparian lands. Ensure we include demographics in the analysis of future access priorities, with special consideration given to children, families, the disabled and veterans.

Issue 16: The cost to operate the stocked trout program on lakes is significant and as such the benefits of providing recreational angling opportunities with stocked trout should, at a minimum, equal the costs.

#### Strategy:

- By ~~December 2015~~2016, complete a study design for an angler survey that will provide a statewide assessment of spring angler use, catch, and opinions, and an economic assessment of trout angling at trout-stocked lakes.

Issue 17: PFBC's inland Lake Trout program is need of review and marketing.

#### Strategies:

- Review the stocking rates, size at stocking, timing of stocking, etc for inland lakes that receive Lake Trout stockings to optimize the program and provide high angling quality.
- Market these unique fisheries to increase angler awareness and angler use.

## TROUT MANAGEMENT IN LAKE ERIE

### Strategies:

The following strategies are designed to address the highest priority threats and opportunities to Lake Erie as they pertain to the management of trout.

Issue 18: The PFBC does not have a long term source of disease free Brown Trout eggs or an isolated facility to raise fingerling Brown Trout for stocking in the Lake Erie basin. Addressing these issues is critical to the development of an expanded Lake Erie Brown Trout fishery within the guidelines of the Great Lakes Fish Health Advisory Committee.

#### Strategies:

- By 2016, develop an in-house source of IPN disease-free Brown Trout eggs. In 2012, Rome strain Brown Trout from the New York Department of Environmental Conservation were obtained and continue to be reared at the Reynoldsdale State Fish Hatchery as future disease free Brown Trout brood stock. Development of this line of brood fish will be continued.
- By 2017, develop an isolated rearing facility capable of raising 75,000 Brown Trout fingerlings for stocking into Lake Erie and its tributaries.
- By 2017, work to adhere to the Great Lakes Fish Disease Control Policy and Model Program supplied through the Great Lakes Fish Health Committee in all stocking efforts in Lake Erie and its tributaries.

Issue 19: The maintenance of public access to Pennsylvania's portion of Lake Erie is important to uphold Pennsylvania's angling heritage.

#### Strategy:

- Improve public access to at least 12 access points along Lake Erie and its tributaries. Access improvements may include, but are not limited to improved parking areas, long-term access easements, and purchase of riparian lands.

Issue 20: Steelhead and Brown Trout angling opportunities in Lake Erie tributary streams are limited in some stream sections because of suboptimal instream habitat and barriers to migration.

#### Strategies:

- Include Lake Erie tributaries in the statewide prioritization process for stream habitat work and implement fish passage and instream habitat projects as appropriate.

Issue 21: Lake Trout are an important component of the Lake Erie ecosystem and recreational fishery. As such, ongoing monitoring and management efforts are needed to properly manage this species and fishery.

#### Strategies:

- Continue PFBC's annually monitoring of the Lake Trout in Pennsylvania's portion of Lake Erie as part of the overall monitoring of Lake Trout as prescribed by the international Lake Erie Committee (LEC).

- Continue PFBC's participation in the Lake Erie Committee - Cold Water Task Group to ensure proper management of Lake Trout occurs throughout Lake Erie, including periodic updates of the LEC Lake Trout Management Plan.

Issue 22: Invasive species and disease pathogens such as didymo, Round Goby, Sea Lamprey, Zebra Mussels, and VHS threaten our trout fisheries in the Lake Erie basin.

Strategy:

- Continue to work with the Great Lakes Fishery Commission to ensure the effective, ecologically sound suppression of the Sea Lamprey population in Lake Erie to allow for the restoration of Lake Trout and improved survival of other stocked salmonids.
- Continue to work with Great Lakes Fishery Commission and other partners on the suppression and management of other Invasive species and disease pathogens such as didymo, Round Goby, Zebra Mussels, and VHS.