

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

**MINUTES**

**145<sup>th</sup> Meeting**

**Volume 73**

**HARRISBURG, PENNSYLVANIA  
January 24, 2022**

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Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission

Agenda

The 145<sup>th</sup> Meeting of the Pennsylvania Fish and Boat Commission was held virtually on Monday, January 24, 2022.

The public session for review of this agenda began on January 24, 2022 at approximately 10:00 a.m.

**Call to Order**

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

**Roll Call**

**Members Present**

**Richard Kauffman, President**  
**Robert B.J. Small, Vice President**  
**Donald K. Anderson**  
**William C. Brock**  
**Charles J. Charlesworth**  
**William J. Gibney**  
**Eric C. Hussar**  
**Richard Lewis**  
**John E. Mahn, Jr.**  
**Daniel J. Pastore**

### **Vice President Election**

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

### **Public Comments to Commissioners and Staff**

19 public comments were submitted on Freeman Run and 14 comments were given on the Bowfishing regulations. A summary of all public comments is at the end of this document.

### **Review and Approval of Minutes from the October 25, 2021 Meeting**

A motion was made by Commissioner Hussar and seconded by Commissioner Small to approve the October 25, 2021 minutes as written. Motion carried by unanimous vote.

### **Reports of Commissioner Committees**

#### **Fisheries and Hatcheries (Commissioner Pastore)**

The Fisheries and Hatcheries Committee met virtually on Thursday, January 13, 2022 at 1:00 p.m. Agenda items pertaining to the upcoming January 2022 quarterly Commission meeting were discussed, as well as the management history, electrofishing results, and the future monitoring plans for Freeman Run in Potter County.

#### **Law Enforcement (Commissioner Gibney)**

The Law Enforcement Committee met virtually on Wednesday, December 15 at 2:00 p.m. Agenda items were discussed to include bow fishing regulations.

### **Announcement of Executive Session**

Chief Counsel Wayne Melnick announced that an executive session was held on January 24, at approximately 8:00 a.m. to discuss personnel matter, potential real estate acquisitions, and pending litigation.

### **Announcement of Temporary Changes to Fishing Regulations for Raccoon Creek State Park Upper Pond (Group Camping Area Lake), Beaver County**

Wayne Melnick explained that the temporary changes to fishing regulations were a continuance from July 2021. No action needed to be taken on this temporary change.

### **Executive Director's Report**

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



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

A. Lease of Childrens Lake Property, South Middleton Township, Cumberland County.

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) owns a +/-7.63-acre tract of land in South Middleton Township, Cumberland County, which contains Childrens Lake, a +/-6-acre lake. This lake was formerly known as “Boiling Springs Lake,” a spring-fed impoundment located in the Village of Boiling Springs. The property is located six miles southeast of Carlisle, PA on Route 174, as depicted on Exhibit B. (Location Map).

Support for the upcoming three million dollar dam rehabilitation and enhancement project has been a cooperative partnership between the Commission, the “Save the Lake” campaign, and South Middleton Township (Township). The dam rehabilitation project is scheduled to begin in April or May of 2022. As part of the ongoing partnership for managing the property, the Township wishes to enter into a long-term lease with the Commission. The lease area is depicted on Exhibit C (Site Map).

The lease will be for a 25-year term and the Township will be responsible for the routine maintenance, operation, repair, and supervision of the lease area. The Commission will be responsible for the dam, dam facilities, and water levels. The lease will also require the site to remain open for public fishing and boating, free of charge. Fishing and boating will take precedence over all other recreational activities. The leasing of the property is in the best interest of the Commission.

Briefer:

Linda Adler, Chief, Division of Public Access & Property Services

Recommendation:

Staff recommend that the Commission authorize the leasing of Childrens Lake to South Middleton Township, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Small and seconded by Commissioner Lewis to authorize the leasing of Childrens Lake to South Middleton Township, as more particularly describe in the Commentary. Motion carried by unanimous vote.

## COMMUNICATIONS OTHER MATTERS

A. R3 Education Grant Program: Grant to Venture Outdoors (VO) for Pittsburgh First Catch Center.

### Commentary:

In April 2020, the Commission approved the R3 Education Grant Program authorizing the Executive Director to approve individual grants of \$25,000 or less per grantee, per year to support grassroots education projects. Grants more than this amount require Commission approval.

Since inception, the Commission has awarded grants for 22 projects totaling slightly more than \$300,000. While the Commission's Fish Fund and Boat Fund have been the primary source of funding for these grants, staff have been investigating other opportunities to supplement the amount available to support R3 projects.

Staff have also been exploring options for establishing a First Catch Center in Pittsburgh, similar to the First Catch Center in Philadelphia that was established and is maintained through funding bequeathed to the Commission through the Gaun estate. First Catch Centers are a concept established by the Recreational Boating and Fishing Foundation (RBFF), designed to provide fishing and boating experiences in urban communities.

In September 2021, the Richard King Mellon Foundation (RKM) issued a Request for Proposals (RFP): Conservation Recruitment, Retention, and Reactivation (R3). This is the first instance of RKM considering projects of this nature and allowing natural resource agencies to apply directly for RKM funding.

The RFP states:

“As part of its new Strategic Plan, the Foundation will support data-driven efforts to increase the number and diversity of outdoor enthusiasts, so that a broader group of people can enjoy nature and become the conservation leaders of tomorrow.”

The Commission partnered with VO of Pittsburgh to prepare a proposal for RKM consideration. VO is a local recreation/conservation nonprofit, serving residents of southwestern Pennsylvania since 2001. The Commission has been providing training for VO staff and program equipment since its inception. The organization is well established in the community and has the capacity to implement such a pilot.

The Commission was notified in late December that its joint proposal with VO for a pilot program to establish a First Catch Center in Pittsburgh was selected for funding and will receive a grant award of \$150,000 from RKM. The pilot program is scheduled to be carried out by VO beginning in spring 2022 and will conclude in fall 2023. VO will conduct 50 educational programs during this period. Funds from the award will be used to support these efforts. In addition to the RKM grant award, the Commission will provide roughly \$70,000 of in-kind match for the project and the RBFF will provide VO with \$25,000 to purchase a cargo trailer and make necessary modifications.

Commission approval is being requested because the grant to VO exceeds the \$25,000 per year, per grantee threshold. The grant award of \$150,000 from RKM will be the source of funds for the grant award to VO in the form of a pass-through grant.

Briefer:

Carl Richardson, R3 Specialist, Bureau of Outreach, Education, and Marketing

Recommendation:

Staff recommend that the Commission approve a pass-through grant of \$150,000 to VO to implement a pilot First Catch Center in Pittsburgh similar to the Commission's highly successful Gaun First Catch Center in Philadelphia.

Action:

A motion was made by Commissioner Mahn and seconded by Commissioner Gibney to approve a pass-through grant of \$150,000 to VO to implement a pilot First Catch Center in Pittsburgh similar to the Commission's highly successful Gaun First Catch Center in Philadelphia. Motion carried by unanimous vote.

**LAW ENFORCEMENT  
PROPOSED RULEMAKING**

A. Amendments to 58 Pa. Code § 63.8 (Long bows, crossbows, spears, and gigs).

Commentary:

The Pennsylvania Fish and Boat Commission (Commission), specifically the Bureau of Law Enforcement (Bureau), has received an increasing number of complaints regarding bowfishing. Most of these complaints revolve around the intense bright lighting used to locate fish along the shoreline. In addition to the lighting, the noise created by the internal combustion, gas-powered generators used by some to operate the lighting has also generated complaints to the Bureau and created conflicts with property owners along Commonwealth Waterways.

After receiving feedback from agency staff, property owners, anglers, fishing guides, and legislators, staff have conferred and support a clarification of the regulation as listed below.

The Law Enforcement Committee considered this proposal on December 15, 2021, and recommended the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

§ 63.8. Long bows, crossbows, spears, and gigs. – 2102(b)

\* \* \* \* \*

(d) Exceptions:

**(1) It is unlawful to use bow and arrow (including compound bows and crossbows), spears, and gigs in any special regulation trout waters.**

**(2) It is unlawful to cast direct rays of a spotlight, mounted headlight, or any other artificial light of any kind from any watercraft, upon any occupied building, or another watercraft.**

**(3) It is unlawful to use generators on board a watercraft engaged in bowfishing with a noise level that exceeds 90 dB(a). The noise emission test measurement will be made with the sound level meter at a distance of at least four feet above the water at a point where the transom gunwale and the port or starboard gunwale intersects.**

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If approved on final rulemaking, the amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Gibney 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, the amendment will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried with one abstention (Commissioner Charlesworth).

## FISHERIES PROPOSED RULEMAKING

A. Amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations): remove Little Chartiers Creek, Section 05, Washington County.

Commentary:

Little Chartiers Creek is a 17.5-mile long tributary to Chartiers Creek in Washington County, approximately six miles east-northeast of the City of Washington. Little Chartiers Creek is delineated into five stream sections for fisheries management purposes and is impounded at river mile 0.37, creating Canonsburg Lake, a 76-acre impoundment owned by the Commonwealth of Pennsylvania and managed by the Pennsylvania Fish and Boat Commission (Commission). Little Chartiers Creek, Section 02, is managed as a Stocked Trout Water (STW) and Canonsburg Lake is managed as a Stocked Trout Water Open to Year-Round Fishing. The remainder of Little Chartiers Creek (sections 01, 03-05) is not managed as a STW and not stocked by the Commission with hatchery-reared trout.

Little Chartiers Creek, Section 05, is approximately 0.5 miles in length and extends from the outflow of Canonsburg Lake downstream to the confluence with Chartiers Creek. Although Section 05 is not managed as a STW, this section has been managed under Miscellaneous Special Regulations since the early 1980s. This regulation prohibits angling from the end of the extended season for trout through 8 a.m. on the opening day of the regular season for trout, which aligns with the management of STWs. Historically, the rationale for this special regulation was to prohibit angling in Section 05 during the closure period following the stocking of trout in Canonsburg Lake, which could escape downstream into Little Chartiers Creek. Escapement of stocked trout created unwanted and disruptive angler behavior in Section 05 and warranted management with these special regulations. During the annual regulatory review process, Commission staff determined that these regulations are no longer necessary and recommend removal. If removed, this change would simplify regulations and increase angling opportunities while continuing to provide adequate resource protection.

Upon removal of this special regulation, Section 05 will revert to Commonwealth Inland Waters angling regulations (58 Pa. Code § 61.1). To facilitate transition of Section 05 to management with Commonwealth Inland Waters angling regulations, this water must first be removed from Miscellaneous Special Regulations.

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>
* * * * *		
<b>[Washington]</b>	<b>[Little Chartiers Creek, from Canonsburg Lake Dam approximately 1/2 mile downstream to the mouth of Chartiers Creek]</b>	<b>[Fishing is prohibited from 12:01 a.m. the third Monday in February to 8 a.m. the opening day of the regular season for trout.]</b>
* * * * *		

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect on January 1, 2023.

Action:

A motion was made by Commissioner Mahn and seconded by Commissioner Lewis to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect on January 1, 2023. Motion carried by unanimous vote.

## FISHERIES PROPOSED RULEMAKING

B. Amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations): remove Penns Creek, Section 03, Centre and Mifflin counties.

### Commentary:

Penns Creek is a large, limestone-influenced stream that supports a robust wild Brown Trout fishery in its upstream reaches. The stream is approximately 67 miles in length and is delineated into eight stream sections for fisheries management purposes. The Pennsylvania Fish and Boat Commission (Commission) has documented wild trout in approximately 37 miles of the stream from the headwaters downstream to Glen Iron, with approximately 29 miles being designated as Class A wild trout waters. Penns Creek, Section 03, extends for 7.0 miles from the confluence with Elk Creek in Coburn downstream to 600 meters downstream of the confluence with Swift Run. Section 03 was managed as a stocked trout fishery until 1992 when it was designated by the Commission as a Class A wild trout stream and the stocking of hatchery-reared trout was discontinued in favor of wild trout management.

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 this 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, the Commission established a new special regulation program known as Trout Slot Limit in 2021. The Trout Slot Limit program has two subprograms: All-



Tackle Trout Slot Limit and Artificial Lures Only Trout Slot Limit. As such, it is recommended that Penns Creek, Section 03, be removed from Miscellaneous Special Regulations in favor of management under the newly established Trout Slot Limit program. Upon removal of this regulation, Penns Creek, Section 03, will be proposed for designation into the All-Tackle Trout Slot Limit program (58 Pa. Code § 65.4c) at a quarterly Commission meeting later in 2022 with an implementation date of January 1, 2023. If approved, the name of the regulation applied to Penns Creek, Section 03, will change; however, the regulation itself would remain the same.

To facilitate transition of Section 03 into the All-Tackle Trout Slot Limit program, this water must first be removed from Miscellaneous Special Regulations. All other fish species will be managed with Commonwealth Inland Waters angling regulations (58 Pa. Code § 61.1).

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>
* * * * *		
<b>[Centre and Mifflin]</b>	<b>[Penns Creek, from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run]</b>	<b>[Open to fishing year-round. All tackle types are permitted. From 8 a.m. on the opening day of the regular season for trout 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 opening day of the regular season for trout, 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.]</b>
* * * * *		

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect on January 1, 2023.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Anderson to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect on January 1, 2023. Motion carried by unanimous vote.

## FISHERIES DESIGNATIONS

### A. 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 eight 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 D 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. 7320 (November 20, 2021) (Exhibit E). The Commission received a total of 377 public comments regarding the proposed designations: 376 supported the proposed designations and one did 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 that the Commission add eight stream sections to its Class A wild trout streams list as described in the Commentary. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

#### Action:

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

## **FISHERIES DESIGNATIONS**

### B. Classification of wild trout streams: proposed additions and revision.

#### 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 nine new waters to the Commission's list of wild trout streams and the revision of the section limit of one water currently listed. These changes are the result of recent surveys conducted on these waters. Exhibit F 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. 7319 (November 20, 2021) (Exhibit G). The Commission received a total of 377 public comments regarding the proposed designations: 376 supported the proposed designations and one did 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 that the Commission add nine new waters to the Commission's list of wild trout streams and revise the section limits of one water currently listed as set forth in the notice of proposed designations. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Pastore and seconded by Commissioner Brock to add nine new waters to the Commission's list of wild trout streams and revise the section limits of one water currently listed as set forth in the notice of proposed designations. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

**Other New Business**

There was no other new business discussed.

**Time and Place of April 2022 Commission Meeting**

Announcement of the April 25-25, 2022 Quarterly Commission Meeting in Harrisburg, PA at 10:00 a.m.

**Adjournment**

A motion was made by Commissioner Lewis and seconded by Commissioner Small to adjourn the meeting at 12:09 p.m. Motion carried by unanimous vote.

# NOTICES

## FISH AND BOAT COMMISSION

### Temporary Change to Fishing Regulations; Raccoon Creek State Park Upper Pond (Group Camping Area Lake), Beaver County

[51 Pa.B. 8061]

[Saturday, December 25, 2021]

The Executive Director of the Fish and Boat 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 January 1, 2022. 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 posted. These temporary modifications will remain in effect until further notice.

TIMOTHY D. SCHAEFFER,  
Executive Director

[Pa.B. Doc. No. 21-2167. Filed for public inspection December 23, 2021, 9:00 a.m.]

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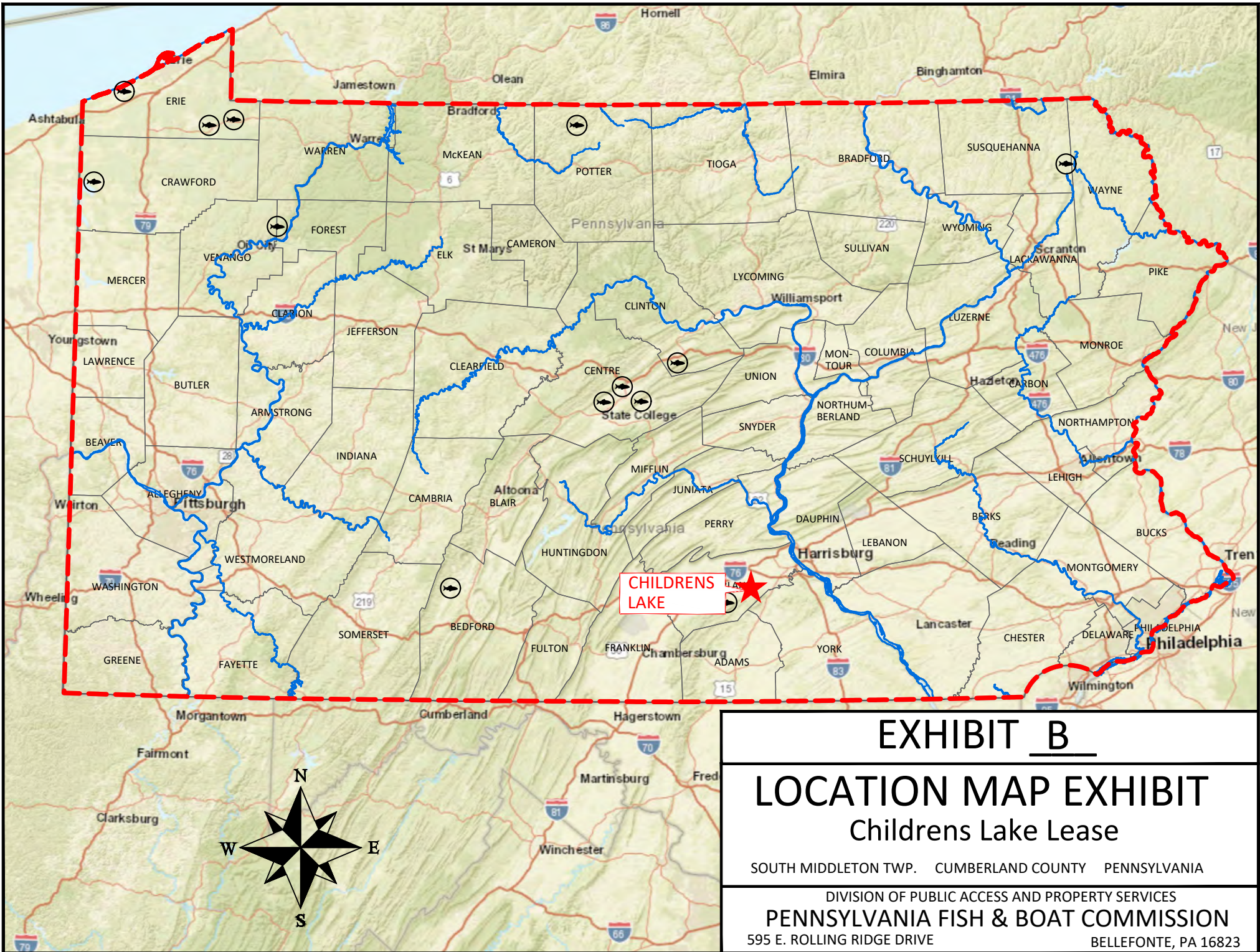
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## EXHIBIT B

# LOCATION MAP EXHIBIT

## Childrens Lake Lease

SOUTH MIDDLETON TWP. CUMBERLAND COUNTY PENNSYLVANIA

DIVISION OF PUBLIC ACCESS AND PROPERTY SERVICES

**PENNSYLVANIA FISH & BOAT COMMISSION**

595 E. ROLLING RIDGE DRIVE

BELLEFONTE, PA 16823





# EXHIBIT C

## SITE MAP EXHIBIT

### Childrens Lake Lease

SOUTH MIDDLETON TWP. CUMBERLAND COUNTY PENNSYLVANIA

— — — — — PFBC Property  
- - - - - Lease Area

DIVISION OF PUBLIC ACCESS AND PROPERTY SERVICES

**PENNSYLVANIA FISH & BOAT COMMISSION**

595 E. ROLLING RIDGE DRIVE

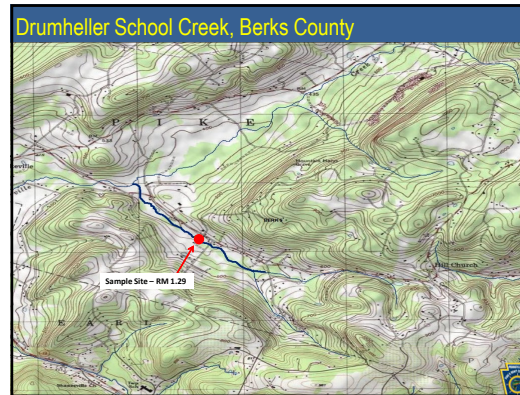
BELLEFONTE, PA 16823



Class A Additions

- Slides 2-19

1



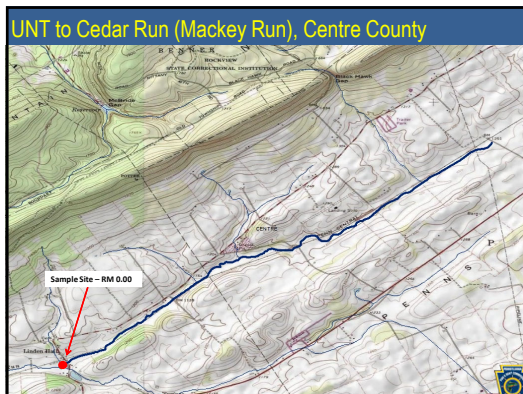
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Drumheller School Creek, Berks County

Brown Trout RM - 1.29  
Site Length - 383 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	2	0.07	5
3	59	4.99	154
4	13	2.48	34
5	1	0.35	3
6	6	3.50	16
7	7	6.26	18
8	7	9.05	18
9	2	3.60	5
13	1	5.09	3
14	1	6.30	3
15	1	7.69	3
<b>Total</b>	<b>100</b>	<b>49.38</b>	<b>262</b>

3



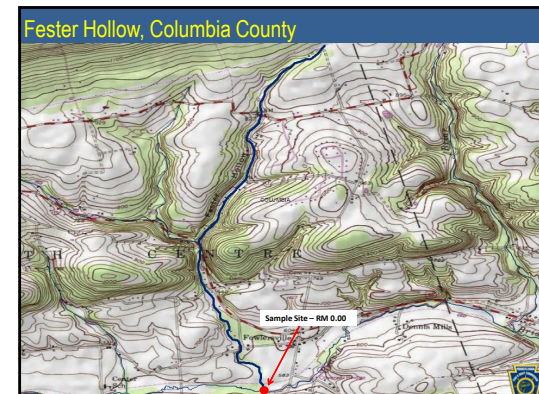
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UNT to Cedar Run (Mackey Run), Centre County

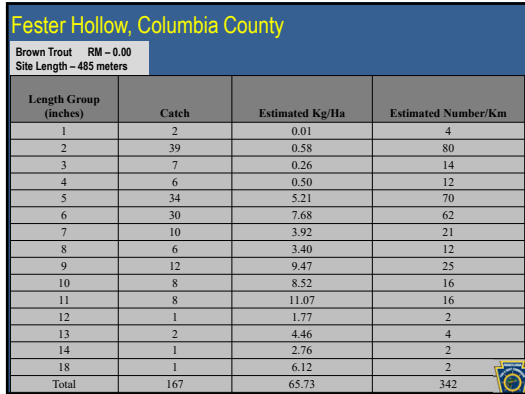
Brown Trout RM - 0.00  
Site Length - 310 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
3	4	0.29	13
4	11	1.79	35
5	1	0.30	3
6	2	1.00	6
7	12	9.16	39
8	7	7.72	23
9	4	6.14	13
10	1	2.07	3
11	4	10.77	13
12	6	20.70	19
13	1	4.34	3
14	1	5.38	3
<b>Total</b>	<b>54</b>	<b>69.66</b>	<b>173</b>

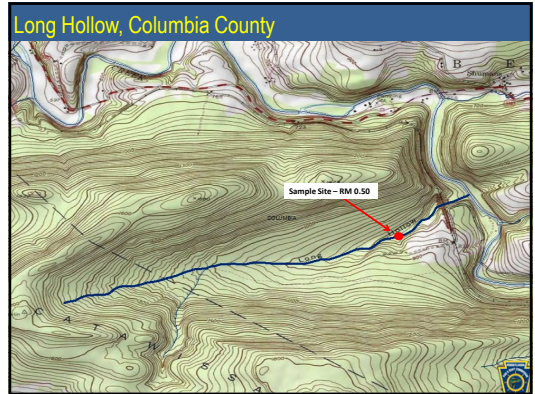
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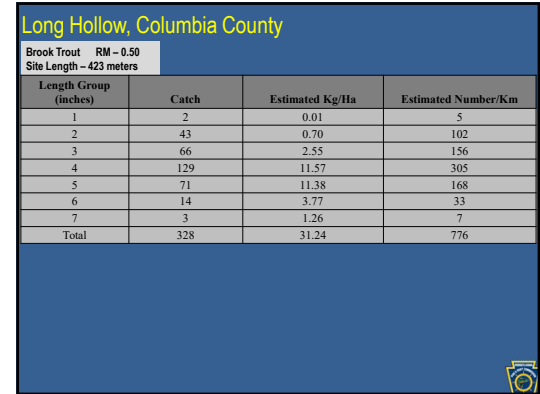
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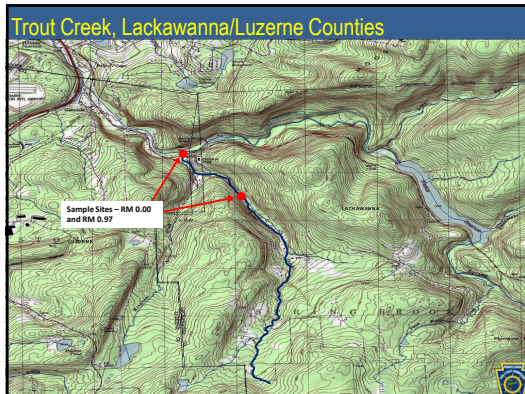
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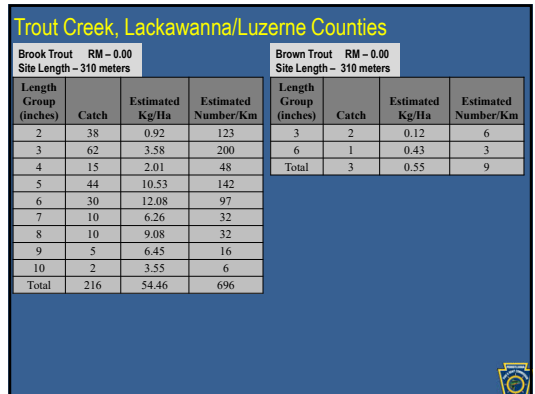
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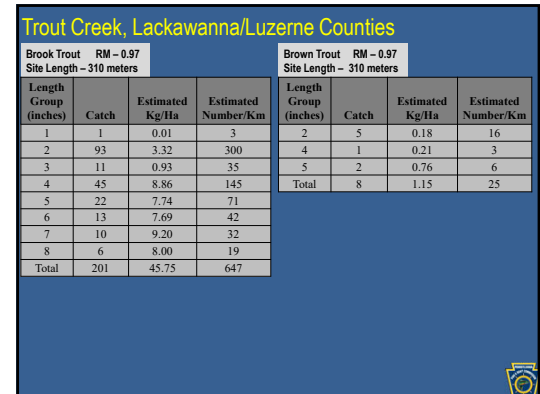
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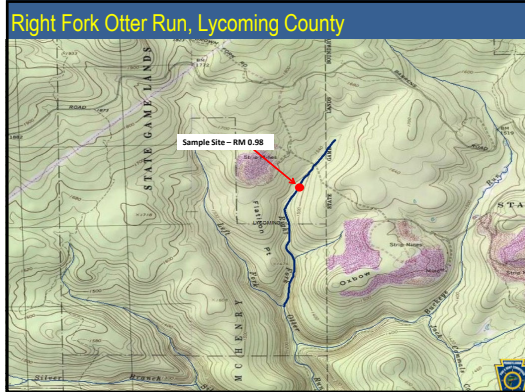
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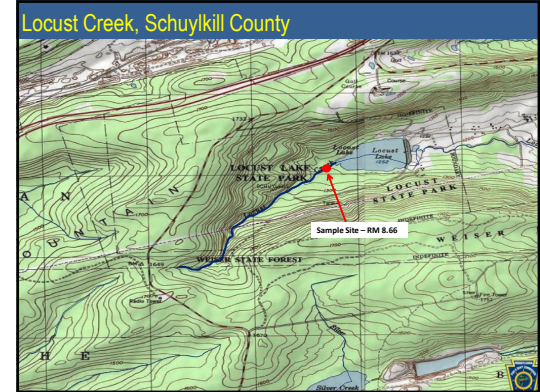
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### Right Fork Otter Run, Lycoming County

Brook Trout RM - 0.98  
Site Length - 235 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	1	0.06	4
4	1	0.34	4
5	3	1.82	13
6	5	5.11	21
7	6	9.53	26
8	6	13.82	26
9	1	3.27	4
<b>Total</b>	<b>23</b>	<b>33.95</b>	<b>98</b>

14

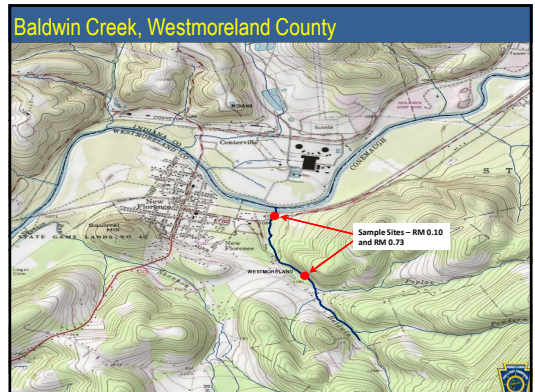


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### Locust Creek, Schuylkill County

Brook Trout RM - 8.66 Site Length - 201 meters				Brown Trout RM - 8.66 Site Length - 201 meters			
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km	Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	26	1.63	129	5	1	0.67	5
3	25	3.74	124	7	1	1.70	5
4	25	8.67	124	8	1	2.46	5
5	8	4.95	40	<b>Total</b>	<b>3</b>	<b>4.83</b>	<b>15</b>
6	11	11.46	55				
7	1	1.62	5				
<b>Total</b>	<b>96</b>	<b>32.07</b>	<b>477</b>				

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### Baldwin Creek, Westmoreland County

Brook Trout RM - 0.10 Site Length - 200 meters				Brown Trout RM - 0.10 Site Length - 200 meters			
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km	Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	1	0.02	5	2	41	0.85	205
3	2	0.10	10	3	1	0.05	5
<b>Total</b>	<b>3</b>	<b>0.12</b>	<b>15</b>	5	1	0.21	5
				6	4	1.43	20
				7	1	0.55	5
				8	2	1.58	10
				9	2	2.20	10
				10	3	4.46	15
				11	3	5.80	15
				12	1	2.48	5
				14	3	11.58	15
				15	2	9.42	10
				16	1	5.68	5
				17	1	7.01	5
				20	1	11.05	5
				<b>Total</b>	<b>67</b>	<b>64.35</b>	<b>335</b>

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### Baldwin Creek, Westmoreland County

Brook Trout RM - 0.73  
Site Length - 200 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
3	1	0.07	5
4	1	0.16	5
5	8	2.25	40
6	3	1.42	15
7	1	0.74	5
Total	14	4.64	70

Brown Trout RM - 0.73  
Site Length - 200 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	1	0.01	5
2	30	0.88	150
3	2	0.15	10
6	2	1.01	10
7	5	3.88	25
8	7	7.85	35
9	4	6.24	20
11	2	5.47	10
12	1	3.51	5
14	1	5.46	5
19	1	13.86	5
Total	56	48.32	280





# NOTICES

## FISH AND BOAT COMMISSION

### Proposed Changes to List of Class A Wild Trout Waters; January 2022

[51 Pa.B. 7320]

[Saturday, November 20, 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 January 24 and 25, 2022.

County	Stream	Section	Limits	Tributary to	Mouth Lat/Lon	Brook Brown Rainbow			Length (miles)	Survey year
						Trout (kg/ha)	Trout (kg/ha)	Trout (kg/ha)		
Berks	Drumheller School Creek	2	Old State Road to Mouth	Oysterville Creek	40.396246 75.708021	—	49.40	—	1.30	2020
Centre	UNT to Cedar Run (Mackey Run)	1	Headwaters to Mouth	Cedar Run	40.795833 77.761944	—	69.66	—	1.34	2021
Columbia	Fester Hollow	1	Headwaters to Mouth	West Branch Briar Creek	41.054097 76.332297	—	65.73	—	3.01	2021
Columbia	Long Hollow	1	Headwaters to Mouth	Catawissa Creek	40.941111 76.307778	31.27	—	—	2.48	2021
Lackawanna/ Luzerne	Trout Creek	1	Headwaters to Mouth	Spring Brook	41.328056 75.690278	50.16	0.85	—	3.79	2021
Lycoming	Right Fork Otter Run	1	Headwaters to Mouth	Otter Run	41.447770 77.364013	33.95	—	—	1.42	2021
Schuylkill	Locust Creek	1	Headwaters to Locust Lake	Little Schuylkill River	40.809167 75.996111	32.07	4.83	—	1.20	2021

Westmoreland Baldwin Creek	2	State Game Lands 42 boundary to Mouth	Conemaugh River	40.378613 79.065002	2.38	56.34	—	1.49	2021
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Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,  
Executive Director

[Pa.B. Doc. No. 21-1939. Filed for public inspection November 19, 2021, 9:00 a.m.]

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## Wild Trout Additions

- Slides 2-10

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County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Bedford	Hickory Bottom Creek	Yellow Creek	Headwaters to Mouth	0.19	Brown	9	4-11

2

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Elk	UNT to Powers Run (RM 1.51)	Powers Run	Headwaters to Mouth	0.01	Brook	12	3-7
					Brown	30	2-9

3

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Elk	UNT to Wilson Run (RM 2.91)	Wilson Run	Headwaters to Mouth	0.15	Brook	14	2-8

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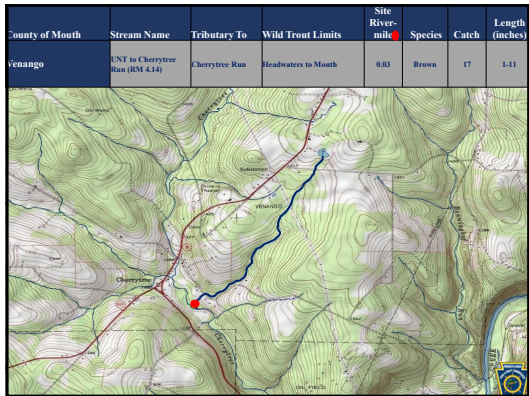
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Luzerne	Black Creek	Neusepeck Creek	Headwaters to Mouth	0.03	Brook	4	3-8
					Brown	34	3-17

5

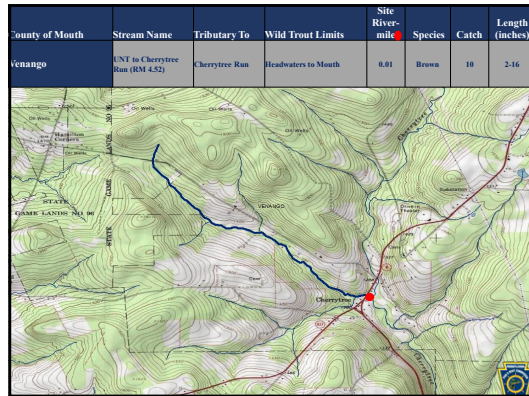
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Schuykill	Hans Yost Creek	Deep Creek	Headwaters to Mouth	0.56	Brook	20	2-7

6

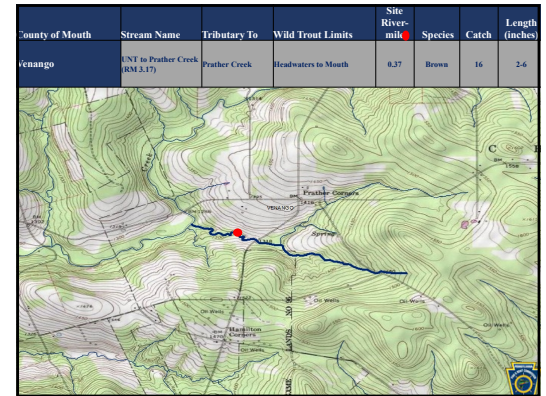




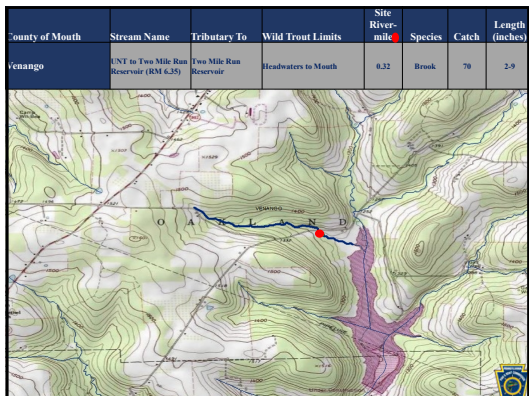
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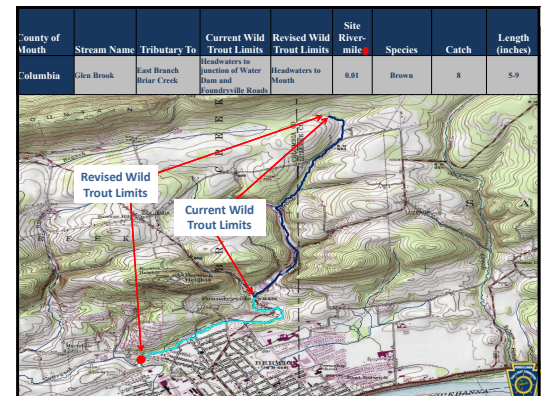


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### Wild Trout Revisions

- Slide 12

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# NOTICES

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions and Revisions; January 2022

[51 Pa.B. 7319]  
[Saturday, November 20, 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 January 24 and 25, 2022, 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
Bedford	Hickory Bottom Creek	Headwaters to Mouth	Yellow Creek	40.192591 78.376904
Elk	UNT to Powers Run (RM 1.51)	Headwaters to Mouth	Powers Run	41.484032 78.648764
Elk	UNT to Wilson Run (RM 2.91)	Headwaters to Mouth	Wilson Run	41.598608 78.725817
Luzerne	Black Creek	Headwaters to Mouth	Nescopeck Creek	41.007222 76.166667
Schuylkill	Hans Yost Creek	Headwaters to Mouth	Deep Creek	40.685643 76.437456
Venango	UNT to Cherrytree Run (RM 4.14)	Headwaters to Mouth	Cherrytree Run	41.530220 79.712970
Venango	UNT to Cherrytree Run (RM 4.52)	Headwaters to Mouth	Cherrytree Run	41.534150 79.716220
Venango	UNT to Prather Creek (RM 3.17)	Headwaters to Mouth	Prather Creek	41.566740 79.760360
Venango	UNT to Two Mile Run Reservoir (RM 6.35)	Headwaters to Mouth	Two Mile Run Reservoir	41.482396 79.773441

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

<b>County of Mouth</b>	<b>Stream Name</b>	<b>Current Limits</b>	<b>Revised Limits</b>	<b>Tributary to</b>	<b>Mouth Lat/Lon</b>
Columbia	Glen Brook	Headwaters to junction of Water Dam and Foundryville Roads	Headwaters to Mouth	East Branch Briar Creek	41.066667 76.255000

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

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

TIMOTHY D. SCHAEFFER,  
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## Public Comments – January 24, 2022 – PFBC Quarterly Commission Meeting

- 1) Jan Perry, Pittsburgh, PA: Would like the Commission to consider stocking Freeman Run again in order to allow kids to have an outdoor activity to do, or people vacationing in the area.
- 2) Regis Schatz, Austin, PA: Wants Freeman Run back on the stocking list. He states Potter County is a tourist county and we need to give the county something to attract visitors, especially those with camps. He also states the Commission needs to do something in this case since most of the streams in the area have been classified as Class A.
- 3) Michael McWreat, Lorna, PA: He has a camp in Potter County and is against having Freeman Run as a Class A stream, as well as a majority of the streams in the county as Class A. He states it is harder to find places for his kids to fish in that area.
- 4) Chris Schatz, Austin, PA: She wants Freeman Run and the Genesee Creek opened back up for stocking. She states the Potter County Angler Club is losing memberships, and as a result, the club may have to shut its doors due to lack of funding. She also states Potter County is a tourist county.
- 5) Charles Thomas, Wellsburg, WV: Disagrees with the Commission changes to Freeman Run and the Genesee Creek not to stock those waterbodies anymore.
- 6) Thomas Merck, Washington, PA: Disagrees with the decision not to stock Freeman Run anymore and would like the Commission to reconsider.
- 7) Manuel (no last name), Austin, PA: 1) Questions why the Commission protects wild Brown Trout in Freeman Run, instead of the native Brook Trout; 2) wants the Commission to include scale samples from July study to prove Brown Trout caught in Freeman Run are wild; and 3) Freeman Run meets all criteria to be stocked in relation to the Class A stocking exemption policy. He states that very few anglers were on Freeman Run for the 2021 trout opener, as opposed to hundreds in the past, and this hurts youths trying to fish locally. He also states that some landowners who opened their properties for walk-in anglers did so because it was stocked but are now re-considering because the stream will no longer be stocked.
- 8) William Sabatose, Potter County Anglers: He believes a motion can be made to stock rainbow trout in Freeman Run as an exemption and use a year to study the effects of the stocking. Freeman Run should be resurveyed by the Commission to ensure it qualifies as a Class A stream.
- 9) Michael Majot, Austin, PA: Would like to know if the Commission is going to re-stock Freeman Run and is concerned it is not being stocked anymore.
- 10) Gary Borkowski, Washington, PA: He has a camp on Freeman Run and doesn't understand why the stream is being classified as Class A. There are plenty of streams in Potter County already as Class A.
- 11) John Harman, Potter County Anglers, Austin, PA: Wants the Commission to consider the club's stocking exemption request of stocking rainbow trout in Freeman Run in two different areas,

rather than the entire stream. Not stocking has had large economic impacts in the community with businesses closing and kids' ability to fish. He indicates that the replacement streams offered by the Commission for the club to stock are already being stocked by other co-op nurseries. Freeman Run should be stocked, the club should be granted an exemption to stock rainbow trout, and the exemption meets the criteria to stock in the Commission's policy.

- 12) Nick Sampson, Middletown, PA: He is the current Pennsylvania representative for the Bowfishing Association. He has two suggestions for the bowfishing agenda item: 1) With respect to lighting, he wants language about "from any watercraft" removed since the lighting language doesn't apply to other entities fishing or on the water; and 2) with respect to generators, the measurement should be on the starboard side.
- 13) Sheridan McReeve, Meadowlands, PA: Opposes the classification change of Freeman Run and Genesee to Class A. He has a camp on Freeman Run and has consistently fished there over time. He feels the Commission already has enough special regulations in place on other streams in the area. He doesn't see many youths fishing those two streams anymore and would like stocking resumed on Freeman Run and the Genesee.
- 14) Jared Manning, Northcentral PA: With respect to the bowfishing rulemaking, he is not in support of limiting where bowfishing can take place. He also wants language removed "from any watercraft" regarding lighting restrictions. With respect to noise restrictions, he wants the Commission to consider a time period as to when the 90 decibel restriction applies, such as 11 PM to 5 AM. He also wants the Commission to consider slowing its approach with Class A designations. He would rather see the Commission work with anglers to gauge their support before adding waters.
- 15) Jeremiah Weber, Ollanta, PA: Would like additional review of bowfishing regulations. Wants reflection off water not to count as lighting. Wants to pick one side of boat to measure noise. Wants Northern Snakehead to be a shootable species. Stop protecting other invasive species.
- 16) Jordan Miller, Washington, PA: Thanks everyone for working with bowfishing community. Says bowfishing lights are flood style, only bright to a certain distance, the rest is reflection off water. Wants intermittent lights allowed for safety during boating of all types.
- 17) Jeffrey Rank, Muncy PA: Testing of generators should be done based on which side the generator is on. Also concern with reflection off water being penalized. Wants Northern Snakehead to be a harvestable species. Believes restrictions will harm the sport.
- 18) Scott Warner, Unityville, PA: Believes there should be no changes to bowfishing regulations other than adding snakehead to permissible species.
- 19) Gary Wiesner, Williamsport, PA: Does not want any changes to bowfishing regulations. Should be able to shoot snakeheads.
- 20) Michael Strunk: Message was inaudible.
- 21) Matt Richards. Neeson, PA: Does not want any changes to bowfishing regulations. Should be able to shoot snakeheads.

- 22) William Briggma, Lock Haven, PA: Does not want any changes to bowfishing regulations. Should be able to shoot snakeheads.
- 23) Kyl Hendrickson, Catawissa, PA: Does not want any changes to bowfishing regulations. Should be able to shoot snakeheads.
- 24) Bryan Wingard: Message was inaudible.
- 25) Cody, Williamsport, PA: Wants to know how lighting will be effectively regulated. Lights are shined into water not at buildings. Regulations will allow harassment of bow anglers. Noise is transitory. Should be able to shoot snakeheads.
- 26) Alyssa Shaulis, Pittsburgh, PA: Does not think regulation should be statewide. Light and noise regulations should be set by local communities.
- 27) Bryan Wingard. Johnstown, PA: Concerned about lighting regulation. This regulation is already in place and not enforced. Can see bowfishing lights from 300 yards away and can block navigation lights. Law enforcement does not cite bow anglers. Thinks lack of enforcement is ridiculous.
- 28) Michael Bouchey, Clearfield, PA: Should be able to shoot snakeheads. Does not think lights reflected off the water should be a violation.
- 29) Adam Rising, Indiana, PA: Fished Freeman Run for twenty-one years. Has never caught wild trout only stocked trout. Class A classification will have a negative impact on the local economy and angling opportunities. Would like it reopened for stocking by the Commission or clubs.
- 30) Troy Kotulka, Mansfield, PA: Does not want any changes to bowfishing regulations. Should be able to shoot snakeheads.
- 31) Christopher Buckingham, York, PA: Does not want any changes to bowfishing regulations. Should be able to shoot snakeheads.
- 32) Patrick Allen, Exeter, PA: Disagrees with allowing bow anglers being able to use lights and creates a safety issue for other boaters.
- 33) Frank Franseeca, Pittsburgh, PA: Does not think lights should be restricted. Should be able to shoot snakeheads. A noise limit on generators is not bad but should be set at 100-110. Blow guns should be permitted devices. Would like to see additional fish disposal facilities to convert waste to fertilizer.
- 34) Douglas Kindt, Nazareth, PA: Concerned about use of bright lights by bow anglers because of safety for other boaters.
- 35) Bo Umburger, Cogan Station, PA: Does not want any changes to bowfishing regulations. Should be able to shoot snakeheads.