

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

MINUTES

143rd Meeting

Volume 72

**HARRISBURG, PENNSYLVANIA
JULY 26, 2021**

Table of Contents

Pledge of Allegiance	72
Roll Call	72
Public Comment to Commissioners and Staff	73
Review and Approval of Minutes from the April 12, 2021 Meeting	73
Executive Director’s Report.....	73
Reports of Commissioner Committees	73
Announcement of Executive Session	73
EXECUTIVE & ADMINISTRATION	74
PUBLIC ACCESS AND REAL ESTATE MATTERS.....	74
A. Charles Adams Property Easement Acquisition, Conneaut Township, Erie County	74
B. Hulesch Property Easement Acquisition, Fairview Township, Erie County	76
OTHER MATTERS	78
C. Ratification of Temporary Changes to Fishing Regulations for Raccoon Creek State Park Upper Pond (Group Camping Area Lake), Beaver County	78
D. Resolution in Support of Recovering America’s Wildlife Act	79
BOATING	81
PROPOSED RULEMAKING.....	81
A. Amendment to 58 Pa. Code § 111.6 (Berks County).....	81
LAW ENFORCEMENT.....	83
FINAL RULEMAKING.....	83
A. Amendments to 58 Pa. Code § 63.6 (Authorized Devices for Game Fish, Bait Fish, and Fish Bait) and § 63.10 (Ice Fishing).....	83
FISHERIES	85
FINAL RULEMAKING	85
A. Amendments to 58 Pa. Code § 65.4a (All-Tackle Trophy Trout) and § 65.7 (Trophy Trout Artificial Lures Only)	85
B. Amendment to 58 Pa. Code § 65.26 (Extended Trout Season)	87
PROPOSED RULEMAKING.....	89
C. Establish a single statewide opening day of the regular season for trout under 58 Pa. Code § 61.1 (Commonwealth Inland Waters), § 61.2 (Delaware River, West Branch Delaware River and River Estuary), § 63.3 (Fishing in Stocked Trout Waters), § 63.20 (Permits for Protection and Management of Trout and Salmon), § 65.5 (Catch and Release Artificial Lures Only), § 65.12 (Regional Opening Day of Trout Season), § 65.14 (Catch and Release Fly-Fishing Only), § 65.15 (Catch and Release All-Tackle), § 65.19 (Stocked Trout Waters Open to Year-Round Fishing), § 65.20 (Mentored Youth Fishing Day Program), § 65.24 (Miscellaneous Special Regulations), § 65.26 (Extended Trout Season,	

§ 67.2 (Refuge Areas), and § 69.12a (Special Regulations Applicable to Lake Erie Tributary Streams).89

D. Amendments to 58 Pa. Code § 69.12 (Seasons, Sizes, and Creel Limits): Lake Erie, Lake Erie Tributaries, and Presque Isle Bay including peninsula waters, Erie County 102

E. Establish trout slot limit programs (All-Tackle Trout Slot Limit and Artificial Lures Only Trout Slot Limit) under 58 Pa. Code Chapter 65 106

F. Amendments to 58 Pa. Code § 61.1 (Commonwealth Inland Waters), § 65.9 (Big Bass), § 65.24 (Miscellaneous Special Regulations), and § 69.12 (Seasons, Sizes, and Creel limits – Lake Erie, Lake Erie Tributaries and Presque Isle Bay including peninsula waters) relating to black bass angling regulations..... 109

DESIGNATIONS..... 115

G. Proposed changes to the list of Class A wild trout streams..... 115

H. Classification of wild trout streams: proposed additions 116

I. Removal of Refuge Area designations (58 Pa. Code § 67.2) 118

J. Removal of Colyer Lake, Centre County, from the Catch and Release Lakes program (58 Pa. Code § 65.17) and addition to the Big Bass (58 Pa. Code § 65.9) and the Panfish Enhancement (58 Pa. Code § 65.11) programs 120

K. Removal of Lake Nessmuk, Tioga County, from the Catch and Release Lakes program (58 Pa. Code § 65.17) and addition to the Big Bass (58 Pa. Code § 65.9) and the Panfish Enhancement (58 Pa. Code § 65.11) programs 122

Other New Business 124

Time and Place of October 2021 Commission Meeting 124

Election of President and Vice-President..... 124

Adjournment..... 124

Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 143rd Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, July 26 at the Pennsylvania Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, PA 17110.

The public session for review of this agenda began on July 26, 2021 at approximately 10:15 a.m.

Call to Order

This meeting was called to order by Commission President Richard Lewis and was followed by the Pledge of Allegiance to the Flag.

Roll Call

Members Present

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

Members Absent

William C. Brock

Public Comment to Commissioners and Staff

George Holmes, Mayor of Hamburg, Berks County, made a public comment expressing his community's desire to discuss the reinstatement of the lease agreement for Kaecher Creek Dam as a state park. They are interested in discussing potential avenues to accomplish this.

Mike Kreiner, Director of Government Affairs for the Pennsylvania Federations of Sportsmen and Conservationists, made a public comment expressing his organization's general support for the July 2021 Commission Meeting agenda items, specifically highlighting the proposal of a single statewide opener, and their continued support of everything the PFBC is doing to provide opportunities for anglers in the Commonwealth.

John Klein, President of Back Country Hunters and Anglers (PA Chapter) and Don Rank, Secretary of Back County Hunters and Anglers (PA Chapter), made public comments

expressing their organization's support of the increased access to Lake Erie and the work surrounding RAWA legislation.

Review and Approval of Minutes from the April 12, 2021 Meeting

A motion was made by Commissioner Ali and seconded by Commissioner Anderson to approve the April 12, 2021 minutes as written. Motion carried by unanimous vote.

Executive Director's Report

Executive Director Timothy Schaeffer discussed numerous projects and programs that staff are currently focused on. A Strategic Plan update was provided to Commissioners.

Reports of Commissioner Committees

Communications Committee (Commissioner Brock)

The Communications Committee met virtually on Wednesday, June 1 at 11:00 a.m. Carl Richardson provided an update on the Voluntary Permit Buyers Analysis. Amber Nabors gave an update on the Digital Marketing Campaign results and R3 Grant Awards.

Fisheries and Hatcheries (Commissioner Kauffman)

The Fisheries and Hatcheries Committee met virtually on Monday, May 10 at 9:00 a.m. Agenda items were discussed. Commissioner Hussar's tabled proposal from the April 12 Commission meeting was addressed, as well as the Trout slot limit programs (All-Tackle Trout Slot Limit and Artificial Lures Only Trout Slot Limit) under 58 PA. Code § 65.

Fisheries and Hatcheries held a joint meeting with the Law Enforcement Committee Meeting on Friday, June 25 at 1:30 p.m. Agenda items were discussed. Andy Shiels provided an update on the potential change of trout season opening day.

The Committees recognized Andy Shiels on his retirement after more than 35 years of service to the Commission.

Law Enforcement (Commissioner Ali)

The Law Enforcement Committee held a joint meeting with the Fisheries and Hatcheries Committee on Friday, June 25 at 1:30 p.m. Agenda items were discussed.

The Law Enforcement Committee held a meeting on Friday, June 25 at 3:45 p.m. The Committee revoked the fishing privileges of four individuals.

Announcement of Executive Session

Chief Counsel Wayne Melnick announced that an executive session was held on July 26, at approximately 8:00 a.m. to discuss personnel matters, potential real estate acquisitions, and pending litigation.

**EXECUTIVE AND ADMINISTRATIVE
PUBLIC ACCESS AND REAL ESTATE MATTERS**

A. Charles Adams Property Easement Acquisition, Conneaut Township, Erie County.

Commentary:

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

The Pennsylvania Fish and Boat Commission (Commission) has been offered an easement for \$86,000 on 5,980 linear feet along Conneaut Creek as it flows across two parcels of property in Conneaut Township, Erie County. A drawing of the location map is labeled as Exhibit A. The easement will be for public fishing, boating, and riparian and fishery management, and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. The easement area is located along Conneaut Creek off Cherry Hill Road in Erie, PA. A map depicting the subject parcels is attached as Exhibit A.

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

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

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Recommendation:

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

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Pastore to authorize the acquisition of an easement along Conneaut Creek in Conneaut Township, Erie County, as described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried by unanimous vote.

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

Commentary:

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

The Pennsylvania Fish and Boat Commission (Commission) has been offered an easement for \$14,000 on 930 linear feet along Walnut Creek as it flows across a parcel of property in Fairview Township, Erie County. A drawing of the location map is labeled as Exhibit B. The easement will be for public fishing, boating, and riparian and fishery management, and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. This property is located across the stream from the Cage property and is one of the properties needed to complete fish passage at the chutes on Walnut Creek. The easement area is located along Walnut Creek off Dutch Road in Erie, PA. A map depicting the subject parcels is attached as Exhibit B.

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

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

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Recommendation:

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

Action:

A motion was made by Commissioner Charlesworth and seconded by Commissioner Pastore to authorize the acquisition of an easement along Walnut Creek in Fairview Township, Erie County, as described in the Commentary, utilizing the monies in the Lake Erie restricted account. Motion carried by unanimous vote.

**EXECUTIVE AND ADMINISTRATIVE
OTHER MATTERS**

C. Ratification of Temporary Changes to Fishing Regulations for Raccoon Creek State Park Upper Pond (Group Camping Area Lake), Beaver County.

Commentary:

The Executive Director of the Pennsylvania Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporary fishing regulations at Raccoon Creek State Park Upper Pond (Group Camping Area Lake), Beaver County, in anticipation of a complete and permanent drawdown of the lake. The Executive Director is lifting all seasons, sizes, and creel limits for all species, effective July 17, 2021. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities at this lake.

The Executive Director caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable when so posted. These temporary modifications will remain in effect until further notice.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

D. Resolution in Support of Recovering America's Wildlife Act.

Commentary:

In 2016, the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*, a panel of business and conservation leaders, including the Association of Fish and Wildlife Agencies, established recommendations to promote and enhance conservation efforts for the long-term health of fish and wildlife nationwide. From these recommendations, the *Recovering America's Wildlife Act* legislation was developed to dedicate \$1.3 billion annually to the Wildlife Conservation Restoration Program. The funding would provide states with new, critically needed financial resources to effectively implement State Wildlife Action Plans to conserve more than 12,000 species of greatest conservation need and support wildlife conservation education and wildlife-associated recreation.

On April 30, 2019, the Pennsylvania Fish and Boat Commission (Commission) unanimously passed a resolution supporting the bipartisan *Recovering America's Wildlife Act* to address the funding needs identified by the Blue Ribbon Panel. The resolution proposed today would reaffirm the Commission's commitment and ongoing support of legislative initiatives to secure this funding. The Pennsylvania Game Commission and natural resource agencies from at least 26 other states have passed similar resolutions supporting the Blue Ribbon Panel recommendations.

RESOLUTION, made this 26th day of July, by the PENNSYLVANIA FISH AND BOAT COMMISSION, BOARD OF COMMISSIONERS, AN INDEPENDENT ADMINISTRATIVE AGENCY of the COMMONWEALTH OF PENNSYLVANIA, SUPPORTING THE *BLUE RIBBON PANEL ON SUSTAINING AMERICA'S DIVERSE FISH AND WILDLIFE RESOURCES* RECOMMENDATIONS TO CONGRESS DEDICATING TO STATES AND TERRITORIES 1.3 BILLION DOLLARS ANNUALLY IN EXISTING REVENUE TO DIVERSIFY FUNDING AND MANAGEMENT FOR SPECIES OF GREATEST CONSERVATION NEED.

WHEREAS, Section 321 of the Fish and Boat Code (Code), 30 Pa. C.S. § 321, grants authority to the PFBC for "the protection, propagation and distribution of fish," which includes all game fish, fish bait, bait fish, amphibians, reptiles, and aquatic organisms under section 102 of the Code;

WHEREAS, in support of this legal authority, a keystone element of the Commission's mission is to "protect, conserve, and enhance the Commonwealth's aquatic resources";

WHEREAS, in the 2015-2025 Pennsylvania Wildlife Action Plan, the 664 Species of Greatest Conservation Need, including Commission trust species of fishes, amphibians, reptiles, mussels, and non-mussel aquatic invertebrate species, are prioritized and include habitat associations and conservation actions supporting these species;

WHEREAS, dedicated and sustainable funding is required to support Species of Greatest Conservation Need and the diverse natural heritage of Pennsylvania as well as the United States;

WHEREAS, the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*, composed of 26 business and conservation leaders, identified a new funding mechanism to support state fish and wildlife conservation and the sustainability of all fish and wildlife for current and future generations;

WHEREAS, to diversify funding and management of all wildlife, the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources* has recommended that Congress dedicate to states and territories \$1.3 billion annually to the Wildlife Conservation and Restoration Program subaccount of the Federal Aid to Wildlife Restoration Fund;

WHEREAS, the Recovering America's Wildlife Act would fund recommendations of the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources* by making funds available for management of fish and wildlife Species of Greatest Conservation Need as determined by state fish and wildlife agencies in each state's Wildlife Action Plan;

WHEREAS, securing dedicated federal funding will require matching sources, including non-federal state match similar to that used for the Dingell-Johnson Act for Sport Fish Restoration.

NOW THEREFORE, in furtherance of the Commission's mission, be it

RESOLVED to support the recommendations of the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*; and further, be it

RESOLVED to support broadening of dedicated, non-federal funding mechanisms to implement the Pennsylvania Wildlife Action Plan, and which can serve as the state's 25% match requirements, should new dedicated federal funding be secured.

Briefer:

Michael J. Nerozzi, Director of Policy and Planning

Recommendation:

Staff recommend approval of the Resolution supporting recommendations from the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*.

Action:

A motion was made by Commissioner Small and seconded by Commissioner Ali to approve the Resolution supporting recommendations from the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*. Motion carried by unanimous vote.

BOATING
PROPOSED RULEMAKING

A. Amendment to 58 Pa. Code § 111.6 (Berks County).

Commentary:

Blue Marsh Lake is a 1,148-acre flood control project managed by the U.S. Army Corps of Engineers (USACOE) in Berks County. 58 Pa. Code § 111.6 states that a boat may not tow more than one water-skier (i.e., person) on Blue Marsh Lake. This regulation was promulgated shortly after the Blue Marsh Recreation Area was established to address a perceived safety issue relating to boats with multiple towlines. According to definitions contained in 58 Pa. Code § 109.4 (relating to waterskiing, aquaplaning, kite skiing, and similar activities), the term “waterski” is defined as “a device used by a person to be towed through or on water behind a boat. The term includes conventional water skis, aquaplanes, kneeboards, inner tubes, inflatable hot dogs, air mattresses, parasails, kite skis, and similar devices.” Some of these devices are designed to carry more than one person.

In the fall of 2019, the USACOE requested a change to § 111.6 citing that it does not serve the intended purpose, causes confusion among boaters, and unnecessarily limits recreational boating opportunities. Staff prepared an amendment for the Boating Advisory Board’s consideration and recommendation (June 23, 2020) and the Pennsylvania Fish and Boat Commission’s (Commission) approval as proposed rulemaking (July 20, 2020). However, it was later discovered that the proposed amendment did not match the USACOE’s request.

The USACOE recently requested the Commission reconsider their request to amend § 111.6 with the intent to limit the number of devices towed by a boat—rather than the number of persons—to no more than one. The USACOE stated that with the popularity of inflatable towed devices designed to carry more than one person, this amendment will eliminate confusion among the boating public and increase recreational boating opportunities. It is also anticipated that the amendment will result in more effective and efficient law enforcement efforts on the lake. The number of persons being towed on a device is limited by the boat’s persons capacity.

Staff propose that § 111.6 be amended as follows:

§ 111.6. Berks County.

* * * * *

(a) *Blue Marsh Lake.*

* * * * *

(3) A boat may not tow more than one [**water-skier**] **water ski device**.

On June 14, 2021, the Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Recommendation:

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

Action:

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

LAW ENFORCEMENT FINAL RULEMAKING

A. Amendments to 58 Pa. Code §§ 63.6 (Authorized Devices for Game Fish, Bait Fish, and Fish Bait and 63.10 (Ice Fishing)).

Commentary:

Over the past two ice fishing seasons, anglers have asked the Pennsylvania Fish and Boat Commission (Commission) whether devices such as the JawJacker, Automatic Fisherman, Easy Set Hooksetter, Sure Shot Hooksetter, and Bro Craft Ice Fishing Tip-up are legal devices for use upon Commonwealth Waters. These devices consist of a rod holder which allows anglers to put a bend in the fishing rod and pre-load it with the aid of a triggering device. When a fish takes the lure or bait, tension on the fishing line causes the trigger mechanism to release the rod which, being pre-loaded, automatically sets the hook without additional assistance by the angler. The angler is then free to fight the fish with a normal fishing rod and reel. In addition to commercially made devices, there are many do-it-yourself versions of these devices which can be found online and fabricated at home. As the hookset is rapid, fish are typically hooked in the lip or jaw and not deeply thereby improving fish survival if intended for release.

Current interpretation of “immediate control” under § 63.6 suggests that the angler must set the hook and that no mechanical device could be substituted. This interpretation has carried over to other regulations unless specifically mentioned in those regulations. Thus, the regulations found in § 63.10 also make it unlawful to utilize such mechanical devices to set the hook.

Staff from the Bureaus of Law Enforcement and Fisheries have conferred and support a clarification of regulations which would permit these ice fishing, hook-setting devices to be legally used.

Staff propose that §§ 63.6 and 63.10 be amended as follows:

§ 63.6. Authorized Devices for Game Fish, Bait Fish, and Fish Bait.

- (a) It is unlawful to fish for game fish with more than three lines of any description, whether fished by rod or by hand, at one time except while ice fishing in accordance with §63.10 (relating to ice fishing). There is not a restriction on the number of hooks used for fishing for game fish, except when fishing in the Pymatuning Reservoir where no more than three hooks shall be attached to each line used in fishing. Rods, lines, and hooks shall be under the immediate control of the person using them. **[A fishing device shall be deemed to be under the immediate control of the person using it if, when the terminal device (hook, bait, or lure) is taken by a fish, the person using the device has direct control over it and it is not connected at that point to a casting or depth placement aid such as a casting boat or downrigger. Casting or depth placement aids such as downriggers or small remote-**

controlled boats are not prohibited by this chapter.] For purposes of this chapter, an authorized device shall be deemed under the immediate control of a person if it is within reasonable reach and can be adjusted, manipulated, or brought to hand quickly and the person is nearby. Downriggers, planer boards, depth control devices, pre-loaded rod holders, rod holders that provide for a loaded rod, and/or a triggering device (with or without mechanically induced jigging motion), and/or hook setting devices are authorized devices. Drones and other remote-controlled devices are not authorized devices.

§ 63.10. Ice Fishing.

* * * * *

- (b) It is unlawful while ice fishing to use more than five fishing devices[, **which may consist of rods, hand lines, tip ups or any combination thereof**] **as authorized in § 63.6 (relating to authorized devices for game fish, bait fish, and fish bait)**. Each device shall contain a single fishing line. There is not a restriction on the number of hooks that may be used for ice fishing, except when fishing in the Pymatuning Reservoir where no more than three hooks shall be attached to each line used in fishing.
- (c) **[All rods, lines and tip-ups used by persons engaged in ice fishing shall be under the immediate control of the person using the same.**
- (d)] It is unlawful to fish through holes in the ice that measure more than 10 inches between the farthest points as measured in any direction.

A notice of proposed rulemaking was published at 51 Pa. B. 3470 (June 26, 2021) (Exhibit C). The comment period for this item does not end until July 25, 2021. An announcement of public comments will be made during the Commission meeting.

Briefer:

Colonel Clyde N. Warner, Director, Bureau of Law Enforcement

Recommendation:

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

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Anderson to adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, the amendments will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried with one abstention (Commissioner Pastore).

FISHERIES
FINAL RULEMAKING

A. 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 the opening day of the regular season for trout 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 greater than 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**] **opening day of the regular season for trout** 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**] **opening day of the regular season for trout** of the following year, when no trout may be killed or had in possession on the waters under regulation.
 - (5) Taking of baitfish or fishbait is prohibited.
 - (6) A current trout [/**salmon**] permit is required.

A notice of proposed rulemaking was published at 51 Pa. B. 1822 (April 3, 2021) (Exhibit D). The Commission received a total of 13 public comments regarding the proposal: 10 support the proposal, one opposes the proposal, and two comments do not pertain to the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

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 January 1, 2022.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Ali to adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect January 1, 2022. Motion carried by unanimous vote.

B. Amendment to 58 Pa. Code § 65.26 (Extended Trout Season).

Commentary:

In the Pennsylvania Fish and Boat Commission's (Commission) *Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020-2024*, staff identified the Stocked Trout Waters (STW) program as one of the Commission's most popular programs. As such, the Commission must work to improve stocked trout stream angling opportunities and experiences to best meet the preferences of anglers. Most stocked trout streams are not stocked throughout their entire length and many of these streams also have sections that are managed for wild trout. Adding the section limits for stocked trout streams to the Commission's *Fishing Summary/Boating Handbook* (Handbook) will: 1) clearly identify where stocking occurs to increase angler participation, especially for anglers unfamiliar with a stream; 2) provide increased protection to the stream sections managed for wild trout during the extended season; 3) increase angling opportunities for wild trout in sections that are open to year-round fishing; 4) increase angling opportunities downstream of STW sections; and 5) simplify regulations.

Fishing in Stocked Trout Waters (58 Pa. Code § 63.3) states that waters stocked with adult trout by the Commission must be published in the Handbook. However, most STWs listed in the Handbook do not detail the specific stream section that is stocked, but rather list only the stream name. This lack of detail provides inadequate information to anglers fishing these waters. Additionally, STW limits are defined on the Commission's website and the FishBoatPA mobile application. Defining the limits in the Handbook would provide consistent STW information for anglers who use various sources to identify where to fish for stocked trout.

In addition to defining the stocked stream section limits in the Handbook, an amendment to 58 Pa. Code § 65.26 (Extended Trout Season) is necessary to improve trout stream angling opportunities and experiences to best meet the preferences of anglers while providing additional protection to wild trout during the extended season. An amendment to the Extended Trout Season regulation would provide increased protection and additional angling opportunities in stream sections managed for wild trout that are downstream from STWs. Currently, STWs and all waters downstream from STWs have a creel limit of three trout per day from the day after Labor Day until the last day of February and are closed to fishing from March 1st until 8 a.m. on the opening day of trout season. By amending the Extended Trout Season regulation to exclude all waters downstream of a STW, thousands of additional stream miles would be opened to fishing on a year-round basis during the current closed season and harvest of trout would be prohibited during the extended season downstream from STWs.

Staff propose that 58 Pa. Code § 65.26 be amended as follows:

§ 65.26. Extended Trout Season.

* * * * *

- (a) *General rule.* The extended trout season is in effect from the day after Labor Day until the last day of February of the following year on stocked trout waters **[and all waters downstream of stocked trout waters]**. A creel limit of three trout per day and a minimum size limit of 7 inches apply during this season **[(except Class A wild trout streams where the creel limit is 0 and areas with special regulations.)]**.

A notice of proposed rulemaking was published at 51 Pa. B. 3140 (June 5, 2021) (Exhibit E). The Commission received a total of three public comments regarding the proposal: two support the proposal and one opposes the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

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 January 1, 2022.

Action:

A motion was made by Commissioner Charlesworth 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 January 1, 2022. Motion carried by unanimous vote.

FISHERIES

PROPOSED RULEMAKING

C. Establish a single statewide opening day of the regular season for trout under 58 Pa. Code § 61.1 (Commonwealth Inland Waters), § 61.2 (Delaware River, West Branch Delaware River and River Estuary), § 63.3 (Fishing in Stocked Trout Waters), § 63.20 (Permits for Protection and Management of Trout and Salmon), § 65.5 (Catch and Release Artificial Lures Only), § 65.12 (Regional Opening Day of Trout Season), § 65.14 (Catch and Release Fly-Fishing Only), § 65.15 (Catch and Release All-Tackle), § 65.19 (Stocked Trout Waters Open to Year-Round Fishing), § 65.20 (Mentored Youth Fishing Day Program), § 65.24 (Miscellaneous Special Regulations), § 65.26 (Extended Trout Season), § 67.2 (Refuge Areas), and § 69.12a (Special Regulations Applicable to Lake Erie Tributary Streams).

Commentary:

Under 58 Pa. Code § 61.1 (Commonwealth inland waters), the opening day of the regular season for trout begins at 8 a.m. on the first Saturday after April 11 and continues through midnight Labor Day. This regulation was in place for all of Pennsylvania's inland waters for many years and is a well-known, much anticipated tradition. However, on January 1, 2007, a new regulation went into effect under 58 Pa. Code § 65.12 (Regional opening day of trout season). This regulation created a separate opening day for southeastern and southcentral counties where trout season opens at 8 a.m. on the first Saturday after March 28 and continues through midnight Labor Day.

In late winter 2020, the COVID-19 pandemic reached Pennsylvania and on March 16, 2020 the Commonwealth of Pennsylvania eliminated most activities that were not considered essential for health and safety. Subsequently, there was substantial concern within the Pennsylvania Fish and Boat Commission (Commission) that traditional stocking practices with large numbers of volunteers in close contact and traditional opening day crowds could lead to increased risk of virus transmission. As such, the decision was made to greatly accelerate trout stocking, eliminate the use of volunteers, deploy Commission staff from throughout the agency to perform the stockings, and announce the opening day without warning at 8:00 a.m. on Tuesday April 7, 2020. This unheralded opening was designed to reduce crowding, and a single, statewide opening day was employed to reduce cross-boundary travel between the statewide and regional opening day zones. In addition, public travel restrictions required more anglers to fish closer to home than they would under normal circumstances.

Planning for the 2021 trout stocking season began in early fall of 2020 in anticipation that COVID-19 restrictions and concerns about virus transmission may still be in effect. At the January 2021 quarterly Commissioners meeting, a single, statewide opening day was established for 2021.

After experiencing two consecutive years of a single, statewide opening day, staff identified an opportunity to further consider the efficacy of the current Commission regulations that provide for a regional opening day of trout season. An ad hoc committee with representatives from the bureaus of Fisheries; Hatcheries; Law Enforcement;

Outreach, Education, and Marketing; Administration; Policy and Planning; the Field Operations Deputy Executive Director; and Office of Chief Counsel for review was formed. The committee reviewed the history and summary of opening day designations for trout season. Following that review, the committee recommended the elimination of the regional opening day of trout season and a return to the more traditional single statewide opener. Staff believe that a single opening day simplifies regulations, reduces confusion among the angling public, lessens landowner issues in border counties, gives statewide anglers at least an extra week of fishing opportunity, and better allows businesses to plan for any sales surge.

The elimination of a regional opening day also requires minor amendments to various sections referencing trout season. As such, staff recommend reformatting the dates in regulations relating to trout season for clarification and simplification. Finally, consistent with Act 56 of 2020, staff recommend that any reference in the regulations to the trout/salmon permit be changed to trout permit.

Staff propose that 58 Pa. Code § 61.1 be amended as follows:

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes, and daily limits apply to inland waters of this Commonwealth and the Youghioghney Reservoir:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday [after April 11] in April to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations
	Extended Season: Stocked trout waters and all waters downstream of stocked trout waters 12:01 a.m. day after Labor Day to midnight [last day of February] the third Monday in February of the following year.	7 inches	3 (combined species), except areas with special regulations
*****	*****	*****	*****

Staff propose that 58 Pa. Code § 61.2 be amended as follows:

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

* * * * *

(e) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
TROUT	8 a.m., [first Saturday after April 11] <u>the opening day of the regular season for trout</u> to midnight, October 15	North of I-84: 14 inches	North of I-84: 1 (combined species)
		South of I-84: no minimum	South of I-84: 5 (combined species)
		West Branch Delaware River: * 12 inches	West Branch Delaware River: * 2 (combined species)
*****	*****	*****	*****

* A special no-kill artificial lures only season is in effect on the West Branch of the Delaware River from October 16 to midnight on the Friday before the [**first Saturday after April 11**] **opening day of the regular season for trout**. See §65.24

Staff propose that 58 Pa. Code § 63.3 be amended as follows:

§ 63.3. Fishing in stocked trout waters.

It is unlawful to fish in stocked trout waters regulated under § 61.1 (relating to Commonwealth inland waters) from 12:01 a.m. on [**March 1**] **the third Monday in February** to 8 a.m. on the [**first Saturday after April 11**] **opening day of the regular season for trout** [and in stocked trout waters regulated under § 65.12 (relating to regional opening day of trout season) from 12:01 a.m. on March 1 to 8 a.m. on the first Saturday after March 28.]. As used in this subpart, the term “stocked trout waters” means waters that are stocked with adult trout by the Commission. A listing of stocked trout waters is published in the Commission’s “Summary of Fishing Regulations and Laws,” which is available from the Commission at Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000. The Executive Director or a designee may, from time to time, supplement or modify the list of stocked trout waters, and additions or deletions will be published in the *Pennsylvania Bulletin*.

* * * * *

Staff propose that 58 Pa. Code § 63.20 be amended as follows:

§ 63.20. Permits for the protection and management of trout [**and salmon**].

(a) *Finding.* - The Commission finds under section 2904 of the code (relating to permits for the protection and management of particular fish) that it is necessary for the protection and management of trout [**and salmon**] in the waters of this Commonwealth that persons who fish for trout [**or salmon**] have a permit for that activity.

(b) *Permit required.* - It is unlawful for a person required by Chapter 27 of the code (relating to fishing licenses) to procure a fishing license to fish for trout [**or salmon**] unless that person has first procured a valid trout[**salmon**] permit or a combination trout[**salmon**] permit and Lake Erie permit.

(c) *Exceptions.*

(1) The Commission will issue a trout[**salmon**] permit without fee to disabled veterans who possess a free fishing license under section 2707 of the code (relating to disabled veterans).

(2) A person who is exempt from the fishing license requirements of Chapter 27 of the code or who is issued an institutional fishing license under section 2708 of the code (relating to institutional licenses) is exempt from this section.

(3) A person who purchased a senior resident lifetime fishing license and a trout [**salmon**] permit or a combination trout [**salmon**] permit and Lake Erie permit prior to January 1, 2015, shall be exempt from the requirements of this section.

(4) A trout[**salmon**] permit is not required to fish for trout [**or salmon**] on free fishing days designated by the Commission under section 2709(d) of the code (relating to exemptions from license requirements).

(5) A trout[**salmon**] permit is not required to fish for trout or salmon on Class A regulated fishing lakes. A trout[**salmon**] permit is not required to fish for trout or salmon on designated Class B regulated fishing lakes that have the following characteristics:

(i) The lake is a natural pond or impoundment located wholly on private property and constructed and maintained wholly with private funds.

(ii) The lake is operated by a private club or organization.

(iii) The lake is not open for fishing by the general public, and fishing is restricted to members only.

(iv) The trout/salmon population of the lake is composed entirely of trout or salmon stocked from private resources and contains no trout or salmon stocked by the Commission, the United States Government or cooperative nurseries recognized by the Commission.

(d) *Fish for trout or salmon.* - A person fishes for trout or salmon when one of the following applies:

(1) The person fishes in waters under special trout regulations designated under those sections of Chapter 65 (relating to special fishing regulations) that require a trout **[/salmon]** permit, wilderness trout streams or their tributaries or Class A wild trout waters or their tributaries.

(2) The person fishes in streams or rivers that are stocked trout waters as defined in § 63.3 (relating to fishing in stocked trout waters) or their tributaries during the period from 12:01 a.m. on **[March 1] the third Monday in February** until midnight May 31.

(3) The person takes, kills, or possess, while in the act of fishing, a trout or salmon on or in waters of this Commonwealth or boundary waters.

* * * * *

Staff propose that 58 Pa. Code § 65.5 be amended as follows:

§ 65.5. Catch and release artificial lures only.

* * * * *

(b) It is unlawful to fish in areas designated and posted catch and release 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 and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited.

(2) No trout may be killed or had in possession.

(3) Open to fishing year-round.

(4) Wading is permitted unless otherwise posted.

(5) Taking of bait fish or fish bait is prohibited.

(6) A current trout**[/salmon]** permit is required.

* * * * *

Staff propose that 58 Pa. Code § 65.6 be amended as follows:

§ 65.6. Delayed harvest artificial lures only areas.

* * * * *

(b) It is unlawful to fish in designated and posted delayed harvest, artificial lures only areas 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.

(2) The use or possession of any natural bait, bait fish, fish bait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(3) Minimum size is: 9 inches, caught on, or in possession on, the waters under regulation.

(4) The daily creel limit is: three combined species except during the period after Labor Day and before June 15 when the daily limit shall be zero trout combined species, caught on or 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.

* * * * *

Staff propose that 58 Pa. Code § 65.12 be amended as follows:

§ 65.12. Regional opening day of trout season.

* * * * *

[(b) It is unlawful to fish in waters designated as part of the regional opening day of trout season except in compliance with the following seasons, sizes and creel limits:

<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
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<p>Regular Season: 8 a.m. first Saturday after March 28 to midnight Labor Day</p>	<p>7 inches</p>	<p>5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))</p>
<p>Extended Season: Stocked trout waters and all waters downstream of stocked trout waters 12:01 a.m. day after Labor Day to midnight last day of February of the following year</p>	<p>7 inches</p>	<p>3 (combined species) except Class A wild trout streams where the daily limit is 0, and areas with special regulations (see Chapter 65)</p>

(c) It is unlawful to take, catch, kill, or possess trout except during the seasons specified in this section. It is not a violation of this section if a trout caught out of season from waters where fishing for other species is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(d) It is unlawful to take, catch, kill, or possess trout of less than the minimum size specified in this section. It is not a violation of this section if an undersized trout taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(e) It is unlawful to take, catch or kill more than 1 day's limit of any species of trout as specified in this section during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of trout as specified in this section except under the following circumstances:

(1) A person may possess any number of lawfully caught trout at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may possess, while transporting trout from the place where caught to his residence, a number of trout equal to no more than two times the daily creel limit for trout. In prosecutions for violations of this section, it shall be a rebuttable presumption that a person transporting trout from a fishing site caught all of the trout during 1 calendar day.

(3) A trout will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) Any trout caught that is not to be counted in the creel limit shall be immediately released unharmed to the waters from which taken. Except as otherwise provided in §§ 53.24 or 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies), a trout placed on a stringer or confined by any type of container, structure or device or not returned immediately to the water will be considered as part of the daily creel or possession limits. Trout returned to the water shall be handled carefully and be returned unharmed to the waters from which taken.

(5) Trout may be given to another person, but the trout shall be counted in the donor's creel limit and neither donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.]

Staff propose that 58 Pa. Code § 65.14 be amended as follows:

§ 65.14. Catch and release fly-fishing only.

* * * * *

(b) It is unlawful to fish in waters designated and posted as catch and release fly-fishing only except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion with components wound on or about the hook or hooks. Use or possession of any other lures or substances is prohibited.

(2) Fishing shall be done with tackle which is limited to fly rods, fly reels and fly line with leader material or monofilament line attached. Spinning, spincast, and casting rods and reels are prohibited.

(3) No trout may be killed or had in possession.

(4) Open to fishing year-round.

(5) Taking of baitfish or fishbait is prohibited.

(6) Wading is permitted unless otherwise posted.

(7) A current trout[/**salmon**] permit is required.

* * * * *

Staff propose that 58 Pa. Code § 65.15 be amended as follows:

§ 65.15. Catch and release all-tackle.

* * * * *

(b) It is unlawful to fish in waters designated and posted catch and release all-tackle except in compliance with the following requirements:

(1) There are no tackle restrictions.

- (2) No trout may be killed or had in possession.
- (3) Open to fishing year-round; there is no closed season.
- (4) A current trout[/**salmon**] permit is required.

* * * * *

Staff propose that 58 Pa. Code § 65.19 be amended as follows:

§ 65.19. Stocked trout waters open to year-round fishing

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. [first Saturday after April 11 (or first Saturday after March 28 for waters designated as part of the regional opening day of trout season)] <u>of the opening day of the regular season for trout</u> to midnight Labor Day	7 inches	5 (combined species)
	Extended Season: 12:01 a.m. day after Labor Day to midnight [last day of February] <u>the third Monday in February</u> of the following year	7 inches	3 (combined species)
	12:01 <u>a.m. [first day of March] the third Monday in February to [first Saturday after April 11 (or first Saturday after March 28 for waters designated as part of the regional opening day of trout season.)] 8 a.m. the opening day of the regular season for trout</u>	NO HARVEST – Catch and immediate release only	

Staff propose that 58 Pa. Code § 65.20 be amended as follows:

§ 65.20. Mentored Youth Fishing Day Program.

* * * * *

(b) It is unlawful to fish in waters designated as part of the Mentored Youth Fishing Day Program except in compliance with the following requirements when participating in the Mentored Youth Fishing Day Program:

(1) Anglers shall adhere to the limitations as established by the Executive Director by notice in the *Pennsylvania Bulletin*.

(2) An angler 16 years of age or older shall be accompanied by a youth, less than 16 years of age, who has obtained a mentored youth permit or a voluntary youth fishing license from the Commission.

(3) A youth angler shall obtain a mentored youth permit or a voluntary youth fishing license from the Commission and be accompanied by an angler 16 years of age or older.

(4) A current trout[/**salmon**] permit is required for an angler 16 years of age or older when participating in a Mentored Youth Fishing Day Program that relates to trout.

* * * * *

Staff propose that 58 Pa. Code § 65.24 be amended as follows:

§ 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>
*****	*****	*****
Centre and Mifflin	Penns Creek, from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run	Open to fishing year-round. All tackle types are permitted. From 8 a.m. on the <u>[first Saturday after April 11] opening day of the regular season for trout</u> through Labor Day— the daily creel limit for trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed. From the day after Labor Day until 8 a.m. on the <u>[first Saturday after April 11] opening day of the regular season for trout</u> , no trout may be killed or possessed. Inland regulations apply to all other species. This miscellaneous special regulation will remain in effect until further notice.
*****	*****	*****

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] opening day of the regular season for trout until Labor Day— 5 trout per day; day after Labor Day to [first Saturday after April 11] opening day of the regular season for trout 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.
*****	*****	*****
Luzerne	Harveys Lake	During the period from the [first Saturday after April 11] opening day of the regular season for trout through midnight [last day of] the third Monday in February, the daily creel limit for trout (combined species) is 3, only one of which may exceed 18 inches in length. Warmwater/coolwater species, except as provided in this section—Inland regulations apply.
*****	*****	*****
Somerset, Fayette, Westmoreland and Allegheny	Youghiogheny River from confluence with Casselman River downstream to the confluence with Ramcat Run Youghiogheny River from the pipeline crossing at the confluence with Lick Run downstream to the mouth of the river.	Trout (all species)—no closed season. Daily limit: [First Saturday after April 11] opening day of the regular season for trout until Labor Day—5 trout per day; day after Labor Day to [first Saturday after April 11] opening day of the regular season for trout of the following year—3 trout per day. Inland regulations apply to warmwater/coolwater species.
Warren	Allegheny River—8.75 miles downstream from the outflow of the Allegheny Reservoir to the confluence with Conewago Creek	Trout—minimum size limit—14 inches; daily creel limit—2 trout per day (combined species) from 8 a.m. on the [first Saturday after April 11] opening day of the regular season for trout through midnight Labor Day, except during the period from the day after Labor Day to the [first Saturday after April 11] opening day of the regular season for trout of the following year, when no trout may be

		killed or had in possession. Other inland seasons, sizes and creel limits apply.
*****	*****	*****
Washington	Little Chartiers Creek from Canonsburg Lake Dam approximately 1/2 mile downstream to mouth of Chartiers Creek	Fishing is prohibited from 12:01 a.m. <u>[March 1] the third Monday in February</u> to 8 a.m. the <u>[first Saturday after April 11] opening day of the regular season for trout.</u>
Wayne	West Branch Delaware River	Trout: From the Pennsylvania/New York border downstream to the confluence with the East River Branch of the Delaware River: no-harvest artificial lures only season on trout from October 16 until midnight of the Friday before the <u>[first Saturday after April 11] opening day of the regular season for trout.</u> During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited. 2. The daily creel limit for trout is 0.
*****	*****	*****

Staff propose that 58 Pa. Code § 65.26 be amended as follows:

§ 65.26. Extended trout season.

- (a) *General rule.* The extended trout season is in effect from the day after Labor Day until the **[last day of] third Monday in** February of the following year on stocked trout waters. A creel limit of three trout per day and a minimum size limit of 7 inches apply during this season.

* * * * *

Staff propose that 58 Pa. Code § 67.2 be amended as follows:

§ 67.2. Refuge areas.

* * * * *

(b) Refuge areas are closed to public fishing except during the period from June 15 until the **[last day of] third Monday in February** of the following year.

* * * * *

Staff propose that 58 Pa. Code § 69.12a be amended as follows:

§ 69.12a. Special regulations applicable to Lake Erie tributary streams.

* * * * *

(c) From 12:01 a.m. on the day after Labor Day, until the **[first Saturday after April 11] of the opening day of the regular season for trout** of the following year, all Lake Erie tributary streams are closed to fishing from 10 p.m. until 5 a.m. on the following day except for Walnut Creek north of Manchester Road Bridge and Elk Creek north of Route 5.

* * * * *

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

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

D. Amendments to 58 Pa. Code § 69.12 (Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters), Erie County.

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) has identified an opportunity to simplify regulations pertaining to the Lake Erie basin while improving upon salmonid management and optimizing the fishery for that species group. A modification to regulations applied to trout and salmon to align with a proposed amendment to Commonwealth Inland Waters regulations (58 Pa. Code § 61.1) pertaining to the start of the trout season (see page 16 of the agenda) would allow anglers to more easily identify when fishing and harvest are permitted. Current regulations prohibit fishing and possession of trout and salmon from 12:01 a.m. on the Friday before the first Saturday after April 11 until 8:00 a.m. on the first Saturday after April 11. If the proposed amendments to Commonwealth Inland Waters regulations were to be adopted, it would result in one statewide opening day of regular season for trout on the first Saturday in April. To better align these regulations to those of the Lake Erie basin, 58 Pa. Code § 69.12 could be amended to prohibit fishing and possession of trout and salmon from 12:01 a.m. on the Friday before the first Saturday in April until 8:00 a.m. on the opening day of regular season for trout (e.g., first Saturday in April).

In addition to regulation simplification and alignment, a modification to the daily creel and minimum size limits for both Rainbow Trout (steelhead) and Lake Trout would potentially enhance angling opportunities for those species. Current daily creel limits allow for the harvest of five fish (only two of which may be Lake Trout) greater than or equal to nine inches in total length from 8:00 a.m. on the first Saturday after April 11 through Labor Day. Lake Erie and its tributaries generate hundreds of thousands of angler trips for steelhead resulting in millions of dollars of economic benefit to local economies around Lake Erie. As such, lower daily creel and increased minimum size limits would reduce the potential for overharvest and prohibit harvest of intermediate-sized Rainbow Trout and Lake Trout while further promoting the trophy component of the fishery.

Lake Trout are an important component of the Lake Erie ecosystem and recreational fishery. Through representation on the Lake Erie Committee, the Commission cooperatively manages Lake Trout with other member jurisdictions to advance restoration and optimize the recreational fishery. A reduction in the daily creel to one fish per day during the open season could potentially improve Lake Trout rehabilitation efforts by minimizing the number of spawning stock harvested. Additionally, a daily creel limit of one fish per day would align regulations pertaining to Lake Trout in the Pennsylvania waters of Lake Erie with New York.

In summary, Commission staff recommend amendments to the Lake Erie basin angling regulations pertaining to salmonids for regulatory consistency and simplicity by aligning the trout and salmon seasons with the proposed amendment to Commonwealth Inland Waters regulations, and modifying the daily creel and minimum size limits for Rainbow Trout and Lake Trout to optimize those fisheries. It should be noted that amending the

daily creel limit of Rainbow Trout from five to three and minimum size limit from nine inches to 15 inches from 8 a.m. on the opening day of the regular season for trout and salmon through Labor Day will not impact the creel or size limit for Brown Trout, a popular put-and-take fishery during the months of April and May. Additionally, a reduction to the daily creel limit of Lake Trout from two to one and increase in the minimum size from nine inches to 15 inches provides further protection to the population which is consistent with ongoing multijurisdictional rehabilitation efforts in Lake Erie.

Staff propose that 58 Pa. Code § 69.12 be amended as follows:

§ 69.12. Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters.

* * * * *

(d) It is unlawful to fish in or along any Lake Erie tributary stream from 12:01 a.m. on the Friday before the **[first Saturday after April 11] opening day of the regular season for trout** until 8:00 a.m. on the **[first Saturday after April 11] opening day of the regular season for trout**.

(e) It is unlawful to possess trout or salmon in or along any Lake Erie tributary stream from 12:01 a.m. on the Friday before the **[first Saturday after April 11] opening day of the regular season for trout** until 8:00 a.m. on the **[first Saturday after April 11] opening day of the regular season for trout**.

(f) Except as otherwise provided in subsections (d) and (e) and this subpart, the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

* * * * *

<i>County</i>	<i>Name of Water</i>	<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
* * *	* * *	* * *	* * *	* * *	* * *
Erie	Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters	<u>BROOK and BROWN TROUT [and SALMON]</u>	8 a.m. <u>[first Saturday after April 11] the opening day of the regular season for trout</u> until midnight Labor Day.	9 inches	5 (combined species <u>[only 2 of which may be lake trout]</u>).
			12:01 a.m. the day after Labor Day until 12:01 a.m. on the	15 inches	3 (combined species <u>[only 2 of which may be lake trout]</u>).

			Friday before the [first Saturday after April 11] <u>opening day of the regular season for trout.</u>		
		<u>RAINBOW TROUT and SALMON</u>	<u>8 a.m. the opening day of the regular season for trout until 12:01 a.m. the Friday before the opening day of the regular season for trout the following year.</u>	<u>15 inches</u>	<u>3</u>
		<u>LAKE TROUT</u>	<u>8 a.m. the opening day of the regular season for trout until 12:01 a.m. the Friday before the opening day of the regular season for trout the following year.</u>	<u>15 inches</u>	<u>1</u>
*****	*****	*****	*****	*****	*****

* * * * *

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

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

E. Establish trout slot limit programs (All-Tackle Trout Slot Limit and Artificial Lures Only Trout Slot Limit) under 58 Pa. Code Chapter 65.

Commentary:

To address landowner and angler feedback, increase the abundance of large wild Brown Trout in the population, and provide the opportunity to use all tackle types and harvest some trout, a new Miscellaneous Special Regulation (58 Pa. Code § 65.24; slot limit) was established on Penns Creek, Section 03, beginning January 1, 2014. The slot limit regulation allows for year-round fishing, use of all tackle types, and the harvest of two trout per day that are at least seven inches but less than 12 inches in length, from the opening day of the regular season for trout through Labor Day, with no harvest permitted the remainder of the year.

Penns Creek, Section 03, provided a unique opportunity to evaluate a new special regulation on a productive limestone stream. The Penns Creek trout population was monitored before and after implementation of the slot limit regulation. Results of the monitoring revealed a substantial increase in the electrofishing catch rates of larger Brown Trout (greater than or equal to 16 inches in length) during the slot limit regulation implementation period (2014-2019). These results suggest that the slot limit regulation likely played an important role in the increased electrofishing catch of large Brown Trout in Section 03. In addition to fishery independent monitoring, staff conducted an angler use, harvest, and opinion survey to evaluate the social aspects of the regulation change and estimate angler harvest in 2019. Results documented low harvest of trout during the survey and high angler support for continuance of the slot limit regulation. Despite low angler harvest under the current slot limit regulation, this regulation provides the opportunity for anglers to harvest intermediate-sized trout if desired, which was an important social consideration when the regulation was originally implemented.

Given the success of the experimental slot limit regulation program on Penns Creek, Section 03, and potential opportunities to utilize this regulation at other suitable wild trout waters in the future, staff recommend that the Pennsylvania Fish and Boat Commission (Commission) establish a new special regulation program to be known as Trout Slot Limit. The Trout Slot Limit will have two subprograms: All-Tackle Trout Slot Limit and Artificial Lures Only Trout Slot Limit. These subprograms will provide the Commission with the ability to select the most appropriate tackle option to achieve biological and social objectives for each water considered for inclusion in the program and provide an opportunity to evaluate the effects of different terminal tackle types.

Staff propose that the new sections be defined as follows:

§ 65.4c. All-Tackle Trout Slot Limit.

- (a) **The Executive Director, with the approval of the Commission, may designate waters as all-tackle trout slot limit. The designation of waters as all-tackle trout slot limit shall be effective when the waters are so posted after publication of a notice of such designation in the *Pennsylvania Bulletin*.**

(b) It is unlawful to fish in designated and posted all-tackle trout slot limit areas except in compliance with the following requirements.

(1) Open to fishing year-round.

(2) All tackle types are permitted.

(3) From 8 a.m. on the opening day of the regular season for trout through Labor Day, the daily creel limit of trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed.

(4) From the day after Labor Day until 8 a.m. on the opening day of the regular season for trout, no trout may be killed or possessed.

(5) A current trout permit is required.

(c) This section applies to trout only. Inland regulations apply to all other species.

§ 65.4d. Artificial Lures Only Trout Slot Limit.

(a) The Executive Director, with the approval of the Commission, may designate waters as artificial lures only trout slot limit. The designation of waters as artificial lures only trout slot limit shall be effective when the waters are so posted after publication of a notice of such designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted artificial lures only trout slot limit areas except in compliance with the following requirements.

(1) Open to fishing year-round.

(2) Fishing may be done with artificial lures only; constructed of metal, plastic, rubber, or wood; or with flies and 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.

(3) From 8 a.m. on the opening day of the regular season for trout through Labor Day, the daily creel limit of trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed.

(4) From the day after Labor Day until 8 a.m. on the opening day of the regular season for trout, no trout may be killed or possessed.

(5) Taking of baitfish or fishbait is prohibited.

(6) A current trout permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes, and creel

limits in effect for the water from which taken, provided that the boat angler floats through the artificial lures only trout slot limit area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the artificial lures only trout slot limit area.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the new regulations described in the Commentary. If approved on final rulemaking, the new regulations 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 Hussar to approve the publication of a notice of proposed rulemaking containing the new regulations described in the Commentary. If approved on final rulemaking, the new regulations will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried with one opposed (Commissioner Anderson).

F. Amendments to 58 Pa. Code § 61.1 (Commonwealth Inland Waters), § 61.2 (Delaware River, West Branch Delaware River and River Estuary), § 63.43 (Fishing for bass during the spring season), § 65.9 (Big Bass), § 65.24 (Miscellaneous Special Regulations), and § 69.12 (Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters) relating to black bass angling regulations.

Commentary:

Pennsylvania Fish and Boat Commission (Commission) staff have identified an opportunity to simplify regulations pertaining to black bass (i.e., Largemouth Bass, Smallmouth Bass, and Spotted Bass) while improving upon black bass management and optimizing the fishery for that species group. A modification to black bass regulations pertaining to the start and end of seasons, creel and minimum size limits, and uniformity among resources categories (i.e., lakes, rivers, and streams) would allow anglers to interpret regulations more easily. As such, amendments to Commonwealth Inland Waters (58 Pa. Code § 61.1), Big Bass (58 Pa. Code § 65.9), Miscellaneous Special Regulations (58 Pa. Code § 65.24), and Lake Erie basin regulations (58 Pa. Code § 69.12) are warranted.

Current Commonwealth Inland Waters regulations require catch and immediate release of black bass from 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11. Black bass seasons defined in Commonwealth inland waters regulations are also incorporated in other special regulations and/or watershed-specific regulations, requiring changes to multiple regulations specific to the management of black bass throughout the Commonwealth. Additionally, black bass daily creel and minimum size limits are not consistent among lakes, rivers, and streams, which can lead to regulatory confusion by anglers.

For these reasons, Commission staff recommend amendments to Commonwealth Inland Waters regulations specific to black bass. In doing so, amendments to seasons as defined in Big Bass regulations, Miscellaneous Special Regulations, and Lake Erie basin regulations are also warranted to establish regulatory consistency. This slight modification to seasons is expected to have minimal impact to both general angling for black bass as well as tournaments. Additionally, aligning black bass daily creel and minimum size limits for waters managed under Commonwealth inland waters regulations eliminates regulatory complexity, while continuing to provide adequate protection to the resource.

Staff propose that 58 Pa. Code § 61.1 be amended as follows:

* * * * *

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
*****	*****	*****	*****
[BASS- Largemouth and Smallmouth and Spotted Lakes:]	[January 1 to midnight the day before first Saturday after April 11 and November 1 to midnight December 31**]	[15 inches]	[4 (combined species from all habitats)]
	[12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11]	[NO HARVSET – Catch and immediate release only (No Tournaments Permitted)]	
	[12:01 a.m. the first Saturday after June 11 to midnight October 31]	[12 inches]	[6 (combined species)]
BASS- Largemouth and Smallmouth and Spotted [Rivers and Streams*:]	January 1 to midnight the day before the [first] <u>second</u> Saturday [after] <u>in</u> April [11] and October 1 to midnight December 31*[*]	15 inches	4 (combined species)
	12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> April [11] to 12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> June [11]	NO HARVSET – Catch and immediate release only (No Tournaments Permitted)	
	12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> June [11] to midnight September 30	12 inches	6 (combined species)
*****	*****	*****	*****

[* Note: For purposes of this subsection, power dam pools and recreational dam pools on the Susquehanna River and navigational pools in the Ohio drainage are “rivers.”]

[*]* Note: Stocked trout waters are closed to all fishing from [March 1] the third Monday in February to the [first] second Saturday [after] in April [11 unless included in the Regional Opening Day of Trout Season Program (see §65.12 (relating to Regional Opening Day of Trout Season Program)). Waters included in the Regional Opening Day of Trout Season Program are closed to all fishing from March 1 to the first Saturday after March 28].

[*]** **Note:** Unlawful to take, catch or kill American shad, hickory shad and river herring (alewife and blueback herring) in Susquehanna River and its tributaries. See §61.4 and 61.7 (relating to Conowingo Reservoir; Susquehanna River, West Branch Delaware River and River Estuary).

* * * * *

Staff propose that 58 Pa. Code § 61.2 be amended as follows:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
*****	*****	*****	*****
BASS Largemouth Smallmouth	January 1 to midnight the day before the [first] <u>second</u> Saturday [after] <u>in</u> April [11] and 12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> June [11] to midnight December 31	12 inches	5 (combined species)
	12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> April [11] to 12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> June [11]	NO HARVEST—Catch and immediate release only	
*****	*****	*****	*****

* * * * *

Staff propose that 58 Pa. Code § 63.43 be amended as follows:

- (a) During the period from 12:01 a.m. on the **[first] second** Saturday **[after] in** April **[11]** until 12:01 a.m. on the **[first] second** Saturday **[after] in** June **[11]**:

* * * * *

Staff propose that 58 Pa. Code § 65.9 be amended as follows:

* * * * *

<i>Seasons</i>	<i>Size (in)</i>	<i>Creel Limit</i>
*****	*****	*****
<i>Lakes:</i> January 1 to midnight the day before the [first] <u>second</u> Saturday [after] <u>in</u> April [11] and 12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> June [11] to midnight December 31	15	4 (combined species)

12:01 a.m. the [first] second Saturday [after] in April [11] to 12:01 a.m. the [first] second Saturday [after] in June [11]	NO HARVEST – Catch and immediate release only	
<i>Rivers and Streams:</i> January 1 to midnight the day before the [first] second Saturday [after] in April [11] and October 1 to midnight December 31	18	2 (combined species)
12:01 a.m. the [first] second Saturday [after] in April [11] to 12:01 a.m. the [first] second Saturday [after] in June [11]	NO HARVEST – Catch and immediate release only	
12:01 a.m. the [first] second Saturday [after] in June [11] to midnight September 30	15	4 (combined species)
*****	*****	*****

* * * * *

Staff propose that 58 Pa. Code § 65.24 be amended as follows:

* * * * *

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
*****	*****	*****
Clarion	Beaver Creek Ponds	Closed to fishing from 12:01 a.m. January 1 to 12:01 a.m. the [first] second Saturday [after] in June [11] of each year. Bass—15 inch minimum size limit and a 2 bass daily creel limit for the total project area. Panfish (combined species) 10 fish daily creel limit for the total project area. Other species-inland regulations apply.

<p>Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York</p>	<p>Susquehanna river (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, including all tributaries to a point ½ mile upstream from the confluence</p>	<p>Bass (Smallmouth and Largemouth)—No harvest year-round—catch and immediate release only.</p> <p>From 12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> April [11] to 12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> June [11]—No Bass tournaments.</p> <p>Remainder of the year—Catch-measure-immediate release tournaments only.</p> <p>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.</p>
<p>Dauphin, Juniata, Perry</p>	<p>Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, including all tributaries to a point ½ mile upstream from the confluence</p>	<p>Bass (Smallmouth and Largemouth)—No harvest year-round—catch and immediate release only.</p> <p>From 12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> April [11] to 12:01 a.m. the [first] <u>second</u> Saturday [after] <u>in</u> June [11]—No Bass tournaments.</p> <p>Remainder of the year—Catch-measure-immediate release tournaments only.</p> <p>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.</p>

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Staff propose that 58 Pa. Code § 69.12 be amended as follows:

* * * * *

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
*****	*****	*****	*****
BASS Largemouth Smallmouth	January 1 to [first] <u>second</u> Saturday [after] <u>in</u> April [11] and [first] <u>second</u> Saturday [after] <u>in</u> June [11] until December 31.	15 inches	4 (combined species)
	[First] <u>Second</u> Saturday [after] <u>in</u> April [11] until [first] <u>second</u> Saturday [after] <u>in</u> June [11] .*	20 inches	1
*****	*****	*****	*****

* It is unlawful to conduct or participate in a fishing tournament (as defined in §63.40 (relating to fishing tournaments and fishing derbies)) for bass on Lake Erie, Lake Erie tributaries or Presque Isle Bay during the period from the **[first] second** Saturday **[after] in** April **[11]** until the **[first] second** Saturday **[after] in** June **[11]**.

* * * * *

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

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

FISHERIES DESIGNATIONS

G. 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 Pennsylvania Fish and Boat Commission's (Commission) 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 three 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 F provides information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 51 Pa. B. 2888 (May 22, 2021) (Exhibit G). The Commission received a total of 249 public comments regarding the proposed designations: all support the proposed designations. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add three 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 Hussar and seconded by Commissioner Charlesworth to add three 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*.

H. Classification of wild trout streams: proposed additions.

Commentary:

The Department of Environmental Protection's regulations at 25 Pa. Code § 105.1 define the term "wild trout stream" as "a stream identified as supporting naturally reproducing trout populations by the Fish and Boat Commission (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 25 new waters to the Commission's list of wild trout streams. These changes are the result of recent surveys conducted on these waters. Exhibit H 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 51 Pa. B. 2887 (May 22, 2021) (Exhibit I). The Commission received a total of 249 public comments regarding the proposed designations: all support the proposed designations. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add 25 new waters to the Commission's list of wild trout streams 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 Charlesworth and seconded by Commissioner Hussar to add 25 new waters to the Commission's list of wild trout streams 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.

I. Removal of Refuge Area designations (58 Pa. Code § 67.2).

Commentary:

Under 58 Pa. Code § 67.2 (relating to refuge areas), the Executive Director of the Pennsylvania Fish and Boat Commission (Commission), with the approval of the Commission, may designate waters as refuge areas to which 30 Pa.C.S. § 2306 (relating to refuge areas) shall apply. Section 2306 of 30 Pa.C.S. provides that the Commission may set aside, at its discretion, areas as it may judge best as refuge areas in which fishing, or entry, shall be prohibited for periods of time as the Commission prescribes. According to the regulation, the designation of waters as refuge areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*. Currently, refuge areas are closed to public fishing except during the period from June 15 until the last day of February of the following year. It is unlawful to disturb fish or other aquatic life in refuge areas by any means, including wading, throwing stones, rocks, or other objects, or otherwise agitating the waters. The regulation will not be construed to prohibit fishing in these areas during the extended trout season.

Since the 1960s, refuge areas were used in an effort to reduce truck following and extend stocked trout fishing opportunities by placing all, or a portion, of a stream's trout allocation into these areas and denying angler access to these sections from March 1 through June 14. These areas are opened to angling on June 15 to allow for the harvest of trout prior to the waters becoming too low or too warm to support trout. Wires and signage for these waters are maintained by local sponsors.

Based on current conditions, there is justification to remove the refuge area designation from 17 streams. Some streams are no longer being maintained as marked refuge areas, some streams are no longer stocked with trout, and some streams are simply not being well utilized by anglers. These conditions are inconsistent with the initial premise for the use of refuge areas.

Therefore, staff propose that the Commission remove the refuge area designations from the sections of the following waters that have been so designated.

County	Water area	Rationale for removal
Cameron	Hicks Run	No longer being maintained
Cameron	Upper Jerry Run	No longer stocked
Cameron	Wykoff Run	No longer being maintained
Cameron/Elk	East Branch Hicks Run	No longer stocked
Cameron/Elk	Mix Run	No longer being maintained
Cameron/Elk	West Branch Hicks Run	No longer being maintained
Clearfield	Jack Dent Branch	No longer stocked
Clearfield/Elk	Medix Run	No longer being maintained
McKean	Chappel Fork	No longer being maintained
McKean	Kinzua Creek	Delayed Harvest Area on stream
McKean	North Branch Sugar Run	No longer being maintained

County	Water area	Rationale for removal
McKean	Skinner Creek	No longer being maintained
McKean	South Branch Kinzua Creek	No longer being maintained
McKean	Sugar Run	No longer being maintained
McKean	Willow Creek	No longer being maintained
McKean/Warren	East Branch Tionesta Creek	No longer being maintained
McKean/Warren	Twomile Run	No longer being maintained

A notice of proposed designations was published at 51 Pa. B. 3314 (June 12, 2021) (Exhibit J). The Commission received a total of three public comments regarding the proposed designations: two supported the proposed designations and one comment was neutral. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission remove the refuge area designations from the sections of waters described in the Commentary that have been so designated. If approved, these changes will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Ali to remove the refuge area designations from the sections of waters described in the Commentary that have been so designated. If approved, these changes will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

J. Removal of Colyer Lake, Centre County, from the Catch and Release Lakes program (58 Pa. Code § 65.17) and addition to the Big Bass (58 Pa. Code § 65.9) and the Panfish Enhancement (58 Pa. Code § 65.11) programs.

Commentary:

Colyer Lake, a 77-acre impoundment owned by the Commonwealth of Pennsylvania and managed by the Pennsylvania Fish and Boat Commission (Commission), is located in Potter Township in Centre County, approximately nine miles east-southeast of the Borough of State College. The dam impounds Sinking Creek at river mile 11.9 upstream from its confluence with Penns Creek. This reservoir was completely dewatered in September 2014 to complete dam and spillway repairs and modifications per Pennsylvania Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred by spring 2016, and the Commission stocked the lake from 2016 through 2020 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2016, Colyer Lake has been managed in the Catch and Release Lakes program (58 Pa. Code § 65.17) which allows only catch-and-release fishing for all 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 these regulations and moved to one or more of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated from 2017 through May 2021 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 to remove Colyer Lake from the Catch and Release Lakes program (58 Pa. Code § 65.17), and manage the black bass fishery in this reservoir with Big Bass angling regulations (58 Pa. Code § 65.9) and the crappie and sunfish fisheries with Panfish Enhancement angling regulations (58 Pa. Code § 65.11). 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. Panfish Enhancement regulations allow 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 not managed under these special regulations will be managed with Commonwealth Inland Waters angling regulations (58 Pa. Code § 61.1).

A notice of proposed designations was published at 51 Pa. B. 3314 (June 12, 2021) (Exhibit K). The Commission received one public comment in support of the proposal. A copy of the public comment was provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission remove Colyer Lake, Centre County, from the Catch and Release Lakes program (58 Pa. Code § 65.17), and add this reservoir to the Big Bass program (58 Pa. Code § 65.9) and the Panfish Enhancement program (58 Pa. Code § 65.11) for crappies and sunfish. If adopted, this designation will go into effect January 1, 2022.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Anderson to remove Colyer Lake, Centre County, from the Catch and Release Lakes program (58 Pa. Code § 65.17), and add this reservoir to the Big Bass program (58 Pa. Code § 65.9) and the Panfish Enhancement program (58 Pa. Code § 65.11) for crappies and sunfish. If adopted, this designation will go into effect January 1, 2022. Motion carried by unanimous vote.

K. Removal of Lake Nessmuk, Tioga County, from the Catch and Release Lakes program (58 Pa. Code § 65.17) and addition to the Big Bass (58 Pa. Code § 65.9) and the Panfish Enhancement (58 Pa. Code § 65.11) programs.

Commentary:

Lake Nessmuk, a 60-acre impoundment owned by the Commonwealth of Pennsylvania and managed by the Pennsylvania Fish and Boat Commission (Commission), is located in Delmar Township in Tioga County, approximately one mile south of the Borough of Wellsboro. The dam impounds Morris Branch at river mile 1.6 upstream from its confluence with Marsh Creek. This reservoir was completely dewatered in March 2014 to complete dam and spillway repairs and modifications per Pennsylvania Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred in summer 2015, and the Commission stocked the lake from 2015 through 2020 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2016, Lake Nessmuk has been managed in the Catch and Release Lakes program (58 Pa. Code § 65.17) which allows only catch-and-release fishing for all 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 these regulations and moved to one or more of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated from 2017 through May 2021 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 to remove Lake Nessmuk from the Catch and Release Lakes program (58 Pa. Code § 65.17), and manage the black bass fishery in this reservoir with Big Bass angling regulations (58 Pa. Code § 65.9) and the crappie and sunfish fisheries with Panfish Enhancement angling regulations (58 Pa. Code § 65.11). 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. Panfish Enhancement regulations allow 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 not managed under these special regulations will be managed with Commonwealth Inland Waters angling regulations (58 Pa. Code § 61.1).

A notice of proposed designations was published at 51 Pa. B. 3314 (June 12, 2021) (Exhibit L). The Commission did not receive any public comments regarding the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission remove Lake Nessmuk, Tioga County, from the Catch and Release Lakes program (58 Pa. Code § 65.17), and add this reservoir to the Big Bass program (58 Pa. Code § 65.9) and the Panfish Enhancement program (58 Pa. Code § 65.11) for crappies and sunfish. If adopted, this designation will go into effect January 1, 2022.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Gibney to remove Lake Nessmuk, Tioga County, from the Catch and Release Lakes program (58 Pa. Code § 65.17), and add this reservoir to the Big Bass program (58 Pa. Code § 65.9) and the Panfish Enhancement program (58 Pa. Code § 65.11) for crappies and sunfish. If adopted, this designation will go into effect January 1, 2022. Motion carried by unanimous vote.

Other New Business

Time and Place of October 2021 Commission Meeting

Announcement of October 25-26, 2021 Quarterly Commission Meeting in Harrisburg.

Election of President and Vice-President

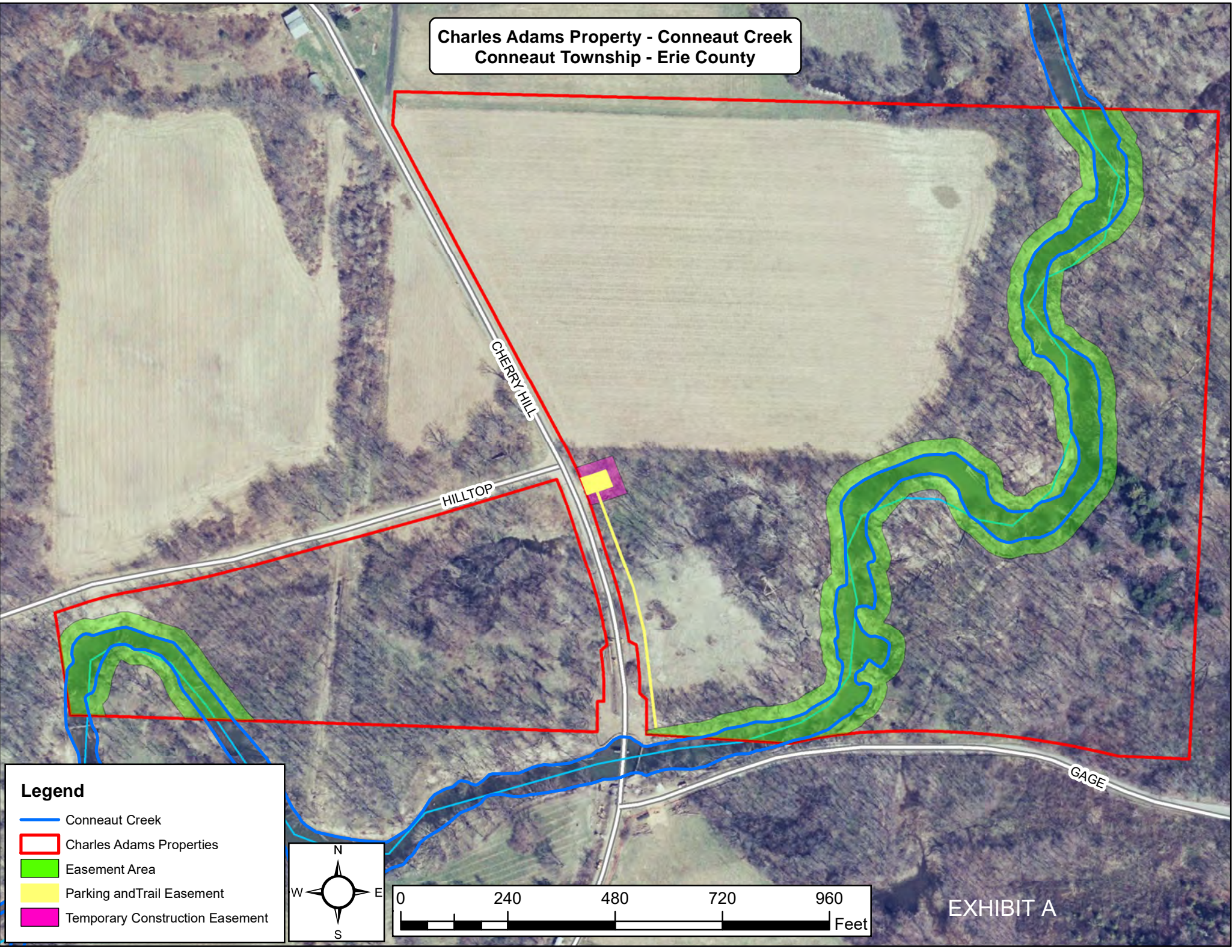
A motion was made by Commissioner Anderson and seconded by Commissioner Ali to elect Commissioner Richard Kauffman as the new President of the Commission. Motion carried by unanimous vote.

A motion was made by Commissioner Anderson and seconded by Commissioner Ali to elect Commissioner Robert Small as the new Vice President of the Commission. Motion carried by unanimous vote.

Adjournment

A motion was made by Commissioner Ali and seconded by Commissioner Anderson to adjourn the meeting at 3:41 p.m. Motion carried by unanimous vote.

Charles Adams Property - Conneaut Creek
Conneaut Township - Erie County



Legend

- Conneaut Creek
- ▭ Charles Adams Properties
- ▭ Easement Area
- ▭ Parking and Trail Easement
- ▭ Temporary Construction Easement

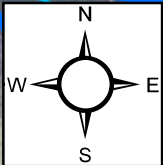
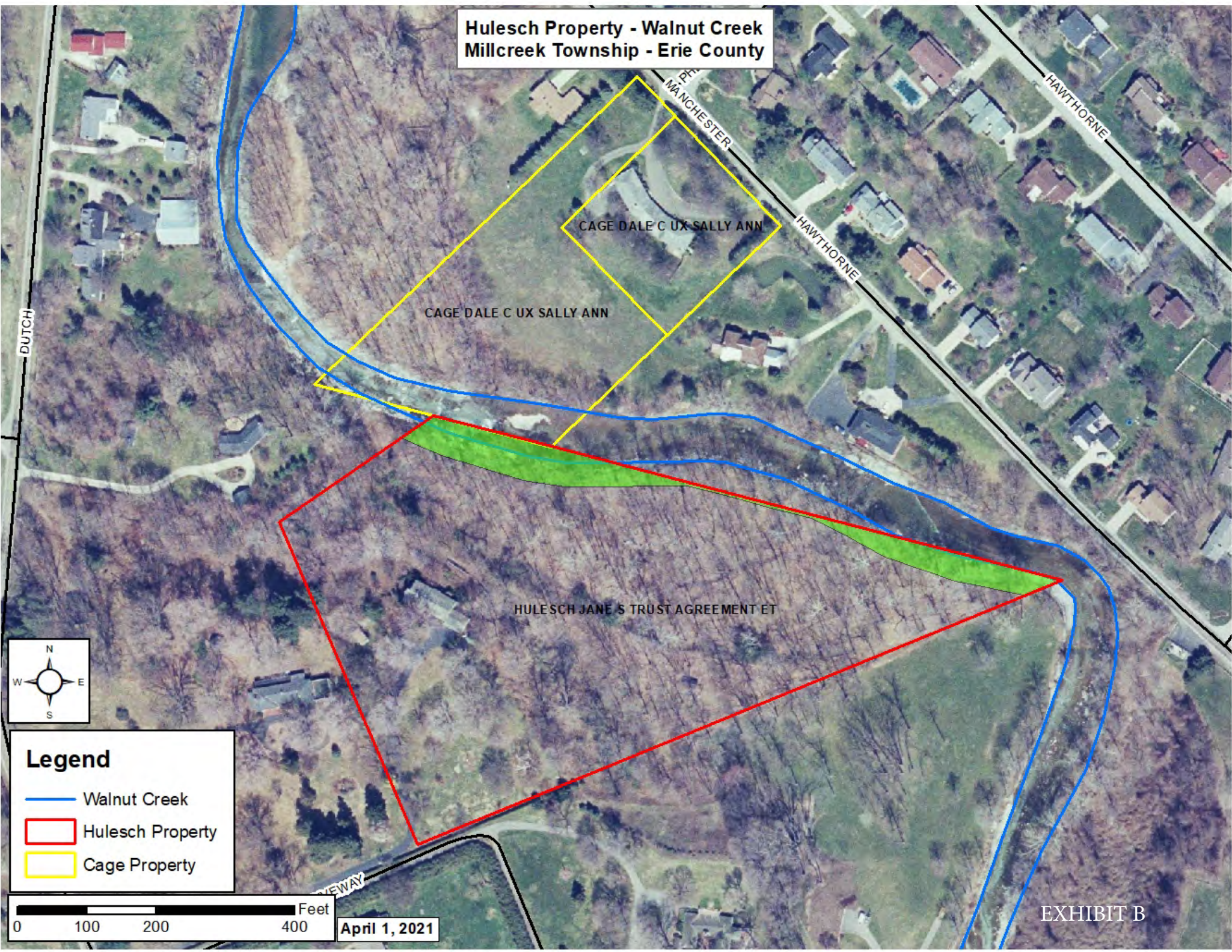


EXHIBIT A

Hulesch Property - Walnut Creek
Millcreek Township - Erie County



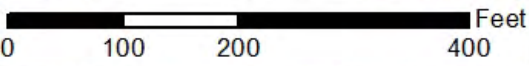
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Legend

- Walnut Creek
- ▭ Hulesch Property
- ▭ Cage Property



April 1, 2021

EXHIBIT B

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing; General Fishing Regulations

[51 Pa.B. 3470]

[Saturday, June 26, 2021]

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general 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 update the Commission's regulations pertaining to authorized devices for ice fishing use.

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 amendments to §§ 63.6 and 63.10 (relating to authorized devices for game fish, baitfish and fishbait; and ice fishing) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

Over the past two ice fishing seasons, anglers have asked the Commission whether devices such as the JawJacker, Automatic Fisherman, Easy Set Hooksetter, Sure Shot Hooksetter and Bro Craft Ice Fishing Tip-up are legal devices for use upon Commonwealth waters. These devices consist of a rod holder which allows anglers to put a bend in the fishing rod and pre-load it with the aid of a triggering device. When a fish takes the lure or bait, tension on the fishing line causes the trigger mechanism to release the rod which, being pre-loaded, automatically sets the hook without additional assistance by the angler. The angler is then free to fight the fish with a normal fishing rod and reel. In addition to commercially made devices, there are many do-it-yourself versions of these devices which can be found online and fabricated at home. As the hookset is rapid, fish are typically hooked in the lip or jaw and not deeply, thereby improving fish survival if intended for release.

Current interpretation of "immediate control" under § 63.6 suggests that the angler must set the hook and that no mechanical device could be substituted. This interpretation has carried over to other regulations, unless specifically mentioned in those regulations. Thus, the regulations found in § 63.10 also make it unlawful to utilize such mechanical devices to set the hook.

Staff from the Bureau of Law Enforcement and Bureau of Fisheries have conferred and support a clarification of regulations which would permit these ice fishing hook setting devices to be legally used.

The Commission proposes that §§ 63.6 and 63.10 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-314. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.6. Authorized devices for game fish, baitfish and fishbait.

(a) It is unlawful to fish for game fish with more than three lines of any description, whether fished by rod or by hand, at one time except while ice fishing in accordance with § 63.10 (relating to ice fishing). There is not a restriction on the number of hooks used for fishing for game fish, except when fishing in the Pymatuning Reservoir where no more than three hooks shall be attached

to each line used in fishing. Rods, lines and hooks shall be under the immediate control of the person using them. **[A fishing device shall be deemed to be under the immediate control of the person using it if, when the terminal device (hook, bait or lure) is taken by a fish, the person using the device has direct control over it and it is not connected at that point to a casting or depth placement aid such as a casting boat or downrigger. Casting or depth placement aids such as downriggers or small remote controlled boats are not prohibited by this chapter.] For purposes of this chapter, an authorized device shall be deemed under the immediate control of a person if it is within reasonable reach and can be adjusted, manipulated or brought to hand quickly and the person is nearby. Downriggers, planer boards, depth control devices, pre-loaded rod holders, rod holders that provide for a loaded rod or a triggering device, or both, (with or without mechanically induced jigging motion), or hook setting devices are authorized devices. Drones and other remote controlled devices are not authorized devices.**

* * * * *

§ 63.10. Ice fishing.

(a) Ice fishing is fishing through holes in the ice.

(b) It is unlawful while ice fishing to use more than five fishing devices[, **which may consist of rods, hand lines, tip ups or any combination thereof**] **as authorized in § 63.6 (relating to authorized devices for game fish, baitfish and fishbait)**. Each device shall contain a single fishing line. There is not a restriction on the number of hooks that may be used for ice fishing, except when fishing in the Pymatuning Reservoir where no more than three hooks shall be attached to each line used in fishing.

(c) **[Rods, lines and tip-ups used in ice fishing shall be under the immediate control of the person using the same] Reserved.**

(d) It is unlawful to fish through holes in the ice that measure more than 10 inches between the farthest points as measured in any direction.

[Pa.B. Doc. No. 21-990. Filed for public inspection June 25, 2021, 9:00 a.m.]

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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

[51 Pa.B. 1822]

[Saturday, April 3, 2021]

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 update the harvest requirements relating to all-tackle trophy trout and trophy trout artificial lures only regulations.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2022.

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 rule-making is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

The proposed amendments to §§ 65.4a and 65.7 (relating to all-tackle trophy trout; and trophy trout artificial lures only) are published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

Per Issue 15 detailed in the *Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020—2024*, 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 maintaining in the population, the Commission proposes an adjustment to the minimum size and daily creel limit that will 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.

The Commission recommends 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 Commission 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.

The Commission proposes that §§ 65.4a and 65.7 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-311. 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

§ 65.4a. All-tackle trophy trout.

(a) The Executive Director, with the approval of the Commission, may designate waters as all-tackle trophy trout. The designation of waters as all-tackle trophy trout shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(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.

(c) This section applies to trout only. Inland regulations apply to all other species.

(d) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the all-tackle trophy trout area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the all-tackle trophy trout area.

§ 65.7. Trophy trout artificial lures only.

(a) The Executive Director, with the approval of the Commission, may designate waters as trophy trout artificial lures only. The designation of waters as trophy trout artificial lures only shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(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.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the trophy trout area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the trophy trout area.

[Pa.B. Doc. No. 21-513. Filed for public inspection April 2, 2021, 9:00 a.m.]

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[Top](#)

[Bottom](#)

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

[51 Pa.B. 3140]

[Saturday, June 5, 2021]

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 will improve trout stream angling opportunities and experiences for anglers while providing additional protection to wild trout during the extended season.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2022.

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 amendments to § 65.26 (relating to extended trout season) are published under the statutory authority of sections 2102(b) and 2307(a) of the code (relating to rules and regulations; and waters limited to specific purposes).

D. *Purpose and Background*

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

E. *Summary of Proposal*

In the Commission's Strategic Plan for the Management of Trout Fisheries in Pennsylvania 2020—2024, staff identified the stocked trout waters (STW) program as one of the Commission's most popular programs. The Commission must work to improve stocked trout stream angling opportunities and experiences to best meet the preferences of anglers. Most stocked trout streams are not stocked throughout their entire length and many of these streams also have sections that are managed for wild trout. Adding the section limits for stocked trout streams to the Commission's Fishing Summary/Boating Handbook (Handbook) will: 1) clearly identify where stocking occurs to increase angler participation, especially for anglers unfamiliar with a stream; 2) provide increased protection to the stream sections managed for wild trout during the extended season; 3) increase

angling opportunities for wild trout in sections that are open to year-round fishing; 4) increase angling opportunities downstream of STW sections; and 5) simplify regulations.

Section 63.3 (relating to fishing in stocked trout waters) states that waters stocked with adult trout by the Commission must be published in the Handbook. However, most STWs listed in the Handbook do not detail the specific stream section that is stocked, but rather list only the stream name. This lack of detail provides inadequate information to anglers fishing these waters. Additionally, STW limits are defined on the Commission's web site and the FishBoatPA mobile application. Defining the limits in the Handbook would provide consistent STW information for anglers who use various sources to identify where to fish for stocked trout.

In addition to defining the stocked stream section limits in the Handbook, an amendment § 65.26 is necessary to improve trout stream angling opportunities and experiences to best meet the preferences of anglers while providing additional protection to wild trout during the extended season. An amendment to the extended trout season regulation would provide increased protection and additional angling opportunities in stream sections managed for wild trout that are downstream from STWs. Currently, STWs and all waters downstream from STWs have a creel limit of three trout per day from the day after Labor Day until the last day of February, and are closed to fishing from March 1st until 8 a.m. on the opening day of trout season. By amending the extended trout season regulation to exclude all waters downstream of a STW, thousands of additional stream miles would be opened to fishing on a year-round basis during the current closed season and harvest of trout would be prohibited during the extended season downstream from STWs.

The Commission proposes that § 65.26 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-313. 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

§ 65.26. Extended trout season.

(a) *General rule.*—The extended trout season is in effect from the day after Labor Day until the last day of February of the following year on stocked trout waters **[and all waters downstream of stocked trout waters]**. A creel limit of three trout per day and a minimum size limit of 7 inches apply during this season**[, except Class A wild trout streams where the creel limit is 0 and areas with special regulations]**.

* * * * *

[Pa.B. Doc. No. 21-892. Filed for public inspection June 4, 2021, 9:00 a.m.]

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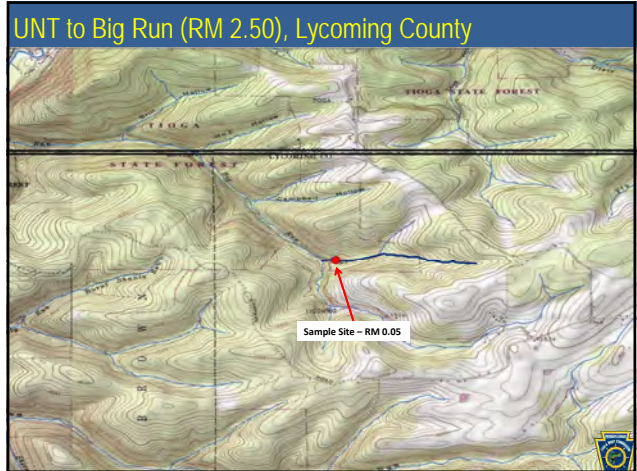
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Bottom

Class A Additions

- Slides 2-7

1



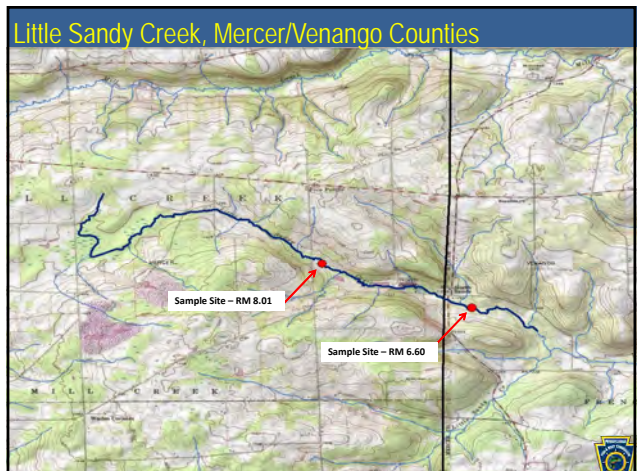
2

UNT to Big Run (RM 2.50), Lycoming County

Brook Trout RM - 0.05
Site Length - 155 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	9	2.64	58
3	5	3.55	32
4	20	32.61	129
5	2	5.82	13
6	2	9.79	13
7	2	15.21	13
Total	40	69.62	258

3



4

Little Sandy Creek, Mercer/Venango Counties

Brook Trout RM - 6.60 and 8.01 Site Length - 400 and 308 meters				Brown Trout RM - 6.60 and 8.01 Site Length - 400 and 308 meters			
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km	Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	9	0.08	13	2	10	0.09	14
3	9	0.26	14	3	52	0.98	67
5	3	0.37	5	5	4	0.41	6
6	6	1.25	10	6	11	1.83	16
7	5	1.62	8	7	12	2.82	16
8	2	0.94	3	8	8	3.02	11
9	1	0.67	2	9	13	6.36	18
11	1	0.66	1	10	10	7.10	14
Total	36	5.85	56	11	7	5.07	9
				12	6	7.09	9
				13	5	5.19	6
				14	3	4.97	4
				15	1	2.93	2
				Total	142	47.86	192

5

UNT to Nelson Run (RM 1.11), Potter County



6

UNT to Nelson Run (RM 1.11), Potter County

Brook Trout RM - 0.08 Site Length - 190 meters				Brown Trout RM - 0.08 Site Length - 190 meters			
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km	Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	2	0.08	11	1	6	0.26	32
2	6	0.60	32	2	12	1.23	63
3	24	5.79	126	3	10	2.58	53
4	16	8.87	84	4	7	4.06	37
5	11	10.89	58	5	3	3.19	16
6	6	9.98	32	6	4	7.10	21
7	4	10.35	21	7	5	13.60	26
8	2	7.49	11	9	1	5.47	5
Total	71	54.05	375	10	1	7.38	5
				Total	49	44.87	258

7

NOTICES

FISH AND BOAT COMMISSION

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

[51 Pa.B. 2888]
[Saturday, May 22, 2021]

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 July 26 and 27, 2021.

County	Stream Section Limits	1	Tributary to	Mouth Lat/Lon	Brook Trout	Brown Trout	Rainbow Trout	Length (miles)	Survey Year
					(kg/ha)	(kg/ha)	(kg/ha)		
Lycoming	UNT to Big Run (RM 2.50)	1	Headwaters to Mouth	Big Run 41.531296 77.348618	69.62	—	—	0.85	2020
Mercer/ Venango	Little Sandy Creek	1	Headwaters to 400 meters upstream of bridge on Bombishi Road (Township Road 304)	Sandy Creek 41.363333 79.924167	5.85	47.85	—	4.23	2020
Potter	UNT to	1	Headwaters	Nelson 41.733381	54.05	44.87	—	1.11	2020

Nelson to Mouth Run 77.917808
Run
(RM
1.11)

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. 21-816. Filed for public inspection May 21, 2021, 9:00 a.m.]

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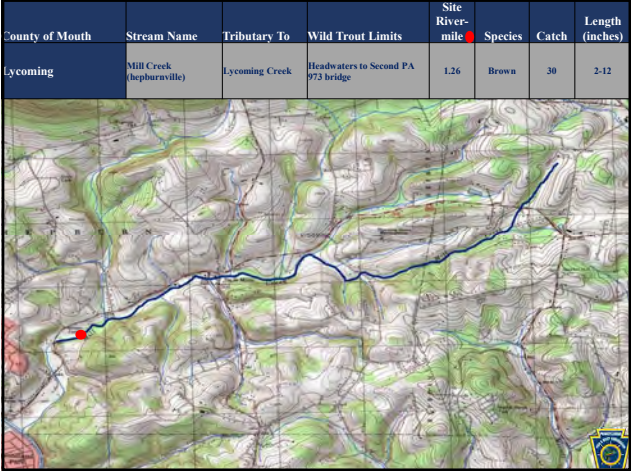
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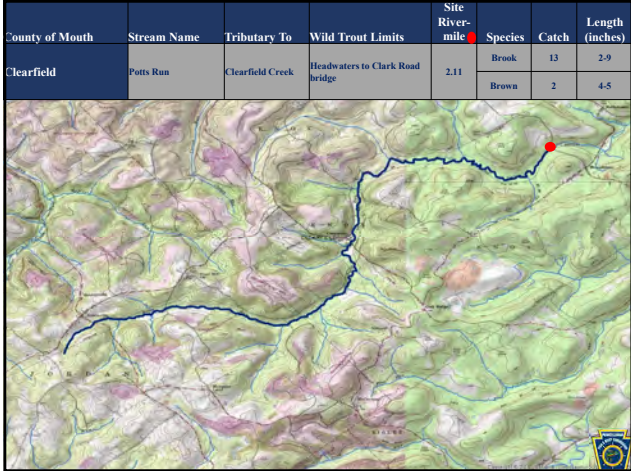
Wild Trout Additions

- Slides 2-26

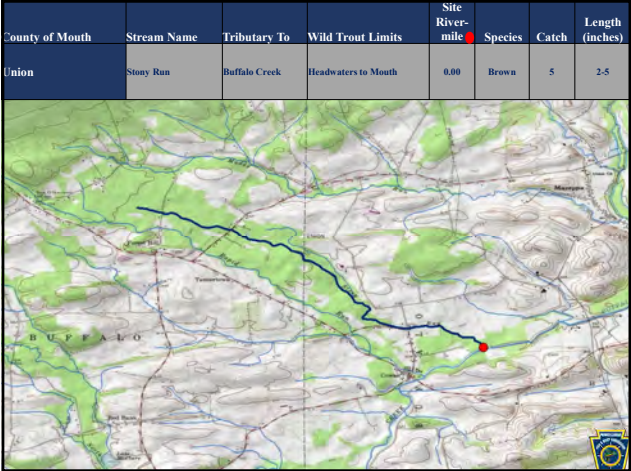
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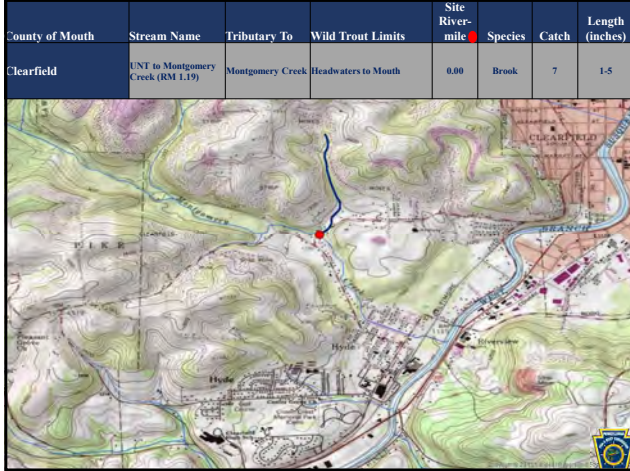
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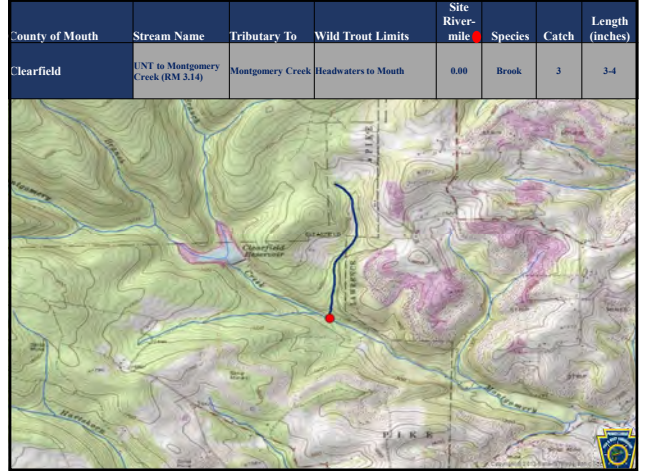
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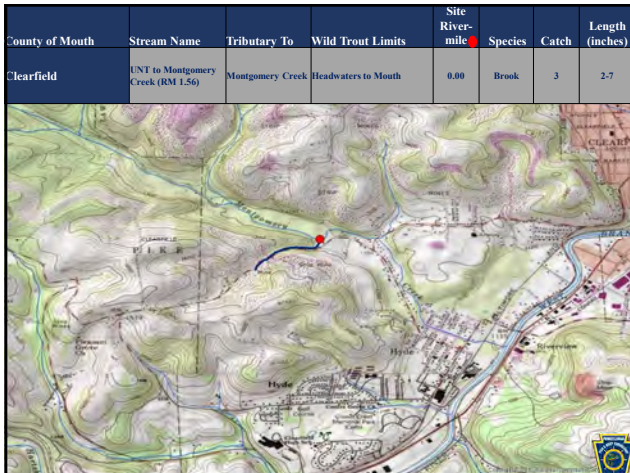
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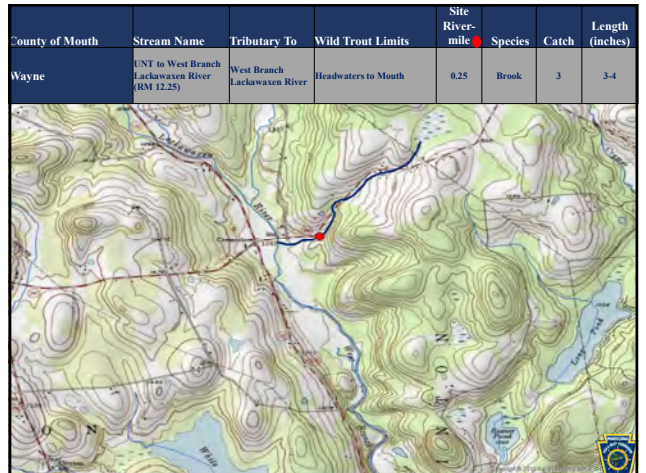
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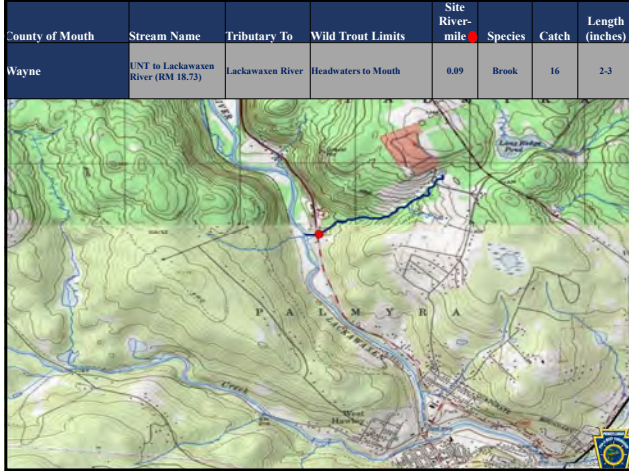
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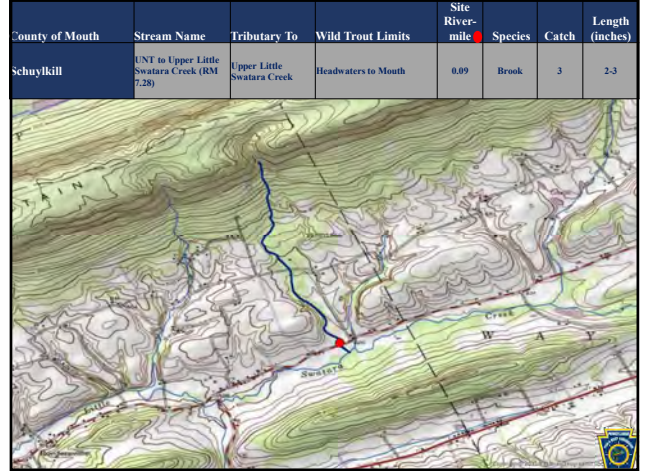
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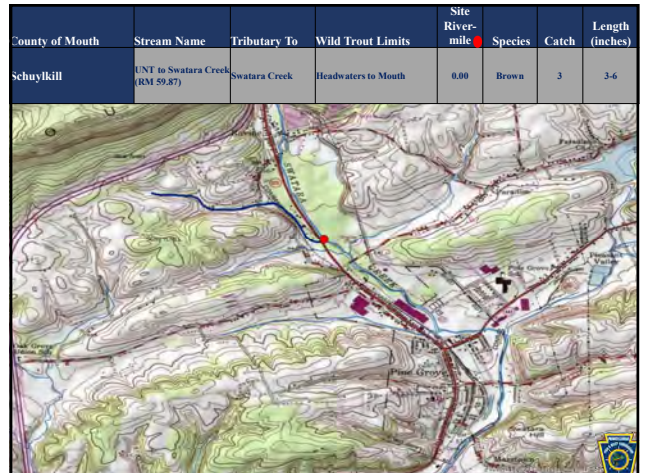
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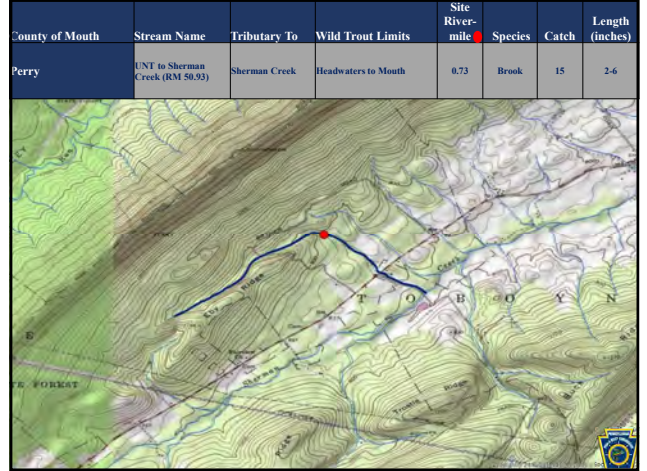
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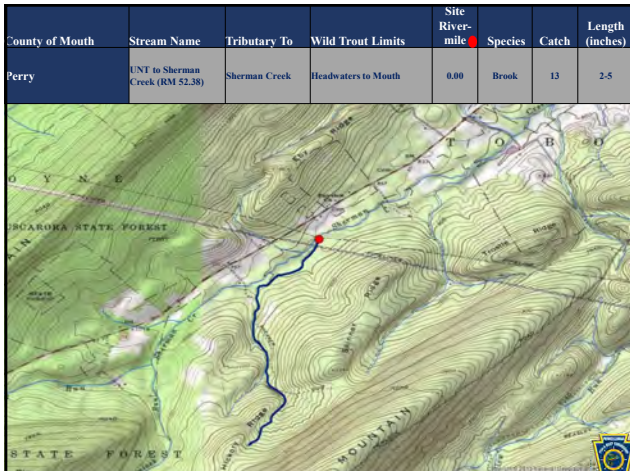
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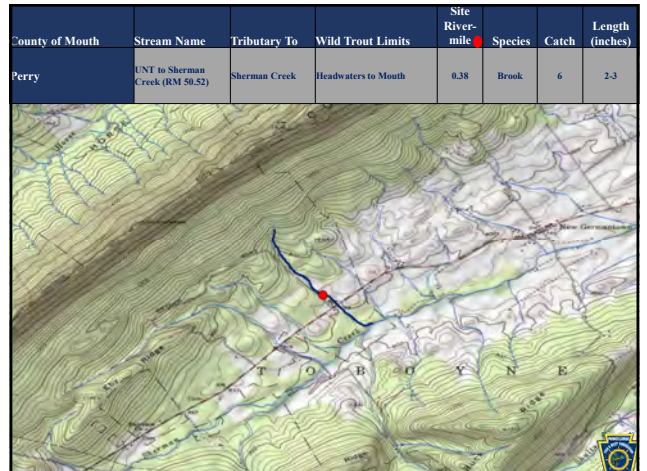
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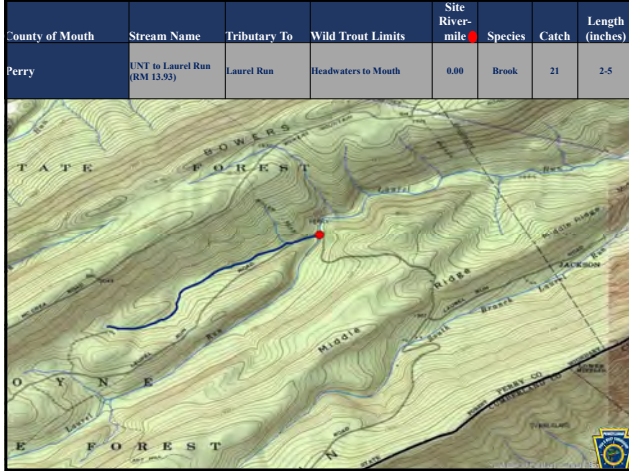
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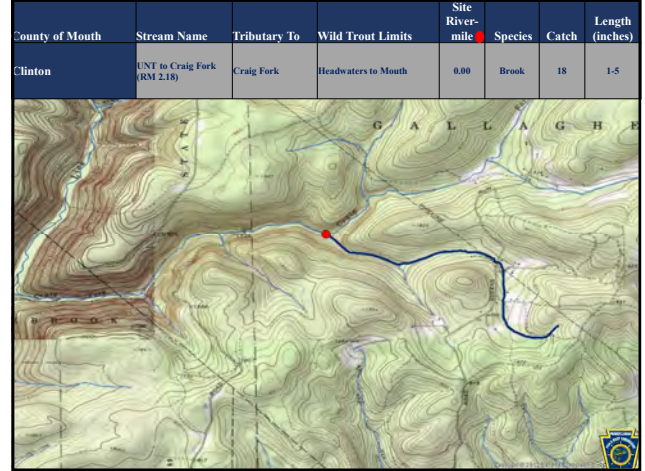
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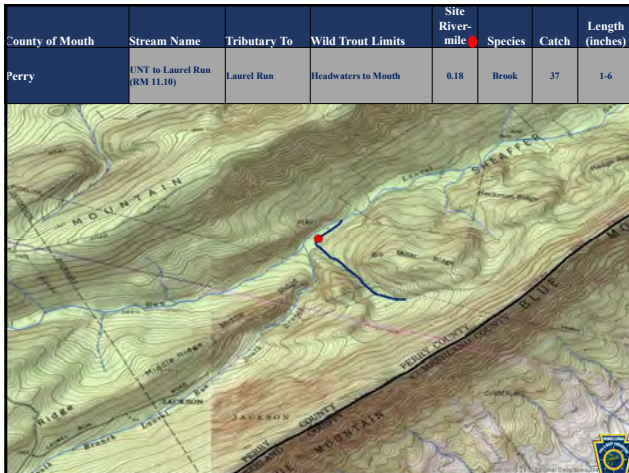
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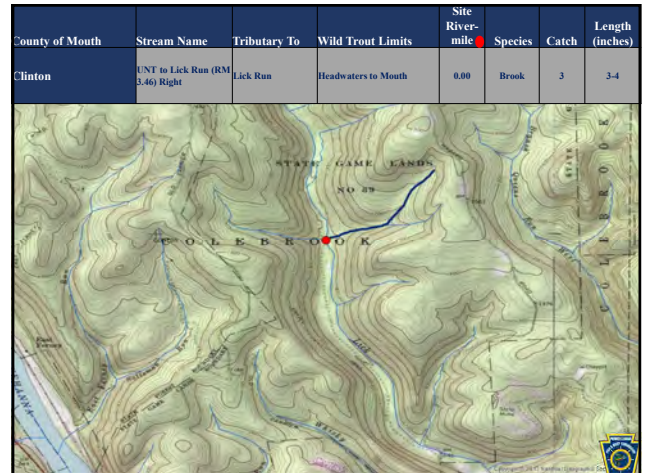
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19



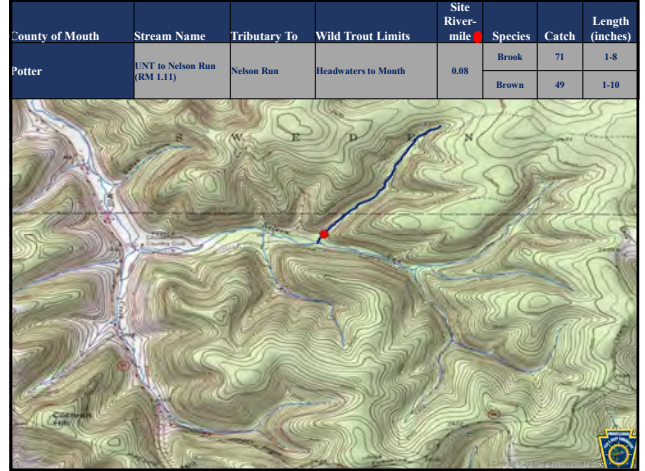
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20



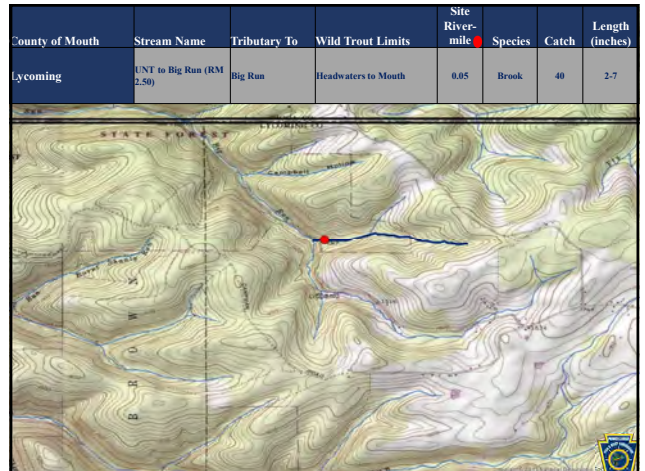
21



23



22



24

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Schuylkill	UNT to Rattling Run (RM 0.82)	Rattling Run	Headwaters to Mouth	0.05	Brook	15	2-8

25

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Indiana	UNT to Sabgiver Run (RM 1.67)	Sabgiver Run	Headwaters to Mouth	0.02	Brook	8	3-6

26

NOTICES

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions; July 2021

[51 Pa.B. 2887]
[Saturday, May 22, 2021]

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 July 26 and 27, 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
Clearfield	Potts Run	Headwaters to Clark Road Bridge	Clearfield Creek	40.891945 78.441391
Clearfield	UNT to Montgomery Creek (RM 1.19)	Headwaters to Mouth	Montgomery Creek	41.013940 78.471578
Clearfield	UNT to Montgomery Creek (RM 1.56)	Headwaters to Mouth	Montgomery Creek	41.014074 78.477631
Clearfield	UNT to Montgomery Creek (RM 3.14)	Headwaters to Mouth	Montgomery Creek	41.024801 78.502628
Clinton	UNT to Craig Fork (RM 2.18)	Headwaters to Mouth	Craig Fork	41.260964 77.481853
Clinton	UNT to Lick Run (RM 1.37)	Headwaters to Mouth	Lick Run	41.183579 77.506769
Clinton	UNT to Lick Run (RM 1.80)	Headwaters to Mouth	Lick Run	41.186202 77.513883
Clinton	UNT to Lick Run (RM 3.46) Right	Headwaters to Mouth	Lick Run	41.207624 77.523605
Dauphin	UNT to Fishing Creek (RM 1.87)	Headwaters to Mouth	Fishing Creek	40.349487 76.894237
Indiana	UNT to Salsgiver Run (RM 1.67)	Headwaters to Mouth	Salsgiver Run	40.826981 78.890512
Lycoming	Mill Creek	Headwaters to Second	Lycoming Creek	41.297159

	(Hepburnville)	PA 973 Bridge		77.054360
Lycoming	UNT to Big Run (RM 2.50)	Headwaters to Mouth	Big Run	41.531296 77.348618
Perry	UNT to Laurel Run (RM 11.10)	Headwaters to Mouth	Laurel Run	40.266536 77.486168
Perry	UNT to Laurel Run (RM 13.93)	Headwaters to Mouth	Laurel Run	40.250845 77.529616
Perry	UNT to Sherman Creek (RM 50.52)	Headwaters to Mouth	Sherman Creek	40.299149 77.587483
Perry	UNT to Sherman Creek (RM 50.93)	Headwaters to Mouth	Sherman Creek	40.294849 77.592389
Perry	UNT to Sherman Creek (RM 52.38)	Headwaters to Mouth	Sherman Creek	40.284042 77.612744
Perry	UNT to Sherman Creek (RM 52.52)	Headwaters to Mouth	Sherman Creek	40.282641 77.614279
Potter	UNT to Nelson Run (RM 1.11)	Headwaters to Mouth	Nelson Run	41.733381 77.917808
Schuylkill	UNT to Rattling Run (RM 0.82)	Headwaters to Mouth	Rattling Run	40.742543 76.333702
Schuylkill	UNT to Swatara Creek (RM 59.87)	Headwaters to Mouth	Swatara Creek	40.563744 76.398392
Schuylkill	UNT to Upper Little Swatara Creek (RM 7.28)	Headwaters to Mouth	Upper Little Swatara Creek	40.597068 76.291576
Union	Stony Run	Headwaters to Mouth	Buffalo Creek	40.961463 77.003278
Wayne	UNT to Lackawaxen River (RM 18.73)	Headwaters to Mouth	Lackawaxen River	41.499055 75.196952
Wayne	UNT to West Branch Lackawaxen River (RM 12.25)	Headwaters to Mouth	West Branch Lackawaxen River	41.673712 75.376002

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

[Pa.B. Doc. No. 21-815. Filed for public inspection May 21, 2021, 9:00 a.m.]

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[Top](#)

[Bottom](#)

NOTICES

FISH AND BOAT COMMISSION

Removal of Waters from the Refuge Areas Program; July 2021

[51 Pa.B. 3314]

[Saturday, June 12, 2021]

Under 58 Pa. Code § 67.2 (relating to refuge areas), the Executive Director of the Fish and Boat Commission (Commission), with the approval of the Commission, may designate waters as refuge areas to which 30 Pa.C.S. § 2306 (relating to refuge areas), shall apply. Section 2306 of 30 Pa.C.S. provides that the Commission may set aside, at its discretion, areas as it may judge best as refuge areas in which fishing, or entry shall be prohibited for periods of time as the Commission prescribes. According to the regulation, the designation of waters as refuge areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*. Refuge areas are closed to public fishing except during the period from June 15 until the last day of February of the following year. It is unlawful to disturb fish or other aquatic life in refuge areas by any means, including wading, throwing stones, rocks or other objects, or otherwise agitating the waters. The regulation will not be construed to prohibit fishing in these areas during the extended trout season.

Based on current conditions, there is justification to remove the refuge area designation from 17 streams. Some streams are no longer being maintained as marked refuge areas, some streams are no longer stocked with trout and some streams are simply not being well utilized by anglers. These conditions are inconsistent with the premise for the use of refuge areas. Therefore, the Commission, at its next meeting on July 26 and 27, 2021, will consider taking action to remove the refuge area designations from the sections of the following waters that have been so designated.

County	Water Area
Cameron	Hicks Run
Cameron	Upper Jerry Run
Cameron	Wykoff Run
Cameron/Elk	East Branch Hicks Run
Cameron/Elk	Mix Run
Cameron/Elk	West Branch Hicks Run
Clearfield	Jack Dent Branch
Clearfield/Elk	Medix Run
McKean	Chappel Fork
McKean	Kinzua Creek
McKean	North Branch Sugar Run
McKean	Skinner Creek
McKean	South Branch Kinzua Creek
McKean	Sugar Run
McKean	Willow Creek

McKean/Warren East Branch Tionesta Creek
McKean/Warren Twomile Run

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.

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TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-936. Filed for public inspection June 11, 2021, 9:00 a.m.]

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[Top](#)

[Bottom](#)

NOTICES

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations

[51 Pa.B. 3314]

[Saturday, June 12, 2021]

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 July 26 and 27, 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 January 1, 2022.

58 Pa. Code § 65.17. Catch and release lakes program

The Commission will consider removing the following waters from its list of "Catch-and-Release Lakes" regulated and managed under 58 Pa. Code § 65.17 (relating to catch and release lakes):

County	Water
Centre	Colyer Lake
Tioga	Lake Nessmuk

58 Pa. Code § 65.9. Big bass

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

County	Water
Centre	Colyer Lake
Tioga	Lake Nessmuk

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
Centre	Colyer Lake	Crappie and sunfish

Tioga Lake Nessmuk 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. 21-935. Filed for public inspection June 11, 2021, 9:00 a.m.]

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FISH AND BOAT COMMISSION

Proposed Special Regulation Designations

[51 Pa.B. 3314]

[Saturday, June 12, 2021]

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Tioga Lake Nessmuk Crappie and sunfish

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TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 21-935. Filed for public inspection June 11, 2021, 9:00 a.m.]

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