

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

MINUTES

141st Meeting

Volume 72

**HARRISBURG, PENNSYLVANIA
January 25, 2021**

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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Agenda

The 141st Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, January 25, 2021, remotely, via web conference.

The public session for review of this agenda began on January 25, 2021 at approximately 10:00 a.m.

Call to Order

The meeting was called to order by Commission President Richard Lewis and Chief Counsel Wayne Melnick and was followed by the Pledge of Allegiance to the Flag.

Roll Call

Richard Lewis, President
Richard S. Kauffman, Vice President
Rocco S. Ali
Donald K. Anderson
William C. Brock
Charles J. Charlesworth
William J. Gibney
Eric C. Hussar
Daniel J. Pastore
Robert B. J. Small

Public Comment to Commissioners and Staff

John DeLallo is inquiring when the Commission is going to make needed repairs, including dredging, to Canonsburg Lake. He states this lake is in serious danger of overtopping, which could cause the dam to fail, causing water and mud to fall into Canonsburg. He would like an answer from the Commission when the lake will be returned to original configuration since it is filled with what he called "settlement" and said it looks like a marsh.

Jared Cason supports changes to trophy trout regulations, but believes they could be more stringent. He thinks the Commission's action is a good start and moving in the right direction. He is a part-time guide and fishes the Youghiogheny River and thinks an 18" trout is quite common. He supports increasing the length limit further.

Ernest Probanek supports the trophy trout regulation changes, specifically for the Youghiogheny River. He is a co-owner of a guide business specializing in fishing the watershed and believes most folks come to the river to catch large fish. He thinks the current regulation of 14" for

trophy trout is outdated, but supports the changes to the take limit. He also believes a length limit beyond 18” would be more appropriate for trophy trout.

Mike Englehart supports the proposed changes to trophy trout regulations and hopes the Commission continues further consideration of the changes to this regulation. He has fished a trophy trout section of the Youghiogheny River for over 15 years and has guided for over 10 years. He thinks the proposed changes will help the trout population but urges the Commission to consider a larger size limit for rivers that have the potential to grow trophy trout in the 24” size class. He states an 18” trout is common for this section of the river. He urges the Commission to develop improved sampling for large river systems supporting trophy trout and more frequent sampling to improve management of these waters.

Chris Stadler supports changes to the trophy trout regulations. He is a fishing guide on the Youghiogheny River and has fished the river his entire life. He supports the changes but believes the 18” size limit is not enough. A higher number would be more beneficial to the fishery, perhaps on a river-by-river basis.

Jeffrey Cobin supports the proposed trophy trout regulation changes.

Mr. Ilkin states that he supports the proposed changes to the trophy trout regulation but believes the size limit should be higher to benefit the fisheries in the tri-state area.

Earl Gilpin is a borough councilman and has serious concerns as to how the Marianna Outdoorsmen Association has been able to secure large portions of Ten Mile Creek and prohibit residents from fishing those areas.

Brian Chiappelli would like the Commission to consider fall stocking on Bennetts Branch. He understands the Commission stocks it once a year at the confluence of Buttermilk Medix and Trout Run, but there are several other spots in the water body that can hold fish. He would especially like to see it stocked with brown trout fingerlings to see if they can adapt and thrive.

Jim Tobias supports the proposed changes to the trophy trout regulations.

James Hume is dissatisfied with the panfish fishing in the southeastern part of the state and would like to see the Commission allocate more resources to improving the panfishing for species such as crappy and yellow perch.

Review and Approval of Minutes from the October 19-20, 2020 and November 4, 2020 Meetings

A motion was made by Commissioner Charlesworth and seconded by Commissioner Gibney to approve the October 19-20 and November 4 minutes as written. Motion carried by unanimous vote.

Executive Director’s Report

Executive Director Timothy Schaeffer thanked the Commissioners and staff for continuing to adapt and adhere to different protocols for yet another meeting. Tim introduced Laurel Anders,

the new Director of Bureau of Boating. Tim also welcomed a new class of water conservation officers to training school this month. Tim reported that participation in outdoor recreation has surged in 2020, and end-of-year license sales were up twenty percent (20%), launch permits were up about thirty-six percent (36%), and voluntary permits were up one hundred forty-eight percent (148%). Tim thanked everyone for choosing to safely fish and boat in Pennsylvania. Permit and license sales early in 2021 license year remain strong. A new license system called HuntFishPA was launched in partnership with the Game Commission on January 15th. The system is accessible via the website FishandBoat.com and FishBoatPA mobile app. Tim described in detail the plans for 2021 trout season and described the PFBC's efforts to ensure that trout are stocked, that Mentored Youth and Opening Day experiences are maintained, and that COVID-19 risk is minimized. A single Statewide Opening Day will be held on April 3rd, which will result in a longer trout season. Tim described the details of proposed temporary regulations changes and stressed the goals for the 2021 trout season.

A motion was made by Commissioner Lewis and seconded by Commissioner Kauffman to retroactively ratify the temporary regulation changes for 2021 as just announced. Motion carried by unanimous vote.

Announcement of Executive Sessions

Chief Counsel Wayne Melnick announced that an executive session was held on January 25, at approximately 8:00 a.m. to discuss personnel matters, potential real estate acquisitions, and pending litigation.

FISHERIES FINAL RULEMAKING

A. Amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations): remove Opossum Lake, Cumberland County.

Commentary:

Opossum Lake, a 47-acre impoundment owned by the Commonwealth of Pennsylvania and managed by the Pennsylvania Fish and Boat Commission (Commission), is located in Lower Frankford Township in Cumberland County, approximately six miles west-northwest of the Borough of Carlisle. The dam impounds Opossum Creek at river mile 0.5 upstream from its confluence with Conodoguinet Creek. This reservoir was completely dewatered in October 2008 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred by spring 2013, and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2015 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2012, Opossum Lake has been managed with Miscellaneous Special Regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations but no harvest of other fish species. The intent of these temporary regulations is to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest and, once re-established, the lake would be recommended for removal from the special regulations and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated from 2015 through 2020 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. As such, it is recommended that Opossum Lake be removed from Miscellaneous Special Regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. Upon removal of this regulation, Opossum Lake will be proposed for designation into the Big Bass and the Panfish Enhancement programs in §§ 65.9 and 65.11 (relating to Big Bass and Panfish Enhancement). To facilitate transition of Opossum Lake to the Big Bass and Panfish Enhancement programs, this water must first be removed from Miscellaneous Special Regulations. All other fish species will be managed with Commonwealth Inland Waters angling regulations in § 61.1 (relating to Commonwealth Inland Waters).

Staff propose the following amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations).

The following waters are subject to the following Miscellaneous Special Regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
***	***	***
[Cumberland]	[Opossum Lake]	[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. Trout – Inland regulations apply. See §61.1]
***	***	***

A notice of proposed rulemaking was published at 50 Pa.B. 5485 (October 3, 2020) (Exhibit A). The Commission did not receive any public comments regarding the proposal.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

A motion was made by Commissioner Small and seconded by Commissioner Lewis to adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

B. Addition of Opossum Lake, Cumberland County, to the Big Bass (58 Pa. Code § 65.9) and the Panfish Enhancement (58 Pa. Code § 65.11) programs.

Commentary:

Opossum Lake, a 47-acre impoundment owned by the Commonwealth of Pennsylvania and managed by the Pennsylvania Fish and Boat Commission (Commission), is located in Lower Frankford Township, Cumberland County, approximately six miles west-northwest of the Borough of Carlisle. The dam impounds Opossum Creek at river mile 0.5 upstream from its confluence with Conodoguinet Creek. This reservoir was completely dewatered in October 2008 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred by spring 2013, and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2015 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2012, Opossum Lake has been managed with Miscellaneous Special Regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations but no harvest of other fish species. The intent of these temporary regulations was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest and, once re-established, the lake would be recommended for removal from the miscellaneous special regulation and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated from 2015 through 2020 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. Upon removal of Opossum Lake from Miscellaneous Special Regulations under § 65.24, it is recommended that the black bass fishery in this reservoir be managed with Big Bass angling regulations under § 65.9, and the crappie fishery be managed with Panfish Enhancement angling regulations under § 65.11. Panfish Enhancement regulations allow for year-round harvest of crappies (Black Crappie and White Crappie) greater than or equal to nine inches in length, with a daily limit of 20. The total creel cannot exceed 50 panfish combined. Big Bass regulations applied to lakes allow for the harvest of four black bass (Largemouth Bass, Smallmouth Bass, and Spotted Bass; combined species) greater than or equal to 15 inches in length from January 1 to midnight the day before the first Saturday after April 11, and 12:01 a.m. the first Saturday after June 11 to midnight December 31. No harvest is permitted from 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11. All other fish species not managed under these special regulations will be managed with Commonwealth Inland Waters angling regulations under § 61.1.

A notice of proposed designations was published at 50 Pa.B. 7116 (December 12, 2020) (Exhibit B). The Commission did not receive any public comments regarding the proposal.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend the Commission add Opossum Lake, Cumberland County, to the Big Bass program (58 Pa. Code § 65.9) and the Panfish Enhancement program (58 Pa. Code § 65.11) for crappies. If adopted, this designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Small and seconded by Commissioner Lewis to add Opossum Lake, Cumberland County, to the Big Bass program (58 Pa. Code § 65.9) and the Panfish Enhancement program (58 Pa. Code § 65.11) for crappies. If adopted, this designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES **FINAL RULEMAKING**

C. Amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations): remove Lake Perez, Huntingdon County.

Commentary:

Lake Perez, a 72-acre impoundment owned by the Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately three miles northeast from the Village of Neffs Mills. The dam impounds Shavers Creek at river mile 13.6 upstream from its confluence with the Juniata River. This reservoir was completely dewatered in late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred during 2014, and the Commission resumed annual adult trout stocking in 2015 to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2014 through 2018 with select fish species to establish a self-sustaining, high-quality, warm-water and cool-water fishery.

Since 2015, Lake Perez has been managed with Miscellaneous Special Regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations but no harvest of other fish species. The intent of these temporary regulations is to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the special regulation and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated during 2019 and 2020 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that Lake Perez be removed from Miscellaneous Special Regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. Upon removal of this regulation, Lake Perez will be proposed for designation into the Panfish Enhancement program under § 65.11 (relating to Panfish Enhancement). To facilitate transition of Lake Perez to the Panfish Enhancement program, this water must first be removed from Miscellaneous Special Regulations. All other fish species will be managed with Commonwealth Inland Waters angling regulations under § 61.1 (relating to Commonwealth Inland Waters).

Staff propose the following amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations).

The following waters are subject to the following Miscellaneous Special Regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
***	***	***
[Huntingdon]	[Lake Perez]	[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. Trout – inland regulations apply. See §61.1. This miscellaneous special regulation will remain in effect until further notice.]
***	***	***

A notice of proposed rulemaking was published at 50 Pa.B. 5484 (October 3, 2020) (Exhibit C). The Commission did not receive any public comments regarding the proposal.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Ali to adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

D. Addition of Lake Perez, Huntingdon County, to the Panfish Enhancement program (58 Pa. Code § 65.11).

Commentary:

Lake Perez, a 72-acre impoundment owned by the Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately three miles northeast from the Village of Neffs Mills. The dam impounds Shavers Creek at river mile 13.6 upstream from its confluence with the Juniata River. This reservoir was completely dewatered in late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred during 2014, and the Pennsylvania Fish and Boat Commission (Commission) resumed annual adult trout stocking in 2015 to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2014 through 2018 with select fish species to establish a self-sustaining, high-quality, warm-water and cool-water fishery.

Since 2015, Lake Perez has been managed with Miscellaneous Special Regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but no harvest of other fish species. The intent of these temporary regulations was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest and, once re-established, the lake would be recommended for removal from the miscellaneous special regulation and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated during 2019 and 2020 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. Upon removal of Lake Perez from Miscellaneous Special Regulations under § 65.24, it is recommended that the sunfish and crappie fisheries in this reservoir be managed with Panfish Enhancement angling regulations under § 65.11. This regulation allows for year-round harvest of sunfish (Bluegill and Pumpkinseed) greater than or equal to seven inches in length and crappies (Black Crappie and White Crappie) greater than or equal to nine inches in length, with a daily limit of 20. When Panfish Enhancement regulations apply to more than one species in the same waterway, the creel limit is 20 for each species with the total creel not to exceed 50 panfish combined. All other fish species will be managed with Commonwealth Inland Waters angling regulations under § 61.1. The owner of Lake Perez, the Pennsylvania State University, supports this management approach.

A notice of proposed designations was published at 50 Pa.B. 7116 (December 12, 2020) (Exhibit B). The Commission did not receive any public comments regarding the proposal.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend the Commission add Lake Perez, Huntingdon County, to the Panfish Enhancement program (58 Pa. Code § 65.11) for sunfish and crappies. If adopted, this designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Ali to add Lake Perez, Huntingdon County, to the Panfish Enhancement program (58 Pa. Code § 65.11) for sunfish and crappies. If adopted, this designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES FINAL RULEMAKING

E. Amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations): add Whipple Lake, Huntingdon County.

Commentary:

Whipple Lake, a 17-acre impoundment owned by the Commonwealth of Pennsylvania and managed by the Pennsylvania Department of Conservation and Natural Resources, is located within Whipple Dam State Park, Jackson Township, Huntingdon County, approximately six miles south of the Borough of State College. This lake was completely dewatered in October 2019 to remove sediment and complete structural improvements to the dam. The earth-fill dam impounds Laurel Run at river mile 4.6 upstream from its confluence with Standing Stone Creek. Prior to the drawdown in 2019, the lake offered angling opportunities for multiple warm-water and cool-water fish species, as well as adult trout stocked by the Commission. Sediment removal and dam structure improvements were completed during 2020, with refilling expected to begin in January 2021.

The Commission plans to initiate stocking the lake beginning in spring 2021, or as soon as refilling conditions allow, with catchable trout and fingerling plants of select fish species to establish a high-quality, warm-water and cool-water fishery. Immediately upon refilling of the lake, Commission staff propose to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but allow only catch-and-release fishing for all other fish species. Commission staff believe that this approach will allow for the most rapid development of a balanced warm-water and cool-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management Division staff will monitor the fish populations as needed while they develop, make necessary modifications to the species stocked, and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high-quality recreational angling opportunities at Whipple Lake. Once the warm-water fishery is re-established, the lake will be recommended for removal from the miscellaneous special regulation and inclusion in one of the Commission's existing warm-water regulation programs.

Staff propose the following amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations).

The following waters are subject to the following Miscellaneous Special Regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
***	***	***
<u>Huntingdon</u>	<u>Whipple Lake</u>	<u>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. Trout – inland regulations apply. See §61.1. This miscellaneous special regulation will remain in effect until further notice.</u>
***	***	***

A notice of proposed rulemaking was published at 50 Pa.B. 5487 (October 3, 2020) (Exhibit D). The Commission did not receive any public comments regarding the proposal.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Ali to adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

F. Amendment to 58 Pa. Code § 57.8a (Class A Wild Trout Streams).

Commentary:

Class A wild trout streams represent the best of this Commonwealth's wild trout resources, and approximately 3% of all flowing waters in this Commonwealth qualify for this designation. As of November 28, 2020, there are 1,037 Class A stream sections that comprise 2,766 stream miles in this Commonwealth. Following designation by the Board of Commissioners, Class A wild trout streams enter a process whereby the Department of Environmental Protection will ultimately designate these streams sections as High Quality, Cold Water Fishes under 25 Pa. Code Chapter 93 (relating to water quality standards). This designation provides additional water quality protection under the Commonwealth's environmental laws and regulations. As such, a Class A designation is an important mechanism to properly protect, conserve, and enhance wild trout populations and the quality of their habitats.

On September 30, 2014 (effective January 1, 2015), the statement of policy at § 57.8a was amended to require the Executive Director to obtain approval from the Pennsylvania Fish and Boat Commission (Commission) prior to granting permission to stock a Class A wild trout stream section. Following the update to § 57.8a, staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Under these criteria, stream sections that the Commission designates as Class A wild trout streams after December 31, 2014, may remain eligible for stocking with adult and fingerling trout by the Commission to provide additional angling opportunities, provided that the following criteria conditions are met.

1. The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.
2. Angler use (anglers/mile of stream) in the stream section equals or exceeds the statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.
3. The trout species to be stocked are not the same species as the primary component of the wild trout population.
4. The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.
5. A stream section managed for wild Brook Trout will not be considered for stocking.
6. Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Commission.

Subsequently, 13 stream sections suspected to support strong Class A wild Brown Trout populations were officially designated as Class A wild trout streams during the 2015-2017 timeframe following updated wild trout surveys, and stocking was continued. Commission staff believe there are very few additional waters in this Commonwealth that would meet the current, internal decision-making criteria used to consider continued stocking of Class A wild trout streams. The 13 Class A wild trout stream sections where stocking continued are heavily fished streams in high-density human population centers of a size and character that can support a fishery featuring both stocked and wild trout components. Common to these waters are robust wild Brown Trout populations, which continue to maintain strong Class A fisheries in the presence of stocking and high angler use. The management approach for these waters includes limiting species stocked to Rainbow Trout, which are easier to catch, rarely develop into a wild population in this Commonwealth, would not genetically impact the existing wild Brown Trout population, and could serve to satisfy anglers that prefer to fish for stocked trout during the early part of trout season.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. Occasionally, there may be pre-existing youth fishing derbies or clubs and/or private landowners that are not aware a stream section was designated as Class A and unknowingly continue to stock illicitly. Additionally, it is often unknown to Commission staff where private stockings have occurred. This information may become apparent only when the next private stocking is planned, and the landowner discovers a Class A designation has occurred. Therefore, there may be rare cases where a stocking exemption should be considered.

As such, Commission staff have developed additional internal decision-making criteria to account for these types of rare circumstances to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria will provide Commission staff direction to guide decisions when unusual situations arise, but will not automatically result in continued stocking when criteria are met, as the vast majority of Class A stream sections are best managed solely for wild trout with no stocking. They will offer a mechanism for transparent, timely, and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria will be detailed in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th edition* anticipated to be released in early 2021 and available at www.fishandboat.com. Listed below are several scenarios that may be considered for an exemption.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.
2. Pre-existing private stockings on private property on recently designated (i.e., within one year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since

2010. Historic stockings need to be verifiable by documentation, stocking records, and a history of more than one past occurrence.
3. Stream sections stocked by the Commission, a cooperative nursery, and/or a private group or individual the year prior to Class A designation and a history of more than one past occurrence, and which meet the Commission's Class A stocking criteria developed for the 13 Class A streams sections stocked by the Commission. These criteria currently guide staff consideration when making recommendations regarding the continuance of stocking a Class A wild trout stream section and were specifically developed for high-use, urban, and suburban stream sections that support robust Class A wild Brown Trout populations. Stocked species are limited to Rainbow Trout, and the number stocked will remain at or below the levels stocked at the time of Class A designation. Some stream sections may be better managed solely for wild trout in the future; therefore, trout stocking may not occur in perpetuity.
 4. Stream sections which previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to current exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections would be granted only under rare circumstances. Consideration would only be given to requests for continued stocking in stream sections within one year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking would be eligible for consideration. Should an exemption be granted, the Commission would determine the species of trout, number of trout, and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. No exemptions will be granted for streams where a component of the wild trout fishery is comprised of wild Brook Trout.

Staff propose that 58 Pa. Code § 57.8a be amended as follows:

§ 57.8a. Class A wild trout streams.

* * * * *

It is the policy of the Commission 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, these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking. **[There] 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 **consult decision-making criteria set forth in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters to consider the need for continued stocking at newly designated Class A wild trout streams and* obtain the approval of the Commission. Consideration will only be given to requests for continued stocking in stream sections within one year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit for continued stocking from the Commission between 2010 and the effective date of this amendment will be eligible for consideration.**

A notice of proposed rulemaking was published at 50 Pa.B. 6903 (December 5, 2020) (Exhibit E). The Commission received a total of nine public comments regarding the proposal: six oppose the proposal, one supports the proposal, and two comments did not pertain to the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Kauffman to adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by 7-3 vote. Negative votes by Commissioners Ali, Anderson, and Pastore.

FISHERIES OTHER MATTERS

G. Proposed exemptions to 58 Pa. Code § 57.8a (Class A Wild Trout Streams) to allow for the continued stocking of trout at 12 Class A stream sections.

Commentary:

On September 30, 2014 (effective January 1, 2015), the statement of policy at 58 Pa. Code § 57.8a (Class A Wild Trout Streams) was amended to require the Executive Director to obtain approval from the Pennsylvania Fish and Boat Commission (Commission) prior to granting permission to stock a Class A wild trout stream section. Following the update to § 57.8a, staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Subsequently, 13 stream sections that support strong Class A wild Brown Trout populations were officially designated as Class A wild trout streams during the 2015-2017 timeframe following updated wild trout surveys, and stocking was continued. The stream sections where stocking continued are heavily fished waters in high-density human population centers of a size and character that can support a fishery featuring both stocked and wild trout components.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. However, there are rare cases, beyond the current 13 stocked Class A wild trout stream sections, where a stocking exemption should be considered. To account for these rare circumstances, staff developed additional decision-making criteria to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria provide staff direction to guide decisions when unusual situations arise, but do not automatically result in continued stocking when criteria are met, as most Class A stream sections are best managed solely for wild trout with no stocking. They offer a mechanism for transparent, timely, and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria, listed below, can also be found in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th edition* anticipated to be released in early 2021 and available at www.fishandboat.com.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.
2. Pre-existing private stockings on private property on recently designated (i.e., within one year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since 2010. Historic stockings need to be verifiable by documentation, stocking records, and have a history of more than one past occurrence.

3. Stream sections stocked by the Commission, a cooperative nursery, and/or a private group or individual the year prior to Class A designation, have a history of more than one past occurrence, and meet the following sub-criteria.
 - a) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.
 - b) Angler use (anglers/mile of stream) in the stream section equals or exceeds the statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under 58 Pa. Code Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.
 - c) The trout species to be stocked are not the same species as the primary component of the wild trout population.
 - d) The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.
4. Stream sections which previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to other exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections will be granted only under rare circumstances. Consideration is only given to requests for continued stocking in stream sections within one year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking are eligible for consideration. Should an exemption be granted, the Commission will determine the species of trout, number of trout, and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. All stocking provisions will be communicated in writing by the Commission to the entity receiving the exemption for continued stocking on Class A designated waters. Stocking exemptions will be valid for no more than five years at which time the need for continuance may be evaluated.

To date, Commission staff have identified 13 potential exemptions to 58 Pa. Code § 57.8a (Class A Wild Trout Streams) that meet the criteria to consider the continuance of trout stocking at 12 Class A stream sections. Of these 13 potential exemptions, 10 are associated with youth fishing derbies or take place at a special use area (i.e., Children/Disabled Fishing Area) that occur on a small portion of the stream section. The general exemption classification, stream name, stream section, county, and commissioner district are listed below.

Youth fishing derbies

- Beaver Run (Section 01), Clearfield County, Commissioner District 3
- Freeman Run (Section 03), Potter County, Commissioner District 3
- McElhattan Creek (Section 02), Clinton County, Commissioner District 3
- Yellow Creek (Section 02), Bedford County, Commissioner District 4
- Letort Spring Run (Section 03), Cumberland County, Commissioner District 6 (two events)
- Laurel Run (Section 02), Berks County, Commissioner District 8
- Unnamed tributary to Tulpehocken Creek (Womelsdorf) (Section 02), Berks County, Commissioner District 8
- Wyomissing Creek (Section 03), Berks County, Commissioner District 8

General fishing derbies (adult and youth participants)

- Kishacoquillas Creek (Section 05), Mifflin County, Commissioner District 4

Children/Disabled Fishing Areas

- Marvin Creek (Section 01), McKean County, Commissioner District 3

Previous stocking exemption granted

- Cross Fork (Section 03), Potter County, Commissioner District 3
- Warriors Mark Run (Section 01), Huntingdon County, Commissioner District 4

A notice of proposed exemptions was published at 50 Pa.B. 7254 (December 19, 2020) (Exhibit F). The open public comment period for this proposal was ongoing when this agenda was finalized; therefore, a final comment summary is not provided here. A summary of all public comments will be communicated during the Commission meeting. Copies of all public comments were provided to the Commissioners.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend the Commission approve 13 exemptions to 58 Pa. Code § 57.8a (Class A Wild Trout Streams) to allow for the continued stocking of trout at 12 Class A stream sections as described in the Commentary.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Kauffman to approve 13 exemptions to 58 Pa. Code § 57.8a (Class A Wild Trout Streams) to allow for the continued stocking of trout at 12 Class A stream sections as described in the Commentary. Motion carried by unanimous vote.

FISHERIES PROPOSED RULEMAKING

H. Amendments to 58 Pa. Code § 65.4a (All-Tackle Trophy Trout) and § 65.7 (Trophy Trout Artificial Lures Only).

Commentary:

Per Issue 15 detailed in the *Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020-2024*, Pennsylvania Fish and Boat Commission (Commission) staff evaluated the All-Tackle Trophy Trout and Trophy Trout Artificial Lures Only programs to determine if refinements were needed. Currently, both regulations allow for the harvest of two trout, per day, greater than or equal to 14 inches in length, from opening day of trout season through Labor Day, with catch-and-release angling for the remainder of the year. Trophy Trout regulations are applied to some wild trout and fingerling-stocked waters and were established decades ago when a 14-inch trout was substantially larger than an average-sized hatchery fish, and perhaps was considered a “trophy” at that time. These regulations provide inadequate protection to the largest trout in the population, as harvest of trout greater than or equal to 14 inches in length is permitted in streams managed with these regulations. Given that a 14-inch trout no longer constitutes a “trophy” fish for most anglers, and these regulations focus harvest on the largest fish in the population which are most desired by anglers and are biologically important to maintain in the population, Commission staff propose an adjustment to the minimum size and daily creel limit that will still allow anglers to harvest a large trout if they so choose, but also provides increased protection to a majority of the larger trout in streams managed with Trophy Trout regulations.

Commission staff recommend amending the All-Tackle Trophy Trout and Trophy Trout Artificial Lures Only regulations to allow the harvest of one trout per day greater than or equal to 18 inches in length from opening day of trout season through Labor Day, with catch-and-release angling for the remainder of the year. This size and creel limit were thoroughly researched by staff through analysis of Commission data, review of trout regulations in other states, and discussions among fisheries managers in this Commonwealth and elsewhere. The proposed changes received strong support during previous wild trout workgroups, were supported by the results of a survey conducted at the 2017 Wild Trout Summit, and are supported biologically through Commission data. Implementation of a size restriction above 18 inches would essentially equate to catch-and-release regulations based on the size distribution of fish in these streams. A total of 11 waters are currently included in the Trophy Trout regulation program and most are destination waters that receive high angler use from resident and non-resident anglers.

Staff propose that 58 Pa. Code § 65.4a be amended as follows:

§ 65.4a. All-Tackle Trophy Trout.

* * * * *

- (b) It is unlawful to fish in designated and posted all-tackle trophy trout areas except in compliance with the following requirements.
- (1) Open to fishing year-round.
 - (2) There are no tackle restrictions.
 - (3) Minimum size is: **[14] 18** inches, caught on, or in possession on, the waters under regulation.
 - (4) The daily creel limit is: **[two trout – combined species] one trout** except for the period from the day after Labor Day to 8 a.m. of the first Saturday after April 11 of the following year, when trout may not be killed or had in possession.
 - (5) A current trout/salmon permit is required.

Staff propose that 58 Pa. Code § 65.7 be amended as follows:

§ 65.7. Trophy Trout Artificial Lures Only.

* * * * *

- (b) It is unlawful to fish in areas designated and posted trophy trout artificial lures only except in compliance with the following requirements:
- (1) Fishing may be done with artificial lures only, constructed of metal, plastic, rubber, or wood, or with flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly-fishing gear. Use or possession of other lures or substances is prohibited.
 - (2) Open to fishing year round.
 - (3) The minimum size is **[14] 18** inches, caught on or in possession on the waters under regulation.
 - (4) The daily creel limit is **[two trout – combined species –] one trout** except during the period from the day after Labor Day to 8 a.m. of the first Saturday after April 11 of the following year, when no trout may be killed or had in possession on the waters under regulation.
 - (5) Taking of bait fish or fish bait is prohibited.
 - (6) A current trout/salmon permit is required.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If approved on final rulemaking, the amendments will go into effect on January 1, 2022.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Gibney to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If approved on final rulemaking, the amendments will go into effect on January 1, 2022. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

I. Proposed changes to the 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 Trout and Brown Trout, wild Rainbow Trout, mixed wild Brook Trout and Rainbow Trout, and mixed wild Brown Trout and Rainbow Trout populations.

Staff recommend the addition of 25 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 and subsequent data review. Exhibit G provides information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 50 Pa.B. 6744 (November 21, 2020) (Exhibit H). The Commission received a total of 266 public comments regarding the proposed designations: 263 support the proposed designations, two oppose the proposed designations, and one comment did not pertain to the proposed designations. Copies of all public comments were provided to the Commissioners.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission add 25 stream sections to its Class A wild trout streams list as described in the Commentary. 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 Pastore and seconded by Commissioner Charlesworth to add 25 stream sections to its Class A wild trout streams list as described in the Commentary. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

J. Classification of wild trout streams: proposed additions, revisions, and amendment.

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 Pennsylvania Fish and Boat Commission (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 26 new waters to the Commission's list of wild trout streams, revision to the section limits of eight waters currently listed, and an amendment to the name of one water currently listed. These changes are the result of recent surveys conducted on these waters. Exhibit I 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 50 Pa.B. 6742 (November 21, 2020) (Exhibit J). The Commission received a total of 271 public comments regarding the proposed designations: 266 support the proposed designations, two oppose the proposed designations, and three comments did not pertain to the proposed designations. Copies of all public comments were provided to the Commissioners.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission add 26 new waters to the Commission's list of wild trout streams, revise the section limits of eight waters currently listed, and amend the name of one water currently listed as set forth in the notice of proposed designations. 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 Pastore and seconded by Commissioner Charlesworth to add 26 new waters to the Commission's list of wild trout streams, revise the section limits of eight waters currently listed, and amend the name of one water currently listed as set forth in the notice of proposed designations. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

Other New Business

Time and Place of April 2021 Commission Meeting

Announcement of April 12-13, 2021 Quarterly Commission Meeting.

Closing Remarks

Closing remarks were made by Commission President Richard Lewis.

Adjournment

A motion was made by Commissioner Gibney and seconded by Commissioner Hussar to adjourn the meeting at 3:11 p.m. Motion carried by unanimous vote.

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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA.CODE CH. 65]

Fishing; Special Fishing Regulations

[50 Pa.B. 5485]

[Saturday, October 3, 2020]

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). The proposed amendments remove Opossum Lake from the Commission's list of waters under miscellaneous special regulations.

A. *Effective Date*

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

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, 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.fishandboat.com.

C. *Statutory Authority*

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

D. *Purpose and Background*

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

E. *Summary of Proposal*

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 upstream from its confluence with Conodoguinet Creek. This reservoir was completely dewatered in October 2008 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred by spring 2013 and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2015 with select fish species to establish a high-quality warm-water and cool-water fishery.

EXHIBIT A

Since 2012, Opossum Lake has been managed with miscellaneous special regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations but no harvest of other fish species. The intent of these temporary regulations was to facilitate rapid development of the warm-water and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulations and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated from 2015 through 2020 to monitor progress towards development of a high-quality warm-water and cool-water fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. As such, it is recommended that Opossum Lake be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. If these regulations are removed, Opossum Lake will be proposed for designation into the Big Bass and the Panfish Enhancement programs in §§ 65.9 and 65.11 (relating to big bass; and panfish enhancement). All other fish species will be managed with Commonwealth Inland Waters angling regulations in § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections, or suggestions about this 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 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. 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.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-305. 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]		[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. Trout—Inland regulations apply. See § 61.1.]
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)—No harvest year-round—catch and immediate release only. From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No Bass tournaments. Remainder of the year—Catch-measure-immediate release tournaments only. It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.

[Pa.B. Doc. No. 20-1345. Filed for public inspection October 2, 2020, 9:00 a.m.]

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NOTICES

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations

[50 Pa.B. 7116]

[Saturday, December 12, 2020]

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 25 and 26, 2021, 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 § 65.9. Big Bass waters program

The Commission will consider adding the following waters to its list of "Big Bass Regulation" waters regulated and managed under 58 Pa. Code § 65.9 (relating to big bass):

County	Water
Cumberland	Opossum Lake

58 Pa. Code § 65.11. Panfish enhancement

The Commission will consider adding the following waters to its list of "Panfish Enhancement" waters regulated and managed under 58 Pa. Code § 65.11 (relating to panfish enhancement):

County	Water	Species
Cumberland	Opossum Lake	Crappie
Huntingdon	Lake Perez	Crappie and sunfish

At this time, the Commission is soliciting public input concerning the previously listed 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. 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.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 20-1758. Filed for public inspection December 11, 2020, 9:00 a.m.]

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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

[50 Pa.B. 5484]

[Saturday, October 3, 2020]

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). The proposed amendments remove Lake Perez from the Commission's list of waters under miscellaneous special regulations.

A. *Effective Date*

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

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, 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.fishandboat.com.

C. *Statutory Authority*

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

D. *Purpose and Background*

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

E. *Summary of Proposal*

Lake Perez, a 72-acre impoundment owned by the Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately 3 miles northeast from the Village of Neffs Mills. The dam impounds Shavers Creek at river-mile 13.6 upstream from its confluence with the Juniata River. This reservoir was completely dewatered in late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred during 2014, and the Commission resumed annual adult trout stocking in 2015 to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2014 through 2018 with select fish species to establish a self-sustaining, high-quality warm-water and cool-water fishery.

Since 2015, Lake Perez has been managed with miscellaneous special regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but no harvest of other fish species. The intent of these temporary regulations is to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulation and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated during 2019 and 2020 to monitor progress towards development of a high-quality warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that Lake Perez be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. If this regulation is removed, Lake Perez will be proposed for designation into the Panfish Enhancement program under § 65.11 (relating to panfish enhancement). All other fish species will be managed with Commonwealth Inland Waters angling regulations under § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections, or suggestions about this 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 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. 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.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-306. 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
		* * * * *
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)—No harvest year-round—catch and immediate release only. From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No Bass tournaments. Remainder of the year—Catch-measure-immediate release tournaments only. It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.
[Huntingdon]	[Lake Perez]	[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. Trout—inland regulations apply. See § 61.1. This miscellaneous special regulation will remain in effect until June 16, 2018.]
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.
		* * * * *

[Pa.B. Doc. No. 20-1344. Filed for public inspection October 2, 2020, 9:00 a.m.]

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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

[50 Pa.B. 5487]

[Saturday, October 3, 2020]

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). The proposed amendments add Whipple Lake to the Commission's list of waters under miscellaneous special regulations.

A. *Effective Date*

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

B. *Contact Person*

For further information on this proposed rulemaking, contact Wayne Melnick, 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.fishandboat.com.

C. *Statutory Authority*

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

D. *Purpose and Background*

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

E. *Summary of Proposal*

Whipple Lake, a 22-acre impoundment owned by the Department of Conservation and Natural Resources, is located within Whipple Dam State Park, Jackson Township, Huntingdon County, approximately 6 miles south of the Borough of State College. This lake was completely dewatered in October 2019 to remove sediment and complete structural improvements to the dam. The earth-fill dam impounds Laurel Run at river-mile 4.6 upstream from its confluence with Standing Stone Creek. Prior to the drawdown in 2019, the lake offered angling opportunities for multiple warm-water and cool-water fish species, as well as adult trout stocked by the Commission. Sediment removal and dam structure improvements are expected to be complete by summer 2020 with refilling initiated soon after.

The Commission plans to initiate stocking the lake beginning in spring 2021, or as soon as refilling conditions allow, with fingerling plants of select fish species to establish a high-quality warm-water and cool-water fishery. Immediately upon refilling of the lake, Commission staff propose to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but allow only catch and release fishing for all other fish species. Commission staff believe that this approach will allow for the most rapid development of a balanced warm-water and cool-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management Division staff will monitor the fish populations while they develop, make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high-quality recreational angling opportunities at Whipple Lake. Once the warm-water fishery is re-established, the lake will be recommended for removal from the miscellaneous special regulation and inclusion in one of the Commission's existing warm-water regulation programs.

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections, or suggestions about this 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 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. 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.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-304. 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
		* * * * *
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.
<u>Huntingdon</u>	<u>Whipple Lake</u>	<u>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.</u> <u>Trout—inland regulations apply. See § 61.1. This miscellaneous special regulation will remain in effect until further notice.</u>
Lehigh	Leaser Lake	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. Trout—Inland regulations apply. See § 61.1.
		* * * * *

[Pa.B. Doc. No. 20-1346. Filed for public inspection October 2, 2020, 9:00 a.m.]

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STATEMENTS OF POLICY

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Statements of Policy

The Fish and Boat Commission (Commission) proposes to amend Chapter 57 (relating to statements of policy). The Commission is publishing this proposed statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the internal policy for the Commission pertaining to the stocking of Class A wild trout streams throughout this Commonwealth.

A. *Effective Date*

This proposed statement of policy, if approved, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this proposed statement of policy, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed statement of policy is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The proposed amendments to § 57.8a (relating to Class A wild trout streams) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

Class A wild trout streams represent the best of this Commonwealth's wild trout resources and approximately 3% of all flowing waters in this Commonwealth qualify for this designation. As of July 11, 2020, there are 1,032 Class A stream sections that comprise 2,759 stream-miles in this Commonwealth. Following designation by the Board of Commissioners, Class A wild trout streams enter a process whereby the Department of Environmental Protection will ultimately designate these stream sections as High Quality Cold Water Fishes under 25 Pa. Code Chapter 93 (relating to water quality standards). This designation provides additional water quality protection under the Commonwealth's environmental laws and regulations. As such, a Class A designation is an important mechanism to properly protect, conserve, and enhance wild trout populations and the quality of their habitats.

On September 30, 2014 (effective January 1, 2015), the statement of policy at § 57.8a was amended to require the Executive Director to obtain approval from the Commission prior to

granting permission to stock a Class A wild trout stream section. Following the update to § 57.8a, staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Under these criteria, stream sections that the Commission designates as Class A wild trout streams after December 31, 2014, may remain eligible for stocking with adult and fingerling trout by the Commission to provide additional angling opportunities, provided that the following criteria conditions are met.

1. The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

2. Angler use (anglers/mile of stream) in the stream section equals or exceeds the Statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.

3. The trout species to be stocked are not the same species as the primary component of the wild trout population.

4. The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.

5. A stream section managed for wild Brook Trout will not be considered for stocking.

6. Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Commission.

Subsequently, 13 stream sections suspected to support strong Class A wild brown trout populations were officially designated as Class A wild trout streams during the 2015—2017 time frame following updated wild trout surveys and stocking was continued. The Commission believes there are very few additional waters in this Commonwealth that would meet the current internal decision-making criteria used to consider continued stocking of Class A wild trout streams. The 13 Class A wild trout stream sections where stocking continued are heavily fished streams in high-density human population centers of a size and character that can support a fishery featuring both stocked and wild trout components. Common to these waters are robust wild brown trout populations, which continue to maintain strong Class A fisheries in the presence of stocking and high angler use. The management approach for these waters includes limiting species stocked to rainbow trout, which are easier to catch, rarely develop into a wild population in this Commonwealth, would not genetically impact the existing wild brown trout population and could serve to satisfy anglers that prefer to fish for stocked trout during the early part of trout season.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. Occasionally, there may be pre-existing youth fishing derbies or clubs or private landowners, or both, that are not aware a stream section was designated as Class A and unknowingly continue to stock illicitly. Additionally, it is often unknown to Commission staff where private stockings have occurred. This information may become apparent only when the next private stocking is planned and the landowner discovers a Class A designation has occurred. Therefore, there may be rare cases where a stocking exemption should be considered.

As such, the Commission has developed additional internal decision-making criteria to account for these types of rare circumstances to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria will provide the Commission direction to guide decisions when unusual situations arise but would not automatically result in continued stocking when criteria are met, as the vast majority of Class A stream sections are best managed solely for wild trout with no stocking. They will offer a mechanism for

transparent, timely and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria will be detailed in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th Edition* planned for release in December 2020 and available at www.fishandboat.com. Listed as follows are several scenarios that may be considered for an exemption.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.
2. Pre-existing private stockings on private property on recently designated (that is, within 1 year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since 2010. Historic stockings need to be verifiable by documentation, stocking records and a history of more than one past occurrence.
3. Stream sections stocked by the Commission, a cooperative nursery, or a private group, or both, or individual the year prior to Class A designation and a history of more than one past occurrence, and meet the Commission's Class A stocking criteria developed for the 13 Class A streams sections stocked by the Commission. These criteria currently guide staff consideration when making recommendations regarding the continuance of stocking a Class A wild trout stream section and were specifically developed for high-use, urban and suburban stream sections that support robust Class A wild brown trout populations. Stocked species are limited to rainbow trout and the number stocked will remain at or below the levels stocked at the time of Class A designation. Some stream sections may be better managed solely for wild trout in the future; therefore, trout stocking may not occur in perpetuity.
4. Previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to current exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections would be granted only under rare circumstances. Consideration would only be given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking would be eligible for consideration. Should an exemption be granted, the agency would determine the species of trout, number of trout, and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. No exemptions will be granted for streams where a component of the wild trout fishery is comprised of wild brook trout.

The Commission proposes that § 57.8a be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed statement of policy will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed statement of policy will have no adverse fiscal impact on the Commonwealth or its political sub- divisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed statement of policy 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. 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.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-307. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter A. FISHERIES POLICIES

§ 57.8a. Class A wild trout streams.

It is the policy of the Commission 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, these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking. **[There] 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 **consult internal decision-making criteria set forth in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters to consider the need for continued stocking at newly designated Class A wild trout streams and* obtain the approval of the Commission. Consideration will only be given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit for continued stocking from the Commission between 2010 and the effective date of this amendment will be eligible for consideration.**

* * * * *

[Pa.B. Doc. No. 20-1695. Filed for public inspection December 4, 2020, 9:00 a.m.]

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NOTICES

FISH AND BOAT COMMISSION

Proposed Exemptions to Allow for the Continued Stocking of Class A Stream Sections

[50 Pa.B. 7254]

[Saturday, December 19, 2020]

The Fish and Boat Commission (Commission) intends to consider at its meeting on January 25 and 26, 2021, whether to allow trout stocking to continue on each of the Class A wild trout streams listed as follows. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), the Executive Director will obtain approval of the Commission prior to granting permission to stock a Class A wild trout stream under 58 Pa. Code § 71.4 (relating to stocking of designated waters).

On September 30, 2014 (effective January 1, 2015), the Statement of Policy at 58 Pa. Code § 57.8a was amended to require the Executive Director to obtain approval from the Commission prior to granting permission to stock a Class A wild trout stream section. Following the update to 58 Pa. Code § 57.8a, staff developed internal decision-making criteria to allow continued Commission stocking of a limited number of Class A wild trout stream sections. Subsequently, 13 stream sections that support strong Class A wild Brown Trout populations were officially designated as Class A wild trout streams during the 2015—2017 timeframe following updated wild trout surveys, and stocking was continued. The stream sections where stocking continued are heavily fished waters in high-density human population centers of a size and character that can support a fishery featuring both stocked and wild trout components.

Historically, there have been very few streams where stocking of trout following Class A designation was considered and warranted. However, there are rare cases, beyond the current 13 stocked Class A wild trout stream sections, where a stocking exemption should be considered. To account for these rare circumstances, staff developed additional decision-making criteria to consider internal and external requests for continued stocking of newly designated Class A wild trout streams. These criteria provide staff direction to guide decisions when unusual situations arise but do not automatically result in continued stocking when criteria are met, as most Class A stream sections are best managed solely for wild trout with no stocking. They offer a mechanism for transparent, timely and consistent consideration of requests to continue the stocking of newly designated Class A wild trout streams. These criteria, listed as follows, can also be found in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters, 5th edition* anticipated to be released in December 2020 and available at www.fishandboat.com.

1. Pre-existing youth fishing derbies and special use areas that were properly permitted by the Commission and have a history of more than one past occurrence.
2. Pre-existing private stockings on private property on recently designated (that is, within 1 year of posting in the *Pennsylvania Bulletin*) Class A stream sections that have been closed to public angling at the time of Class A designation and at least since 2010. Historic stockings need to be verifiable by documentation, stocking records and have a history of more than one past occurrence.

EXHIBIT F

3. Stream sections stocked by the Commission, a cooperative nursery or a private group, or both, or individual, the year prior to Class A designation, have a history of more than one past occurrence, and meet the following sub-criteria.

a) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

b) Angler use (anglers/mile of stream) in the stream section equals or exceeds the Statewide 50th percentile of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under 58 Pa. Code Chapter 65 (relating to special fishing regulations) that was stocked by the Commission the year immediately prior to its designation as a Class A wild trout stream.

c) The trout species to be stocked are not the same species as the primary component of the wild trout population.

d) The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.

4. Previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking of a Class A wild trout stream section. If the exemption was time-limited and not renewed before expiration, it will be considered a new request and a determination will be made according to other exemption criteria.

Exemptions to the prohibition of stocking hatchery trout into Class A wild trout stream sections will be granted only under rare circumstances. Consideration is only given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the *Pennsylvania Bulletin*; however, entities that previously received an exemption or a Special Activities Permit from the Commission between 2010 and the present to allow for continued stocking are eligible for consideration. Should an exemption be granted, the Commission will determine the species of trout, number of trout and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. All stocking provisions will be communicated in writing by the Commission to the entity receiving the exemption for continued stocking on Class A designated waters. Stocking exemptions will be valid for no more than 5 years at which time the need for continuance may be evaluated.

To date, Commission staff have identified 13 potential exemptions to 58 Pa. Code § 57.8a that meet the criteria to consider the continuance of trout stocking at 12 Class A stream sections. Of these 13 potential exemptions, 10 are associated with youth fishing derbies that occur on a small portion of the stream section. The general exemption classification, stream name, stream section, county and commissioner district are listed as follows.

Youth fishing derbies

- Beaver Run (Section 01), Clearfield County, Commissioner District 3
- Freeman Run (Section 03), Potter County, Commissioner District 3
- McElhattan Creek (Section 02), Clinton County, Commissioner District 3
- Yellow Creek (Section 02), Bedford County, Commissioner District 4
- Letort Spring Run (Section 03), Cumberland County, Commissioner District 6 (two events)
- Laurel Run (Section 02), Berks County, Commissioner District 8

- Unnamed tributary to Tulpehocken Creek (Womelsdorf) (Section 02), Berks County, Commissioner District 8
- Wyomissing Creek (Section 03), Berks County, Commissioner District 8

General fishing derbies (adult and youth participants)

- Kishacoquillas Creek (Section 05), Mifflin County, Commissioner District 4

Children/Disabled Fishing Areas

- Marvin Creek (Section 01), McKean County, Commissioner District 3

Previous stocking exemption granted

- Cross Fork (Section 03), Potter County, Commissioner District 3
- Warriors Mark Run (Section 01), Huntingdon County, Commissioner District 4

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. 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.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 20-1788. Filed for public inspection December 18, 2020, 9:00 a.m.]

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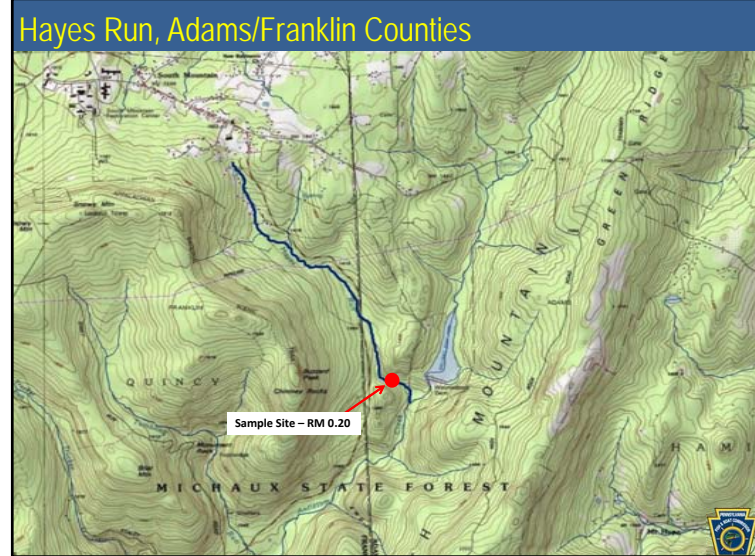
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Class A Additions

- Slides 2-57

1



2

Hayes Run, Adams/Franklin Counties

Brook Trout RM - 0.20
Site Length - 375 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	88	2.58	1,051
3	28	1.97	331
4	78	11.19	817
5	29	7.85	321
6	18	7.60	185
7	5	3.11	49
9	1	1.28	10
Total	247	35.58	2,764

3



4

EXHIBIT G

Archie Bark Hollow Run, Cameron County

Brook Trout RM - 0.00
Site Length - 140 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	26	4.24	1,722
3	2	0.79	132
4	8	7.26	530
5	13	21.05	861
6	4	10.89	265
7	1	4.23	66
8	3	18.39	199
9	1	8.71	66
Total	58	75.56	3,841

Brown Trout RM - 0.00
Site Length - 140 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.17	66
Total	1	0.17	66



5

Beldin Hollow Run, Cameron County



6

Beldin Hollow Run, Cameron County

Brook Trout RM - 0.12
Site Length - 365 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	19	1.02	413
3	6	0.78	130
4	44	13.10	957
5	26	13.82	565
6	12	10.72	261
7	4	5.56	87
8	2	4.02	43
Total	113	49.02	2,456



7

Little Fork Draft Run, Cameron County



8

Little Fork Draft Run, Cameron County

Brook Trout RM - 0.14
Site Length - 302 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.02	23
2	54	3.01	1,224
3	7	0.95	159
4	33	10.25	748
5	37	20.51	839
6	23	21.44	522
7	10	14.49	227
8	2	4.20	45
9	1	2.98	23
Total	168	77.85	3,810

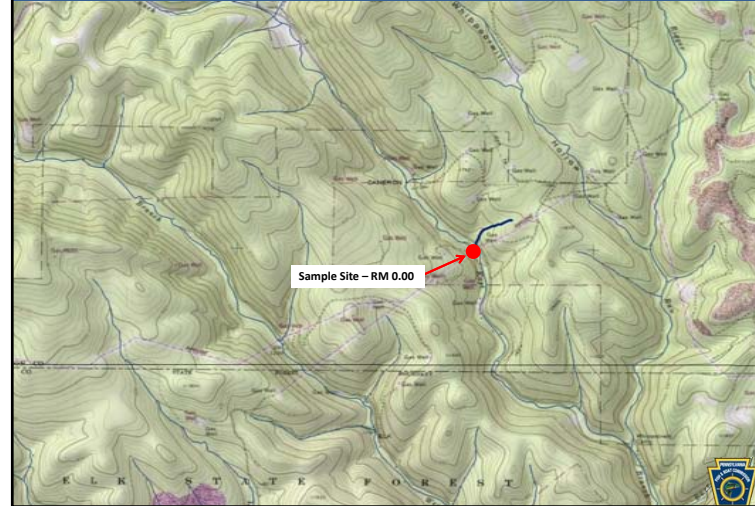
Brown Trout RM - 0.14
Site Length - 302 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
8	1	2.20	23
11	1	5.37	23
Total	2	7.57	46



9

UNT to East Branch Hicks Run (RM 3.66), Cameron County



10

UNT to East Branch Hicks Run (RM 3.66), Cameron County

Brook Trout RM - 0.00
Site Length - 100 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.72	690
2	12	10.18	4,138
3	9	18.50	3,103
4	3	14.17	1,034
5	2	16.86	690
6	1	14.17	345
Total	29	74.60	10,000



11

UNT to East Branch Hicks Run (RM 7.11), Cameron County



12

UNT to East Branch Hicks Run (RM 7.11), Cameron County

Brook Trout RM - 0.28
Site Length - 200 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	4	0.28	274
2	35	5.90	2,397
3	1	0.41	68
4	33	30.96	2,260
5	25	41.86	1,712
6	10	28.15	685
7	4	17.50	274
Total	112	125.06	7,670



13

UNT to Hayes Run (RM 0.36), Centre County



14

UNT to Hayes Run (RM 0.36), Centre County

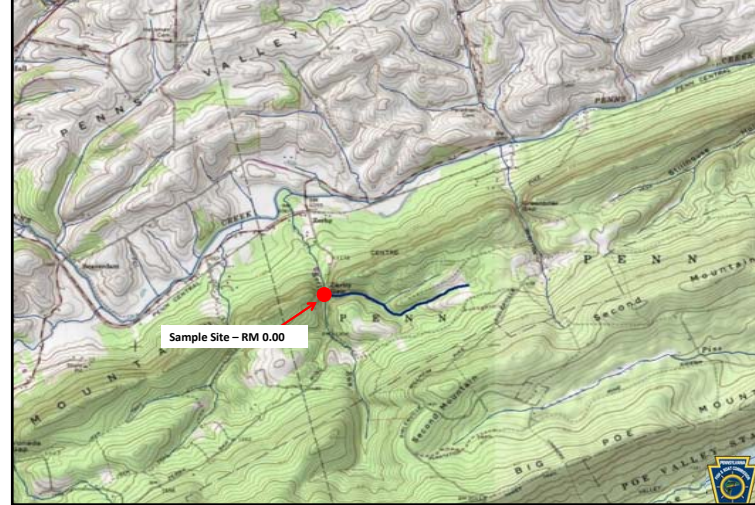
Brook Trout RM - 0.15
Site Length - 425 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	36	1.07	434
3	11	0.79	133
4	55	9.09	663
5	35	10.32	422
6	20	9.92	241
7	4	3.08	48
8	1	1.12	12
Total	162	35.39	1,953



15

UNT to Kettle Run (RM 0.79), Centre County



16

UNT to Kettle Run (RM 0.79), Centre County

Brook Trout RM - 0.00
Site Length - 181 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	21	1.85	753
3	3	0.64	108
4	30	14.73	1,075
5	9	7.89	323
6	4	5.89	143
7	2	4.58	72
Total	69	35.58	2,474



17

Clear Run, Clearfield County



18

Clear Run, Clearfield County

Brook Trout RM - 1.94
Site Length - 485 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	9	0.07	71
2	122	2.38	967
3	17	0.80	135
4	53	5.76	420
5	37	7.17	293
6	14	4.56	111
7	8	4.05	63
8	6	4.40	48
9	2	2.09	16
Total	268	31.28	2,124



19

Abes Run, Clinton County



20

Abes Run, Clinton County

Brook Trout RM - 0.09
Site Length - 350 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.04	37
2	64	2.92	1,187
3	48	5.31	891
4	48	12.20	891
5	17	7.71	315
6	7	5.34	130
7	4	4.74	74
Total	190	38.26	3,525

Brown Trout RM - 0.09
Site Length - 350 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
7	1	1.25	19
Total	1	1.25	19



21

Hensel Fork, Clinton County



22

Hensel Fork, Clinton County

Brook Trout RM - 0.10
Site Length - 400 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.02	22
2	60	3.24	1,316
3	20	2.61	439
4	89	26.73	1,952
5	38	20.37	833
6	15	13.52	329
7	3	4.20	66
Total	226	70.69	4,957

Brown Trout RM - 0.10
Site Length - 400 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	14	0.78	307
4	6	1.89	132
5	2	1.15	44
6	5	4.81	110
7	3	4.42	66
9	1	2.96	22
10	1	4.00	22
Total	32	20.01	703



23

McNery Branch, Clinton County



24

McNerny Branch, Clinton County

Brook Trout RM - 0.02
Site Length - 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	49	3.11	1,266
3	6	0.92	155
4	46	16.28	1,189
5	35	22.11	904
6	14	14.87	362
7	1	1.65	26
Total	151	58.94	3,902

Brown Trout RM - 0.02
Site Length - 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
4	3	1.11	78
5	2	1.36	52
6	2	2.27	52
7	5	8.68	129
8	4	10.04	103
9	1	3.49	26
Total	17	26.95	440



25

McNerny Branch, Clinton County

Brook Trout RM - 0.31
Site Length - 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.07	65
2	75	3.99	1,623
3	12	1.55	260
4	53	15.71	1,147
5	20	10.58	433
6	12	10.68	260
7	3	4.15	65
Total	178	46.73	3,853

Brown Trout RM - 0.31
Site Length - 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.11	43
3	2	0.28	43
4	2	0.62	43
5	2	1.14	43
6	1	0.95	22
7	5	7.27	108
8	1	2.10	22
Total	15	12.47	324



26

Barr Run, Elk County



27

Barr Run, Elk County

Brook Trout RM - 0.12
Site Length - 170 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.14	136
2	100	11.13	4,525
4	29	17.97	1,312
5	15	16.59	679
6	6	11.16	271
7	3	8.67	136
Total	156	65.66	7,059



28

Little Bear Run, Elk County



29

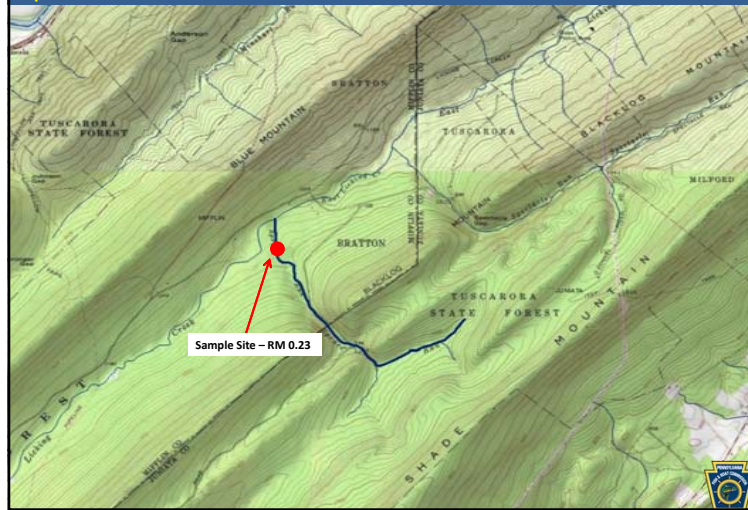
Little Bear Run, Elk County

Brook Trout RM - 0.24
Site Length - 150 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	14	2.73	1,111
3	3	1.42	238
4	1	1.09	79
5	8	15.52	635
6	6	19.57	476
7	3	15.21	238
8	3	22.03	238
9	2	20.87	159
Total	40	98.44	3,174

30

Spruce Run, Juniata/Mifflin Counties



31

Spruce Run, Juniata/Mifflin Counties

Brook Trout RM - 0.23
Site Length - 340 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	5	0.04	37
2	66	2.70	1,096
3	36	2.21	370
4	104	19.48	1,422
5	45	10.50	430
6	15	5.18	126
7	3	1.89	30
8	1	0.69	7
Total	275	42.69	3,518

32



33

Bonnell Run, Lycoming County

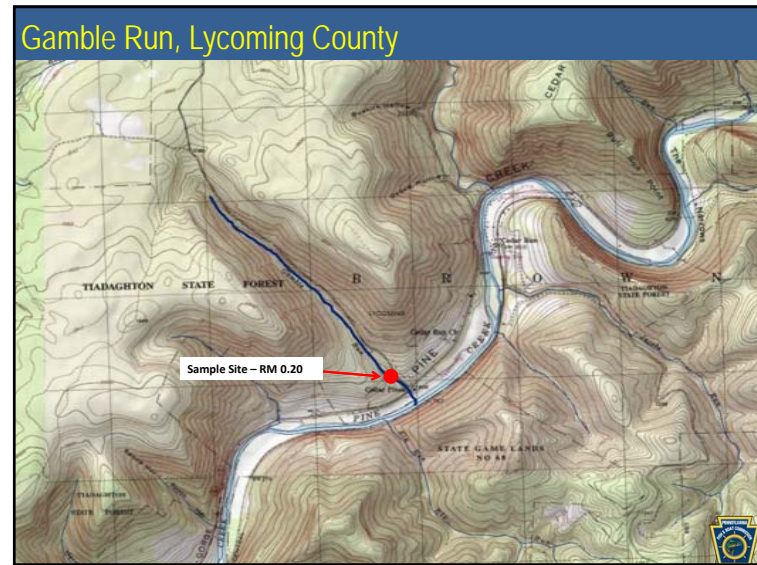
Brook Trout RM - 0.46 Site Length - 410 meters				Brown Trout RM - 0.46 Site Length - 410 meters			
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha	Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	6	0.10	96	1	1	0.02	16
2	200	7.85	3,190	2	3	0.12	48
3	54	5.13	861	4	2	0.46	32
4	62	13.54	989	5	7	2.93	112
5	61	23.78	973	6	1	0.70	16
6	39	25.57	622	7	1	1.07	16
7	10	10.19	159	8	1	1.55	16
8	3	4.43	48	Total	16	6.85	256
9	2	4.19	32				
10	1	2.89	16				
11	1	3.86	16				
Total	439	101.53	7,002				

34

Bonnell Run, Lycoming County

Brook Trout RM - 0.82 Site Length - 410 meters				Brown Trout RM - 0.82 Site Length - 410 meters			
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha	Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	64	2.26	918	2	2	0.07	29
3	43	3.68	617	5	3	1.13	43
4	77	15.13	1,105	7	4	3.86	57
5	49	17.19	703	10	1	2.61	14
6	24	14.15	344	Total	10	7.67	143
7	14	12.83	201				
8	1	1.33	14				
9	1	1.89	14				
11	1	3.47	14				
Total	274	71.93	3,930				

35



36

Gamble Run, Lycoming County

Brook Trout RM - 0.20
Site Length - 315 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.04	43
2	92	5.81	2,361
3	30	3.07	515
4	52	11.17	815
5	21	9.44	386
6	13	10.00	243
7	4	3.66	57
Total	215	43.19	4,420

Brown Trout RM - 0.20
Site Length - 315 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
10	1	2.61	14
Total	1	2.61	14



37

Layton Draft, Lycoming County



38

Layton Draft, Lycoming County

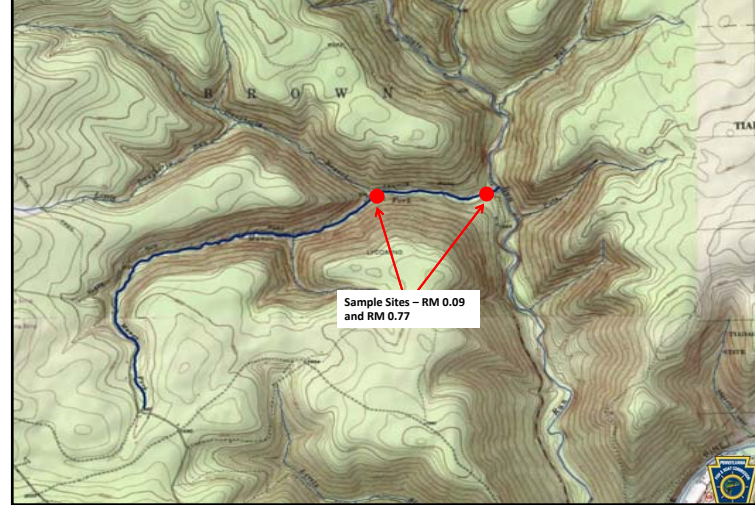
Brook Trout RM - 0.14
Site Length - 200 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	64	12.49	5,079
3	17	8.04	1,349
4	19	20.65	1,508
5	16	31.04	1,270
6	3	9.79	238
7	2	10.14	159
Total	121	92.15	9,603



39

Manor Fork, Lycoming County



40

Manor Fork, Lycoming County

Brook Trout RM - 0.09
Site Length - 315 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	72	2.53	1,030
3	54	3.96	664
4	29	4.66	340
5	25	5.83	238
6	22	10.14	247
7	15	9.79	153
8	11	9.45	102
9	2	2.24	17
10	1	1.54	9
Total	231	50.14	2,800

Brown Trout RM - 0.09
Site Length - 315 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	3	0.06	26
4	1	0.12	9
7	2	1.14	17
8	1	0.83	9
9	2	2.30	17
11	1	2.02	9
12	1	2.58	9
14	1	4.03	9
Total	12	13.08	105



41

Manor Fork, Lycoming County

Brook Trout RM - 0.77
Site Length - 256 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.05	45
2	128	8.31	3,378
3	23	2.06	345
4	42	11.31	826
5	21	9.54	390
6	6	4.94	120
7	3	2.88	45
Total	226	39.09	5,149

Brown Trout RM - 0.77
Site Length - 256 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.04	15
4	3	0.65	45
5	1	0.39	15
11	1	3.56	15
Total	6	4.64	90



42

South Branch Oswayo Creek, Potter County



43

South Branch Oswayo Creek, Potter County

Brook Trout RM - 3.50
Site Length - 400 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.01	6
6	1	0.25	6
7	3	1.15	18
8	1	0.55	6
11	1	1.45	6
Total	7	3.41	42

Brown Trout RM - 3.50
Site Length - 400 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	4	0.03	24
2	62	2.36	929
5	13	2.20	84
6	28	7.89	180
7	3	1.61	24
8	9	5.82	60
9	12	11.34	84
10	6	7.65	42
11	5	7.10	30
12	4	7.28	24
13	1	2.29	6
14	3	8.51	18
15	1	3.46	6
Total	151	67.54	1,511



44

South Branch Oswayo Creek, Potter County

Brook Trout RM - 5.07
Site Length - 250 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
3	1	0.07	13
Total	1	0.07	13

Brown Trout RM - 5.07
Site Length - 250 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	25	1.11	438
4	1	0.18	13
5	9	3.61	138
6	11	7.13	163
7	1	0.84	13
8	2	2.43	25
9	1	1.69	13
10	1	2.28	13
12	1	3.79	13
Total	52	23.06	829



45

UNT to East Branch Fishing Creek (RM 2.54), Potter County



46

UNT to East Branch Fishing Creek (RM 2.54), Potter County

Brook Trout RM - 0.08
Site Length - 185 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	26	1.57	639
3	9	1.32	221
4	25	8.41	614
5	4	2.40	98
6	3	3.03	74
7	5	7.85	123
10	1	4.46	25
Total	73	29.04	1,794

Brown Trout RM - 0.08
Site Length - 185 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
4	1	0.35	25
6	1	1.08	25
Total	2	1.43	50



47

UNT to East Branch Fishing Creek (RM 2.54), Potter County

Brook Trout RM - 0.69
Site Length - 426 meters

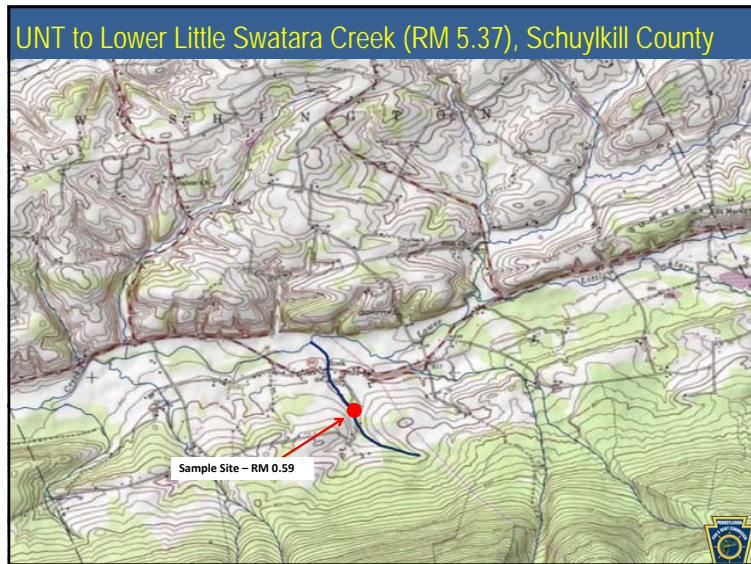
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	70	1.62	657
3	48	2.69	451
4	56	7.20	526
5	39	8.95	366
6	9	3.47	85
7	11	6.60	103
8	4	3.48	38
9	1	1.23	9
10	1	1.70	9
Total	239	36.94	2,244

Brown Trout RM - 0.69
Site Length - 426 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
4	5	0.67	47
5	1	0.25	9
6	1	0.41	9
7	1	0.63	9
Total	8	1.96	74



48



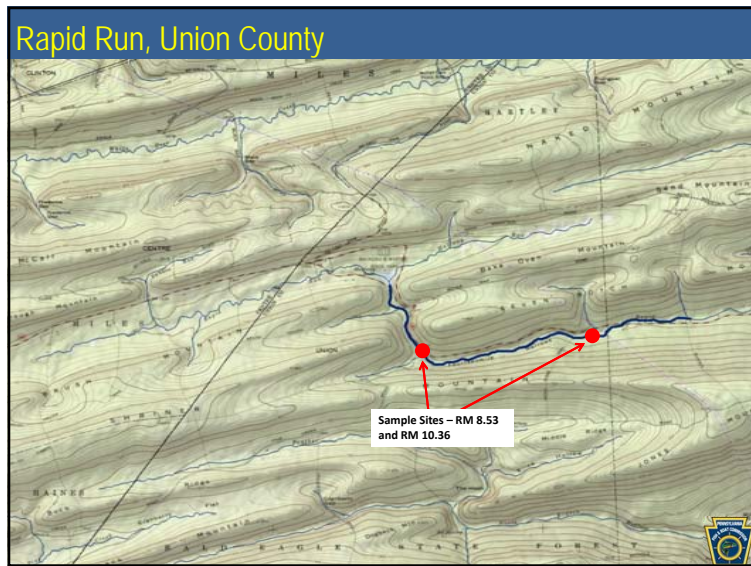
49

UNT to Lower Little Swatara Creek (RM 5.37), Schuylkill County

Brook Trout RM - 0.59
Site Length - 178 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	21	1.04	422
3	6	0.72	120
4	37	10.18	743
5	18	8.84	361
6	12	9.90	241
7	3	3.85	60
8	2	3.72	40
Total	99	38.25	1,987

50



51

Rapid Run, Union County

Brook Trout RM - 8.53 Site Length - 315 meters				Brown Trout RM - 8.53 Site Length - 315 meters			
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha	Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
4	1	0.12	9	1	1	0.01	9
5	2	0.43	18	2	3	0.07	26
6	2	0.72	18	3	1	0.06	9
7	1	0.56	9	4	13	1.64	115
8	1	0.82	9	5	11	2.55	97
Total	7	2.65	63	7	2	1.18	18
				8	5	4.28	44
				9	6	7.15	53
				10	5	8.04	44
				11	4	8.36	35
				12	1	2.68	9
				13	3	10.11	26
				16	1	6.14	9
				18	2	18.49	18
				Total	58	70.76	512

52

Rapid Run, Union County

Brook Trout RM - 10.36
Site Length - 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
4	4	0.49	36
5	1	0.22	9
6	3	1.10	27
Total	8	1.81	72

Brown Trout RM - 10.36
Site Length - 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	4	0.09	36
3	1	0.06	9
4	12	1.53	107
5	22	5.15	196
6	8	3.13	71
7	5	2.99	45
8	5	4.33	45
9	11	13.25	98
10	5	8.12	45
11	1	2.11	9
12	2	5.41	18
15	1	5.15	9
Total	77	51.32	688



53

UNT to Spruce Run (RM 4.09), Union County



54

UNT to Spruce Run (RM 4.09), Union County

Brook Trout RM - 0.72
Site Length - 305 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
2	55	3.12	1,270
3	16	2.20	370
4	37	11.70	855
5	16	9.03	370
6	12	11.39	277
7	2	2.95	46
8	1	2.14	23
Total	139	42.53	3,211



55

Grove Run, Westmoreland County



56

Grove Run, Westmoreland County

Brook Trout RM - 0.09
Site Length - 306 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Ha
1	4	0.03	33
2	195	5.61	2,283
3	205	14.20	2,382
4	13	2.04	149
5	2	0.40	17
6	1	0.34	8
7	10	5.81	91
8	8	6.89	74
9	3	3.26	25
Total	441	38.58	5,062



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NOTICES

FISH AND BOAT COMMISSION

Proposed Changes to List of Class A Wild Trout Waters; January 2021

[50 Pa.B. 6744]

[Saturday, November 21, 2020]

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 25 and 26, 2021.

County	Stream	Section	Limits	Tributary to	Mouth Lat/Lon	Brook Brown Rainbow			Length (miles)	Survey Year
						Trout (kg/ha)	Trout (kg/ha)	Trout (kg/ha)		
Adams/ Franklin	Hayes Run	1	Headwaters to Mouth	East Branch Antietam Creek	39.815808 77.458243	35.58	—	—	2.18	2020
Cameron	Archie Bark Hollow Run	1	Headwaters to Mouth	Mix Run	41.308426 78.223793	75.56	0.17	—	0.86	2020
Cameron	Beldin Hollow Run	1	Headwaters to Mouth	East Branch Hicks Run	41.440151 78.330971	49.02	—	—	2.22	2020
Cameron	Little Fork Draft Run	1	Headwaters to Mouth	Mix Run	41.314201 78.214058	77.85	7.57	—	1.69	2020
Cameron	UNT to East Branch	1	Headwaters to Mouth	East Branch Hicks Run	41.416580 78.305260	74.60	—	—	0.35	2020

	Hicks Run (RM 3.66)									
Cameron	UNT to East Branch Hicks Run (RM 7.11)	1	Headwaters to Mouth	East Branch Hicks Run	41.444286 78.351136	125.06	—	—	1.24	2020
Centre	UNT to Hayes Run (RM 0.36)	1	Headwaters to Mouth	Hayes Run	41.105220 77.755750	35.39	—	—	2.62	2020
Centre	UNT to Kettle Run (RM 0.79)	1	Headwaters to Mouth	Kettle Run	40.838506 77.519130	35.58	—	—	0.95	2020
Clearfield	Clear Run	1	Headwaters to I-80 Bridge	Sandy Lick Creek	41.130592 78.779835	31.28	—	—	2.70	2020
Clinton	Abes Run	1	Headwaters to Mouth	Left Branch Hyner Run	41.380833 77.605553	38.26	1.25	—	2.13	2020
Clinton	Hensel Fork	1	Headwaters to Mouth	Paddy Run	41.411667 77.788887	70.69	20.01	—	2.42	2020
Clinton	McNerny Branch	1	Headwaters to Mouth	Paddy Run	41.418056 77.792221	52.84	19.72	—	3.49	2020
Elk	Barr Run	1	Headwaters to Mouth	East Branch Hicks Run	41.389895 78.283429	65.66	—	—	1.06	2020
Elk	Little Bear Run	1	Headwaters to Mouth	Dents Run	41.362039 78.297280	98.44	—	—	0.95	2020
Juniata/ Mifflin	Spruce Run	1	Headwaters to Mouth	East Licking Creek	40.495361 77.628974	42.69	—	—	1.92	2020
Lycoming	Bonnell Run	1	Headwaters to Mouth	Little Pine Creek	41.447498 77.277779	86.73	7.26	—	5.01	2020
Lycoming	Gamble Run	1	Headwaters to Mouth	Pine Creek	41.507500 77.456108	43.19	2.61	—	1.93	2020
Lycoming	Layton Draft	1	Headwaters to Mouth	Otter Run	41.411854 77.342857	92.15	—	—	1.09	2020
Lycoming	Manor Fork	1	Headwaters to Mouth	Slate Run	41.512500 77.523333	44.61	8.85	—	3.33	2020
Potter	South Branch Oswayo Creek	1	Headwaters to	Oswayo Creek Carpenter Road Bridge (T-354)	41.905000 78.068333	1.75	45.29	—	3.90	2019
Potter	UNT to East	1	Headwaters to Mouth	East Branch	41.813897 78.106173	32.99	1.69	—	2.60	2020

	Branch Fishing Creek (RM 2.54)		Headwaters to Mouth	Fishing Creek Lower Little Swatara Creek	40.544889 76.307740	38.25	—	—	1.07	2020
Schuylkill	UNT to Lower Little Swatara Creek (RM 5.37)	1								
Union	Rapid Run	2	Outflow of Halfway Lake to Buffalo Path	Buffalo Creek	40.957500 77.011944	2.22	61.02	—	3.05	2020
Union	UNT to Spruce Run (RM 4.09)	1	Headwaters to Inflow Spruce Reservoir	Spruce Run	41.026550 76.982368	42.53	—	—	1.89	2020
Westmoreland	Grove Run	1	Headwaters to Mouth	Linn Run	40.154167 79.225833	38.56	—	—	1.89	2019

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. 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.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 20-1632. Filed for public inspection November 20, 2020, 9:00 a.m.]

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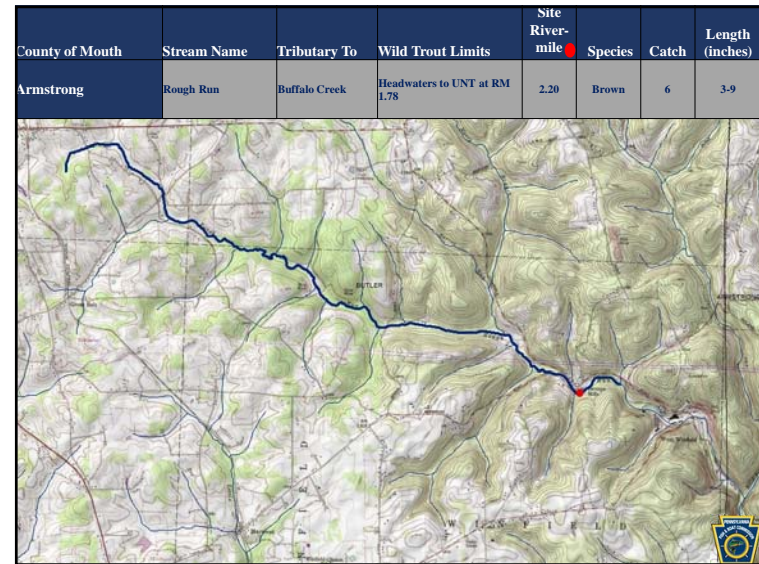
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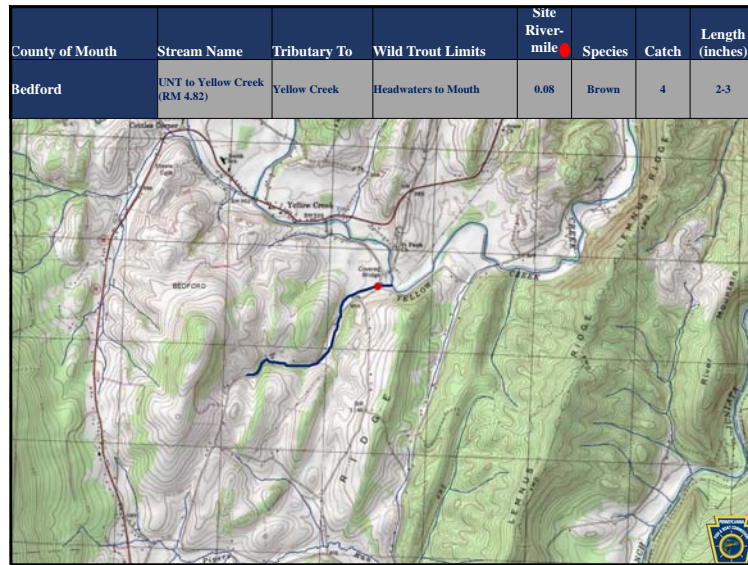
Wild Trout Additions

- Slides 2-27

1



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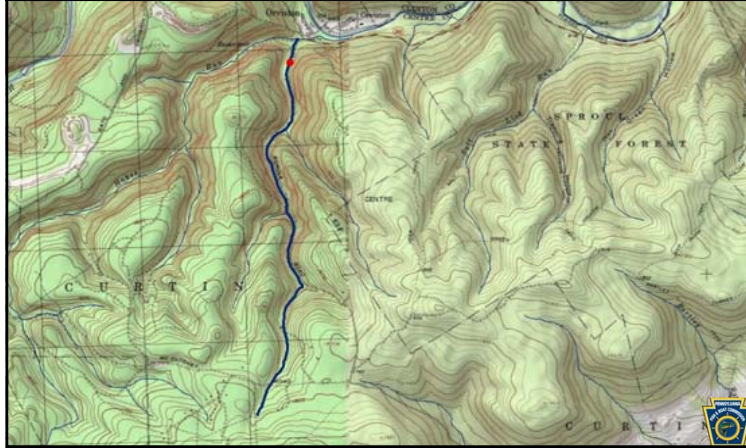


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4

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Centre	UNT to Hayes Run (RM 0.36)	Hayes Run	Headwaters to Mouth	0.15	Brook	162	2-8



5

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT (RM 0.18) to Narrows Creek (RM 2.54)	UNT to Narrows Creek (RM 2.54)	Headwaters to Mouth	0.13	Brook	34	2-7



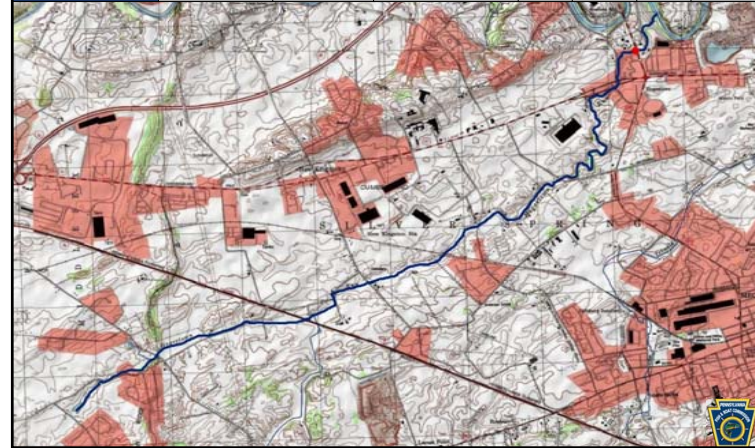
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County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clinton	Robbins Hollow Run	Twomile Run	Headwaters to Mouth	0.00	Brook	8	2-7



7

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Cumberland	Hogstown Run	Conodoguinet Creek	Headwaters to Mouth	0.48	Brown	5	4-12



8

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Franklin	Biesecker Run	East Branch Antietam Creek	Headwaters to Masters Road Bridge	2.17	Brook	6	2-6



9

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Franklin	Tumbling Run	East Branch Antietam Creek	Headwaters to Mouth	0.00	Brook	8	2-6



10

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Franklin	UNT to East Branch Antietam Creek (RM 6.80)	East Branch Antietam Creek	Headwaters to Woodcrest Development Pond	1.50	Brook	8	3-7



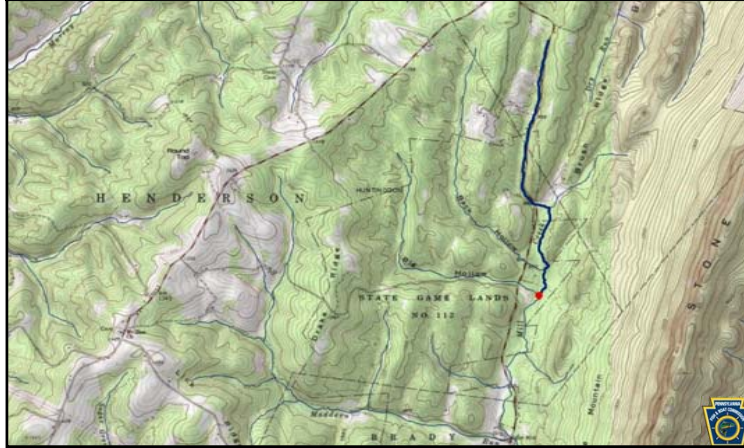
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County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Franklin	Vineyard Run	East Branch Antietam Creek	Headwaters to Mouth	1.17	Brook	12	2-6



12

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Huntingdon	Mill Creek	Juniata River	Headwaters to Big Hollow Run	7.58	Brown	7	4-10



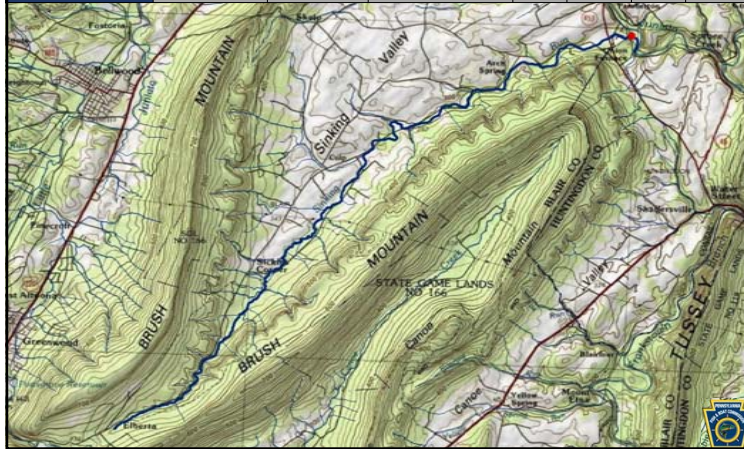
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County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Huntingdon	Shy Beaver Creek	Raystown Lake	Headwaters to Mouth	0.15	Brown	10	2-14



14

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Huntingdon	Sinking Run	Little Juniata River	Headwaters to Mouth	0.38	Brown	11	2-14



15

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Jefferson	Foundry Run	Mahoning Creek	Headwaters to Mouth	0.39	Brown	11	2-6



16

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Luzerne	Huntsville Creek	Toby Creek	Headwaters to Mouth	0.33	Brown	4	3-10



17

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Lycoming	Callhans Run	Rogers Run	Headwaters to Mouth	0.00	Brook	21	3-8



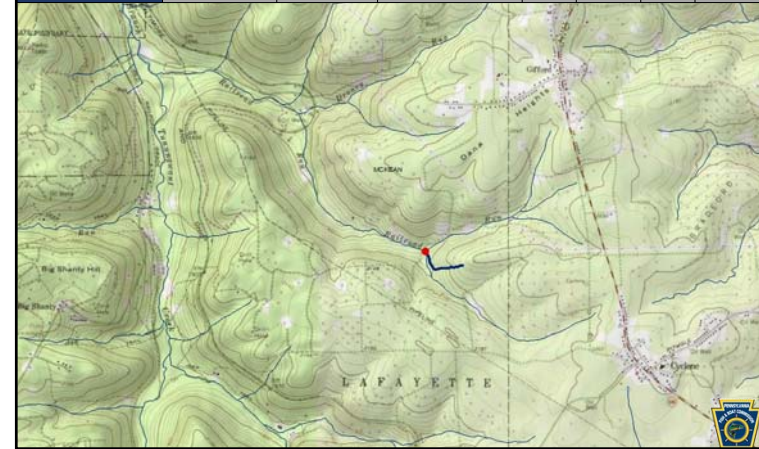
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County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Lycoming	Furnace Run	Pine Creek	Headwaters to Mouth	0.50	Brook	24	3-6

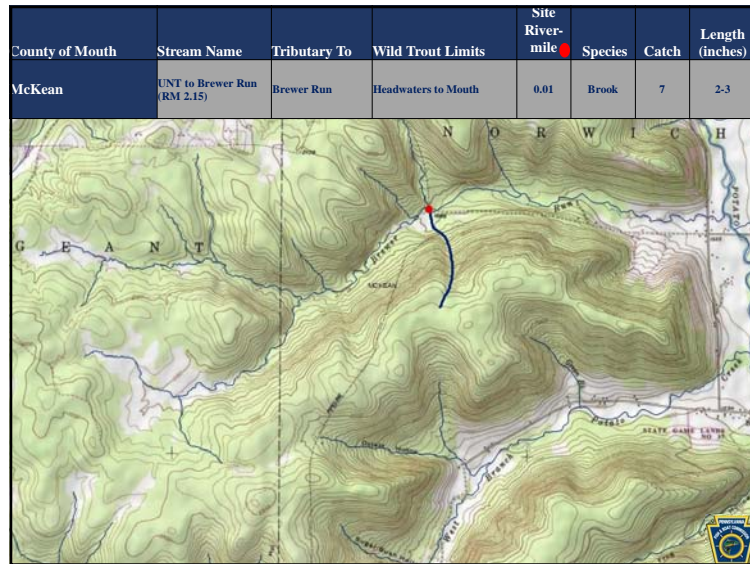


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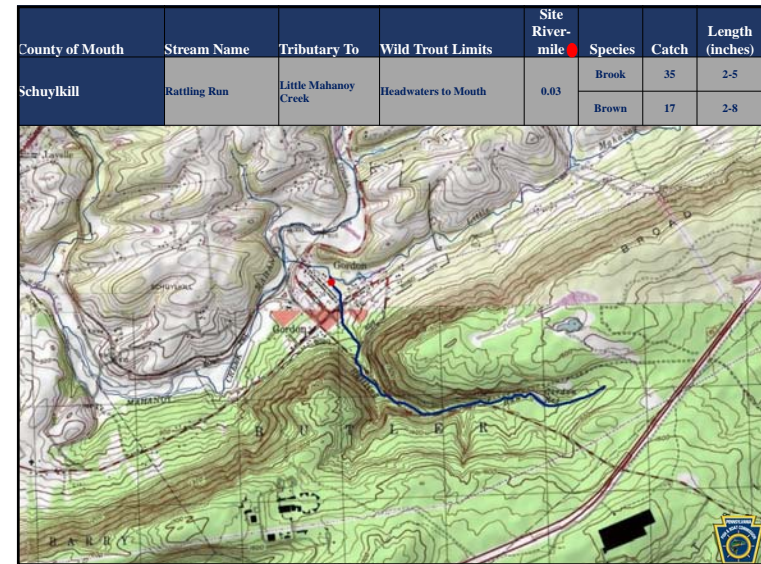
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
McKean	UNT (RM 0.01) to UNT to Railroad Run (RM 2.30)	UNT to Railroad Run (RM 2.30)	Headwaters to Mouth	0.01	Brook	4	1-2



20



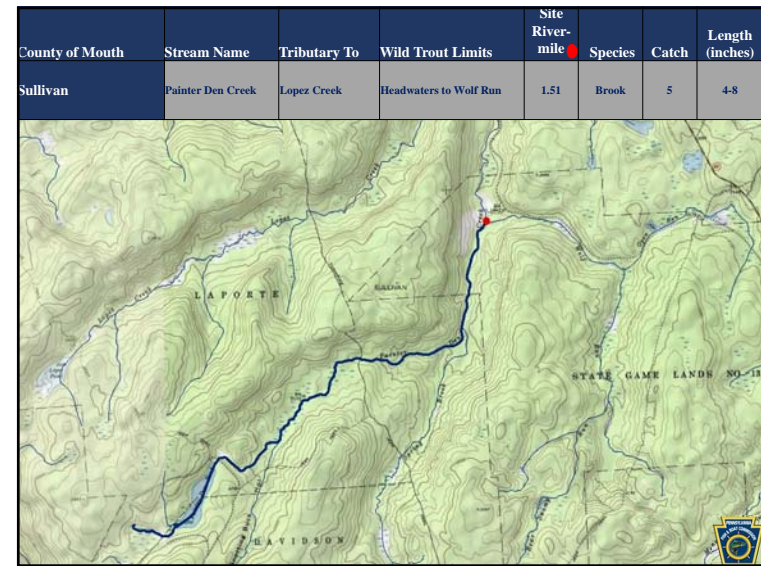
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24

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Sullivan	UNT to Dry Run (RM 2.18)	Dry Run	Headwaters to Mouth	0.00	Brown	33	1-8



25

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Sullivan	UNT to Schrader Creek (RM 20.58)	Schrader Creek	Headwaters to Mouth	0.01	Brook	5	2-5



26

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
York	UNT to Kreutz Creek (RM 1.53)	Kreutz Creek	Headwaters to Mouth	0.09	Brown	7	2-4

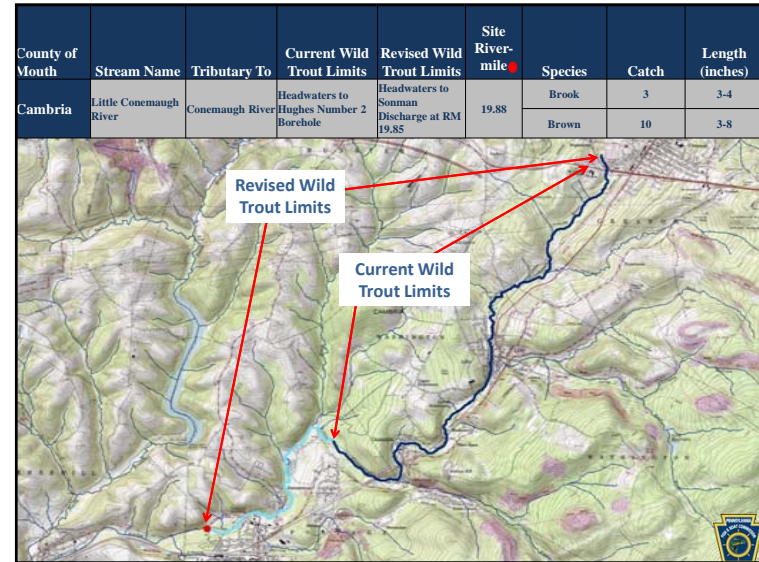


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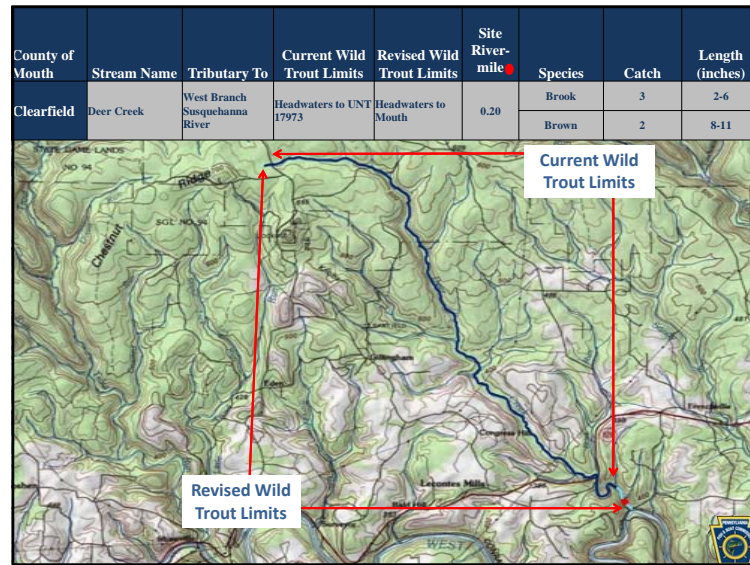
Wild Trout Revisions

- Slides 29-36

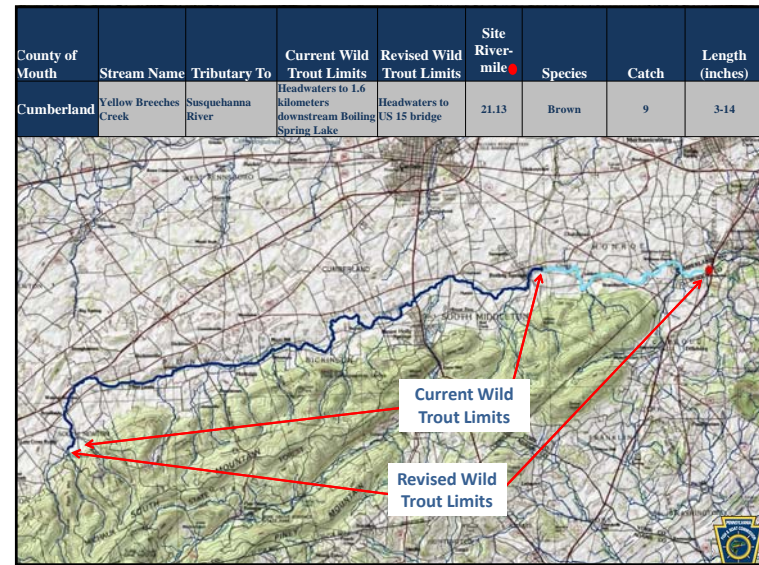
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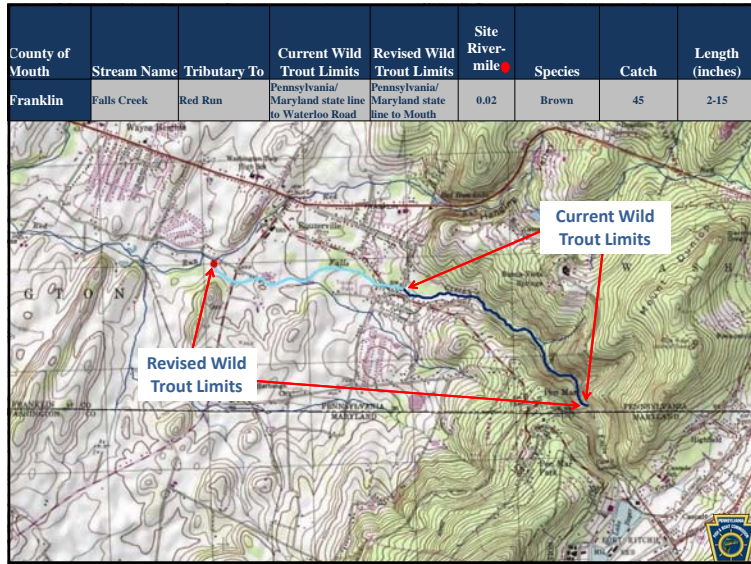
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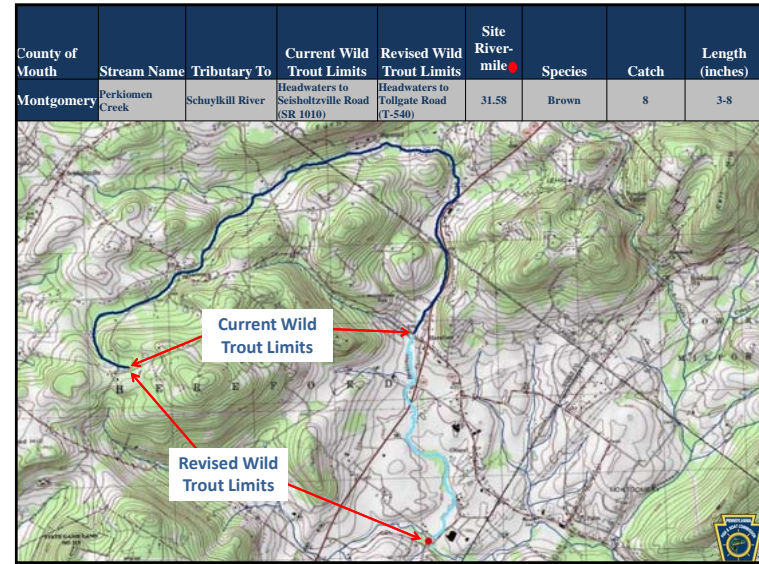
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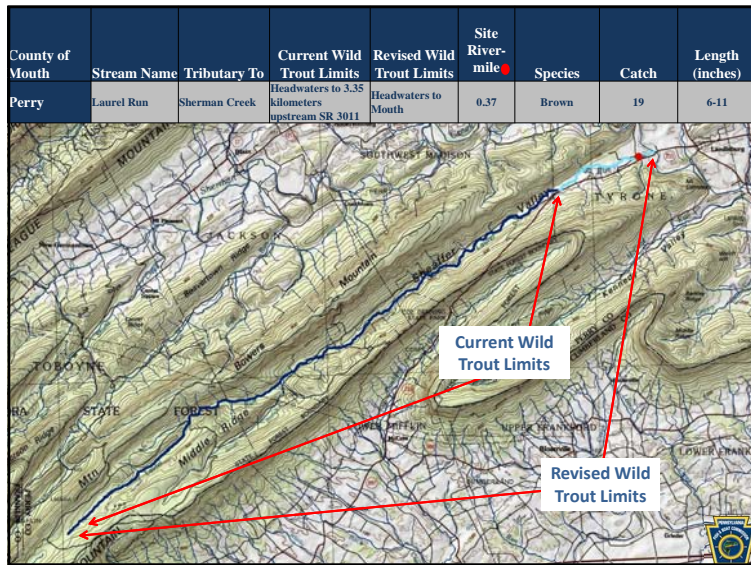
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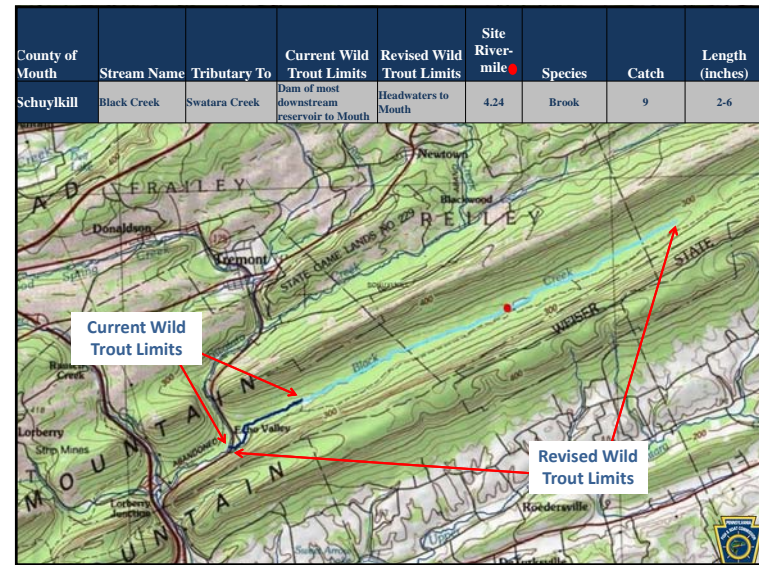
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33



34



35

County of Mouth	Stream Name	Tributary To	Current Wild Trout Limits	Revised Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Schuylkill	Little Mahanoy Creek	Mahanoy Creek	Headwaters to Gordon Borough Boundary	Headwaters to Mouth	0.02	Brown	79	2-10

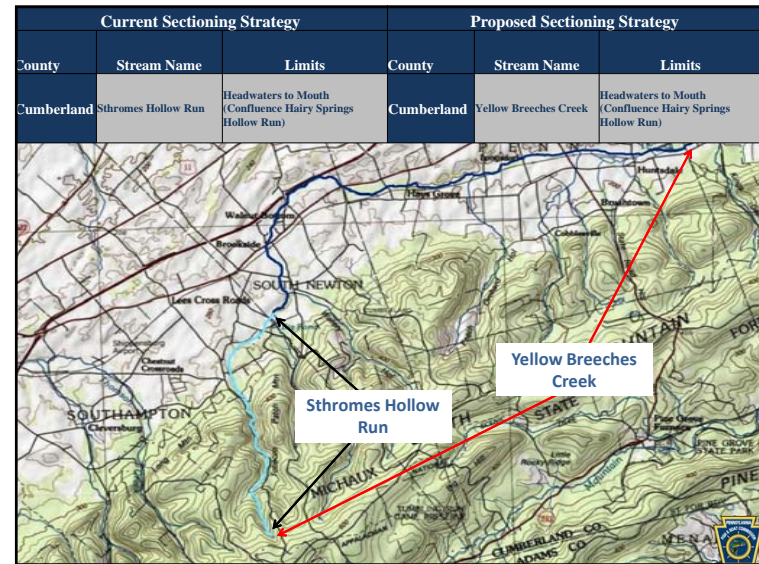
The map displays the Little Mahanoy Creek watershed. A blue line represents the creek. Two sets of red arrows point to specific locations on the creek: one set points to the 'Current Wild Trout Limits' (located further upstream), and another set points to the 'Revised Wild Trout Limits' (located further downstream, closer to the town of Pottsville). The map includes contour lines, roads, and a small inset map in the bottom right corner.

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Wild Trout Amendment

- Slide 38

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NOTICES

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions, Amendments and Revisions; January 2021

[50 Pa.B. 6742]
[Saturday, November 21, 2020]

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 25 and 26, 2021, 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	Rough Run	Headwaters to UNT at RM 1.78	Buffalo Creek	40.784722 79.688056
Bedford	UNT to Yellow Creek (RM 4.82)	Headwaters to Mouth	Yellow Creek	40.123110 78.316910
Bedford	UNT to Yellow Creek (RM 6.02)	Headwaters to Mouth	Yellow Creek	40.130380 78.332830
Centre	UNT to Hayes Run (RM 0.36)	Headwaters to Mouth	Hayes Run	41.105220 77.755750
Clearfield	UNT (RM 0.18) to Narrows Creek (RM 2.54)	Headwaters to Mouth	UNT to Narrows Creek (RM 2.54)	41.172671 78.695581
Clinton	Robbins Hollow Run	Headwaters to Mouth	Twomile Run	41.336030 77.855025
Cumberland	Hogestown Run	Headwaters to Mouth	Conodoguinet Creek	40.254167 77.026944
Franklin	Biesecker Run	Headwaters to Masters Road Bridge	East Branch Antietam Creek	39.762264 77.532788
Franklin	Tumbling Run	Headwaters to Mouth	East Branch Antietam Creek	39.799648 77.475211
Franklin	UNT to East Branch Antietam Creek (RM 6.80)	Headwaters to Woodcrest Development Pond	East Branch Antietam Creek	39.762432 77.530814

Franklin	Vineyard Run	Headwaters to Mouth	East Branch Antietam Creek	39.773847 77.503573
Huntingdon	Mill Creek	Headwaters to Big Hollow Run	Juniata River	40.437222 77.935280
Huntingdon	Shy Beaver Creek	Headwaters to Mouth	Raystown Lake	40.300554 78.213437
Huntingdon	Sinking Run	Headwaters to Mouth	Little Juniata River	40.614061 78.162270
Jefferson	Foundry Run	Headwaters to Mouth	Mahoning Creek	40.919828 79.082845
Luzerne	Huntsville Creek	Headwaters to Mouth	Toby Creek	41.298611 75.926667
Lycoming	Callhans Run	Headwaters to Mouth	Rogers Run	41.413361 77.301567
Lycoming	Furnace Run	Headwaters to Mouth	Pine Creek	41.216226 77.317186
McKean	UNT (RM 0.01) to UNT to Railroad Run (RM 2.30)	Headwaters to Mouth	UNT to Railroad Run (RM 2.30)	41.842560 78.612240
McKean	UNT to Brewer Run (RM 2.15)	Headwaters to Mouth	Brewer Run	41.688300 78.428019
Schuylkill	Rattling Run	Headwaters to Mouth	Little Mahanoy Creek	40.752865 76.339394
Schuylkill	UNT to Bear Creek (RM 2.94)	Headwaters to Mouth	Bear Creek	40.588889 76.126111
Sullivan	Painter Den Creek	Headwaters to Wolf Run	Lopez Creek	41.431244 76.323578
Sullivan	UNT to Dry Run (RM 2.18)	Headwaters to Mouth	Dry Run	41.430031 76.671463
Sullivan	UNT to Schrader Creek (RM 20.58)	Headwaters to Mouth	Schrader Creek	41.585074 76.767273
York	UNT to Kreutz Creek (RM 1.53)	Headwaters to Mouth	Kreutz Creek	40.014915 76.538829

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
Cambria	Little Conemaugh River	Headwaters to Hughes Number 2 Borehole	Headwaters to Sonman Discharge at RM 19.85	Conemaugh River	40.330833 78.924722
Clearfield	Deer Creek	Headwaters to UNT 17973	Headwaters to Mouth	West Branch Susquehanna River	41.078609 78.235420
Cumberland	Yellow Breeches Creek	Headwaters to 1.6 kilometers downstream Boiling Spring Lake	Headwaters to US 15 bridge	Susquehanna River	40.226112 76.858887
Franklin	Falls Creek	Pennsylvania/Mary-	Pennsylvania/Mary-	Red Run	39.733333

		land state line to Waterloo Road	land state line to Mouth		77.542173
Montgomery	Perkiomen Creek	Headwaters to Seisholtzville Road (SR 1010)	Headwaters to Tollgate Road (SR 1022)	Schuylkill River	40.119167 75.462778
Perry	Laurel Run	Headwaters to 3.35 kilometers upstream SR 3011	Headwaters to Mouth	Sherman Creek	40.340278 77.327778
Schuylkill	Black Creek	Dam of most downstream reservoir to Mouth	Headwaters to Mouth	Swatara Creek	40.597222 76.393889
Schuylkill	Little Mahanoy Creek	Headwaters to Gordon Borough Boundary	Headwaters to Mouth	Mahanoy Creek	40.754722 76.344444

The Commission also will consider the following amendment to the list:

Current Sectioning Strategy					Proposed Sectioning Strategy				
<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length (miles)</i>	<i>Mouth Lat/Lon</i>	<i>County</i>	<i>Stream</i>	<i>Limits</i>	<i>Length (miles)</i>	<i>Mouth Lat/Lon</i>
Cumber- land	Sthromes Hollow Run	Headwaters to Mouth (Con- fluence Hairy Springs Hollow Run)	4.33	40.064474 77.412008	Cumber- land	Yellow Breeches Creek	Headwaters to Mouth (Con- fluence Hairy Springs Hollow Run)	4.33	40.226112 76.858887

* The source of Yellow Breeches Creek, from the headwaters to the confluence of Hairy Springs Hollow Run, was incorrectly identified as Sthromes Hollow Run when Sthromes Hollow Run was added to the Wild Trout Streams list. Sthromes Hollow Run is now being identified as Yellow Breeches Creek. The current listed wild trout limits of Yellow Breeches Creek will encompass what was formerly named Sthromes Hollow Run. This change does not result in additions to the Wild Trout Streams list and is only amending a stream name as new information becomes available.

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. 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.

TIMOTHY D. SCHAEFFER,
Executive Director

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