

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

MINUTES

158th Meeting

Volume 76

**HARRISBURG, PENNSYLVANIA
APRIL 29, 2024**

Table of Contents

| | |
|--|----|
| AGENDA..... | 1 |
| EXECUTIVE AND ADMINISTRATIVE | 4 |
| PROPERTY SERVICES..... | 4 |
| A. Lease of Tidioute Borough Access, Tidioute Borough, Warren County..... | 4 |
| B. Flowage Easement Acquisitions at Harris Pond, Ross Township, Luzerne County. | 5 |
| BOATING..... | 7 |
| PROPOSED RULEMAKING..... | 7 |
| A. Amendments to 58 Pa. Code Chapter 117 (Boat rental businesses)..... | 7 |
| OTHER MATTERS | 11 |
| A. Boating Facility Grant Program: Grant to Forward Township, Gallatin Sunnyside Park Boat Ramp, Monongahela River, Allegheny County. | 11 |
| B. Boating Facility Grant Program: Grant to French Azilum, Inc., North Branch Susquehanna River, Bradford County. | 13 |
| C. Boating Facility Grant Program: Grant to the County of Bucks, Hal H. Clark Boat Launch, Delaware River, Bucks County..... | 15 |
| D. Boating Facility Grant Program: Grant to Glen Foerd Conservation Corporation, Delaware River, Philadelphia County..... | 17 |
| E. Boating Facility Grant Program: Grant to Delaware River City Corporation (doing business as Riverfront North Partnership), Tacony Boat Launch, Delaware River, Philadelphia County..... | 19 |
| FISHERIES..... | 21 |
| PROPOSED RULEMAKING..... | 21 |
| A. Amendment to 58 Pa. Code § 65.24 (Miscellaneous special regulations): Remove Glade Run Lake, Butler County. | 21 |
| B. Amendment to 58 Pa. Code § 65.24 (Miscellaneous special regulations): Remove Chapman Dam Reservoir, Warren County. | 23 |
| DESIGNATIONS..... | 25 |

A. Classification of wild trout streams (58 Pa. Code § 57.11): Proposed additions and revisions 25

Other New Business..... 26

Time and Place of July 2024 Commission Meeting..... 26

Adjournment 26

Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 158th Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, April 29, 2024, at the Pennsylvania Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, PA 17110.

The public session for review of this agenda began on April 29, 2024, at approximately 10:30 a.m.

Call to Order

This meeting was called to order by Commission President William Gibney. The roll was called by Chief Counsel Renae Kluk Kiehl and was followed by the Pledge of Allegiance.

Roll Call

Members Present

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

Members Not Present

Charles J. Charlesworth

Public Comments to Commissioners and Staff

There were no public comments.

Staff and Volunteer Recognition

Each year, the PFBC's Bureau of Law Enforcement honors its Waterways Conservation Officers (WCOs) with a variety of awards that recognize outstanding service and excellence in the field. Colonel Clyde Warner presented the following awards on behalf of the Commission:

Top Gun Award – WCO Kyle Robinson was selected as the award recipient for 2023. Kyle serves in the Mifflin/Northern Huntingdon County district in the Southcentral Region.

Gerald L. Greiner Environmental Award – WCO Justin Boatwright was selected as the award recipient for 2023. Justin serves in the Clinton/W. Lycoming County district in the Northcentral Region and was recently promoted to Sergeant.

Northeast Conservation Law Enforcement Chiefs Award – WCO Matt Visosky was selected as the Officer of the Year for 2023. Matt is assigned to the Central Erie County district in the Northwest Region.

NASBLA Butch Potts Boating Law Enforcement Officer of the Year – WCO Mike Blair was selected as the Officer of the Year and will now be considered for the Regional Award later this year. Mike is currently assigned to the S. Bucks County district in the Southeast Region.

Lifesaving Award – This award has been conferred upon WCO Logan Opfer for his actions in assisting in a call from local police officers near his location for a severe dog attack with victims. While local officers handled the dog, WCO Opfer applied a tourniquet to the man's arm, who was then flown to the hospital for immediate surgery.

Executive Director Timothy Schaeffer recognized Tyler Neimond, Chief, Division of Habitat Management, for his work related to the event held on April 25, where agency partners hosted an informational briefing and walking tour of Turtle Creek, celebrating stream restoration investments and water quality improvements created through an innovative partnership.

Executive Director Schaeffer also reported Deputy Executive Director Laurel Anders was recently appointed by the Secretary of Homeland Security Alejandro Mayorkas as a representative to the National Boating Safety Advisory Committee for a three-year term to represent the viewpoint of state boating safety programs.

Commission President William Gibney recognized and congratulated Executive Director Schaeffer for reaching the milestone of 15 years of service with the Commonwealth of Pennsylvania.

Review and Approval of Minutes

A motion was made by Commissioner Mahn and seconded by Commissioner Small to approve the January 22, 2024, minutes as written. Motion carried by unanimous vote.

Executive Director's Report

Executive Director Timothy Schaeffer briefly highlighted the following items from his quarterly report, which was provided to commissioners: 1) calendar year boat registrations; 2) cooperative nursery program seminars; 3) Act 1 of 2024; 4) the Pennsylvania Wildlife Action Plan; and 5) the Notice of Stocking program.

Reports of Commissioner Committees

The following committees reported on activities since the last Commission meeting:

Habitat and Environmental (Commissioner Hussar) – The Habitat and Environmental Committee met virtually on February 26, 2024, and discussed the following agenda items: 1) an overview of the Division of Environmental Services; 2) the highlights of the West Branch Susquehanna River mussel restoration project; 3) an update on the work that is commencing at the Union City Aquatic Conservation Center; 4) a summary of the PFBC SCUBA diving program; and 5) an

overview of a multi-organizational partnership that is aimed at achieving aquatic organism passage on State Game Lands.

Fisheries and Hatcheries Committee (Commissioner Kauffman) – The Fisheries and Hatcheries Committee convened a virtual meeting on April 3, 2024, and discussed the following agenda items: 1) Panfish Enhancement program (58 Pa. Code § 65.11) overview; 2) Big Bass program (58 Pa. Code § 65.9) overview; 3) trout stocking allocation overview; 4) 2024 trout stocking update; 5) Notice of Stocking implementation update; and 6) a brief overview of Fisheries voting items planned for today’s quarterly Commission meeting.

Boating (Commissioner Mahn) – The Boating Committee held a virtual meeting on April 16, 2024. Agenda items included an informational presentation relating to amendments to 58 Pa. Code Chapter 117 (Boat Rental Businesses); Boating Facility Grant recommendations for 2024; plans for National Safe Boating Week, including a series of programs and events scheduled May 18-24; and, staff provided an overview of the April 12 public hearing on abandoned and derelict vessels, hosted by House Game and Fisheries Committee Chair, Anita Kulik. The overview included the scope of the problem in Pennsylvania and the potential solutions to investigate. Staff continue to work with Chair Kulik and her staff on this issue.

Law Enforcement (Commissioner Anderson) – The Law Enforcement Committee met at approximately 9:15 a.m. today to act on proposed revocations. Colonel Clyde Warner briefed the committee on each of the incidents. The committee unanimously voted to revoke the fishing privileges of all six individuals for a period of five years. The committee thanked the officers involved for their outstanding work.

Announcement of Executive Session

Commission President William Gibney announced that an executive session was held on April 29 at approximately 8:00 a.m. to discuss personnel issues, including the ongoing negotiations with the Fraternal Organization of Police regarding the Waterway Conservation Officer’s Collective Bargaining Agreement; the potential and ongoing litigation, including an amicus brief filed in support of the Game Commission regarding the Open Field Doctrine; and various real estate acquisitions and dispositions.

Notice of Temporary Changes to Fishing Regulations

Kristopher Kuhn, Director of Bureau of Fisheries reported on three temporary changes to fishing regulations related to Tobyhanna Lake, Monroe County (See Exhibit A); Lake Frances, Luzerne County (See Exhibit B); and to the Delaware River, West Branch Delaware River and River Estuary pertaining to Striped Bass (See Exhibit C).

EXECUTIVE AND ADMINISTRATIVE PROPERTY SERVICES

A. Lease of Tidioute Borough Access, Tidioute Borough, Warren County.

Commentary:

The Commonwealth of Pennsylvania, acting by and through the Pennsylvania Fish and Boat Commission (Commission), owns a +/-4-acre tract of land located along the Allegheny River in Tidioute Borough, Warren County, known as the Tidioute Borough Access, as depicted on Exhibit D. The property was acquired from Henry and Genevieve Knight in 1975.

In 1976, the Commission entered into a 25-year lease agreement with the Tidioute Borough (Borough) to allow the Borough to operate and maintain the Tidioute Borough Access (Access Site). The Borough has acted as a holdover tenant since the initial lease agreement's expiration and continues to operate and maintain the Access Site for fishing and boating on the Allegheny River, as depicted on Exhibit E. The Borough is interested in pursuing opportunities to enhance the Access Site through different grant programs and potential partnership opportunities, which will require a new lease agreement.

Commission staff and the Borough wish to continue the partnership and want to enter into a new lease agreement to clarify and establish new terms for the Borough's use, development, maintenance, and operation of the Access Site. The lease agreement will be for a 25-year term and the Borough will be responsible for the routine maintenance, operation, repair, and supervision of the Access Site. The lease agreement 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. Commission staff have reviewed this request and determined the leasing of the property promotes public fishing, boating, and access, and furthers the interests of the Commission.

Briefer:

Mackenzie Hogan, Chief of Real Estate, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission approve the leasing of the Tidioute Borough Access to Tidioute Borough, as described in the Commentary.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Anderson to approve the leasing of the Tidioute Borough Access to Tidioute Borough, as more particularly described in the Commentary. Motion carried by unanimous vote.

EXECUTIVE AND ADMINISTRATIVE PROPERTY SERVICES

B. Flowage Easement Acquisitions at Harris Pond, Ross Township, Luzerne County.

Commentary:

The Commonwealth of Pennsylvania, acting by and through the Pennsylvania Fish and Boat Commission (Commission), owns a +/-234-acre property in Ross Township, Luzerne County, containing a +/-30-acre impoundment, known as Harris Pond. Harris Pond is located in the village of Sweet Valley, Ross Township, Luzerne County as depicted on Exhibit F. The existing Harris Pond dam structure was constructed in 1922, with dam improvements made by the Commission in 1966 when the Commission acquired the Harris Pond property.

The dam is classified as a high hazard, unsafe dam and does not meet Pennsylvania Department of Environmental Protection (PADEP) standards. Design to rehabilitate the dam to bring it into compliance with current PADEP regulatory dam safety standards is complete, and construction is expected to begin in 2025.

The dam rehabilitation project will include replacing the existing spillway structure and downstream channel, raising the dam crest 2.6 feet, installing an internal drain (filter diaphragm) system, and installing a gate-controlled low-level outlet. Raising the dam crest by 2.6 feet will increase the normal pool elevation by 1.0 foot, causing the flooding of land beyond the area previously inundated. This will result in the need to acquire one permanent flowage easement and one temporary flowage easement. A flowage easement is the right to flow water on, inundate, and flood an area without liability for damages resulting from such action.

The flowage easements are expected to have minimal value. The Commission will pay the estimated fair market value of the rights or accept donations if offered. The flowage easement areas are estimated to be 0.5 acres for the permanent flowage easement and 0.8 acres for the temporary flowage easement, as depicted on Exhibit G. The exact acreage will be determined by document research and property surveys.

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

Briefer:

Mackenzie Hogan, Chief of Real Estate, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of the flowage easements by donation, fair market value, or eminent domain in Ross Township, Luzerne County, as described in the Commentary.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Mahn to authorize the acquisition of the flowage easements by donation, fair market value, or eminent domain in Ross Township, Luzerne County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING PROPOSED RULEMAKING

A. Amendments to 58 Pa. Code Chapter 117 (Boat Rental Businesses).

Commentary:

Boat rental businesses, also known as liveries, provide introductory experiences for newcomers to boating, convenient adventures for outdoor recreationists, and opportunities to participate in boating without the commitment of boat ownership. They also provide unique experiences such as whitewater rafting, overnight stays in houseboats, and opportunities to try the latest trends in boating technology. Boat rental operations in Pennsylvania have increased in number and expanded available opportunities in recent years. Because these businesses provide a wide variety of services to a broad diversity of people and are often a gateway to boat ownership, boat rental businesses play an important role in boating safety.

Pennsylvania law (Title 30 Pa.C.S.A. § 5122(a)(2)) authorizes the Pennsylvania Fish and Boat Commission (Commission) to promulgate rules and regulations relating to boat rental business operators. These regulations authorize the Executive Director to provide guidance relating to boat rental orientation and introduction requirements which are posted on the Pennsylvania Boat Rental Business page of the Commission's website.

Front-line Waterways Conservation Officers (WCO) initially identified issues, including lack of clarity, with current boat rental regulations and guidelines. Additionally, technological advances have created specific challenges and opportunities regarding boat rental business operations. In response, Commission staff launched a Livery Workgroup in February 2022, conducting livery visits and interviews, and established an online boat rental business questionnaire to identify challenges, gather information, and recommend updates to the Commission's boat rental business regulations and guidelines to enhance communications and compliance, increase boating safety, and reduce conflicts on the water. Boat rental business operators were invited to review and provide feedback on the draft regulatory amendments and safety orientation guidelines prepared by Commission staff. Commission staff reviewed and considered all input as final modifications were made to the drafts before presenting the proposed changes to the Boating Advisory Board.

Staff propose the following changes to 58 Pa. Code Chapter 117:

§ 117.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Boat livery—A commercial enterprise (person, partnership, corporation or other legal entity) that rents or leases rental boats to other persons for use on the waters of this Commonwealth.

Boat rental business—A boat livery.

Boat rental transaction—The exchange of consideration in the form of money, goods or services for the use of a rental boat for a period of time.

Livery operator—The owner or lessee of a boat livery and **[employees] employees** and other persons authorized to act on behalf of the boat livery.

Rental boat—A vessel propelled by oars, paddles, sail or power, rented or leased in this Commonwealth.

(i) The term includes canoes, kayaks, **paddleboards**, inflatable boats, rowboats, sailboats, personal watercraft, and other motorboats.

(ii) The term does not include inner tubes or similar devices not considered to be boats under this title.

§ 117.2. Inspections.

(a) A livery operator shall inspect its rental boats on a regular basis and shall maintain its rental boats in good repair. It is unlawful for a livery operator to rent or use a rental boat that is not in good repair and serviceable condition.

(b) A livery operator shall permit inspection of equipment, facilities and documentation required by this chapter by a waterways conservation officer or other officer authorized to enforce the code.

(c) A livery operator shall correct deficiencies noted by a waterways conservation officer or other officer authorized to enforce the code within 2 weeks of notification. If the deficiency involves equipment, the livery may not use the equipment until the deficiency is corrected.

§ 117.3. Responsibilities.

(a) A livery operator shall provide their business information, including business name, address, and types of boats rented, on a form provided by the Commission. If a change in business name, address or contact information occurs, the livery must provide an update to the Commission within 15 business days. Advertising by any means, including, but not limited to, websites, business cards, brochures, newspapers, periodicals, or billboards, that a person provides boat rentals shall be prima facie evidence of a boat livery operation.

(b) Any livery operator who conducts the required safety orientation for motorboat rentals must possess a boating safety education certificate issued by the Commission or other valid documentation specified by this title and produce it upon the request of a waterways conservation officer or other officer authorized to enforce the code.

[(a)](c) It is unlawful for a livery operator to permit a rental boat to depart from the boat rental business without the equipment required by this title for the type of boat being rented **and boat registration or use permit affixed to the boat as required by this title for the access area(s) or waterway where the boat will be operated during the rental period.**

[(b)](d) A livery operator shall **[offer] provide** to all persons **[renting] operating rental** boats an orientation/introduction to boating safety and conditions, including a review of the laws and regulations applicable to the type of boat being rented and the waters on which the boat will be used. The Executive Director will provide guidance **[i]on the [preparation]content and documentation** of this orientation. **[Persons who produce a Boating Safety Education Certificate issued or approved by the Commission under § 91.6 (relating to certificates) are exempt from review.]**

[(c)](e) Boat rental transactions shall be made using a written agreement, specifying the name and address of the **boat rental business and lessee, the names of all individuals completing the required orientation/introduction to boating safety,** and **[date of departure]the rental period. The lessee shall provide a copy of the boat rental agreement upon request to a waterways conservation officer or other officer authorized to enforce the code.**

[(d)](f) Livery boats shall be clearly marked on both sides for easy identification of the business. Each boat shall be marked with letters, numbers, or decals at least 3 inches tall.

[(e)](g) A livery operator shall only rent boats that meet or exceed minimum United States Coast Guard requirements for boats of that type. Rental boats shall be of a design and material suitable for their intended use.

[(f)](h) A livery operator shall **notify the Commission of [submit a boating accident report for]** all reportable accidents involving one or more of the rental boats in accordance with Chapter 101 (relating to boating accidents). This requirement is in addition to the requirement that the operator of the boat file a boating accident report **in accordance with Chapter 101.**

[(g)](i) It is unlawful for a livery operator to rent or use a boat in excess of its capacity as set forth by the manufacturer for the total number of passengers, total weight, or maximum horsepower.

§ 117.4. Motorboat liveries.

(a) [In addition to the requirements of § 117.3 (relating to responsibilities), a livery operator that rents boats equipped with motors greater than 25 horsepower and personal watercraft shall verify that operators of these boats either possess a permanent Boating Safety Education Certificate or have obtained a temporary Boating Safety Certificate from the livery. The Executive Director may authorize boat liveries to issue temporary Boating Safety Education Certificates, effective for the period of rental only, to operators of these boats if the boat livery and the operator comply with the requirements governing the rental of boats and the operation of boat liveries as defined in this chapter. The Executive Director will

establish rules and guidelines for the issuance of temporary certificates.] Persons born on or after January 1, 1982, who rent a boat powered by greater than 25 horsepower or any personal watercraft are exempt from possessing a Boating Safety Education Certificate when the livery operator verifies the renter has completed the required orientation/introduction to boating safety and conditions in accordance with the Executive Director’s guidance established by § 117.3.

(b) A personal watercraft livery shall take measures to oversee the operation of rented personal watercraft **[by persons who possess only a temporary Boating Safety Education Certificate]**. These measures shall include one of the following:

(1) The designation of a specified **[, marked]** area of operation for rented personal watercraft **as delineated on a map carried onboard the boat.**

(2) The provision of qualified observers employed by the livery to directly observe the operation of rented personal watercraft **and provide immediate assistance in case of an incident or breach of terms of the rental agreement.** No more than seven personal watercraft may be under the observation of a single observer at any one time. Qualified observers shall be at least 16 years of age, have at least 10 hours of experience operating personal watercraft and have successfully completed the requirements for a permanent Boating Safety Education Certificate. The permanent Boating Safety Education Certificate shall be in the observer’s possession when performing duties under this paragraph.

(c) A personal watercraft livery may not lease, hire, or rent a personal watercraft to or for use by a person who is 15 years of age or younger.

On February 5, 2024, 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:

Paul Littman, Director, Bureau of Boating

Recommendation:

Staff recommend the Commission approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary. If adopted on final rulemaking, these amendments will go into effect on January 1, 2025.

Action:

After a brief discussion, a motion was made by Commissioner Anderson and seconded by Commissioner Lewis to approve the publication of a notice of proposed rulemaking containing amendments described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

A. Boating Facility Grant Program: Grant to Forward Township, Gallatin Sunnyside Park Boat Ramp, Monongahela River, Allegheny County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. Funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts and, when available, through various Federal assistance or grant awards. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

Forward Township requests \$127,000 to replace the Gallatin Sunnyside Park boat launch along the Monongahela River. The current boat launch has been closed for several years because of undermining of the ramp. The project will also increase the parking area and the number of stalls in compliance with Americans with Disabilities Act standards. The nearest boat launches are the Gilmer Street boat launch approximately two miles upstream and the Monongahela boat launch approximately one mile downstream.

Matching funds for the project are provided by Forward Township in the amount of \$127,000.

Total Project Cost: \$254,000

Recommended Grant Award: \$127,000

Briefer:

Mark Morrison, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$127,000 to Forward Township, Allegheny County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Lewis and seconded by Commissioner Mahn to approve a grant not to exceed \$127,000 to Forward Township, Allegheny County, as more particularly described in the Commentary. Motion carried by unanimous vote.

**BOATING
 OTHER MATTERS**

B. Boating Facility Grant Program: Grant to French Azilum, Inc., North Branch Susquehanna River, Bradford County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. Funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts and, when available, through various Federal assistance or grant awards. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

French Azilum, Inc. requests \$210,800 to construct a non-motorized boat launch along the North Branch Susquehanna River in Bradford County. The project includes a 450-square-foot parking area and pathway that will be constructed in compliance with Americans with Disabilities Act standards. The closest public boat launches are Wysox boat launch more than five miles upstream and Asylum Township Old Mill Access three miles downstream.

The applicant intends to apply for additional grants from the Department of Conservation and Natural Resources and the Department of Community and Economic Development in the amount of \$216,250 for the project.

Total Project Cost: \$427,050

Recommended Grant Award: \$210,800

Briefer:

Mark Morrison, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$210,800 to French Azilum, Inc., Bradford County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Brock to approve a grant not to exceed \$210,800 to French Azilum, Inc., Bradford County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

C. Boating Facility Grant Program: Grant to the County of Bucks, Hal H. Clark Boat Launch, Delaware River, Bucks County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. Funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts and, when available, through various Federal assistance or grant awards. Projects in the Pennsylvania portion of the Delaware River Watershed are eligible for Federal funding through the National Fish and Wildlife Foundation's grant to the Commission for improving boating and fishing access. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

The County of Bucks requests \$246,500 to design and construct a boat ramp at Hal H. Clark Park along the Delaware River. The project will provide public access and aid in the launching of emergency service apparatus during emergency response situations on the river. The closest boat launches are Bull Island boat ramp more than four miles upstream and Lambertville boat ramp approximately two miles downstream.

The applicant has secured \$284,300 in matching funds for the project, including \$30,000 from the Pennsylvania Environmental Council's Statewide Access Grant Program and \$5,000 from the Lower Delaware Wild and Scenic River Mini-Grant Program.

Total Project Cost: \$530,800

Recommended Grant Award: \$246,500

Briefer:

Mark Morrison, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$246,500 to the County of Bucks, Bucks County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Anderson to approve a grant not to exceed \$246,500 to the County of Bucks, Bucks County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

D. Boating Facility Grant Program: Grant to Glen Foerd Conservation Corporation, Delaware River, Philadelphia County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. Funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts and, when available, through various Federal assistance or grant awards. Projects in the Pennsylvania portion of the Delaware River Watershed are eligible for Federal funding through the National Fish and Wildlife Foundation's grant to the Commission for improving boating and fishing access. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

Glen Foerd Conservation Corporation requests \$297,000 to design a dock near the mouth of Poquessing Creek along the Delaware River. The dock will be in compliance with Americans with Disabilities Act standards, provide free recreational access, and support the applicant's established environmental programs that focus on the watershed. The nearest public boat launches are Station Avenue Access Area approximately two miles upstream and the Linden Avenue boat launch one mile downstream.

Matching funds for the project have been secured from the U.S. Department of Housing and Urban Development for \$241,784 and the William Penn Foundation for \$464,750.

Total Project Cost: \$1,003,534

Recommended Grant Award: \$297,000

Briefer:

Mark Morrison, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$297,000 to Glen Foerd Conservation Corporation, Philadelphia County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Brock to approve a grant not to exceed \$297,000 to Glen Foerd Conservation Corporation, Philadelphia County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

E. Boating Facility Grant Program: Grant to Delaware River City Corporation (doing business as Riverfront North Partnership), Tacony Boat Launch, Delaware River, Philadelphia County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. Funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts and, when available, through various Federal assistance or grant awards. Projects in the Pennsylvania portion of the Delaware River Watershed are eligible for Federal funding through the National Fish and Wildlife Foundation's grant to the Commission for improving boating and fishing access. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

The Riverfront North Partnership requests \$428,000 to design and construct a non-motorized boat launch and reconfigure the parking lot at Tacony Boat Launch along the Delaware River. The project will be designed in compliance with Americans with Disabilities Act standards. The closest public boat launches are the Frankford Arsenal boat launch nearly two miles downstream and Pleasant Hill Park nearly three miles upstream.

Matching funds for the project have been secured from the City of Philadelphia in the amount of \$2,899,500, and \$535,000 from the Metal Banks Settlement administered by the National Oceanic and Atmospheric Administration. The applicant intends to apply for additional matching funds as follows: \$3,000,000 from Pennsylvania Office of the Budget (partially secured), \$500,000 from the National Fish and Wildlife Foundation, \$500,000 from the Department of Conservation and Natural Resources, and \$500,000 from Pennsylvania Commission on Crime and Delinquency.

Total Project Cost: \$8,362,500 Recommended Grant Award: \$428,000

Briefer:

Mark Morrison, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$428,000 to Delaware River City Corp (doing business as Riverfront North Partnership), Philadelphia County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Mahn to approve a grant not to exceed \$428,000 to Delaware River City Corp (doing business as Riverfront North Partnership), Philadelphia County, as more particularly described in the Commentary. Motion carried by unanimous vote.

FISHERIES
PROPOSED RULEMAKING

A. Amendment to 58 Pa. Code § 65.24 (Miscellaneous special regulations): Remove Glade Run Lake, Butler County.

Commentary:

Glade Run Lake, a 52-acre impoundment, owned by the Commonwealth and managed by the Pennsylvania Fish and Boat Commission (Commission), is located in Middlesex Township, Butler County, approximately 10 miles south of the City of Butler. The dam impounds Glade Run at river mile (RM) 9.3 upstream from its confluence with Connoquenessing Creek at RM 34.3. This reservoir was completely dewatered during spring 2011 to upgrade the dam and spillway structures per Pennsylvania Department of Environmental Protection dam safety standards. Following the completion of these repairs and modifications, refill occurred in winter 2017, and the Commission stocked the lake from 2017 through 2023 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2017, Glade Run Lake has been managed under the Miscellaneous Special Regulations (58 Pa. Code § 65.24) that allow for the harvest of trout under Commonwealth Inland Waters (58 Pa. Code § 61.1) seasons, sizes, and daily limits but no harvest of other fish species. The intent was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest while allowing for the harvest of trout as the lake is included in the Commission's Stocked Trout Waters program. Once the warm-water and cool-water fish populations were sufficiently re-established, the lake would then be recommended for removal from the Miscellaneous Special Regulations and moved to one or more of the Commission's existing regulation programs.

The black bass and panfish populations were evaluated from 2019 through 2023 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that Glade Run Lake be removed from Miscellaneous Special Regulations, allowing staff to consider this reservoir for management with Big Bass (58 Pa. Code § 65.9) and Panfish Enhancement (58 Pa. Code § 65.11) 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> |
|-----------------|-------------------------|---|
| * * * * * | | |
| [Butler] | [Glade Run Lake] | [All species except trout—catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout shall be immediately returned unharmed. Trout—inland regulations apply. See § 61.1.] |
| * * * * * | | |

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend 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, 2025.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Kauffman to approve the publication of a notice of proposed rulemaking containing the proposed amendment described in the Commentary. Motion carried by unanimous vote.

FISHERIES
PROPOSED RULEMAKING

B. Amendment to 58 Pa. Code § 65.24 (Miscellaneous special regulations): Remove Chapman Dam Reservoir, Warren County.

Commentary:

Chapman Dam Reservoir, a 68-acre impoundment owned by the Commonwealth of Pennsylvania and the fishery is managed by the Pennsylvania Fish and Boat Commission (Commission), is located within Chapman State Park, Pleasant Township, Warren County, approximately six miles south of the City of Warren. The dam impounds the West Branch Tionesta Creek at river mile (RM) 14.7 upstream from its confluence with Tionesta Creek at RM 40.3. This reservoir was completely dewatered during fall 2017 to upgrade the dam and spillway structures per Pennsylvania Department of Environmental Protection dam safety standards. Following the completion of these repairs and modifications, refill occurred in fall 2018, and the Commission stocked the lake from 2019 through 2023 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2019, Chapman Dam Reservoir has been managed under the Miscellaneous Special Regulations (58 Pa. Code § 65.24) that allows for the harvest of trout under Commonwealth Inland Waters regulations (58 Pa. Code § 61.1) seasons, sizes, and daily limits but no harvest of other fish species. The intent was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest while allowing for the harvest of trout as the lake is included in the Commission's Stocked Trout Waters program. Once the warm-water and cool-water fish populations were sufficiently re-established, the lake would then be recommended for removal from the Miscellaneous Special Regulations and moved to one or more of the Commission's existing regulation programs.

Sportfish populations were evaluated from 2022 through 2023 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 harvest. As such, it is recommended that Chapman Dam Reservoir be removed from Miscellaneous Special Regulations, allowing staff to consider this reservoir for management of all species with Commonwealth Inland Waters 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> |
|---------------|-------------------------|--|
| * * * * * | | |
| [Warren] | [Chapman Dam Reservoir] | [All species except trout—catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—inland regulations apply. See § 61.1. This miscellaneous special regulation will remain in effect until further notice.] |
| * * * * * | | |

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend 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, 2025.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Small to approve the publication of a notice of proposed rulemaking containing the proposed amendment described in the Commentary. Motion carried by unanimous vote.

FISHERIES
DESIGNATIONS

A. Classification of wild trout streams (58 Pa. Code § 57.11): Proposed additions and revisions.

Commentary:

Staff recommend the addition of 20 new waters to the Commission's list of wild trout streams and the revision of the section limits of four waters currently listed. These changes are the result of recent surveys conducted on these waters. Exhibits H and J provide information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 54 Pa.B. 1026 (February 24, 2024) (Exhibit I). The Commission received a total of 74 public comments regarding the proposed additions and revisions: Seventy-three support the proposal and one supports a specific water in the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add 20 new waters to the Commission's list of wild trout streams and revise the section limits of four waters 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 Mahn and seconded by Commissioner Brock to add 20 new waters to the Commission's list of wild trout streams and revise the section limits of four waters currently listed as set forth in the notice of proposed designations.

Other New Business

There was no other new business.

Time and Place of July 2024 Commission Meeting

President Gibney announced that the next quarterly Commission Meeting will be held on July 22, 2024, at the Pennsylvania Fish and Boat Commission headquarters located at 1601 Elmerton Avenue in Harrisburg, Pennsylvania.

Adjournment

A motion was made by Commissioner Anderson and seconded by Commissioner Kauffman to adjourn the meeting at 11:59 a.m. Motion carried by unanimous vote.

NOTICES

FISH AND BOAT COMMISSION

Temporary Change to Fishing Regulations; Tobyhanna Lake, Monroe County

[54 Pa.B. 1906]
[Saturday, April 6, 2024]

The Executive Director of the 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 temporarily modify fishing regulations at Tobyhanna Lake, Monroe County, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes and daily limits for all species, except trout. The season, sizes and daily limits for trout at Tobyhanna Lake will remain under 58 Pa. Code § 61.1(d) (relating to Commonwealth inland waters), effective April 6, 2024. The Executive Director has found that this action is necessary and appropriate for the management of fish at this lake.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until January 1, 2025, unless the Commission shall by then, by appropriate action, have approved the designation or redesignation of waters or shall have approved the revision to the regulation in question.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-477. Filed for public inspection April 5, 2024, 9:00 a.m.]

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EXHIBIT B

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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| | | |
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| <p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>_____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. Copy not approved. Objections attached.</p> | <p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed, or promulgated by:</p> <p><u>Pennsylvania Fish & Boat Commission</u> (Agency)</p> <p>DOCUMENT/FISCAL NOTE NO. _____</p> <p>DATE OF ADOPTION: <u>03/04/2024</u></p> <p>/s/ Timothy D. Schaeffer BY: _____ Timothy D. Schaeffer Executive Director</p> <p>Title: _____ (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p> | <p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies</p> <p>/s/ Renae Kluk Kiehl BY: _____ Renae Kluk Kiehl Chief Counsel</p> <p>03/01/2024 _____ DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p> |
|--|---|--|

Notice

Temporary Change to Fishing Regulations Lake Frances, Luzerne County

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 temporarily modify fishing regulations at Lake Frances, Luzerne County, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes, and creel limits for all species, effective April 27, 2024. The Executive Director has found that this action is necessary and appropriate for the management of fish at this lake.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until January 1, 2025, unless the Commission shall by then, by appropriate action, have approved the designation or redesignation of waters or shall have approved the revision to the regulation in question.

FOR THE PENNSYLVANIA FISH AND BOAT COMMISSION

/s/ Timothy D. Schaeffer

Timothy D. Schaeffer
Executive Director

**FACE SHEET
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| <p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>_____</p> <p>(DEPUTY ATTORNEY GENERAL)</p> <p>_____</p> <p>DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable. Copy not approved. Objections attached.</p> | <p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p align="center"><u>Pennsylvania Fish & Boat Commission</u> (Agency)</p> <p>DOCUMENT/FISCAL NOTE NO. _____</p> <p>DATE OF ADOPTION: <u>04/09/2024</u></p> <p align="center">/s/ Timothy D. Schaeffer</p> <p>BY: _____</p> <p align="center">Timothy D. Schaeffer Executive Director</p> <p>Title: _____</p> <p>(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p> | <p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies</p> <p align="center">/s/ Renae Kluk Kiehl</p> <p>BY: _____</p> <p align="center">Renae Kluk Kiehl Chief Counsel</p> <p align="center">04/08/2024</p> <p>_____</p> <p>DATE OF APPROVAL</p> <p align="center">(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p> |
|--|--|--|

Notice

**Temporary Change to Fishing Regulations
58 Pa. Code § 61.2. Delaware River, West Branch Delaware River and Estuary**

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 amend 58 Pa. Code § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary). Specifically, the Executive Director has amended this section to reduce the daily limit of striped bass to one and adjust the legal harvestable length slot limit to 22 to less than 26 inches from the Pennsylvania line upstream to Calhoun Street Bridge (Delaware Estuary) from May 1, 2024, through May 31, 2024. All gear restrictions will remain the same. These actions are being taken to meet the requirements of the Atlantic States Marine Fisheries Commission (ASMFC).

At its January 2024 quarterly meeting, the ASMFC's Atlantic Striped Bass Management Board, which includes the Commonwealth as a member, approved Addendum II to Amendment 7 to the Interstate Fishery Management Plan (FMP) for striped bass. The Addendum modifies recreational measures to reduce fishing mortality by 14.1% in 2024, among other management provisions. Addendum II builds upon the 2023 emergency action by changing the measures in the FMP to reduce fishing mortality and support stock rebuilding. All Addendum II measures must be implemented by May 1, 2024. This temporary change to 58 Pa. Code § 61.2 is designed to meet this objective in concert with a previous temporary change to fishing regulations which was published in the *Pennsylvania Bulletin* on January 6, 2024, at 54 Pa.B. 69.

To address the coast-wide regulation directed by the ASMFC, the Commission's Executive Director has taken immediate action to make the following modifications to fishing regulation:

§ 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 Estuary and 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 |
|--------------------------------------|--|---|-------------------------|
| * * * * * | | | |
| STRIPED BASS and HYBRID STRIPED BASS | April 1 <u>May 1</u> through May 31 | [21] <u>22</u> to less than [24] <u>26</u> inches | [2] <u>1</u> |
| * * * * * | | | |

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the regulated waters, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until January 1 of the following year or six months after they are effected, whichever comes later unless the Commission shall by then, by appropriate action, have approved the designation or redesignation of waters or shall have approved the revision to the regulation in question.

FOR THE PENNSYLVANIA FISH AND BOAT COMMISSION:



Timothy D. Schaeffer
Executive Director

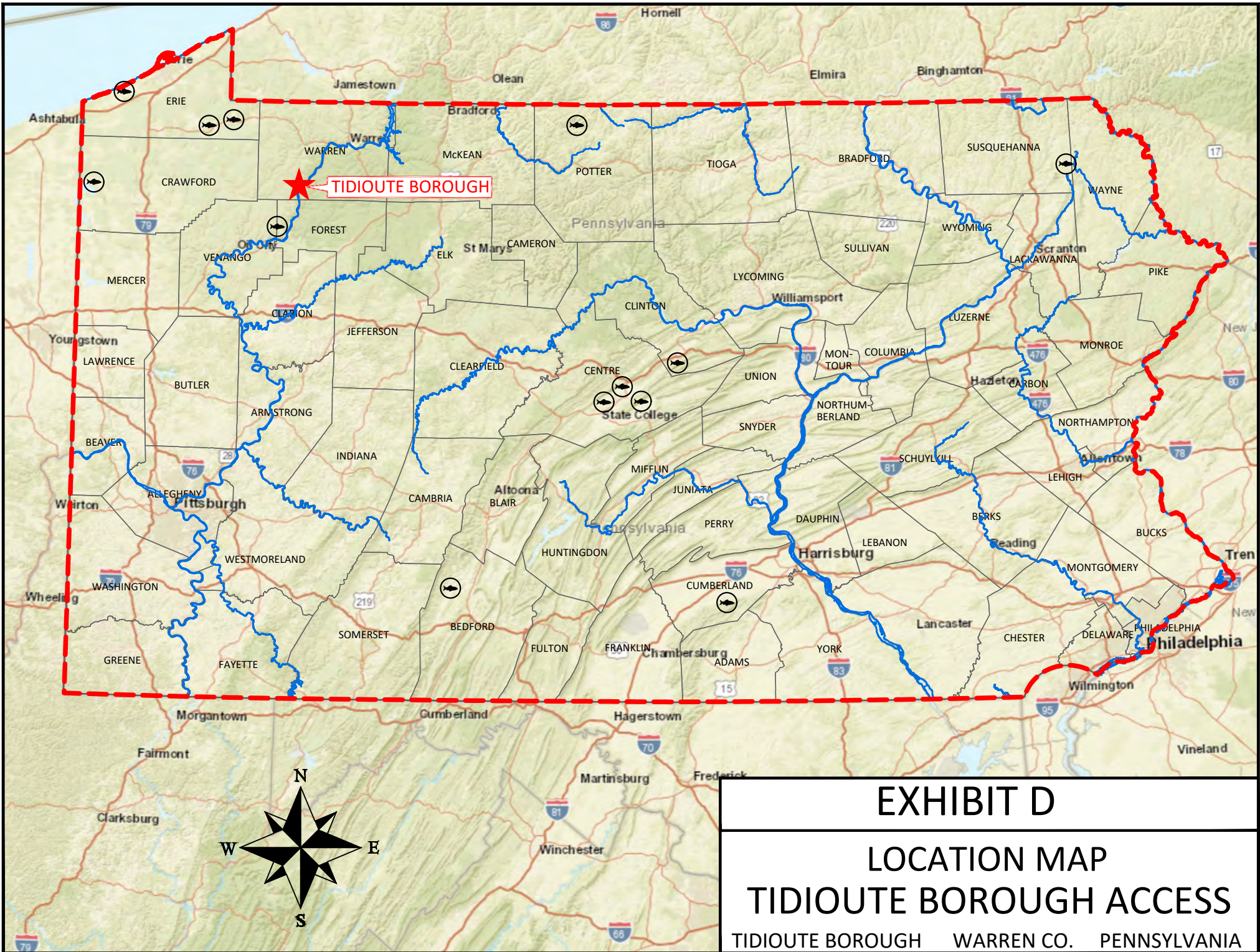




EXHIBIT D
LOCATION MAP
TIDIOUTE BOROUGH ACCESS
TIDIOUTE BOROUGH WARREN CO. PENNSYLVANIA



Allegheny River

EXHIBIT E
SITE MAP
TIDIOUTE BOROUGH ACCESS
TIDIOUTE BOROUGH WARREN CO. PENNSYLVANIA

 Tidioute Borough Property Line
 Other Property Lines

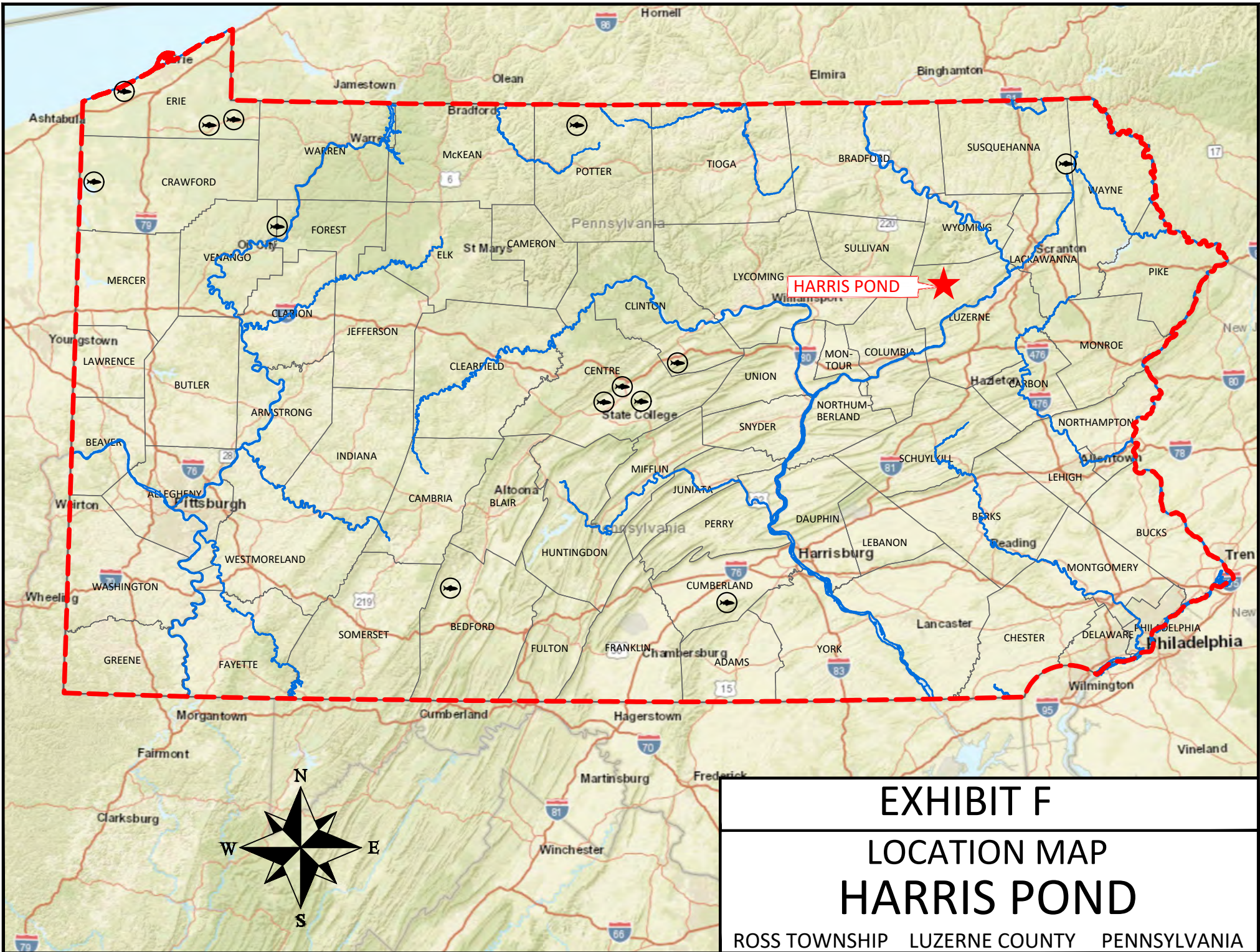
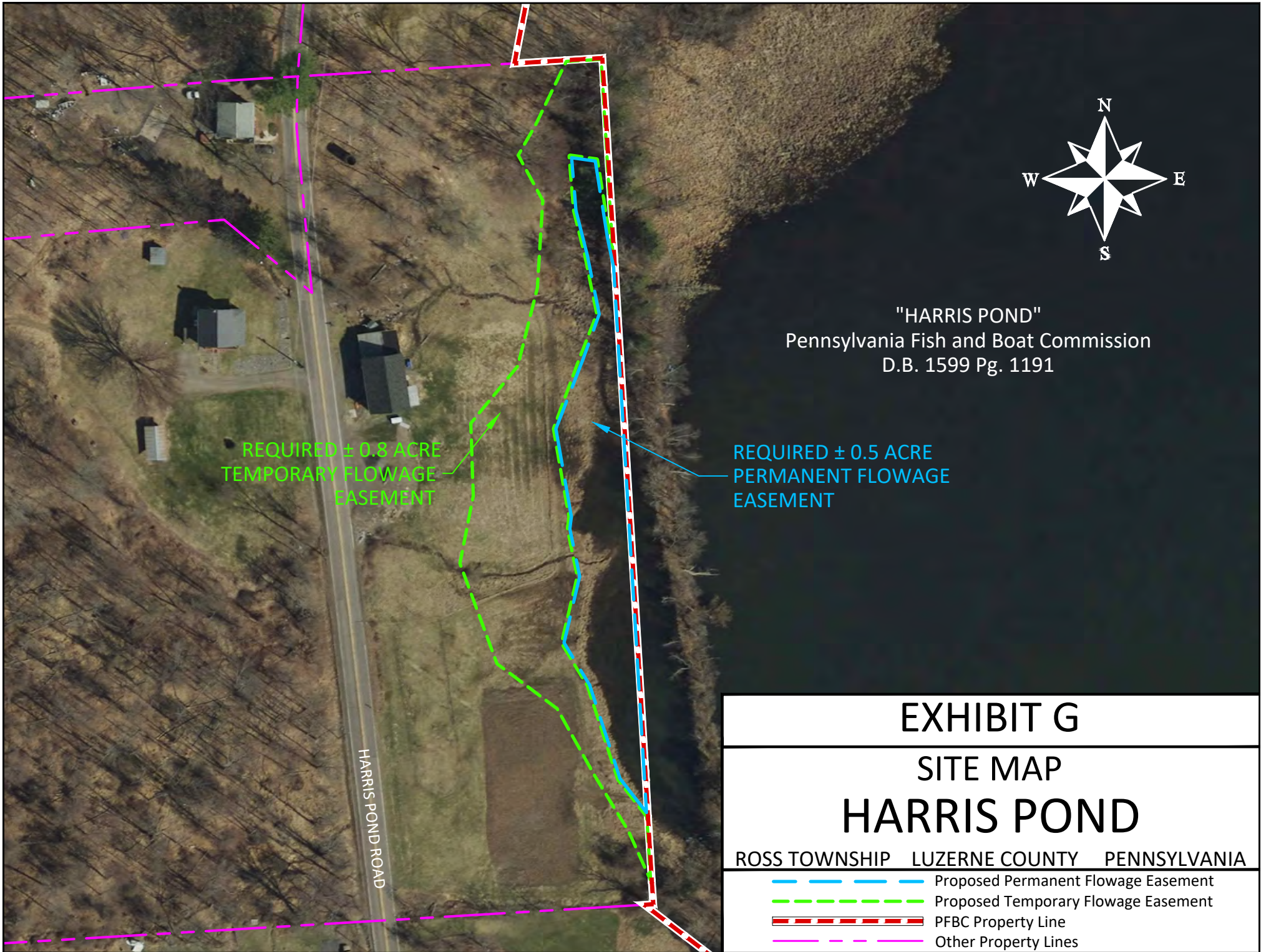


EXHIBIT F
LOCATION MAP
HARRIS POND

ROSS TOWNSHIP LUZERNE COUNTY PENNSYLVANIA



"HARRIS POND"

Pennsylvania Fish and Boat Commission

D.B. 1599 Pg. 1191

REQUIRED ± 0.8 ACRE
TEMPORARY FLOWAGE
EASEMENT

REQUIRED ± 0.5 ACRE
PERMANENT FLOWAGE
EASEMENT

HARRIS POND ROAD

EXHIBIT G

SITE MAP

HARRIS POND

ROSS TOWNSHIP LUZERNE COUNTY PENNSYLVANIA

- Proposed Permanent Flowage Easement
- Proposed Temporary Flowage Easement
- PFBC Property Line
- Other Property Lines

| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-------------|--------------|---------------------|-------------------|---------|-------|-----------------|
| Adams | Clear Run | Carbaugh Run | Headwaters to mouth | 0.00 | Brook | 108 | 2-8 |



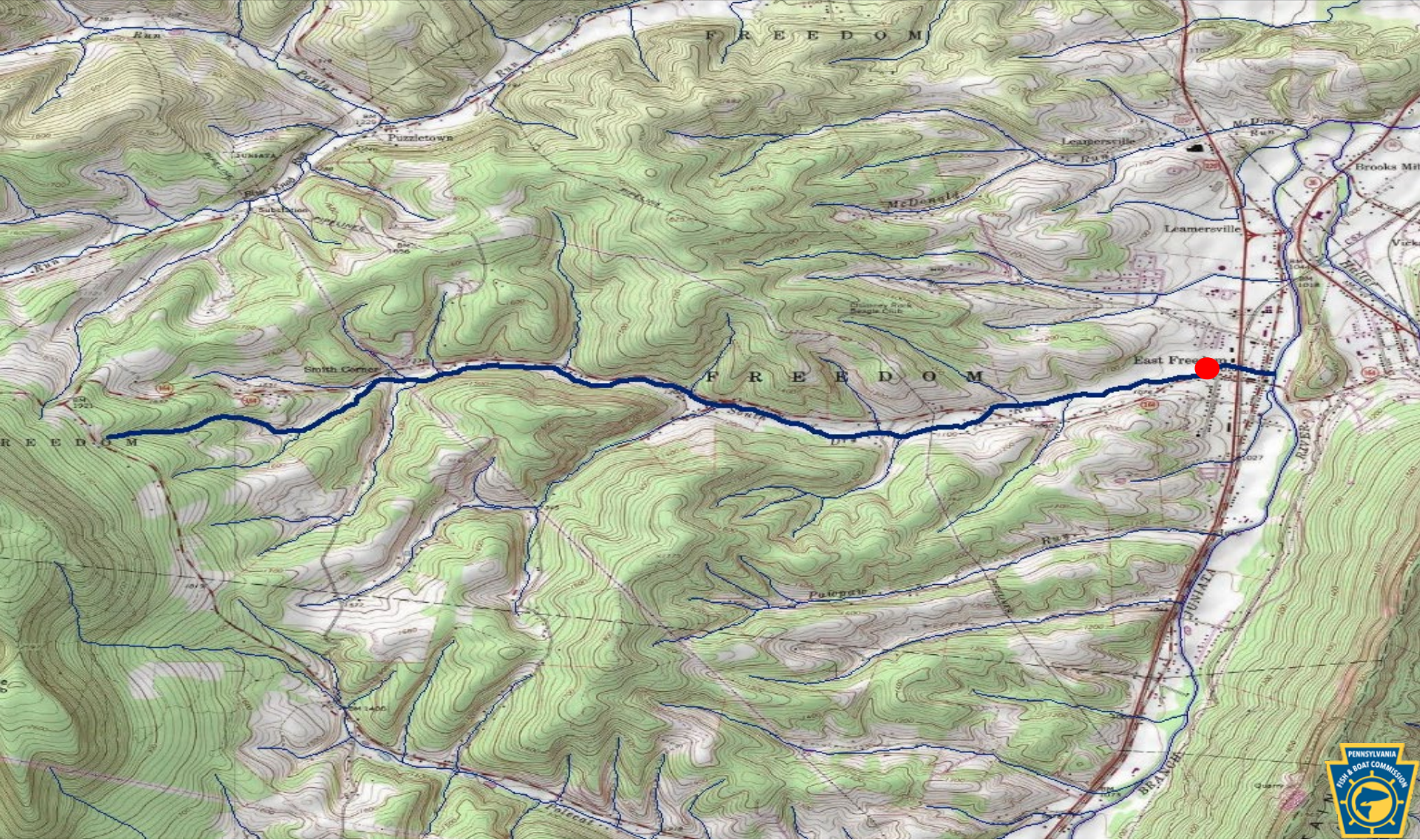
EXHIBIT H



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|---------------------------|--------------|---------------------|-------------------|---------|-------|-----------------|
| Bedford | UNT to Bank Run (RM 0.28) | Bank Run | Headwaters to mouth | 0.00 | Brown | 21 | 2-3 |



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|---------------|---------------------------------|---------------------|-------------------|---------|-------|-----------------|
| Blair | South Dry Run | Frankstown Branch Juniata River | Headwaters to mouth | 0.26 | Brown | 16 | 2-12 |



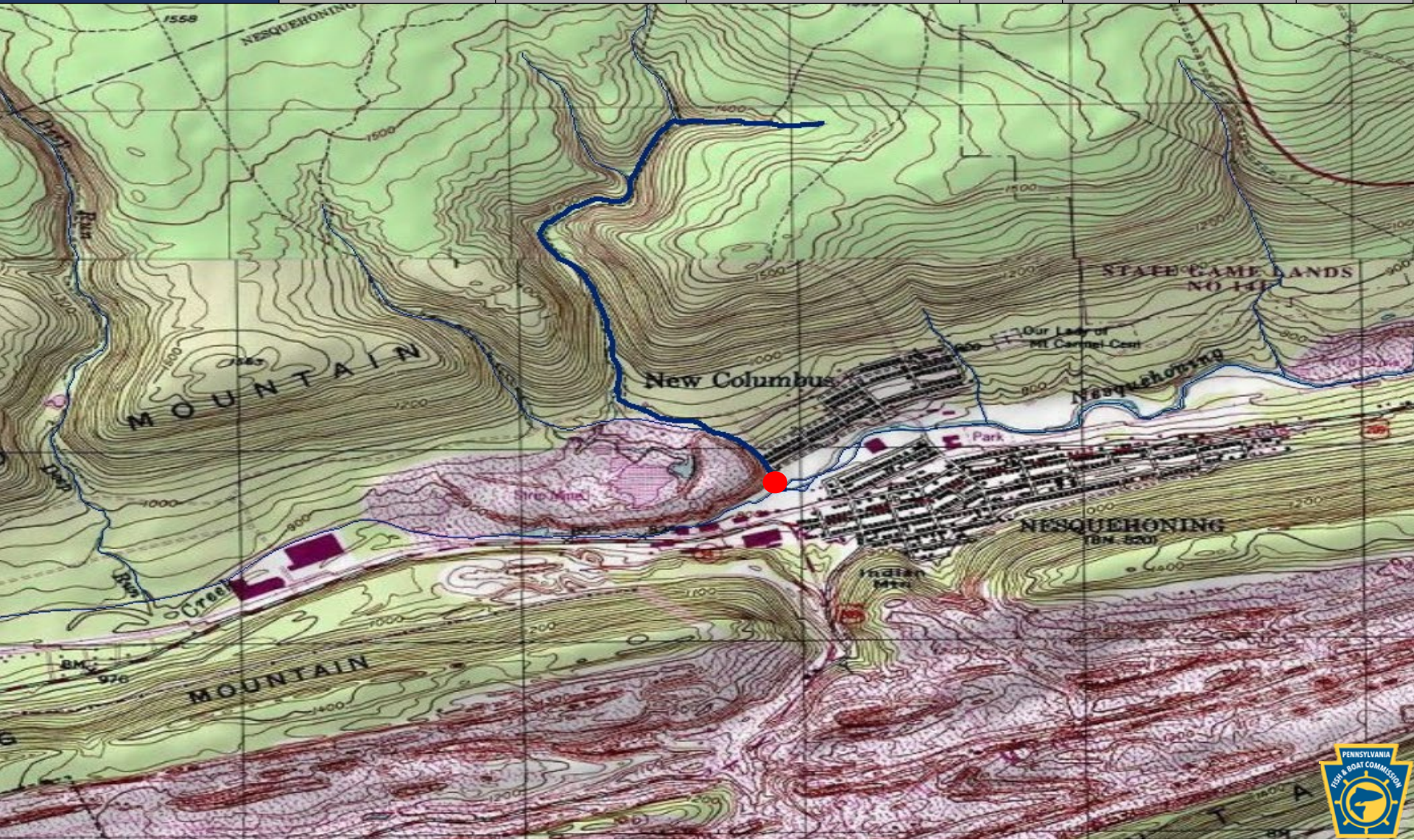
| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|--------------|---------------------------------|---------------------|-------------------|---------|-------|-----------------|
| Blair | Township Run | Frankstown Branch Juniata River | Headwaters to mouth | 0.09 | Brown | 4 | 2-6 |



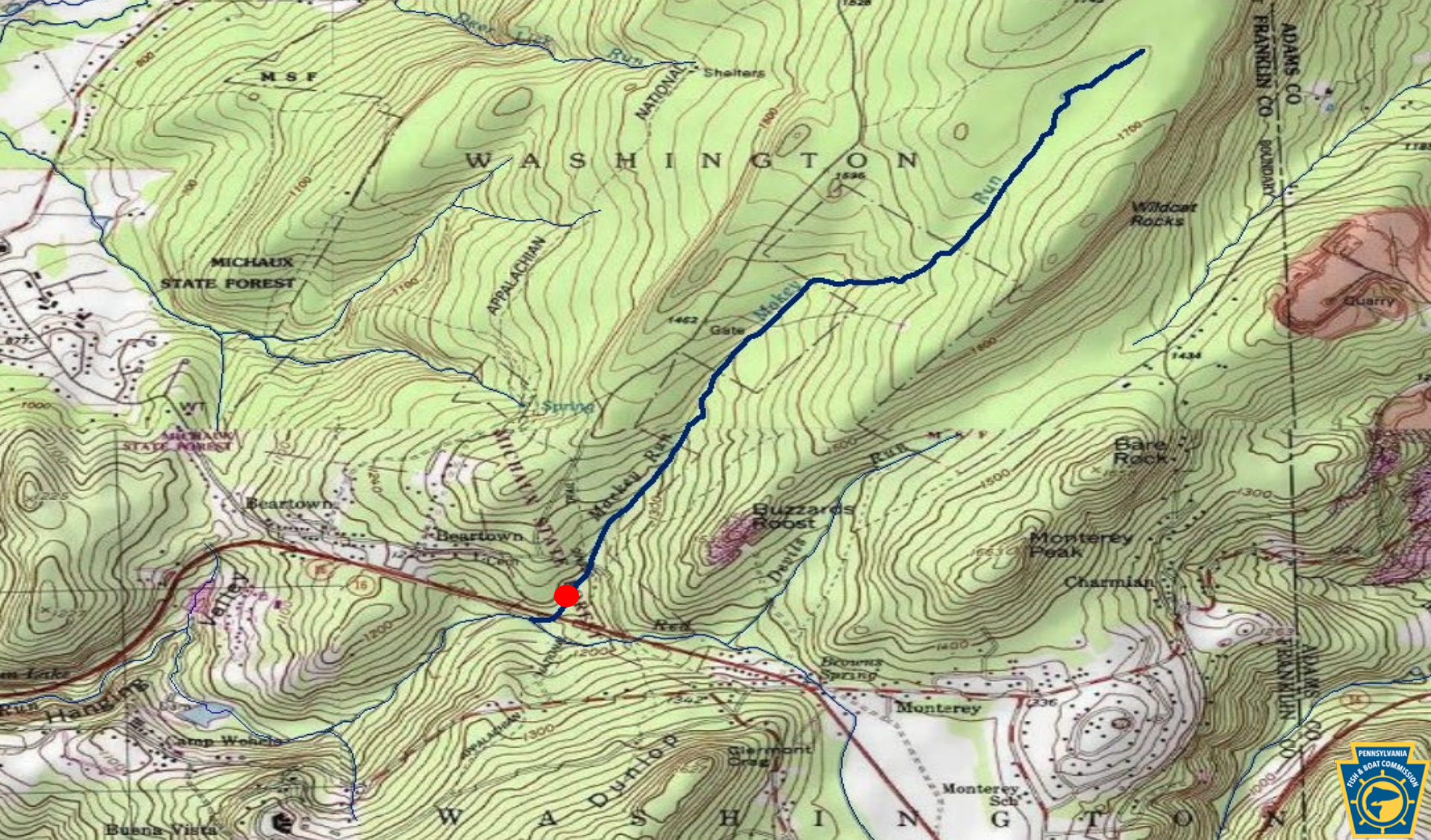
| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|--|-----------------------------|---------------------|-------------------|---------|-------|-----------------|
| Cambria | UNT (RM 0.37) to UNT to Laurel Run (RM 5.35) | UNT to Laurel Run (RM 5.35) | Headwaters to mouth | 0.00 | Brook | 15 | 2-9 |



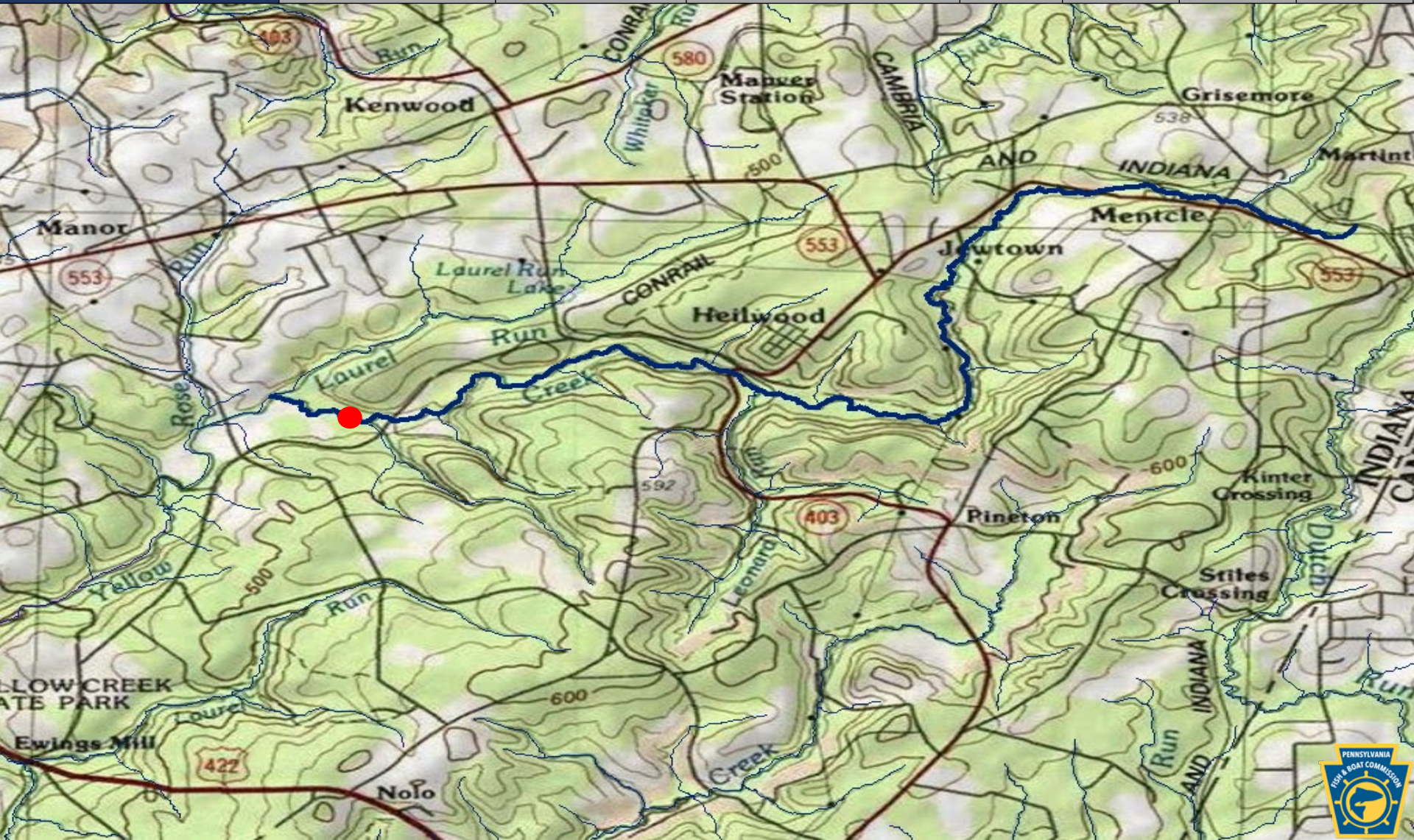
| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|--|--------------------|---------------------|-------------------|-------------|---------|-----------------|
| Carbon | UNT to Nesquehoning Creek (First Hollow Creek) | Nesquehoning Creek | Headwaters to mouth | 0.01 | Brook Brown | 97 2 | 1-7 4-9 |



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-------------|--------------|---------------------|--|---------|-------|-----------------|
| Franklin | Mackey Run | Red Run | Headwaters to mouth | 0.06 | Brook | 16 | 2-5 |



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|--------------|----------------|--------------------------|-------------------|---------|-------|-----------------|
| Indiana | Yellow Creek | Two Lick Creek | Headwaters to Laurel Run | 17.20 | Brown | 44 | 2-16 |



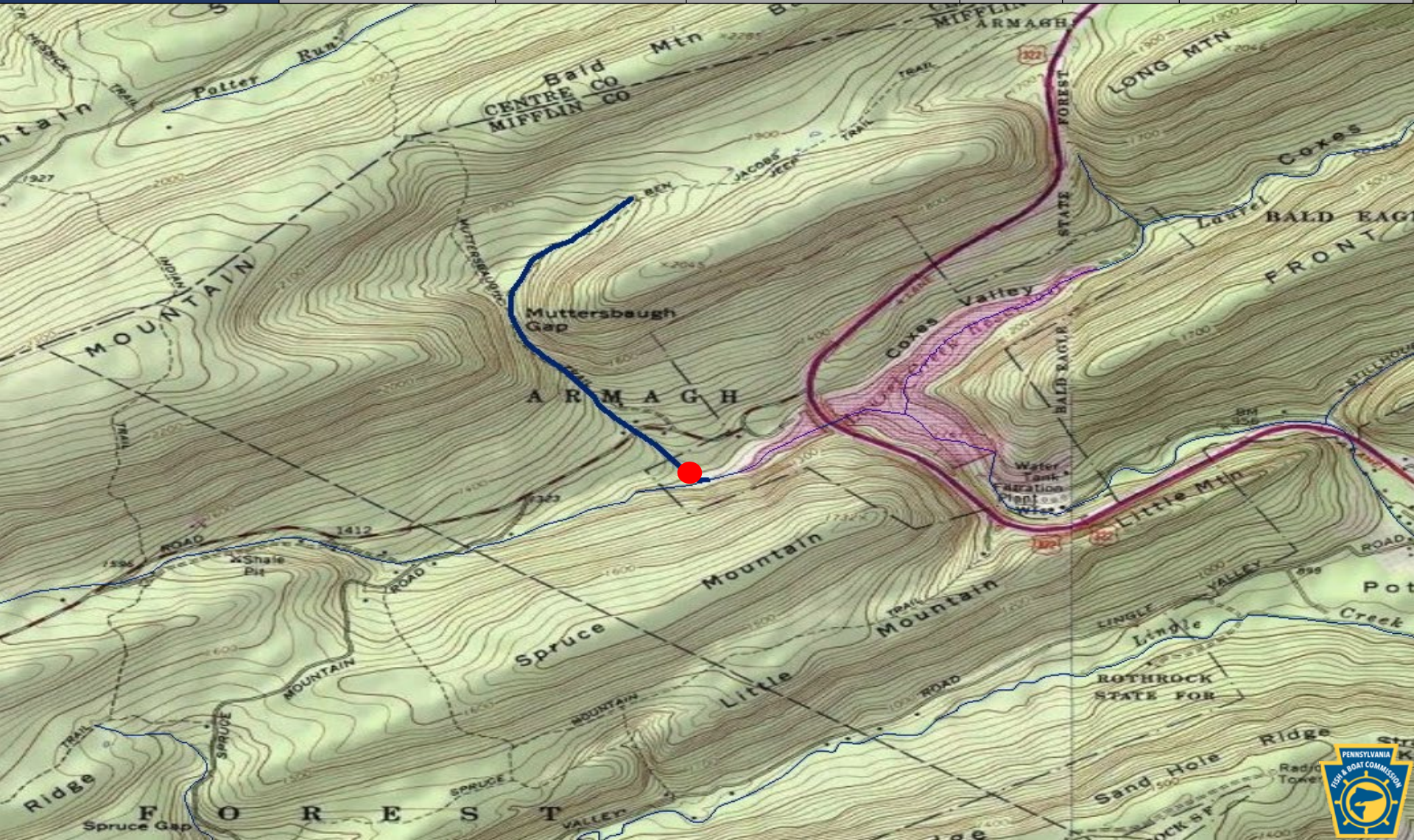
| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|--------------|---------------|---------------------|-------------------|---------|-------|-----------------|
| Juniata | Schweyer Run | Juniata River | Headwaters to mouth | 0.08 | Brown | 6 | 2-7 |



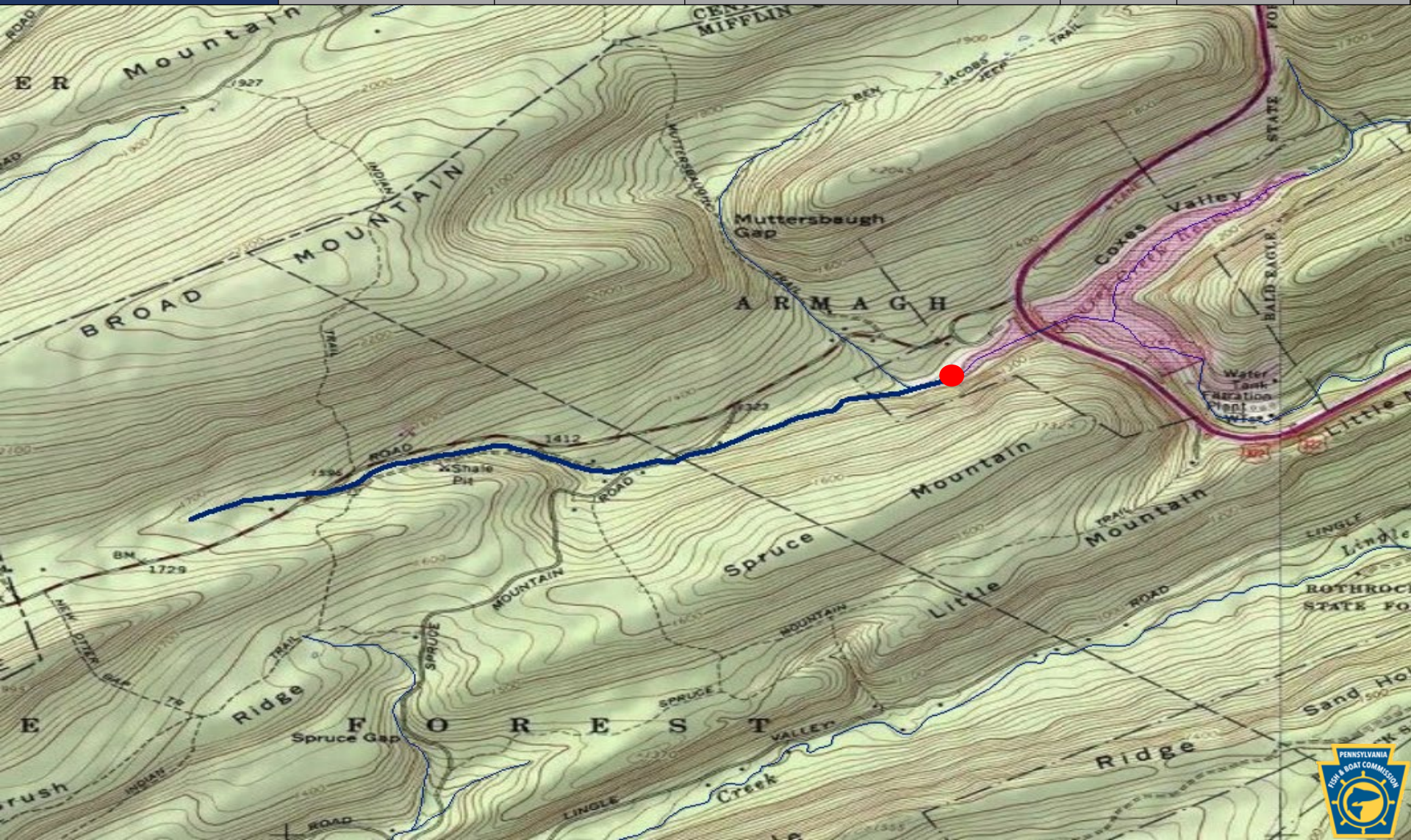
| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-------------|--------------|---------------------|-------------------|---------|-------|-----------------|
| Lycoming | Lick Run | Muncy Creek | Headwaters to mouth | 0.25 | Brown | 10 | 3-16 |



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|--|---|---------------------|-------------------|---------|-------|-----------------|
| Mifflin | UNT (RM 0.08) to UNT to Laurel Creek Reservoir (RM 5.82) | UNT to Laurel Creek Reservoir (RM 5.82) | Headwaters to mouth | 0.02 | Brook | 120 | 2-7 |



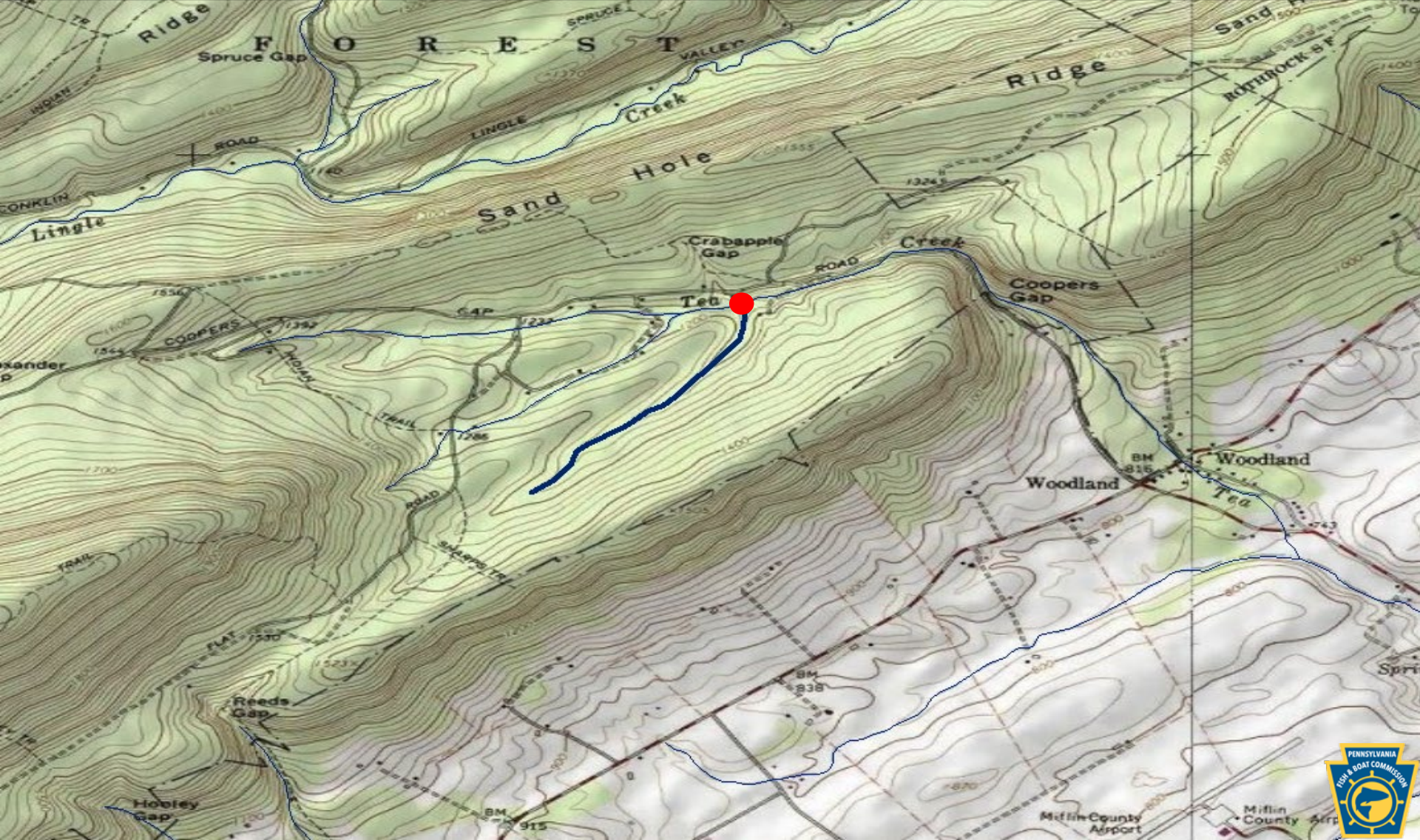
| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|---|------------------------|---------------------|-------------------|---------|-------|-----------------|
| Mifflin | UNT to Laurel Creek Reservoir (RM 5.82) | Laurel Creek Reservoir | Headwaters to mouth | 0.01 | Brook | 36 | 2-10 |



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-------------------------------|--------------|---------------------|-------------------|-------------|---------|-----------------|
| Mifflin | UNT to Lingle Creek (RM 4.06) | Lingle Creek | Headwaters to mouth | 0.00 | Brook Brown | 17 8 | 2-7 2-10 |



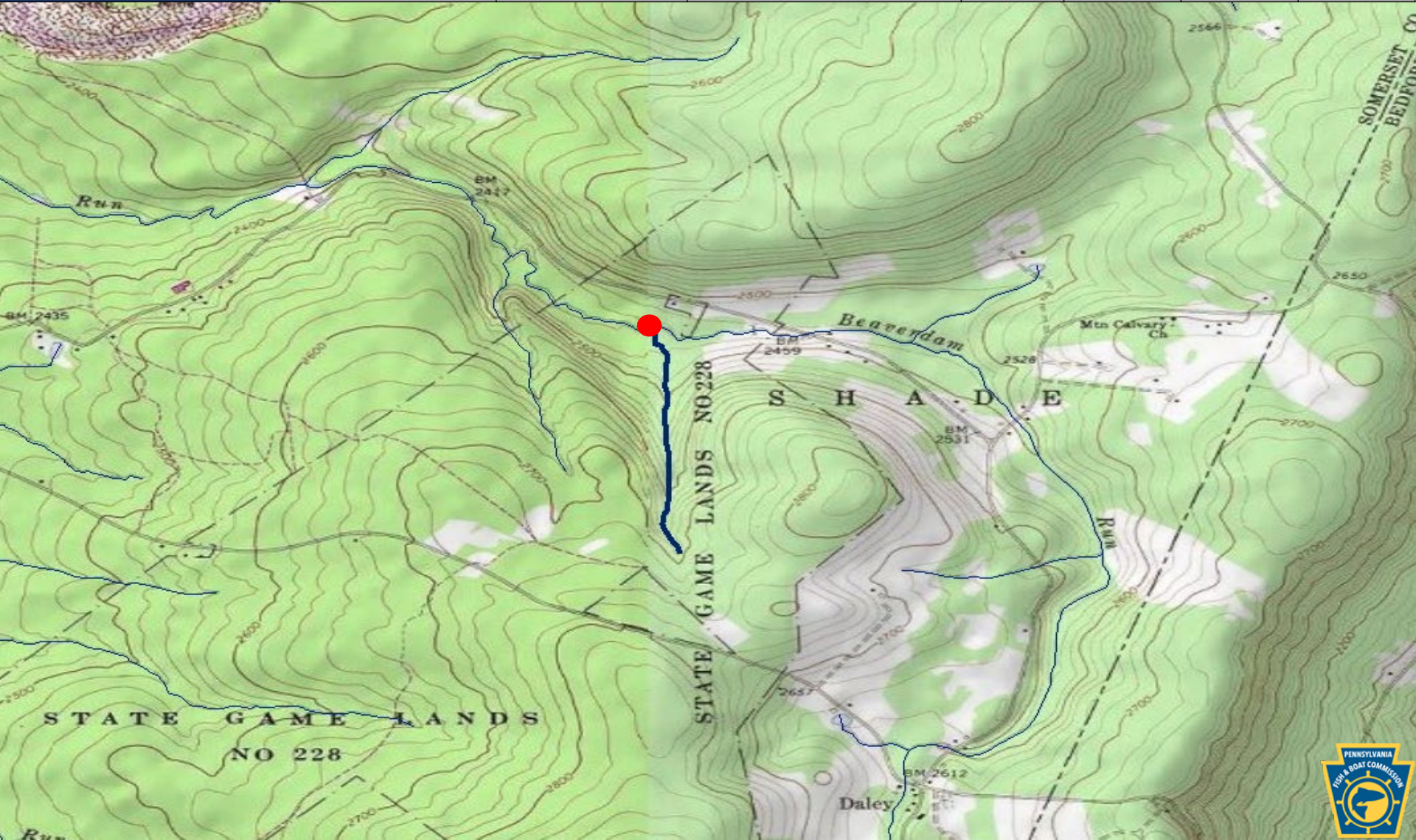
| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|----------------------------|--------------|---------------------|-------------------|---------|-------|-----------------|
| Mifflin | UNT to Tea Creek (RM 4.60) | Tea Creek | Headwaters to mouth | 0.01 | Brook | 5 | 2-3 |



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-------------------|--------------|---------------------|-------------------|-------------|---------|-----------------|
| Potter | Indian Shanty Run | Borie Branch | Headwaters to mouth | 0.00 | Brook Brown | 2 13 | 5-7 2-4 |



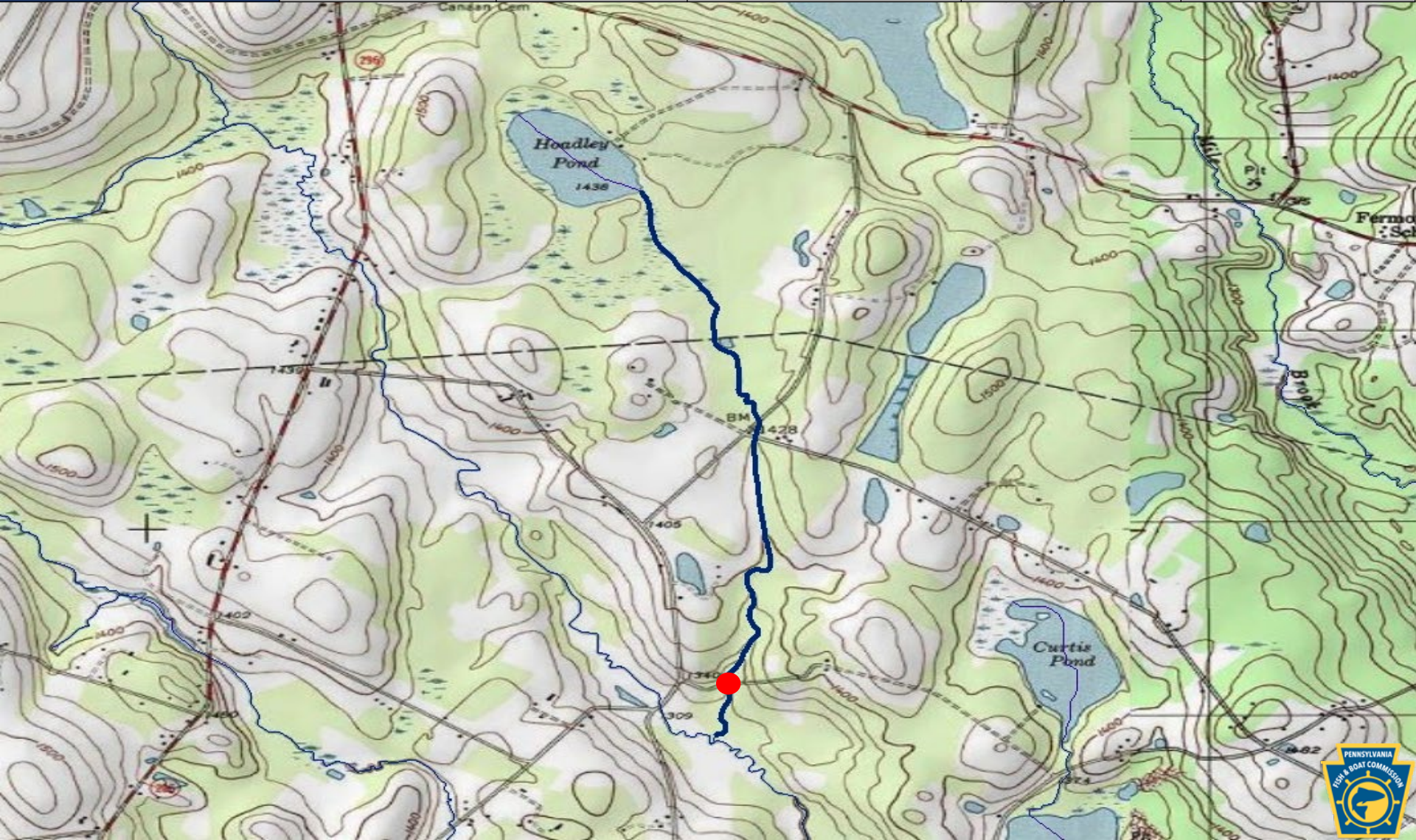
| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|--------------------------------|---------------|---------------------|-------------------|---------|-------|-----------------|
| Somerset | UNT to Beaverdam Run (RM 3.34) | Beaverdam Run | Headwaters to mouth | 0.00 | Brook | 26 | 1-5 |



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|--|---|---------------------|-------------------|-------------|--------|-----------------|
| Wayne | UNT (RM 0.64) to UNT (RM 0.64) to UNT to West Branch Lackawaxen River (RM 13.82) | UNT (RM 0.64) to UNT to West Branch Lackawaxen River (RM 13.82) | Headwaters to mouth | 0.00 | Brook Brown | 2 3 | 2 2 |



| County of Mouth | Stream Name | Tributary To | Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|---|--------------------------------|---------------------|-------------------|---------|-------|-----------------|
| Wayne | UNT (RM 2.88) to UNT to Middle Creek (RM 15.27) | UNT to Middle Creek (RM 15.27) | Headwaters to mouth | 0.20 | Brook | 18 | 1-8 |



NOTICES

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions and Revisions; April 2024

[54 Pa.B. 1026]
[Saturday, February 24, 2024]

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 April 29, 2024, 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 |
|------------------------|--|--------------------------|---------------------------------|------------------------|
| Adams | Clear Run | Headwaters to Mouth | Carbaugh Run | 39.899551 77.451942 |
| Adams | Saw Mill Run | Headwaters to Mouth | Carbaugh Reservoir | 39.869920 77.453326 |
| Bedford | Unknown Tributary (UNT) to Bank Run (RM 0.28) | Headwaters to Mouth | Bank Run | 40.145049 78.298101 |
| Blair | South Dry Run | Headwaters to Mouth | Frankstown Branch Juniata River | 40.357342 78.427840 |
| Blair | Township Run | Headwaters to Mouth | Frankstown Branch Juniata River | 40.488086 78.243008 |
| Cambria | UNT (RM 0.37) to UNT to Laurel Run (RM 5.35) | Headwaters to Mouth | UNT to Laurel Run (RM 5.35) | 40.411208 78.902809 |
| Carbon | UNT to Nesquehoning Creek (First Hollow Creek) | Headwaters to Mouth | Nesquehoning Creek | 40.864259 75.819202 |
| Franklin | Mackey Run | Headwaters to Mouth | Red Run | 39.741511 77.491797 |
| Indiana | Yellow Creek | Headwaters to Laurel Run | Two Lick Creek | 40.541111 79.167222 |

| | | | | |
|----------|--|---------------------|---|------------------------|
| Juniata | Schweyer Run | Headwaters to Mouth | Juniata River | 40.568823 77.399157 |
| Lycoming | Lick Run | Headwaters to Mouth | Muncy Creek | 41.308056 76.663055 |
| Mifflin | UNT (RM 0.08) to UNT to Laurel Creek Reservoir (RM 5.82) | Headwaters to Mouth | UNT to Laurel Creek Reservoir (RM 5.82) | 40.729017 77.640042 |
| Mifflin | UNT to Laurel Creek Reservoir (RM 5.82) | Headwaters to Mouth | Laurel Creek Reservoir | 40.729424 77.638665 |
| Mifflin | UNT to Lingle Creek (RM 4.06) | Headwaters to Mouth | Lingle Creek | 40.707993 77.662195 |
| Mifflin | UNT to Tea Creek (RM 4.60) | Headwaters to Mouth | Tea Creek | 40.701704 77.643358 |
| Potter | Indian Shanty Run | Headwaters to Mouth | Borie Branch | 41.678284 77.955673 |
| Potter | UNT to Prouty Run (RM 3.08) | Headwaters to Mouth | Prouty Run | 41.662926 77.908905 |
| Somerset | UNT to Beaverdam Run (RM 3.34) | Headwaters to Mouth | Beaverdam Run | 40.106940 78.749580 |
| Wayne | UNT (RM 0.64) to UNT (RM 0.64) to UNT to West Branch Lackawaxen River (RM 13.82) | Headwaters to Mouth | UNT (RM 0.64) to UNT to West Branch Lackawaxen River (RM 13.82) | 41.679670 75.408537 |
| Wayne | UNT (RM 2.88) to UNT to Middle Creek (RM 15.27) | Headwaters to Mouth | UNT to Middle Creek (RM 15.27) | 41.531767 75.392422 |

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

| County of Mouth | Stream Name | Current Limits | Revised Limits | Tributary to | Mouth Lat/Lon |
|-----------------|-----------------|---|-------------------------------|--------------------------------|------------------------|
| Lackawanna | Fall Brook | Headwaters to second SR 106 Bridge (from Mouth) | Headwaters to Mouth | Lackawanna River | 41.568056 75.510556 |
| Schuylkill | Still Creek | Headwaters to Still Creek Reservoir | Headwaters to Mouth | Little Schuylkill River | 40.848912 76.003649 |
| Union | Spruce Run | Headwaters to confluence with Black Run | Headwaters to Mouth | Buffalo Creek | 40.976944 76.978889 |
| Wayne | Starrucca Creek | Thompson to Wayne/Susquehanna County line | Headwaters to UNT at RM 11.09 | North Branch Susquehanna River | 41.962502 75.589996 |

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, objections or suggestions may also be submitted electronically to RA-pfbcregulations@pa.gov.

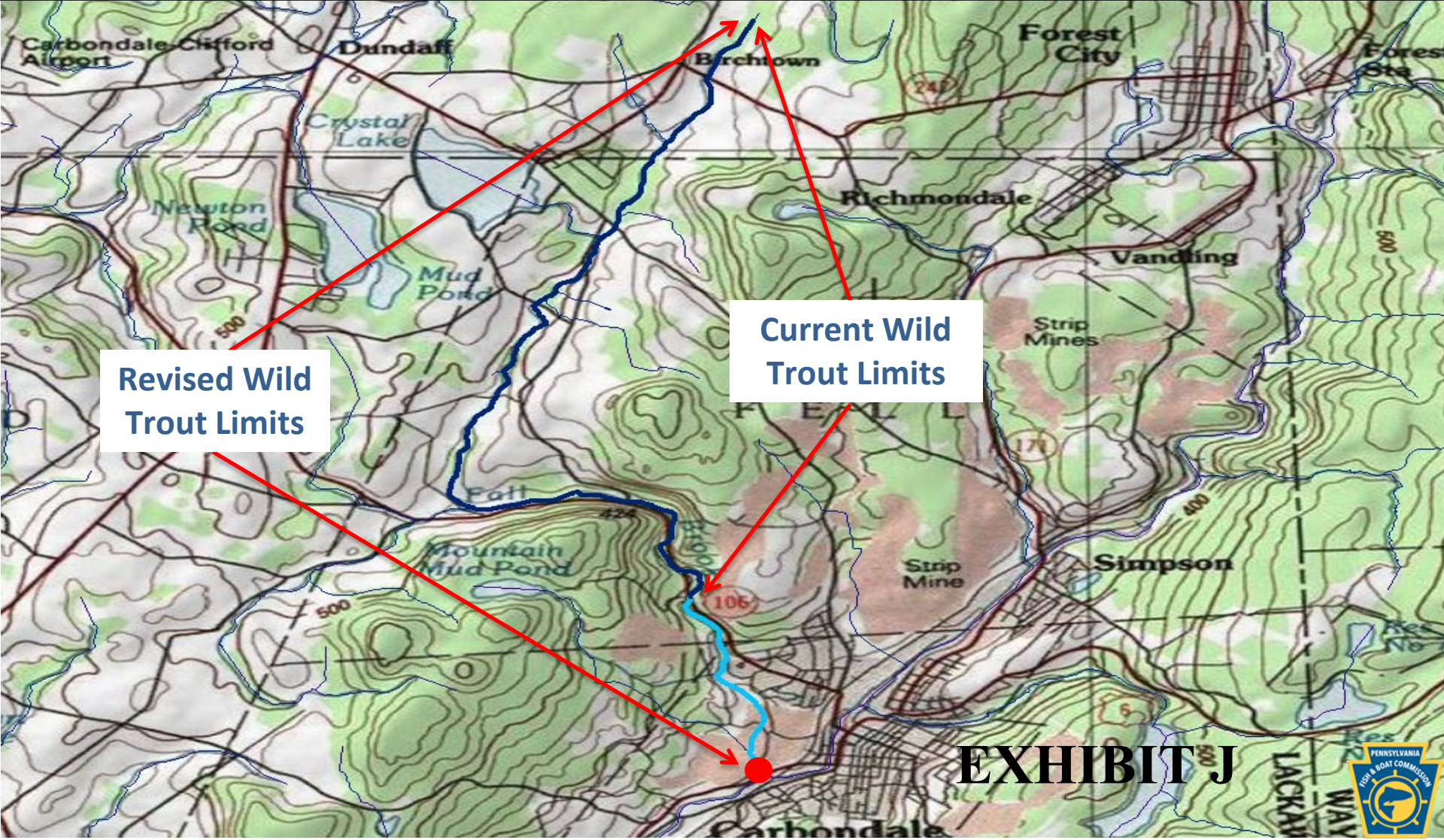
[Pa.B. Doc. No. 24-248. Filed for public inspection February 23, 2024, 9:00 a.m.]

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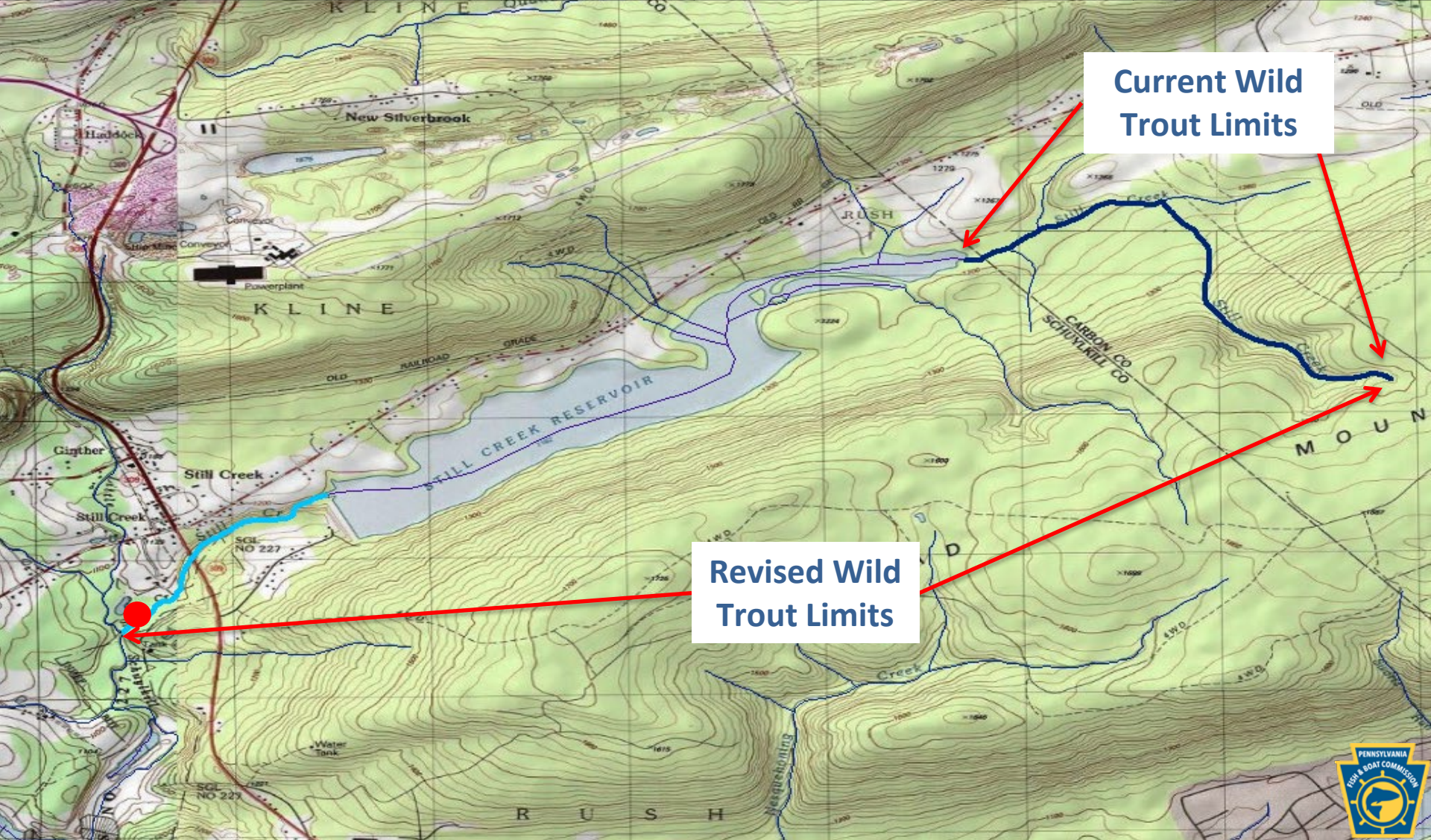
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Bottom

| County of Mouth | Stream Name | Tributary To | Current Wild Trout Limits | Revised Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-------------|------------------|---|---------------------------|-------------------|---------|-------|-----------------|
| Lackawanna | Fall Brook | Lackawanna River | Headwaters to second SR 106 bridge (from mouth) | Headwaters to mouth | 0.00 | Brown | 3 | 2-3 |



| County of Mouth | Stream Name | Tributary To | Current Wild Trout Limits | Revised Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-------------|-------------------------|-------------------------------------|---------------------------|-------------------|---------|-------|-----------------|
| Schuylkill | Still Creek | Little Schuylkill River | Headwaters to Still Creek Reservoir | Headwaters to mouth | 0.09 | Brook | 15 | 3-8 |

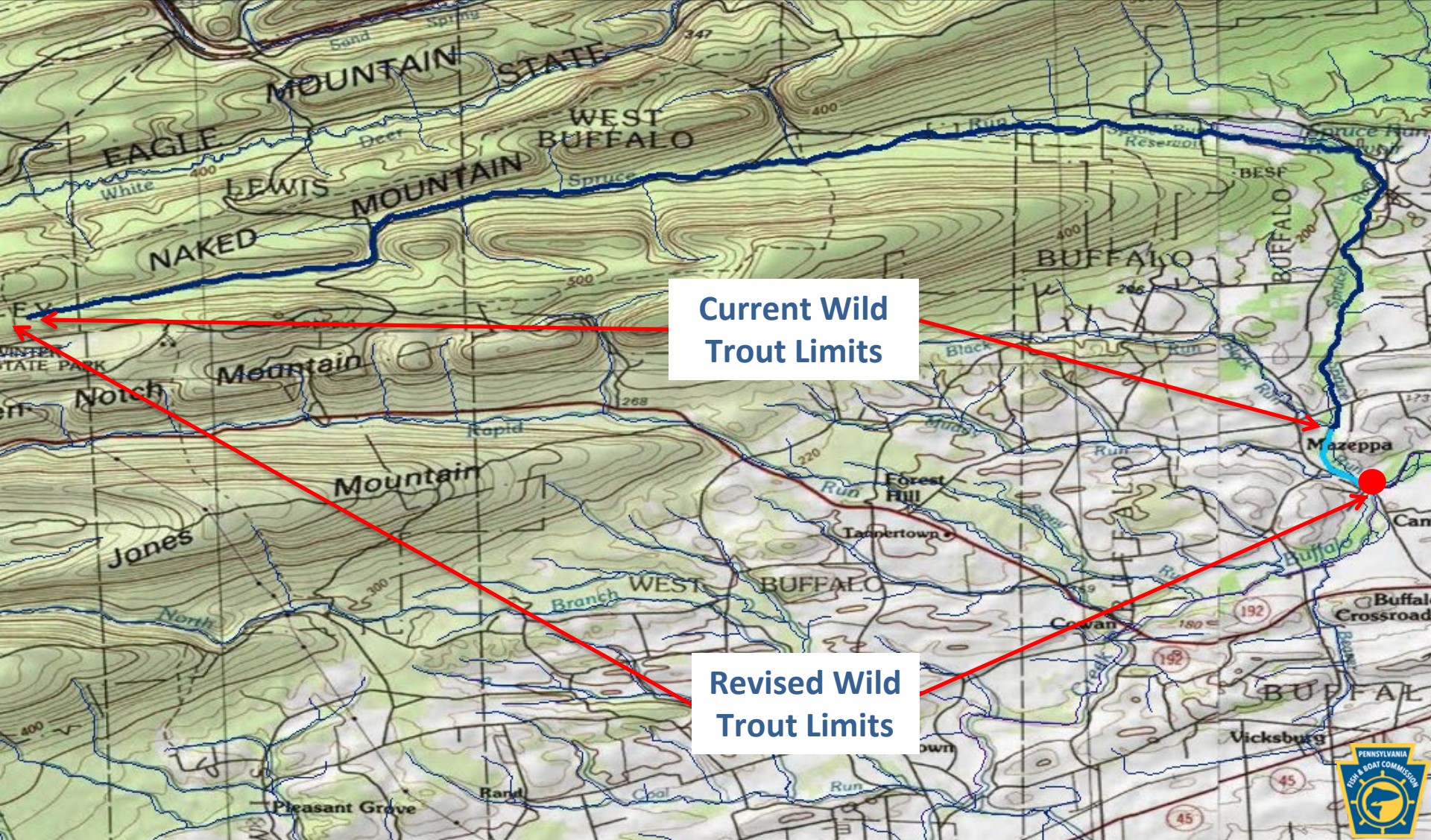


Current Wild Trout Limits

Revised Wild Trout Limits



| County of Mouth | Stream Name | Tributary To | Current Wild Trout Limits | Revised Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-------------|---------------|---|---------------------------|-------------------|---------|-------|-----------------|
| Union | Spruce Run | Buffalo Creek | Headwaters to confluence with Black Creek | Headwaters to mouth | 0.00 | Brown | 16 | 3-17 |



| County of Mouth | Stream Name | Tributary To | Current Wild Trout Limits | Revised Wild Trout Limits | Site River-mile ● | Species | Catch | Length (inches) |
|-----------------|-----------------|--------------------------------|---|-------------------------------|-------------------|-------------|---------|-----------------|
| Wayne | Starrucca Creek | North Branch Susquehanna River | Thompson to Wayne/ Susquehanna county line | Headwaters to UNT at RM 11.09 | 11.59 | Brook Brown | 10 1 | 2-7 7 |

