

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

MINUTES

160th Meeting

Volume 78

**HARRISBURG, PENNSYLVANIA
OCTOBER 21, 2024**

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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

MINUTES

The 160th Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, October 21, at the Pennsylvania Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, PA 17110.

The public session for review of this agenda began on October 21, 2024, at approximately 10:00 a.m.

Call to Order

This meeting was called to order at 10:01 a.m by Commission President Daniel Pastore. The roll was called by Chief Counsel Renae Kluk Kiehl and was followed by the Pledge of Allegiance.

Roll Call

Members Present

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

Members Excused

Donald K. Anderson
William C. Brock

Staff and Volunteer Recognition

Executive Director Timothy Schaeffer along with Pennsylvania Game Commission Executive Director Stephen Smith jointly recognized long-time Senate Democratic Chair of the Game & Fisheries Committee James R. Brewster for his most recent work as author of Act 1 of 2024, license exemption for therapeutic recreation programs, as well as his years of service supporting both agencies. Senator Brewster was presented with a framed print.

Colonel Jeffrey Sabo, Director of the Commission's Bureau of Law Enforcement, recognized Waterways Conservation Officer Michael Blair who was named the Boating Officer of the Year for Pennsylvania by the National Association of State Boating Law Administrators. The award recognized Blair, who was recently promoted to Sergeant, Southeast Region, for his commitment to boating education and enforcement efforts in one of the most active boating

districts in the Commonwealth. In addition, Blair recently received a Life Saving Award for his efforts in August 2023 to assist four individuals who were in distress in the Delaware River after their boat collided with a channel marker.

Public Comments to Commissioners and Staff

The following individuals provided public comments related to the proposed revision of Class A Wild Trout Stream Designation and criteria for consideration of continued stocking:

- Emily Baldauff, Mid Atlantic Policy Manager for national Trout Unlimited, the chair of the Pennsylvania Sportsmen & Women Policy workgroup, as well as a lifelong citizen of the Commonwealth and an avid angler.
- Dave Williams, R.B. Winter Chapter, Union County (stream designations)
- Dave Walters, Susquehanna Chapter (angling science)
- Johnathan Danials, Vice President, Cumberland Valley Trout Unlimited (habitat/ecosystems)
- Russ Collins, Vice President, Doc Fritche Chapter of Trout Unlimited (economic impact)
- Walt Nicholson, Immediate Past President, Susquehanna Chapter of Trout Unlimited (mission reminder)
- Jack Peters, R.B. Winter Trout Unlimited (youth perspective)
- Rod Jonco, R.B. Winter Trout Unlimited (nature should manage)
- Dave Rothrock, Pennsylvania Trout Unlimited (potential)
- Lenny Lichvar, Pennsylvania Trout Unlimited President (conclusion)

Copies of the individual comments, when provided by the speaker, are attached to these minutes.

The following individuals provided public comments related to the open Waterways Conservative Officers (WCOs) collective bargaining agreement:

- Brian O'Neill, Resident, 8th Commission District
- Jason Amory, PA FOP Lodge 114 (PGC)
- Jon Wyant, Pennsylvania State Lodge Fraternal Order of Police
- Walt Buckman, Vice President, Pennsylvania Fraternal Order of Police Lodge 114
- Ron Evancho, Assistant Regional Supervisor, Southeast Regional Office
- Matthew Scott, Waterways Conservation Officer, Southwest Region
- Lindsey Williams, State Senator, 38th Senatorial District in Allegheny County

Copies of the individual comments, when provided by the speaker, are attached to these minutes.

Review and Approval of Minutes

President Pastore asked if there were any corrections or additions to the minutes that were distributed from the July 22 meeting. Hearing none, a motion was made by Commissioner Gibney and seconded by Commissioner Hussar to approve minutes of the July 22, 2024, meeting as written. Motion carried by unanimous vote.

Executive Director's Report

Executive Director Timothy Schaeffer provided his quarterly report to the commissioners. He highlighted a number of topics including the current Waterways Conservation Officer class of 23 cadets, a Sportsmen License Plate benefitting youth fishing and hunting education unveiled during the Hunting and Fishing Day at the Capitol, process improvements providing enhanced service to licensing and registration customers, the release of over 9,000 freshwater mussels into Dunkard Creek and the Kiskiminetas and Clarion Rivers, as well as the removal of Bushkill Creek Dam.

Reports of Commissioner Committees

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

Boating (Commissioner Charlesworth) – A virtual meeting was held on October 7 where the the Boating Committee recognized Chris Calhoun for receiving the National Association of State Boating Law Administrator's Northern Region Education of the Year Award, as well as the Higgins and Langley Swiftwater Rescue Lifetime Achievement Award.

Meeting topics discussed included three final rulemaking amendmends related to: (1) 58 Pa. Code Chapter 95, manufacturer installed equipment, (2) 58 Pa. Code Chapter 99a, capacity plates, and (3) 58 Pa. Code Chapter 117, boat rental businesses. These proposals are on the Commission's meeting agenda for today, where a vote will occur. Additional meeting topics included a year-to-date incident statistics report and an informational presentation on adaptive boat launches.

Fisheries and Hatcheries (Commissioner Kauffman) – The Fisheries and Hatcheries Committee met on October 2, 2024. The meeting was conducted online and was broadcast live in real-time with Commissioners and staff participating remotely.

There were six discussion items on the agenda: 1) the criteria for consideration of stocking Class A wild trout streams and the Class A Policy at 58 Pa. Code § 57.8a; 2) an overview of the draft *Strategic Plan for Management of Trout Fisheries in Pennsylvania: 2025-2029*; 3) an overview of proposed amendments to 58 Pa. Code Chapter 69 pertaining to commercial fishing in Lake Erie; 4) an overview of Pennsylvania's inland Striped Bass fisheries; 5) a Hatcheries update focused on innovations to improve efficiency; and 6) a brief overview of Fisheries voting items planned for today's quarterly Commission meeting.

Habitat and Environmental (Commissioner Small) – The Habitat and Environmental Committee met on October 17. The meeting was conducted online and was broadcast live in real-time with Commissioners and staff participating remotely.

There were five discussion items on the agenda for the committee meeting: 1) the proposed process for listing and delisting aquatic invasive species; 2) an overview of PFBC's role in four regional turtle conservation plans; 3) a case study of the dam removal process in Pennsylvania;

4) an overview of fish habitat projects at Pymatuning and Bald Eagle state parks; and 5) an overview of the habitat improvement and public access in the headwaters of the West Branch of the Susquehanna River.

Law Enforcement (Commissioner Mahn) – The Law Enforcement Committee met twice since the July Commission meeting. The first meeting was held virtually on October 3, 2024. The Committee received one public comment regarding a requirement under Title 58 of the Pennsylvania Code, Chapter 63.15a - Officially-recognized fish cleaning stations – the comment opposed the current requirement to leave a 2-inch by 2-inch piece of skin on fish cleaned at noncommercial, officially-recognized fish cleaning stations. The Committee received information about staff proposed changes to Title 58 of the Pennsylvania Code, Chapter 63.15a - Officially-recognized fish cleaning stations – more specifically changes to the definitions of *commercial* and *noncommercial* cleaning stations.

Commissioner Mahn reported that the Committee was informed staff held a meeting on September 11, 2024, in Erie with interested stakeholders to discuss the requirement to leave a 2-inch by 2-inch piece of skin on processed fillets for identification purposes. The Committee then further discussed the 2-inch by 2-inch skin requirement and asked questions for clarification where needed. No action was taken as the proposed amendment is on the Commission’s meeting agenda for today, where a vote will occur.

The Law Enforcement Committee met again this morning to discuss one license revocation and agreed to move forward with a three-year license revocation.

Announcement of Executive Sessions

Commission President Daniel Pastore announced that four executive sessions were held since the public meeting. The first was held on August 7, 2024, to discuss the North East Marina, a Commission-owned property. The second executive session was held on October 2, 2024, to discuss a lawsuit filed against the Commission in the Middle District for the United States Court of Appeals for the Third Circuit as well as potential litigation involving the Commission. The third executive session was held on October 16, 2024, to discuss potential litigation, personnel, and labor union negotiations. A fourth executive session was held on October 21, 2024, to discuss ongoing union negotiations, potential and ongoing litigation, including the case recently filed in the Middle District, and various real estate acquisitions and dispositions, including those items listed on today’s agenda.

**EXECUTIVE AND ADMINISTRATIVE
OTHER MATTERS**

A. Dates for the Pennsylvania Fish and Boat Commission Meetings in 2025.

Commentary:

The Commission is required to hold two meetings each year, one in January and the other in July, as set forth in 30 Pa. C.S.A. § 301(e). These meetings must be held in the Harrisburg area. Traditionally, the Commission has held two additional meetings each year.

Staff have reviewed the available dates and possible conflicts for scheduling regular Commission meetings for 2025.

Based upon this review, the following dates are proposed for Commission meetings in 2025.

- January 27-28, 2025 (Monday and Tuesday)
- April 28-29, 2025 (Monday and Tuesday)
- July 28-29, 2025 (Monday and Tuesday)
- October 27-28, 2025 (Monday and Tuesday)

The January and July 2025 meetings will be held at the Harrisburg headquarters. The April and October 2025 meetings will be held at locations designated by the Commission for the transaction of business.

Briefer:

Timothy Schaeffer, Executive Director

Recommendation:

Staff recommend that the Commission approve the dates for the meetings of the Commission for 2025 as described in the Commentary.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Mahn to approve the dates for the meetings of the Commission for 2025 as described in the Commentary. Motion carried by unanimous vote.

**EXECUTIVE AND ADMINISTRATIVE
PROPERTY SERVICES**

A. Voluntary Public Access and Habitat Incentive Program: Gilbert Property Easement Acquisition, Wheatfield Township, Perry County.

Commentary:

The Board of Commissioners approved the acquisition of this easement at the July 22, 2024, meeting. The matter comes before the Board again to modify the acquisition as follows:

The landowner, Mr. Gilbert, has agreed to place additional lands into the easement area for the purpose of parking. For those additional parking areas, Mr. Gilbert will receive an additional \$15,000, which will be paid from the Voluntary Public Access-Habitat Improvement Program (VPA-HIP) funds. Additionally, the plot plan of the easement has been modified to remove a portion of a previously-designated parking and access area because of a potential title dispute.

Briefer:

Penny Ayers, Chief, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission consent to the acquisition of the easement and additional parking areas along the Little Juniata Creek in Wheatfield Township, Perry County, as described in the Commentary, for an additional \$15,000 from VPA-HIP funds.

Action:

A motion was made by Commissioner Small and seconded by Commissioner Gibney to consent to the acquisition of the easement and additional parking areas along the Little Juniata Creek in Wheatfield Township, Perry County, as described in the Commentary, for an additional \$15,000 from VPA-HIP funds. Motion carried by unanimous vote.

**LAW ENFORCEMENT
PROPOSED RULEMAKING**

A. Amendment to 58 Pa. Code § 63.15a (Officially-recognized fish cleaning stations).

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) has the authority under 30 Pa.C.S. § 2102 to create rules and regulations pertaining to fish and fishing. Under 58 Pa. Code § 63.15a the Commission recognizes two types of fish cleaning stations. These fish cleaning stations are either Commercial stations or Non-Commercial stations. In addition to recognizing the different types of fish cleaning stations, this section also highlights how fish are to be processed at Non-commercial fish cleaning stations.

After a review of the regulatory language for Commercial and Non-Commercial stations, Commission staff determined a more accurate depiction of how stations operate, who is responsible for stations, what stations offer to the public, and requirements for Commercial fish cleaning stations should be highlighted.

After the Commission received comments from the public regarding the requirement to leave a 2-inch by 2-inch piece of skin on processed fillets at noncommercial officially-recognized fish cleaning stations, staff conducted a review that included internal discussions, a meeting in Erie in September with interested stakeholders to hear and discuss their feedback, and consideration at two Law Enforcement Committee meetings. As a result of this process, staff determined that resource conservation goals could be achieved by eliminating the 2-inch by 2-inch piece of skin requirement in favor of requiring that fillets remain fully intact.

Commission Staff propose that 58 Pa. Code § 63.15a be amended as follows:

§ 63.15a. Officially-recognized fish cleaning stations.

(a) *Types.*

- (1) *Commercial.* – An **[operator] owner** of a fish cleaning station that **[provides services] offers a fish cleaning station to the public** for a fee **[may] shall** apply for recognition as an official commercial fish cleaning station.
- (2) *Noncommercial.* – An **[operator] owner** of a fishing cleaning station that **[provides services] offers a fish cleaning station to the public at no cost** may apply for recognition as an official noncommercial fish cleaning station.

(b) *Receipts* – Except as provided in this subsection, the operator of an officially-recognized fish cleaning station shall give the person who receives the filleted fish a signed, dated receipt on the form prescribed by the Commission. This subsection does not apply to the operator of a noncommercial fish cleaning station.

- (c) *Inspection.* – The operator of an officially-recognized fish cleaning station shall allow officers authorized to enforce the code unrestricted access to the station to inspect angler catches for compliance with seasons, sizes, and creel limits.
- (d) *Application.* – An operator of a fish cleaning station may apply for official recognition to: Director, Bureau of Law Enforcement Pennsylvania Fish and Boat Commission Post Office Box 67000 Harrisburg, Pennsylvania 17106-7000.
- (e) *Identification.* – Noncommercial officially-recognized fish cleaning station users shall leave **[at least a 2-inch by 2-inch piece of skin on processed] all fillets fully intact** for identification purposes. Cutting the fillets into pieces (also known as chunking) **or removing bones in a way that does not allow the fillet to remain fully intact** is prohibited.

Briefer:

Colonel Jeffrey Sabo, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend the Board of Commissioners approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary. If adopted on final rulemaking, the amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Mahn to approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary. President Pastore expressed his appreciation for the staff's visit to Erie. Motion carried by unanimous vote.

The President called for a ten-minute break and the meeting resumed at 11:22 a.m.

BOATING
FINAL RULEMAKING

A. Amendment to 58 Pa. Code Chapter 95 (Manufacturer installed equipment).

Commentary:

A notice of proposed rulemaking was published at 54 Pa.B. 5619 (Saturday, September 7, 2024) (Exhibit C). Please review the “Summary of Proposal” in Exhibit C for further details. The Commission did not receive any public comments relating to this proposal.

Briefer:

Paul Littman, Director, Bureau of Boating

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect on January 1, 2025.

Action:

A motion was made by Commissioner Lewis and seconded by Commissioner Charlesworth to adopt the amendment as set forth in the notice of proposed rulemaking. Motion carried by unanimous vote.

BOATING
FINAL RULEMAKING

B. Amendments to 58 Pa. Code Chapter 99a (Capacity plates).

Commentary:

A notice of proposed rulemaking was published at 54 Pa.B. 5620 (Saturday, September 7, 2024) (Exhibit D). Please review the “Summary of Proposal” in Exhibit D for further details. The Commission did not receive any public comments relating to this proposal.

Briefer:

Paul Littman, Director, Bureau of Boating

Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect on January 1, 2025.

Action:

A motion was made by Commissioner Mahn and seconded by Commissioner Hussar to adopt the amendments as set forth in the notice of proposed rulemaking. Motion carried by unanimous vote.

BOATING
FINAL RULEMAKING

C. Amendments to 58 Pa. Code Chapter 117 (Boat rental businesses).

Commentary:

A notice of proposed rulemaking was published at 54 Pa.B. 3633 (Saturday, June 29, 2024) (Exhibit E). Please review the “Summary of Proposal” in Exhibit E for further details. The Commission received a total of two public comments regarding the proposal, both in support of the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

Paul Littman, Director, Bureau of Boating

Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect on January 1, 2025.

Action:

A motion was made by Commissioner Charlesworth and seconded by Commissioner Lewis to adopt the amendments as set forth in the notice of proposed rulemaking. Motion carried by unanimous vote.

FISHERIES
FINAL RULEMAKING

A. Amendment to 58 Pa. Code § 61.2 (Delaware River, West Branch Delaware River and River Estuary).

Commentary:

A notice of proposed rulemaking was published at 54 Pa.B. 5618 (September 7, 2024) (Exhibit F). The Commission did not receive any public comments relating to this proposal. Please review the “Summary of Proposal” in Exhibit F for further details.

Briefer:

Kristopher Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, this amendment will go into effect on January 1, 2025.

Action:

Commissioner Lewis requested clarification regarding the percentage to reduce fishing mortality in order to support stock rebuilding. Kristopher Kuhn provided the clarification. A motion was made by Commissioner Kauffman and seconded by Commissioner Hussar to adopt the amendment as set forth in the notice of proposed rulemaking. Motion carried by unanimous vote.

FISHERIES
PROPOSED RULEMAKING

A. Amendments to 58 Pa. Code Chapter 69 (Fishing in Lake Erie and boundary lakes).

Commentary:

Pennsylvania's portion of Lake Erie supports a thriving Yellow Perch commercial fishery, and there are three commercial trap net licenses issued by the Pennsylvania Fish and Boat Commission (Commission). The commercial fishery is regulated by the Commission in Subchapter C (Commercial fishing licenses) and Subchapter D (Commercial fishing, seasons and nets) in 58 Pa. Code Chapter 69 (Fishing in Lake Erie and boundary lakes); however, these regulations need updated to address changing conditions and current best practices.

Commission staff systematically reviewed current regulations and identified potential amendments that would streamline regulatory compliance while continuing to provide resource protection to the Lake Erie fishery. Commission staff also consulted the three licensed commercial fishers throughout the review process. Commission staff presented these proposed changes to the Fisheries and Hatcheries Committee at its October 2024 meeting.

Commission staff propose that 58 Pa. Code Chapter 69 be amended as follows:

* * * * *

§ 69.26. Reports.

(a) The holder of a license described in this chapter or section 2903 of the code (relating to boat and new licenses for boundary lakes), shall file a monthly report with the Commission describing the licensee's daily catch **and latitude and longitude coordinates** for each grid fished during the period. When a trap net licensee holds multiple trap net licenses, the licensee shall only file one consolidated report each month for catches with all trap nets. Separate reports shall be filed for other types of licensed gear. Reports shall be made on forms furnished by the Commission and shall be received on or before the 5th day of the month following the month to which the report pertains. **Reports filed electronically with a digital signature will be acceptable.** Reports shall be sent to the Fish and Boat Commission, **Lake Erie Unit and** Northwest Region Law Enforcement Office.

* * * * *

§ 69.33. Use of commercial trap nets.

* * * * *

(b) *Species*. A commercial trap net licensee may not possess or sell a fish except in compliance with the following size limits and seasons. **Any Pennsylvania species as defined in § 75.1 (Endangered species) and § 75.2 (Threatened species) encountered, shall be released unharmed.** The following size limits apply to commercial trap net licensees except that 5% of each licensee's daily catch by number per species may be undersized fish that may be lawfully sold:

<i>Species</i>	<i>Size Limit</i>	<i>Season</i>
Yellow perch (<i>Perca flavescens</i>)	None	No closed season until the total allowable catch is taken. See § 69.31 (relating to seasons). January 1 to March 14 and <u>[May 1] the first Saturday in May</u> to December 31. This season will close when the total allowable catch for walleye is taken. See § 69.31.
Walleye [<u>(Stizostedion vitreum)</u>] <u>(Sander vitreus)</u>	15 inches	
[White fish (<i>Coregonus spp.</i>)]	[17 inches]	[No closed season]
White perch (<i>Morone americana</i>)	No size limit	No closed season
[Cisco (<i>Coregonus spp. except C. artedii</i>)]	[No size limit]	[No closed season]
White bass (<i>Morone chrysops</i>)	No size limit	No closed season
Burbot (<i>Lota lota</i>)	No size limit	No closed season
[Sheepshead] <u>Freshwater Drum</u> (<i>Aplodinotus grunniens</i>)	No size limit	No closed season
Gizzard shad (<i>Dorosoma cepedianum</i>)	No size limit	No closed season
[Goldfish (<i>Carassius auratus</i>)]	[No size limit]	[No closed season]
Lake whitefish (<i>Coregonus clupeaformis</i>)	No size limit	No closed season

Brown bullhead (<i>Ictalurus nebulosus</i>)	No size limit	No closed season
Yellow bullhead (<i>Ictalurus natalis</i>)	No size limit	No closed season
[Rainbow smelt (<i>Osmerus mordax</i>)]	[No size limit]	[No closed season]
Channel catfish (<i>Ictalurus punctatus</i>)	No size limit	No closed season
Suckers (<i>Carpiondes spp.</i> , [<i>Catostomus sp.</i>] <i>Catostomus</i> [<i>sp.</i>] <i>commersonii</i> , [<i>Ictiobus sp.</i>] and <i>Moxmostoma spp.</i>)	No size limit	No closed season
Carp (<i>Cyprinus carpio</i>)	No size limit	No closed season

(c) *Buoys/tags*. Marker buoys shall be attached to the beginning of each lead and to the back of the crib. A staff extending 8 feet above the water with a minimum size flag of 18 inches by 18 inches secured near the top shall be attached to the anchor for the beginning of the lead and a staff extending 8 feet above the water with 2 minimum size flags of 18 inches by 18 inches (double flags) shall be attached to the anchor for the crib. **An orange buoy float ball with a minimum diameter of 15 inches shall be attached to the anchor line of all wing walls that are attached to the trap.** The licensee shall affix a metal, numbered tag provided by the Commission to each of the **[required staffs showing the name and address of the owner or the lessee] traps and mark all buoys and staffs with the tag number.** Licensees shall report **any vandalism to a trap net,** a seal that is lost, misplaced or stolen orally within 24 hours of discovery **[and in writing]** to the Commission at Northwest Law Enforcement Region **[within 2 business days]. All trap nets shall be properly tagged and marked and all buoys, floats, staffs, and flag markings shall be in good serviceable condition at all times. [Improperly marked or tagged nets] All trap nets not properly marked and maintained** shall be subject to confiscation by the Commission. Officers authorized to enforce the code and this part may mark trap nets for the purpose of determining the number of trap nets being used by a particular licensee.

* * * * *

(f) *Time*. Trap nets may be fished 24 hours a day, but it is unlawful to set or lift them during the period from 30 minutes after sunset to 30 minutes before sunrise. **[Trap nets may be set or fished, or both, from March 1 to November 30.]**

* * * * *

* * * * *

(e) It is unlawful while fishing under a commercial license to dispose of any dead, legally caught fish within the trap net and dispose of them in any waters of this Commonwealth. These fish shall be disposed of properly and will count towards the licensee's quota.

(f) All anglers and boaters shall not interfere with any part of all properly marked commercial trap nets.

§ 69.38. Clearing of nets

* * * * *

All [Nets] nets fished [under] pursuant to a commercial fishing license or subject to licensing under this chapter and section 2903 of the code (relating to boat and net licenses for boundary lakes), shall be lifted and cleared of catch [on a schedule as] every 7 days or less after the net is set. All live undersized fish or live fish with no market value may be returned to the lake. [the]The Executive Director may establish additional time frames to provide for the better protection and management of fish, except under circumstances where the Executive Director or his designee, upon a showing of good cause by the licensee, authorizes the licensee to lift and clear his or her nets on an alternate schedule.

§ 69.39. Landing of catch

* * * * *

(d) All nets fished pursuant to a commercial fishing license or subject to licensing under this chapter and section 2903 of this Code (relating to boat and nets licenses for boundary lakes) shall notify the Fish and Boat Commission's Lake Erie Unit and Northwest Region Law Enforcement Office within 24 hours prior to each time the nets are being lifted and cleared of catch. All fish shall be separated in containers by species. All containers shall be labeled with the trap net tag number from which they were caught. The weight of all containers shall be estimated while on the water. All containers that are being off loaded with fish at the dock shall have an accurate weight attached to them. All weights shall be posted in or on the containers and documented on all reports at the time the containers are off loaded and prior to transport. All containers and reports shall be subject to inspection by officers authorized to enforce this code.

* * * * *

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 amendments described in the Commentary. If adopted on final rulemaking, these amendments will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

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

FISHERIES DESIGNATIONS

A. Removal of Tamarack Lake, Crawford County, from the Catch and Release Lakes program (58 Pa. Code § 65.17) and addition to the Big Bass program (58 Pa. Code § 65.9) and Panfish Enhancement program (58 Pa. Code § 65.11) for crappies and sunfish.

Commentary:

Tamarack Lake, a 562-acre impoundment owned by the Commonwealth of Pennsylvania and managed by the Pennsylvania Fish and Boat Commission (Commission), is located in East Mead and West Mead townships, Crawford County, approximately two miles southeast of the City of Meadville. The lake spans two watersheds with dams at each end of the lake which impounds Mill Run and Mud Run. This reservoir was completely dewatered in August 2012 to complete dam and spillway repairs and modifications per Pennsylvania Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred in 2019. The Commission stocked the lake from 2019 through 2024 with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2019, Tamarack Lake has been managed in the Catch and Release Lakes program (58 Pa. Code § 65.17) which allows catch-and-release-only fishing for all species. The intent of these temporary regulations was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from these regulations and moved to one or more of the Commission's existing regulation programs.

The black bass and panfish populations were evaluated from 2021 through May 2024 to monitor progress towards development of a high-quality, warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended to remove Tamarack Lake from the Catch and Release Lakes program and manage the black bass fishery with Big Bass angling regulations (58 Pa. Code § 65.9) and the crappie and sunfish fisheries with Panfish Enhancement angling regulations (58 Pa. Code § 65.11).

Big Bass regulations applied to lakes allow for the harvest of four black bass (Largemouth Bass, Smallmouth Bass, and Spotted Bass; combined species) greater than or equal to 15 inches in length from January 1 to midnight the day before the second Saturday in April, and 12:01 a.m. the Saturday in June to midnight December 31. No harvest is permitted from 12:01 a.m. the second Saturday in April to 12:01 a.m. the second Saturday in June. Panfish Enhancement regulations allow

for year-round harvest of sunfish greater than or equal to seven inches in length with a daily limit of 20 and the year-round harvest of crappies (Black Crappie and White Crappie) greater than or equal to nine inches in length with a daily limit of 20, with the total creel not to exceed 50 panfish combined. All other fish species not managed under these special regulations will be managed with Commonwealth Inland Waters angling regulations (58 Pa. Code § 61.1).

A notice of proposed designations was published at 54 Pa.B. 5443 (August 24, 2024) (Exhibit G). The Commission did not receive any public comments relating to this proposal.

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission remove Tamarack Lake, Crawford County, from the Catch and Release Lakes program (58 Pa. Code § 65.17) and add this reservoir to the Big Bass program (58 Pa. Code § 65.9) and the Panfish Enhancement program (58 Pa. Code § 65.11) for crappies and sunfish. If approved, these designations will go into effect January 1, 2025.

Action:

A motion was made by Commissioner Small and seconded by Commissioner Hussar to remove Tamarack Lake, Crawford County, from the Catch and Release Lakes program (58 Pa. Code § 65.17) and add this reservoir to the Big Bass program (58 Pa. Code § 65.9) and the Panfish Enhancement program (58 Pa. Code § 65.11) for crappies and sunfish. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

B. Removal of Pecks Pond, Pike County, from the Catch and Release Lakes program (58 Pa. Code § 65.17).

Commentary:

Pecks Pond, a 300-acre impoundment owned by the Commonwealth with the fishery managed by the Pennsylvania Fish and Boat Commission (Commission), is located in the Delaware State Forest in Blooming Grove and Porter townships, Pike County, approximately 18 miles northeast of the Borough of Mount Pocono. This reservoir was completely dewatered in 2016 to complete dam and spillway repairs and modifications per Pennsylvania Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred in 2020, and the Commission stocked the lake from 2020 to present with select fish species to establish a high-quality, warm-water and cool-water fishery.

Since 2020, Pecks Pond has been managed in the Catch and Release Lakes program (58 Pa. Code § 65.17), which allows for catch-and-release-only fishing for all species. The intent of these temporary regulations was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest, and once established, the lake would be recommended for removal from these regulations and moved to one or more of the Commission's existing regulation programs.

Pecks Pond is very shallow, inundated with dense aquatic vegetation, and has limited access, which prohibited an assessment of the sportfish populations. However, based on the typical timeframe for establishment of a fishery following restoration efforts, staff have determined that lake can now sustain harvest. Upon removal of this regulation, Pecks Pond will be managed with Commonwealth Inland Waters angling regulations (58 Pa. Code § 61.1) for all species.

A notice of proposed designations was published at 54 Pa.B. 5443 (August 24, 2024) (Exhibit G). The Commission did not receive any public comments relating to this proposal.

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission remove Pecks Pond, Pike County, from the Catch and Release Lakes program (58 Pa. Code § 65.17). If approved, the designation will go into effect January 1, 2025.

Action:

A motion was made by Commissioner Gibney and seconded by Commissioner Kauffman to remove Pecks Pond, Pike County, from the Catch and Release Lakes program (58 Pa. Code § 65.17). Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

C. Removal of Fishing Creek, sections 07 and 09, Clinton County, from the Trophy Trout Artificial Lures Only program (58 Pa. Code § 65.7) and addition to the Catch and Release Artificial Lures only program (58 Pa. Code § 65.5).

Commentary:

Fishing Creek, Clinton County, is one of the most popular Class A wild trout streams in Pennsylvania, supporting robust populations of wild Brook Trout and wild Brown Trout. The “Narrows” portion of Fishing Creek extends for approximately 5.3 miles and is managed as three sections (sections 07, 08, and 09). Sections 07 and 09 are managed under Trophy Trout Artificial Lures Only regulations (58 Pa. Code § 65.7) which allows for year-round angling with artificial lures and flies and harvest of one trout per day greater than or equal 18 inches in length from the opening day of the regular season for trout through Labor Day with catch-and-release angling the remainder of the year. Section 08 is managed under Catch and Release Artificial Lures Only regulations (58 Pa. Code § 65.5) which allows for year-round angling with artificial lures and flies on a catch and release basis.

The Pennsylvania Fish and Boat Commission (Commission) conducted an angler survey from March through September 2023 on the Narrows portion of Fishing Creek to obtain updated information on angler use, harvest, and opinions. A total of 927 anglers were interviewed during the 2023 survey, and all anglers interviewed practiced catch-and-release angling with no trout being harvested. Anglers indicated a strong preference to manage the entire reach of the Narrows under Catch and Release Artificial Lures Only regulations rather than a combination of Trophy Trout Artificial Lures Only and Catch and Release Artificial Lures Only regulations. Staff solicited feedback from landowners in sections 07 and 09 and respondents indicated support for the regulation change.

Whenever possible, the Commission attempts to simplify regulations where biological objectives and angler and landowner preferences align. To facilitate transition of sections 07 and 09 to the Catch and Release Artificial Lures Only program, these sections must first be removed from Trophy Trout Artificial Lures Only program.

A notice of proposed designations was published at 54 Pa.B. 5443 (August 24, 2024) (Exhibit G). The Commission received one comment in support of this proposal.

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission remove Fishing Creek, sections 07 and 09, Clinton County, from the Trophy Trout Artificial Lures Only program (58 Pa. Code § 65.7) and add these sections to the Catch and Release Artificial Lures only program (58 Pa. Code § 65.5). If approved, these designations will go into effect January 1, 2025.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Mahn to remove Fishing Creek, sections 07 and 09, Clinton County, from the Trophy Trout Artificial Lures Only program (58 Pa. Code § 65.7) and add these sections to the Catch and Release Artificial Lures only program (58 Pa. Code § 65.5). Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

D. Addition of Muncy Creek, Section 06, Lycoming County, to the Delayed Harvest Artificial Lures Only program (58 Pa. Code § 65.6).

Commentary:

Muncy Creek, Lycoming County, is a 35-mile-long stream that originates near the Borough of Laporte and flows southwest to its confluence with the West Branch Susquehanna River near the Borough of Muncy. The stream is currently managed as six sections for fisheries management purposes. Sections 02-05, which total 28.2 miles in length, are included in the Pennsylvania Fish and Boat Commission's (Commission) Stocked Trout Waters (STW) program. Sections 02, 03, and 05 are managed under Commonwealth Inland Waters angling regulations (58 Pa. Code § 61.1), while Section 04, is managed under Delayed Harvest Artificial Lures Only (DHALO) regulations (58 Pa. Code § 65.6).

Section 05 extends 9.02-miles from Big Run at Tivoli downstream to Little Muncy Creek and is stocked during the preseason and in-season stocking periods; however, there is a 1.1-mile-long reach located within Section 05 that is posted, resulting in approximately 12 percent of the section being closed to angling. The landowner of the 1.1-mile-long reach that is currently closed to angling contacted the Commission regarding establishing a special regulation area on this stream reach. Historically, this stream reach was open to public angling but was closed several years ago due to poor angler behavior.

Staff met with the landowner and viewed the 1.1-mile-long reach during spring 2024 and determined the reach contains good instream habitat and water quality, making it a viable candidate for addition to the DHALO program. If the recommendation to add the 1.1-mile-long reach to the DHALO program is approved, Section 05 will be re-sectioned into three sections, with sections 05 and 07 being included in the STW program and Section 06 included in the DHALO program. The proposed change will open 1.1 miles of water to public angling and establish a second DHALO section on Muncy Creek. Together, both DHALO stream sections will total about 2.2 river miles, while approximately 26.0 river miles of Muncy Creek will continue to be included in the STW program and managed under Commonwealth Inland Waters regulations.

A notice of proposed designations was published at 54 Pa.B. 5443 (August 24, 2024) (Exhibit G). The Commission received one comment in support of this proposal.

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission add Muncy Creek, Section 06, Lycoming County, to the Delayed Harvest Artificial Lures Only program (58 Pa. Code § 65.6). If approved, this designation will go into effect January 1, 2025.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Kauffman to add Muncy Creek, Section 06, Lycoming County, to the Delayed Harvest Artificial Lures Only program (58 Pa. Code § 65.6). Motion carried by unanimous vote.

FISHERIES
DESIGNATIONS

E. Proposed changes to the list of Class A wild trout streams (58 Pa. Code § 57.8a).

Commentary:

Staff recommend the addition of 20 stream sections to the Commission's list of Class A wild trout streams. These changes are the result of a recent survey conducted on these waters and subsequent data review. Exhibit H provides information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 54 Pa.B. 5197 (August 10, 2024) (Exhibit I). The Commission received a total of 62 public comments regarding the proposed additions: all support 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 stream sections to the Commission's Class A wild trout streams list as set forth in the notice of proposed designations. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Charlesworth and seconded by Commissioner Hussar to add 20 stream sections to the Commission's Class A wild trout streams list as set forth in the notice of proposed designations. Motion carried by unanimous vote.

FISHERIES
DESIGNATIONS

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

Commentary:

Staff recommend the addition of 24 new waters to the Commission's list of wild trout streams and the revision of the section limits of six waters currently listed. These changes are the result of recent surveys conducted on these waters. Exhibit J provides information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 54 Pa.B. 5196 (August 10, 2024) (Exhibit K). The Commission received a total of 63 public comments regarding the proposed additions: 62 support the full proposal and one supports specific waters 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 24 new waters to the Commission's list of wild trout streams and revise the section limits of six waters that are currently listed as set forth in the notice of proposed designations. If approved, these additions and revisions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Small to add 24 new waters to the Commission's list of wild trout streams and revise the section limits of six waters that are currently listed as set forth in the notice of proposed designations. Motion carried by unanimous vote.

Request for Dismissal of a Petition for Review and Appeal of Actions of Staff

President Pastore reported that a Petition for Review and Appeal of Actions of Staff was received by the Commission on September 30, 2024. The petitioner notified the Commission on October 7, 2024, that his complaint was satisfied and requested that his Petition for Review and Appeal of Actions of Staff be dismissed.

President Pastore noted reported that Assistant Counsel Christopher Andreoli is here to answer any questions or if we need discuss this further in executive session. He asked if there was a motion to dismiss the petition for review of appeal of actions of staff that we received September 30, 2024? Hearing none, he asked if there was a motion to move into executive session. A motion was made by Commissioner Hussar and seconded by Commissioner Gibney to move into executive session. Motion carried by unanimous vote.

The Board of Commissioners returned from executive session and the meeting resumed at 1:00 p.m. President Pastore reported that the board met in executive session to discuss litigation matters and he asked again if there was a motion to dismiss the petition for review of appeal of actions of staff that we received September 30, 2024? A motion was made by Commissioner Hussar and seconded by Commissioner Gibney. Motion carried by unanimous vote.

Oral Presentation – Petition for Regulation

Mr. Joseph Brian O'Neill, Jr., made an oral presentation regarding a Petition for Regulation concerning Waterway Conservation Officers' compensation and ended by asking Commissioners to give their due consideration and vote yes to move the Petition for Regulation along in the process. He thanked commissioners and staff for their time.

Following the presentation Chief Counsel Kluk Kiehl advised that given the personnel, labor union and potential litigation surrounding Mr. O'Neill's request that the Commission go into executive session for further discussion.

President Pastore asked if there was a motion to reconvene in executive session. A motion was made by Commissioner Kauffman and seconded by Commissioner Gibney. Motion carried by unanimous vote.

The Board of Commissioners returned from executive session and the meeting resumed at 1:10 p.m.

President Pastore asked if there was a motion to accept Mr. O'Neill's petition for further review? No motion was made. President Pastore advised that since no motion was made, the motion fails.

President Pastore then advised that, without objection, it is the sense of the meeting that the Board of Commissioners supports our Waterways Conservation Officers and their right to

collectively bargain. We support fair and equitable compensation for all employees, including Waterways Conservation Officers. We have and we will continue to express that position to the Office of Administration. That being said, the PFBC has the authority to create rules and regulations for: 1) Fishing to aid in the better protection, preservation, and management of fish; and 2) Boating and the management and operation of boats. The PFBC does not have the authority to create rules and regulations regarding Commonwealth employee compensation.

Other New Business

There was no other new business.

Time and Place of January 2025 Commission Meeting

President Pastore announced that the next quarterly commission meeting will be held on January 27, 2025, at the Pennsylvania Fish and Boat Commission headquarters located at 1601 Elmerton Avenue in Harrisburg, Pennsylvania.

Adjournment

A motion was made by President Pastore and seconded by Commissioner Hussar to adjourn the meeting at 1:12 p.m. Motion carried by unanimous vote.

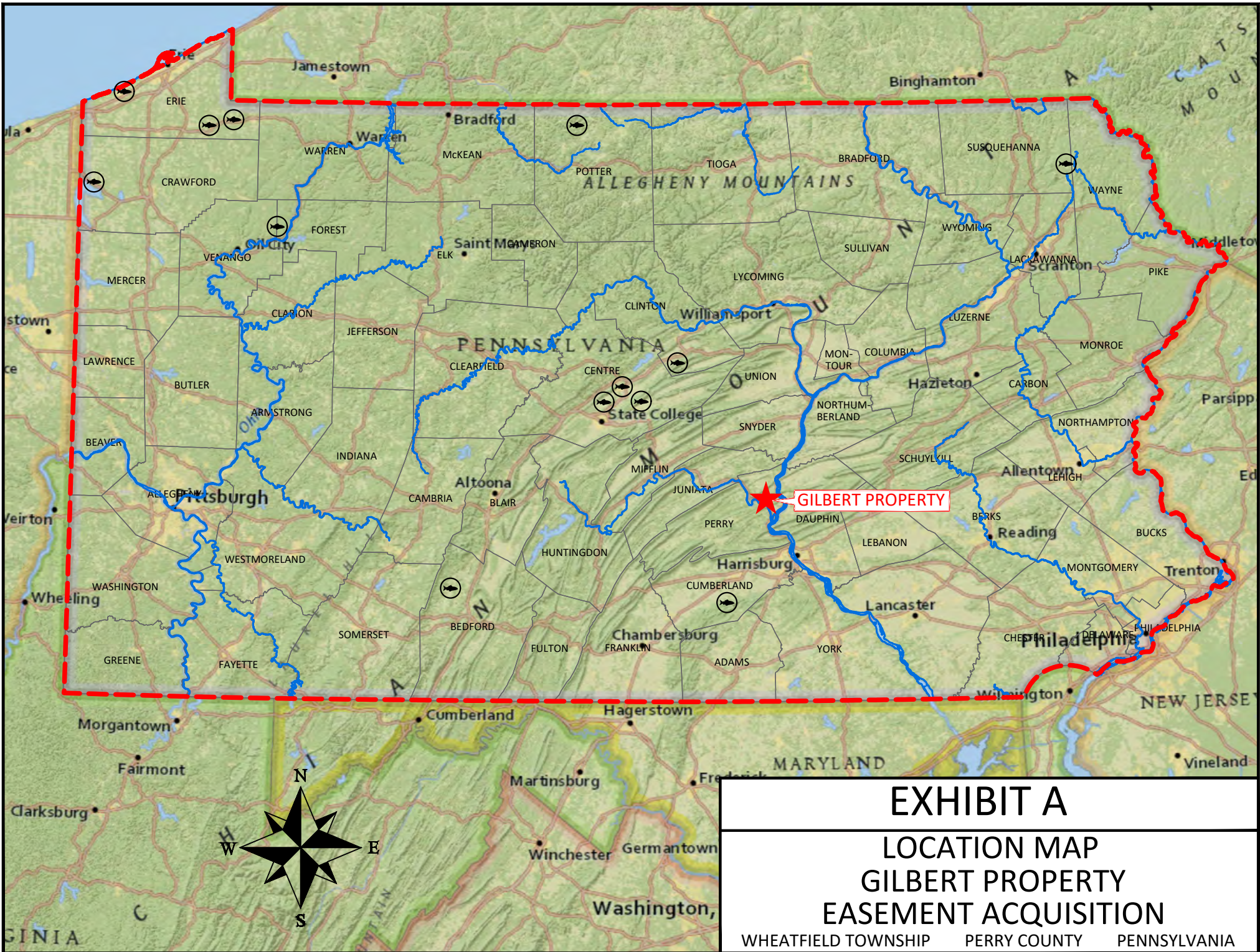


EXHIBIT A

LOCATION MAP GILBERT PROPERTY EASEMENT ACQUISITION

WHEATFIELD TOWNSHIP PERRY COUNTY PENNSYLVANIA

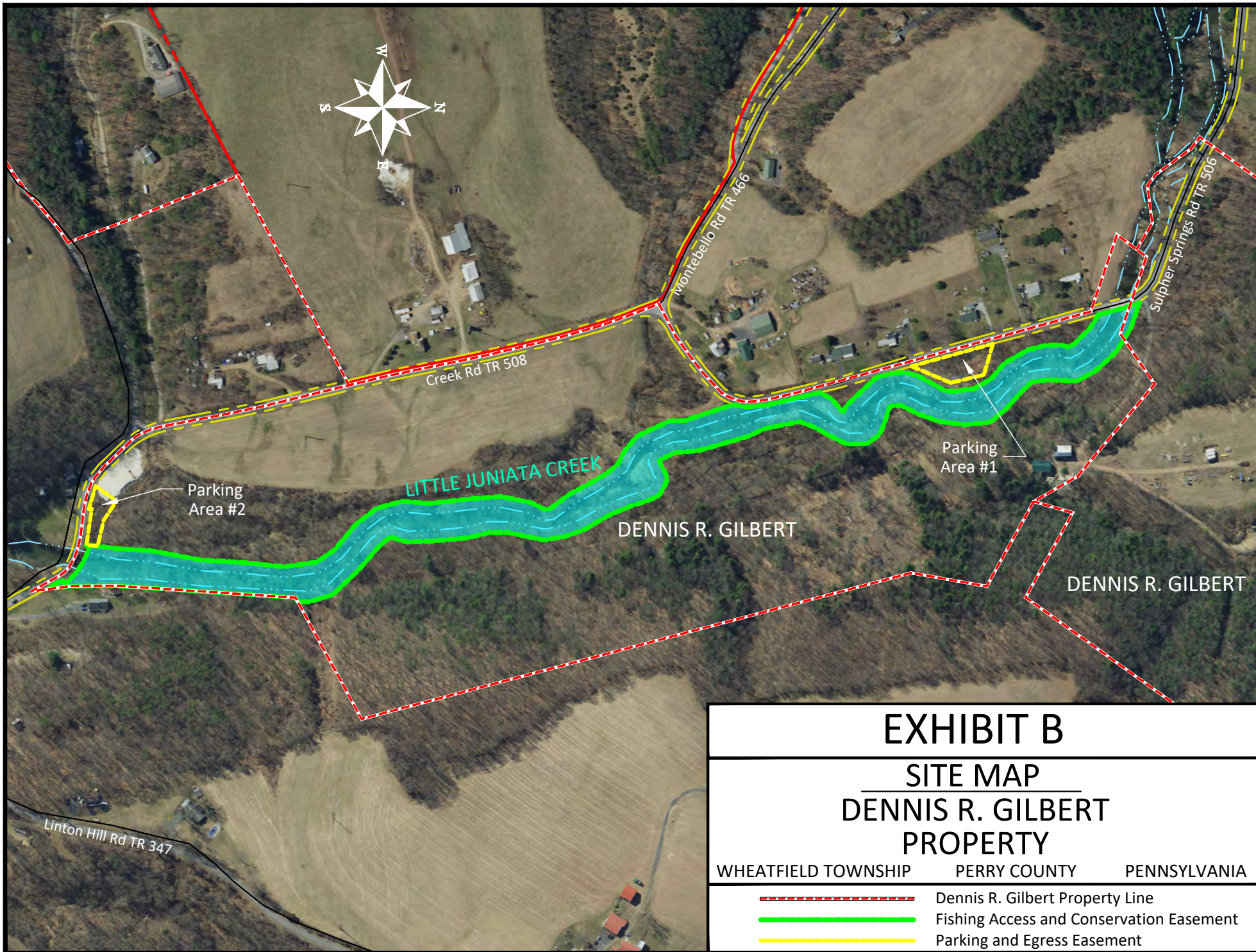


EXHIBIT B

SITE MAP DENNIS R. GILBERT PROPERTY

WHEATFIELD TOWNSHIP PERRY COUNTY PENNSYLVANIA

- Dennis R. Gilbert Property Line
- Fishing Access and Conservation Easement
- Parking and Egress Easement

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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 95]

Boating; Manufacturer Installed Equipment

[54 Pa.B. 5619]

[Saturday, September 7, 2024]

The Fish and Boat Commission (Commission) proposes to amend Chapter 95 (relating to manufacturer installed equipment) by adding § 95.10 (relating to engine cut-off switch). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed addition updates the Commission's regulations pertaining to engine cut-off switch (ECOS) safety standards per the Cooperative Agreement for Recreational Boating Safety with the United States Coast Guard (USCG).

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The proposed addition of § 95.10 is published under the statutory authority of section 5123(a) of the code (relating to general boating regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

The ECOS is an important tool to prevent unnecessary death and disfigurement caused by a recreational boat operator being unexpectedly displaced from the boat and then struck by the boat's propeller. The ECOS lanyard connects the vessel operator to a switch that shuts off the engine if the operator is displaced from the boat. The lanyard can be looped around the operator's wrist or clipped to a life jacket or clothing. Wireless versions are also available, doing away with the physical tether and allowing the operator a little more flexibility to roam. Section 109.3(c) (relating to personal watercraft) currently requires a person operating a personal watercraft equipped by the manufacturer with a lanyard type ECOS to attach it to their person, clothing or personal flotation device.

Effective April 1, 2021, section 503(a) of the Frank LoBiondo Coast Guard Authorization Act of 2018 (46 U.S.C. § 4312), requires operators of certain motorized recreational vessels to use an ECOS when operating at greater than displacement speed. The Federal law, enforced by the USCG, applies to operators of all personal watercraft and recreational boats less than 26 feet with motors capable of developing 115 pounds or more of static thrust (approximately 3 horsepower). Boats not equipped by the manufacturer with an ECOS are exempt, but Federal regulations require all boats manufactured beginning January 1, 2020, to have an ECOS installed. The Federal regulation also does not apply to operators of vessels with a main helm inside an enclosed cabin. The law does not require operators to have the lanyard attached when the vessel is idling or performing docking maneuvers.

The Commission is encouraged to align its laws, rules and regulations with Federal law, to the fullest extent practicable, per the Cooperative Agreement for Recreational Boating Safety with the USCG.

The Commission proposes that § 95.10 be added as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

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

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-357. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 95. MANUFACTURER INSTALLED EQUIPMENT

(Editor's Note: Section 95.10 is proposed to be added and is printed in regular type to enhance readability.)

§ 95.10. Engine cut-off switch.

The operator of a boat less than 26 feet in length equipped with an engine cut-off switch shall use the engine cut-off switch when the boat is operated at greater than slow no-wake speed. The use of an engine cut-off switch shall not be required when the operator is in a fully enclosed cabin of a boat.

[Pa.B. Doc. No. 24-1250. Filed for public inspection September 6, 2024, 9:00 a.m.]

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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 99a]

Boating; Capacity Plates

[54 Pa.B. 5620]

[Saturday, September 7, 2024]

The Fish and Boat Commission (Commission) proposes to delete Chapter 99a (relating to capacity plates). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed deletion updates the Commission's regulations pertaining to capacity plates.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The proposed deletion of Chapter 99a is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics).

D. *Purpose and Background*

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

E. *Summary of Proposal*

Prior to January 1, 2013, the Commission issued capacity plates, upon request, for certain boats that were operated or offered for sale within this Commonwealth. During an audit of the Commission's Recreational Boating Safety Program in 2011, the United States Coast Guard (USCG) identified this practice as a violation of Federal regulations and directed the Commission to stop issuing the plates.

In response to this direction, the Commission deleted the entirety of Chapter 99 at 42 Pa.B. 7688 (December 22, 2012) of its regulations pertaining to capacity plates. At the time, this decision was thought to be the best way to handle the issue. However, in August 2018, it was determined that the best change would have been to delete only those sections dealing with the Commission's issuance of capacity plates and not to delete other sections that extended the Federal standard to

Commonwealth waters. The Commission reinstated and amended certain sections of the former regulations.

Commission staff have again consulted with the USCG and have been advised that Federal capacity plate requirements apply to manufacturers and are enforced by the USCG. It is unnecessary for the Commission to promulgate regulations regarding capacity plate requirements, therefore Chapter 99a can be deleted.

Commission staff propose that Chapter 99a be deleted as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

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

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-358. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 99a. [CAPACITY PLATES] [RESERVED]

(Editor's Note: Chapter 99a which appears in 58 Pa. Code pages 99a-1 and 99a-2, serial pages (393605) and (393606) is proposed to be deleted in its entirety.)

§§ 99a.1—99a.4. [Reserved].

[Pa.B. Doc. No. 24-1251. Filed for public inspection September 6, 2024, 9:00 a.m.]

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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 117]

Boating; Boat Rental Businesses

[54 Pa.B. 3633]

[Saturday, June 29, 2024]

The Fish and Boat Commission (Commission) proposes to amend Chapter 117 (relating to boat rental businesses). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). These proposed amendments update the Commission's regulations relating to boat rental businesses and generally promote boating safety, ensuring renters receive training regarding the boat, waters, safety equipment and rules. The more specific rationale for each amended section is described as follows:

1.) Section 117.1 (relating to definitions) is proposed to be amended to include paddleboards as a rental boat, which provides standardization and clarity.

2.) Section 117.3 (relating to responsibilities) is proposed to be amended to include business reporting standards, safety orientation requirements and necessary documentation livery operators are required to provide to the Commission. These proposed amendments will help the Commission identify liveries, facilitate annual safety inspections and standardize regulation updates and best practices. These proposed changes also ensure that rental boats are registered or permitted, that those conducting orientation receive standardized education, a written rental agreement that formalizes the transaction and serves as a record of lawful rental and renter orientation and that the Commission is informed of incidents involving rentals.

3.) Section 117.4 (relating to motorboat liveries) is proposed to be amended to clarify livery operators' requirements for verifying proper safety training for renters and proper measures to take to oversee the operation of rented personal watercraft. These amendments will ensure livery operators are monitoring the use of rental boats and providing information about the area in which the rental boat may be used.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect January 1, 2025.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendments to §§ 117.1, 117.3 and 117.4 are published under the statutory authority of section 5122 (relating to registrations, licenses, permits, plates and statistics) of the code.

D. Purpose and Background

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

E. Summary of Proposal

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 this Commonwealth 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.

The Commission is authorized to promulgate rules and regulations relating to boat rental business operators under 30 Pa.C.S. § 5122(a)(2). 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 web site. Frontline waterways conservation officers 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. Commission staff proposes that §§ 117.1, 117.3 and 117.4 be amended to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

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

H. Public Comments

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

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-355. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 117. BOAT RENTAL BUSINESSES

§ 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.

§ 117.3. Responsibilities.

(a) **[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] [Reserved].**

(a.1) 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, web sites, business cards, brochures, newspapers, periodicals or billboards, that a person provides boat rentals shall be prima facie evidence of a boat livery operation.

(a.2) A 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.3) 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 a boat registration or use permit affixed to the boat as required by this title for the access area or waterway where the boat will be operated during the rental period.

(b) A livery operator shall **[offer to all persons renting] provide to all persons 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 **[in the preparation] on the 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) Boat rental transactions shall be made using a written agreement, specifying the name and address of the **boat rental business and** lessee, **[number of persons in the lessee's party and date of departure] the names of the individuals completing the required orientation/introduction to boating safety and 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) 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) 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) A livery operator shall **[submit a boating accident report for] notify the Commission of** 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) 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 a 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 (relating to responsibilities).

(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.

[Pa.B. Doc. No. 24-891. Filed for public inspection June 28, 2024, 9:00 a.m.]

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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

Fishing; Seasons, Sizes and Creel Limits

[54 Pa.B. 5618]

[Saturday, September 7, 2024]

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) updates the Commission's regulations concerning Atlantic striped bass fishing in the Delaware River, West Branch Delaware River and River Estuary.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2025.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendments to § 61.2 are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

At its January 2024 quarterly meeting, the Atlantic States Marine Fisheries Commission's (ASMFC) 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 Atlantic striped bass. The Addendum modifies recreational measures to reduce fishing mortality by 14.1% in 2024, addresses requirements for recreational filleting and other management provisions. Addendum II builds upon the 2023 emergency action taken by the ASMFC by changing the measures in the FMP to reduce fishing mortality and support stock rebuilding.

Addendum II measures must be implemented by May 1, 2024. To address the coast-wide regulation directed by the ASMFC, the Commission's Executive Director took immediate actions to make modifications to fishing regulations under § 65.25 (relating to temporary changes to fishing regulations) to amend § 61.2. Specifically, the Executive Director amended this section to reduce the maximum harvestable length in the striped bass slot limit from less than 35 inches to less than 31 inches from the Pennsylvania line upstream to Calhoun Street Bridge (Delaware Estuary) from January 1 through March 31 and June 1 through December 31 and from the Calhoun Street Bridge upstream (Delaware River) year-round, which was published at 54 Pa.B. 69 (January 6, 2024). The Executive Director amended this section to reduce the daily limit of striped bass from two fish to one fish and adjust the harvestable length slot limit from 21 inches to less than 24 inches and 22 inches to less than 26 inches from the Pennsylvania line upstream to Calhoun Street Bridge (Delaware Estuary) from May 1, 2024 through May 31, 2024, which was published at 54 Pa.B. 2191 (April 20, 2024). Gear restrictions remained unchanged. These temporary changes went into effect on January 1, 2024, and May 1, 2024, and will remain in effect until the Commission, by appropriate action, amends § 61.2. This proposed rulemaking seeks to amend the section accordingly.

To address concerns about recreational filleting allowances and compliance with harvestable size limits, Addendum II requires states that authorize at-sea or shore-side filleting, or both, of Atlantic striped bass to establish minimum requirements, including requirements for carcasses to be retained and possession to be limited to no more than two fillets per legal fish harvested. Commission staff proposed to add recreational filleting requirements specific to Atlantic striped bass to § 61.2 because it is the primary fishery in which Atlantic striped bass is found in this Commonwealth.

In addition to the ASMFC mandated amendments, Commission staff identified an opportunity to further clarify language in § 61.2(d) pertaining to the required use of a circle hook when fishing with bait for any species of fish in the tidal Delaware Estuary. The intent of this provision is to require a hook configuration consisting of a single, non-offset (in-line) circle hook; however, the current language is unclear regarding the prohibition of a multiple circle hook configuration. It is recommended to add clarifying language to the body of the text in the regulation.

The Commission proposes that § 61.2 be amended to read as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

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

Comments also may be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-356. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. Fishing

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

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

* * * * *

(d) It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than a non-offset (in-line) circle [hooks] hook. The definition of a non-offset (in-line) circle hook is a single, non-offset hook where the point is pointed perpendicularly back towards the shank. The term "non-offset" means the point and the barb are in the same plane as the shank. **For purposes of this section, a non-offset (in-line) circle hook is considered a fishing device with no more than one point or barb.**

(d.1) It is unlawful for any person to gaff or attempt to gaff any striped bass at any time when fishing.

(d.2) Except as follows, it is unlawful to possess a striped bass in any form or condition other than in the whole or having the entrails removed while on shore, along the waters of this Commonwealth, onboard a boat or on a dock, pier, launch area or a parking lot adjacent thereto:

(1) Striped bass may be processed fully if they are being prepared for immediate consumption.

(2) Provided that the requirements of this paragraph are met, striped bass may be processed by a permitted charter boat or fishing guide operation. The charter boat operator or fishing guide may fully process the striped bass at any time provided that there are no more than two fillets per striped bass (cutting the fillets into pieces, also known as chunking, is prohibited) and the charter boat operator or fishing guide retains the carcass until possession of the striped bass is transferred to the customer on shore. The charter boat operator or fishing guide shall give the customer who receives the processed striped bass a signed, dated receipt on the form prescribed by the Commission.

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

SPECIES	SEASONS	DAILY MINIMUM SIZE LIMIT
---------	---------	-----------------------------

* * * * *

STRIPED BASS and HYBRID STRIPED BASS

From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31.

April 1 through May 31

From Calhoun Street Bridge upstream: open year-round

28 to less than **[35] 31** inches

[21] 22 to less than **[2] 1**
[24] 26 inches

28 to less than **[35] 31** inches

* * * * *

[Pa.B. Doc. No. 24-1249. Filed for public inspection September 6, 2024, 9:00 a.m.]

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NOTICES

FISH AND BOAT COMMISSION

Proposed Special Regulation Designations

[54 Pa.B. 5443]

[Saturday, August 24, 2024]

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

At the next Commission meeting on October 21, 2024, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective upon publication in the *Pennsylvania Bulletin*.

58 Pa. Code § 65.5. Catch and release artificial lures only

The Commission will consider adding the following waters to its list of "catch and release artificial lures only" regulated and managed under 58 Pa. Code § 65.5 (relating to catch and release artificial lures only):

County	Water
Clinton	Fishing Creek, Sections 07 and 09

58 Pa. Code § 65.6. Delayed harvest artificial lures only areas

The Commission will consider adding a portion of the following water to its list of "delayed harvest artificial lures only areas" regulated and managed under 58 Pa. Code § 65.6 (relating to delayed harvest artificial lures only areas):

County	Water
Lycoming	Muncy Creek, Section 06

58 Pa. Code § 65.7. Trophy trout artificial lures only

The Commission will consider removing the following water from its list of "trophy trout artificial lures only" regulated and managed under 58 Pa. Code § 65.7 (relating to trophy trout artificial lures only):

County	Water
---------------	--------------

Clinton Fishing Creek, Sections 07 and 09

58 Pa. Code § 65.9. Big bass

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

County	Water
Crawford	Tamarack Lake

58 Pa. Code § 65.11. Panfish enhancement

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

County	Water	Species
Crawford	Tamarack Lake	Crappie and Sunfish

58 Pa. Code § 65.17. Catch and release lakes

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

County	Water
Pike	Pecks Pond
Crawford	Tamarack Lake

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

Comments may also be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

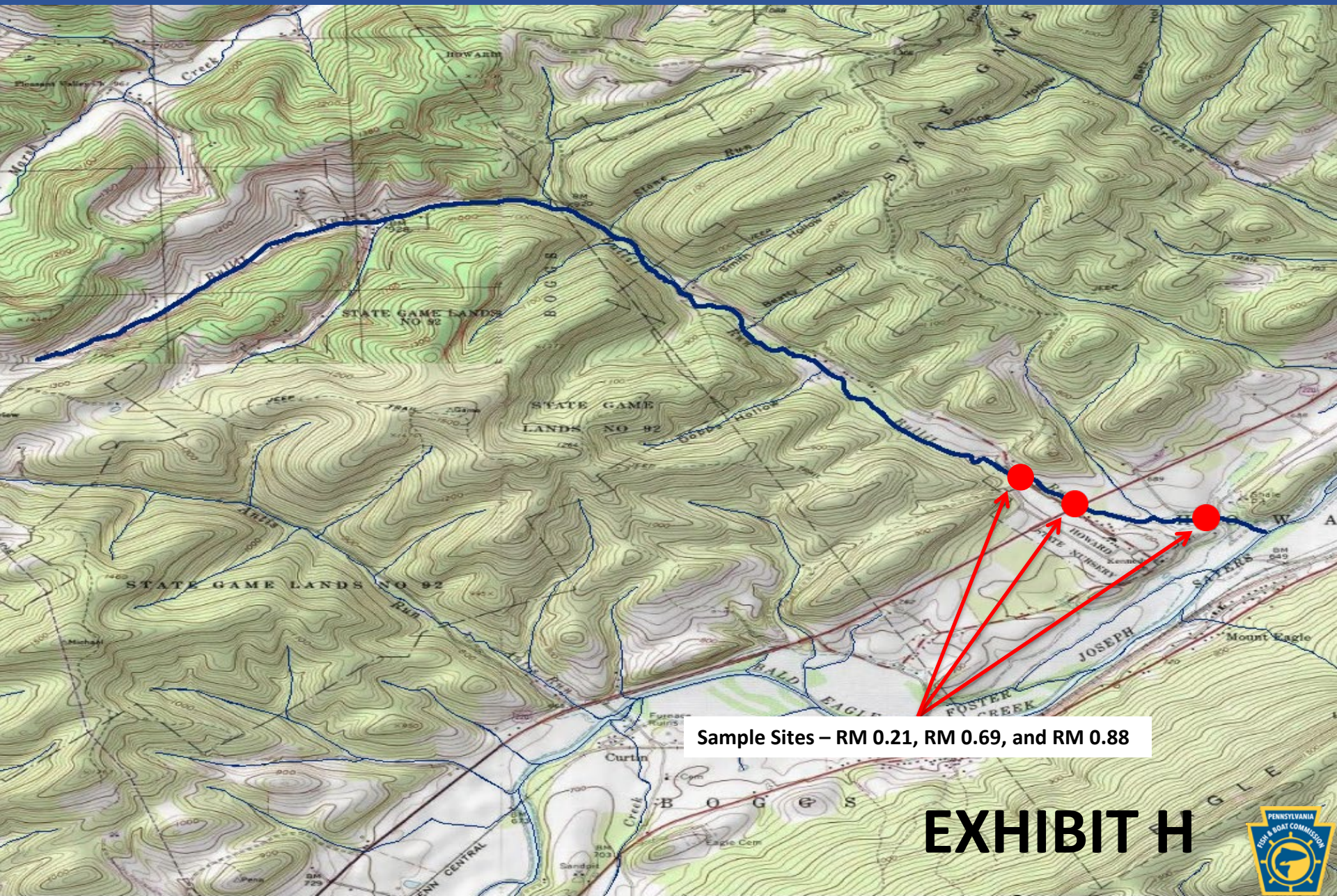
[Pa.B. Doc. No. 24-1186. Filed for public inspection August 23, 2024, 9:00 a.m.]

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Bullit Run, Centre County



Sample Sites – RM 0.21, RM 0.69, and RM 0.88

EXHIBIT H



Bullit Run, Centre County

Brown Trout RM – 0.21
Site Length – 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	2	0.11	7
3	20	2.64	67
4	14	4.18	47
5	3	1.64	10
6	4	3.65	13
7	6	8.39	20
8	10	20.23	33
9	4	11.26	13
10	1	3.80	3
11	1	4.94	3
13	1	7.96	3
14	1	9.86	3
Total	67	78.66	222

Brown Trout RM – 0.69
Site Length – 315 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	4	0.12	13
3	20	1.54	63
4	3	0.52	10
6	1	0.53	3
7	6	4.88	19
8	2	2.35	6
13	1	4.63	3
15	2	14.00	6
16	1	8.44	3
Total	40	37.01	126



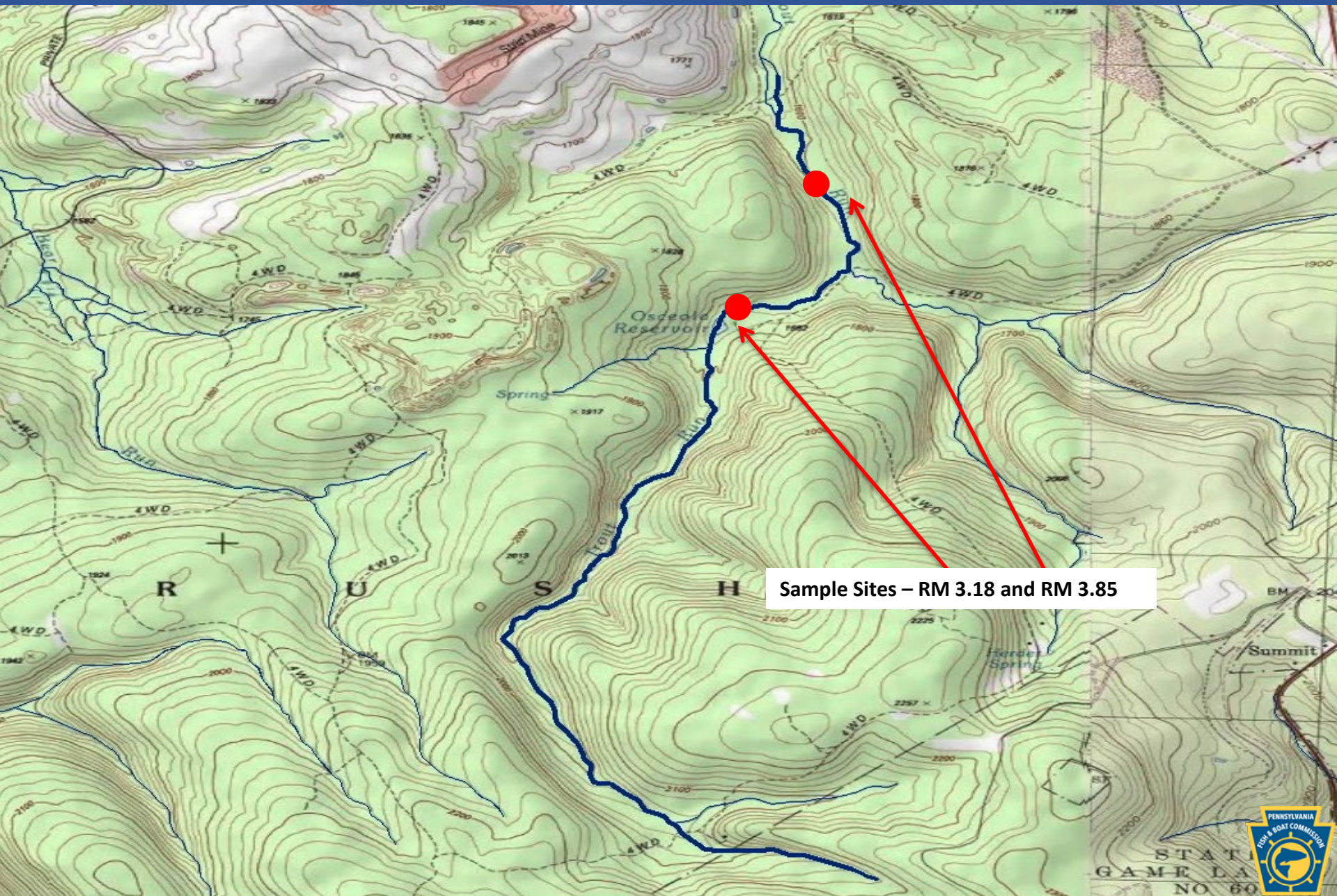
Bullit Run, Centre County

Brown Trout RM – 0.88
Site Length – 255 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	18	0.91	71
3	30	3.77	118
4	3	0.85	12
6	6	5.21	24
7	5	6.65	20
8	1	1.92	4
9	2	5.35	8
10	2	7.22	8
12	2	12.02	8
15	1	11.44	4
Total	70	55.34	277



Trout Run, Centre County



Sample Sites - RM 3.18 and RM 3.85



STATE GAME LA
NO 60

Trout Run, Centre County

Brook Trout RM – 3.18
Site Length – 325 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
3	4	0.19	12
4	4	0.45	12
6	1	0.34	3
Total	9	0.98	27

Brown Trout RM – 3.18
Site Length – 325 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	34	1.19	175
3	114	9.89	585
4	1	0.12	3
5	10	2.80	40
6	4	1.80	15
7	14	8.26	46
8	5	4.78	18
9	3	4.43	12
10	2	2.99	6
11	1	1.94	3
12	2	4.98	6
Total	190	43.18	909



Trout Run, Centre County

Brook Trout RM – 3.85
Site Length – 326 meters

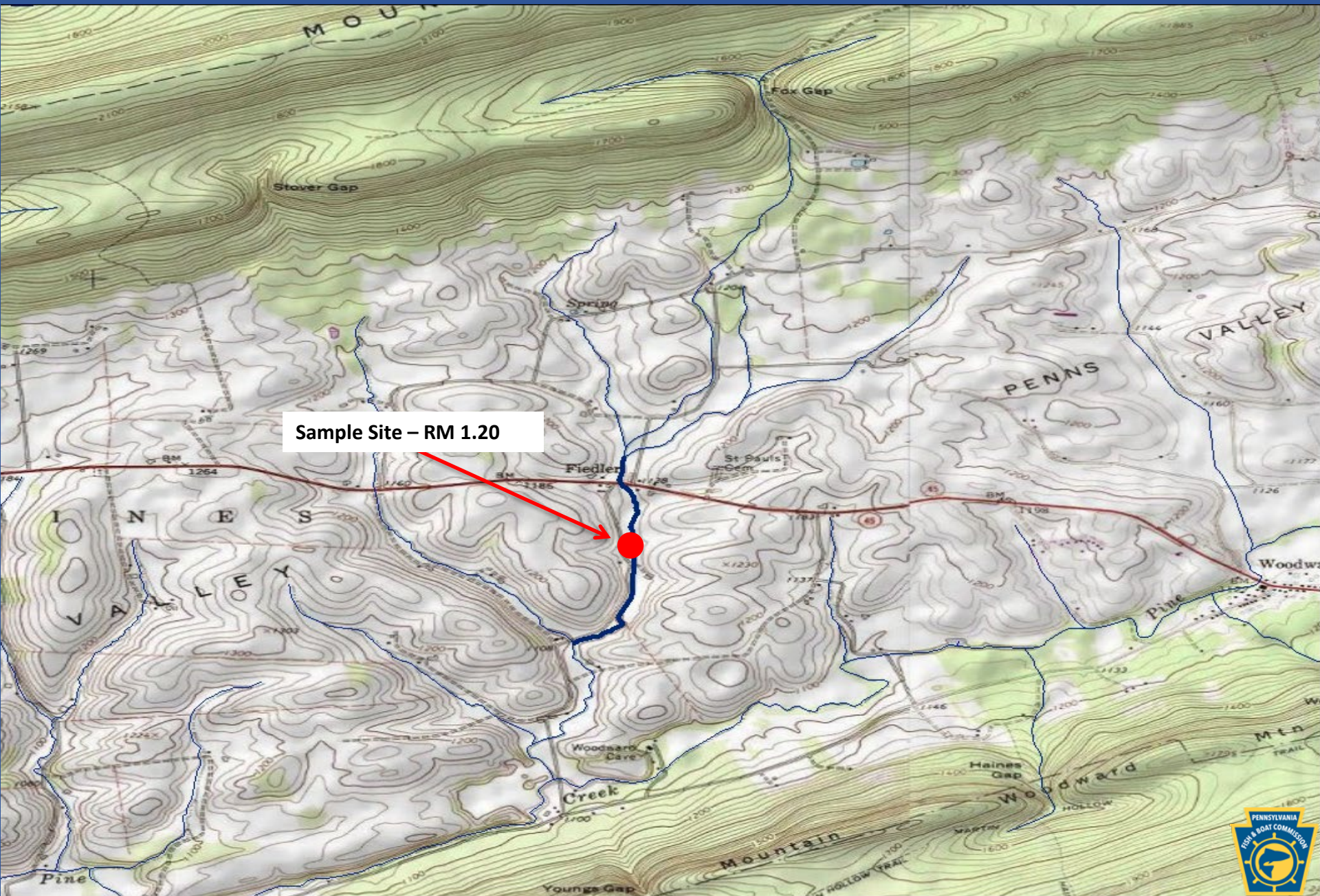
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	95	3.55	291
3	101	8.98	310
4	6	1.24	18
5	7	2.58	21
6	10	6.20	31
7	13	12.54	40
8	5	6.99	15
10	1	2.74	3
Total	238	44.82	729

Brown Trout RM – 3.85
Site Length – 326 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	14	0.54	43
3	2	0.19	6
Total	16	0.73	49



UNT to Pine Creek (RM 5.12), Centre County



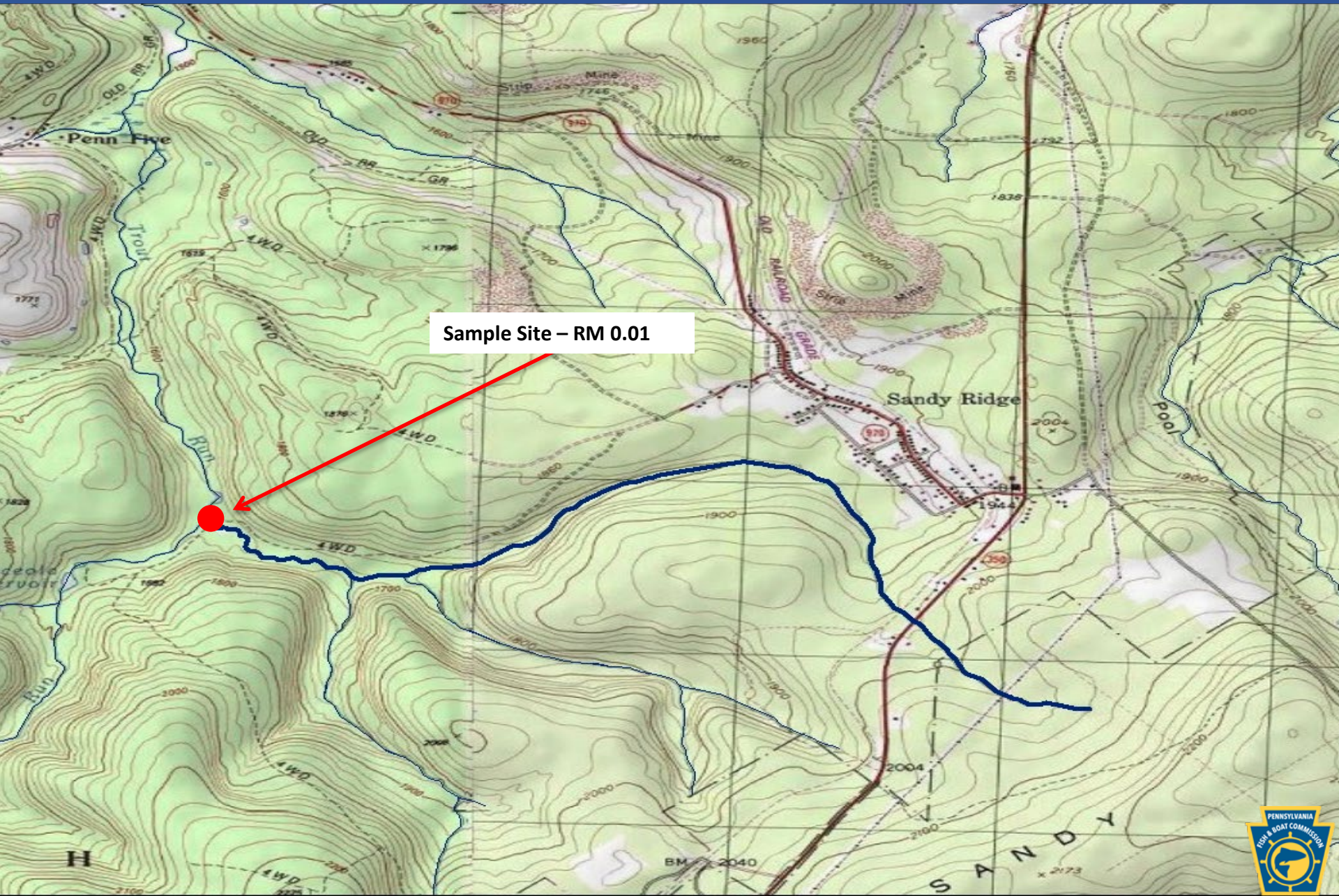
Sample Site - RM 1.20

UNT to Pine Creek (RM 5.12), Centre County

Brown Trout RM – 1.20
Site Length – 420 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	9	0.36	21
4	2	0.45	5
5	12	4.90	29
6	19	12.95	45
7	14	14.62	33
8	23	34.73	55
9	19	39.92	45
10	19	53.86	45
11	7	25.79	17
12	4	18.88	10
13	1	5.94	2
14	2	14.71	5
Total	131	227.11	312

UNT to Trout Run (RM 3.51), Centre County



Sample Site - RM 0.01

UNT to Trout Run (RM 3.51), Centre County

Brook Trout RM – 0.01
Site Length – 500 meters

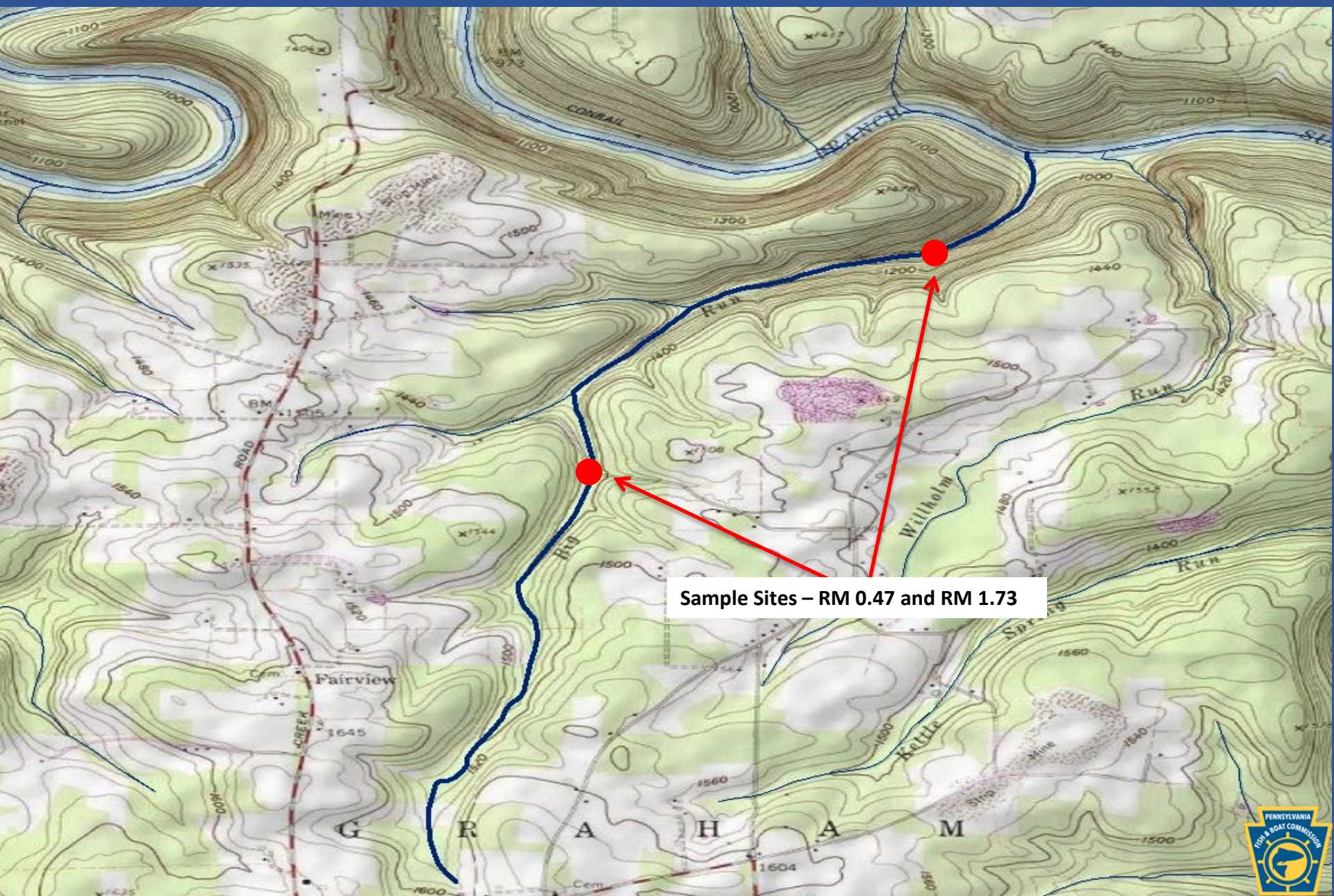
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	16	0.37	32
3	45	2.47	90
5	2	0.46	4
6	12	4.60	24
7	11	6.57	22
8	4	3.46	8
9	1	1.23	2
Total	91	19.16	182

Brown Trout RM – 0.01
Site Length – 500 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	1	0.01	2
2	17	0.40	34
3	12	0.71	24
4	8	1.07	16
5	7	1.72	14
6	4	1.64	8
7	2	1.26	4
8	2	1.81	4
9	6	7.58	12
10	1	1.70	2
11	2	4.43	4
12	3	8.51	6
13	1	3.57	2
14	1	4.42	2
15	1	5.40	2
Total	68	44.23	136



Big Run (Fairview), Clearfield County



Sample Sites – RM 0.47 and RM 1.73

Big Run (Fairview), Clearfield County

Brook Trout RM – 0.47
Site Length – 310 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	120	6.13	387
3	27	3.28	87
4	7	1.97	23
5	25	12.60	81
6	14	11.88	45
7	6	7.92	19
8	8	15.30	26
9	1	2.72	3
Total	208	61.80	671

Brook Trout RM – 1.73
Site Length – 230 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	2	0.07	9
2	129	9.97	561
3	12	2.21	52
4	26	11.09	113
5	15	11.44	65
6	7	8.98	30
7	4	7.98	17
Total	195	51.74	847

Grass Flats Run, Clinton County



Sample Site - RM 0.18



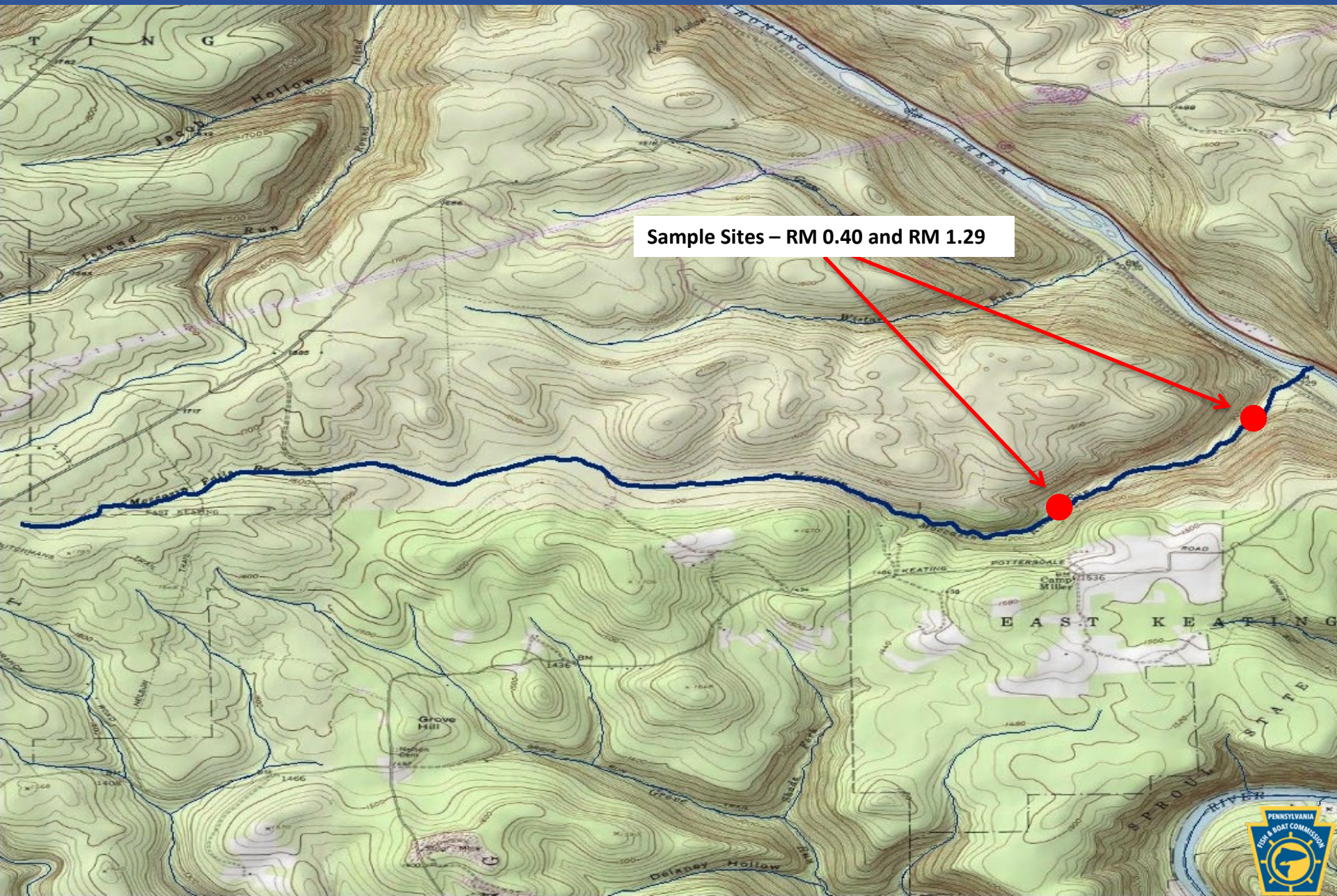
Grass Flats Run, Clinton County

Brook Trout RM – 0.18
Site Length – 400 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	1	0.02	3
2	62	3.25	155
3	14	1.75	35
4	17	4.92	43
5	6	3.10	15
6	7	6.09	18
7	10	13.53	25
8	4	7.84	10
Total	121	40.50	304



Moccasin Run, Clinton County



Sample Sites – RM 0.40 and RM 1.29

Moccasin Run, Clinton County

Brook Trout RM – 0.40
Site Length – 450 meters

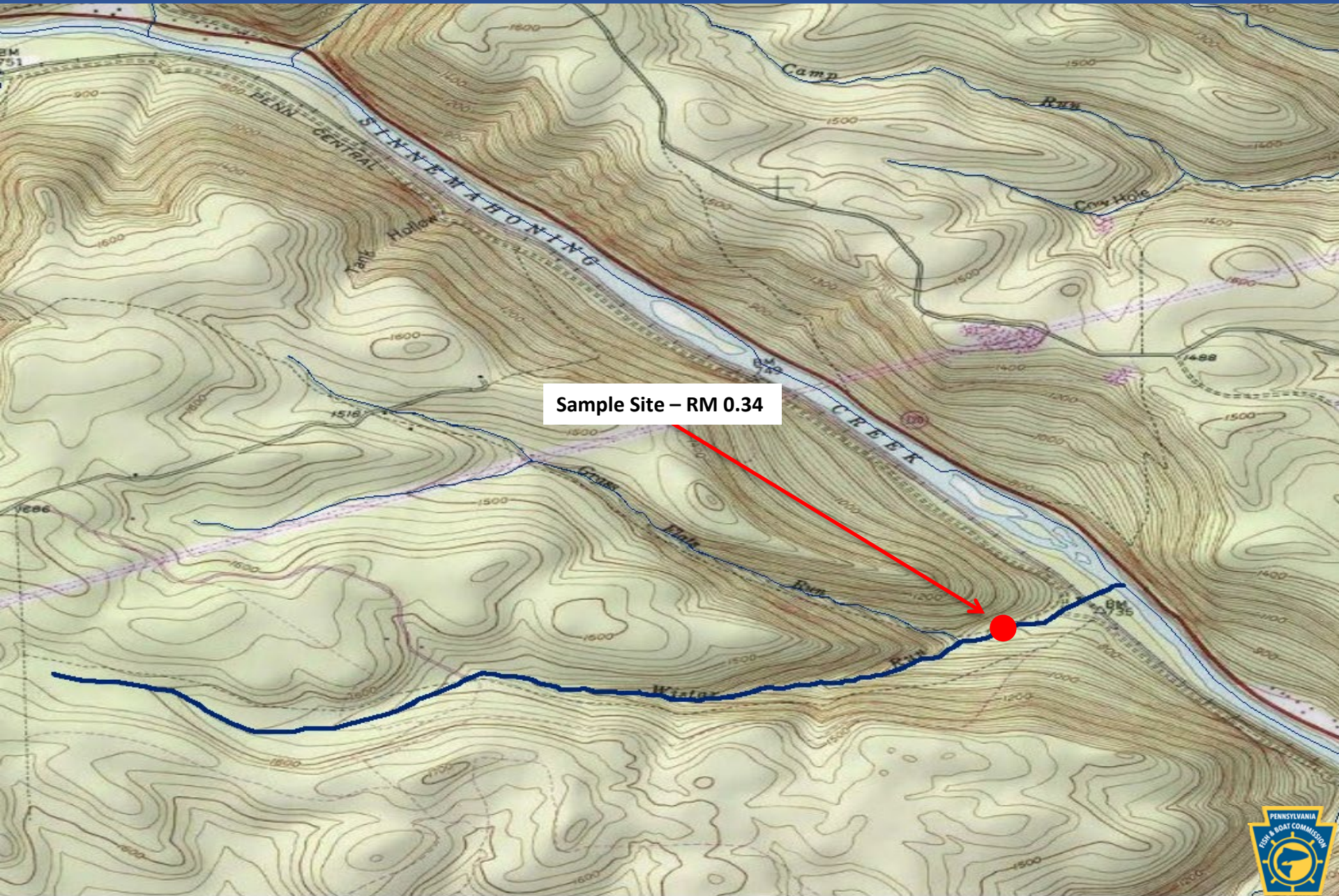
Brook Trout RM – 1.29
Site Length – 500 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	71	2.39	158
3	60	4.81	133
4	3	0.56	7
5	13	4.32	29
6	4	2.24	9
7	11	9.57	24
8	6	7.56	13
9	2	3.59	4
Total	170	35.04	377

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	30	0.91	60
3	34	2.46	68
4	24	4.02	48
5	8	2.40	16
6	7	3.53	14
7	10	7.84	20
8	6	6.81	12
Total	119	27.97	238



Wistar Run, Clinton County



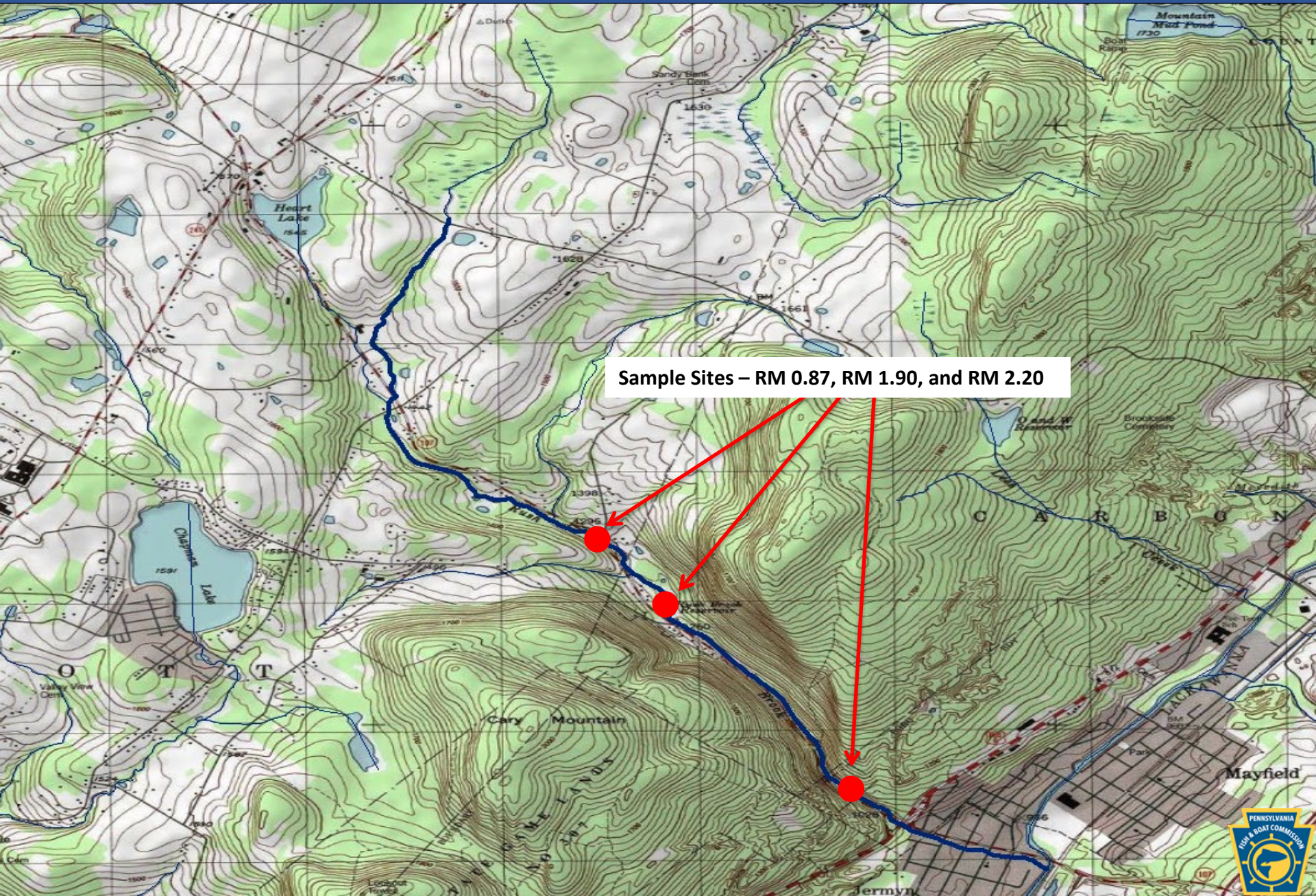
Wistar Run, Clinton County

Brook Trout RM – 0.34
Site Length – 400 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	55	2.58	138
3	64	7.13	160
4	11	2.84	28
5	22	10.17	55
6	4	3.11	10
7	3	3.63	8
8	9	15.77	23
9	2	4.99	5
Total	170	50.22	427



Rush Brook, Lackawanna County



Rush Brook, Lackawanna County

Brook Trout RM – 0.87
Site Length – 303 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
7	1	0.41	3
Total	1	0.41	3

Brown Trout RM – 0.87
Site Length – 303 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	1	0.01	3
2	325	13.24	2660
3	189	14.48	1168
4	2	0.18	7
5	12	2.54	50
6	24	7.63	89
7	21	11.26	86
8	8	5.63	30
10	6	8.23	23
11	2	3.06	7
12	4	9.79	17
13	2	4.93	7
15	1	3.72	3
18	1	6.76	3
Total	598	91.46	4153



Rush Brook, Lackawanna County

Brook Trout RM – 1.90
Site Length – 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	1	0.02	3
Total	1	0.02	3

Brown Trout RM – 1.90
Site Length – 300 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	59	2.56	477
3	355	22.94	1713
4	3	0.30	10
5	8	1.48	27
6	26	8.63	93
7	15	8.50	60
8	6	4.78	23
10	1	1.28	3
13	1	2.69	3
Total	474	53.16	2409



Rush Brook, Lackawanna County

Brook Trout RM – 2.20
Site Length – 326 meters

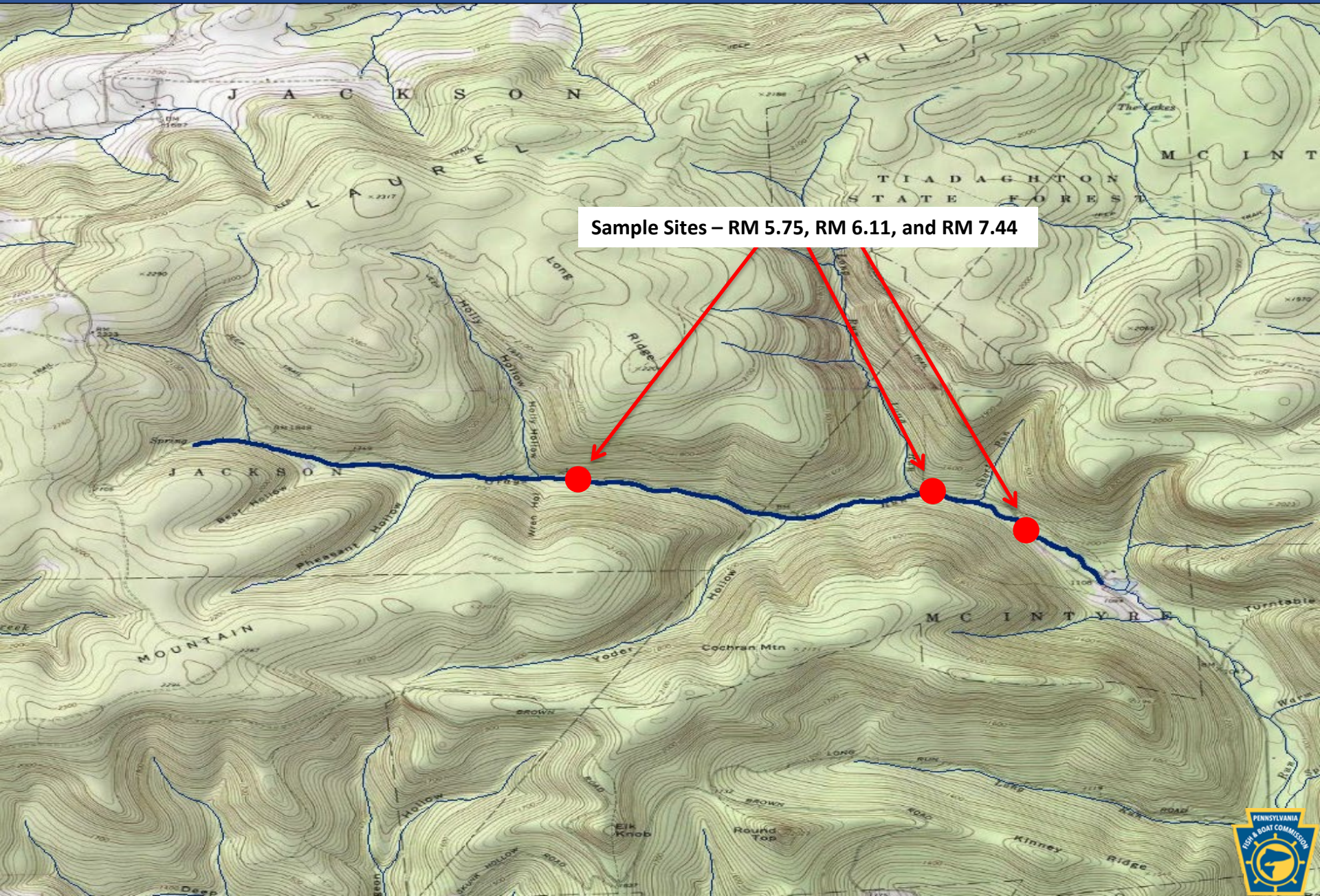
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	4	0.08	12
3	16	0.77	52
5	1	0.19	3
Total	21	1.04	67

Brown Trout RM – 2.20
Site Length – 326 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	70	3.02	469
3	190	16.07	1003
1	1	0.11	3
5	18	4.47	67
6	16	6.11	55
7	5	3.12	18
8	1	0.75	3
10	5	8.47	18
11	4	7.34	12
15	1	4.47	3
18	1	8.12	3
Total	312	62.05	1654



Grays Run, Lycoming County



Sample Sites – RM 5.75, RM 6.11, and RM 7.44

Grays Run, Lycoming County

Brook Trout RM – 5.75
Site Length – 350 meters

Brown Trout RM – 5.75
Site Length – 350 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	7	0.07	20
3	19	0.69	86
4	26	1.92	103
5	18	2.48	74
6	3	0.48	9
7	2	0.50	6
8	3	1.08	9
Total	78	7.22	307

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	7	0.07	20
3	7	0.17	20
4	8	0.45	23
5	2	0.20	6
6	2	0.34	6
7	2	0.52	6
8	3	1.14	9
9	2	1.05	6
10	1	0.71	3
11	1	0.92	3
12	1	1.18	3
14	1	1.85	3
Total	37	8.60	108



Grays Run, Lycoming County

Brook Trout RM – 6.11
Site Length – 350 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	1	0.02	3
3	9	0.48	26
4	5	0.62	14
5	4	0.89	11
6	1	0.37	3
7	2	1.17	6
9	1	1.20	3
Total	23	4.75	66

Brown Trout RM – 6.11
Site Length – 350 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	12	0.28	34
3	7	0.52	26
4	6	0.78	17
5	21	5.75	69
6	8	4.00	29
7	3	1.84	9
8	5	5.32	17
9	3	3.70	9
10	1	1.66	3
11	1	2.16	3
12	3	8.31	9
13	5	20.92	17
Total	75	55.24	242



Grays Run, Lycoming County

Brook Trout RM – 7.44
Site Length – 200 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	12	0.88	60
3	5	0.88	25
4	25	11.78	145
5	27	26.15	180
6	9	14.66	60
7	2	3.80	10
9	1	3.92	5
Total	81	62.07	485

Brown Trout RM – 7.44
Site Length – 200 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	5	0.38	25
4	6	2.99	35
5	2	1.56	10
8	2	5.78	10
9	2	8.04	10
11	1	7.05	5
12	1	9.03	5
13	2	22.75	10
16	1	20.71	5
Total	22	78.29	115



Grays Run, Lycoming County



Grays Run, Lycoming County

Brook Trout RM – 4.71
Site Length – 145 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	2	0.07	14
4	2	0.66	14
5	2	0.65	14
6	2	1.09	14
7	2	1.70	14
Total	10	3.87	70

Brown Trout RM – 4.71
Site Length – 145 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	9	0.42	62
3	1	0.08	7
4	9	1.72	62
5	9	4.19	62
6	3	1.75	21
7	2	1.79	14
8	2	2.59	14
9	3	5.40	21
11	4	12.62	28
12	1	4.04	7
17	1	11.44	7
Total	44	46.04	305



UNT to Grays Run (RM 5.12), Lycoming County



Sample Site - RM 0.09



UNT to Grays Run (RM 5.12), Lycoming County

Brook Trout RM – 0.09
Site Length – 170 meters

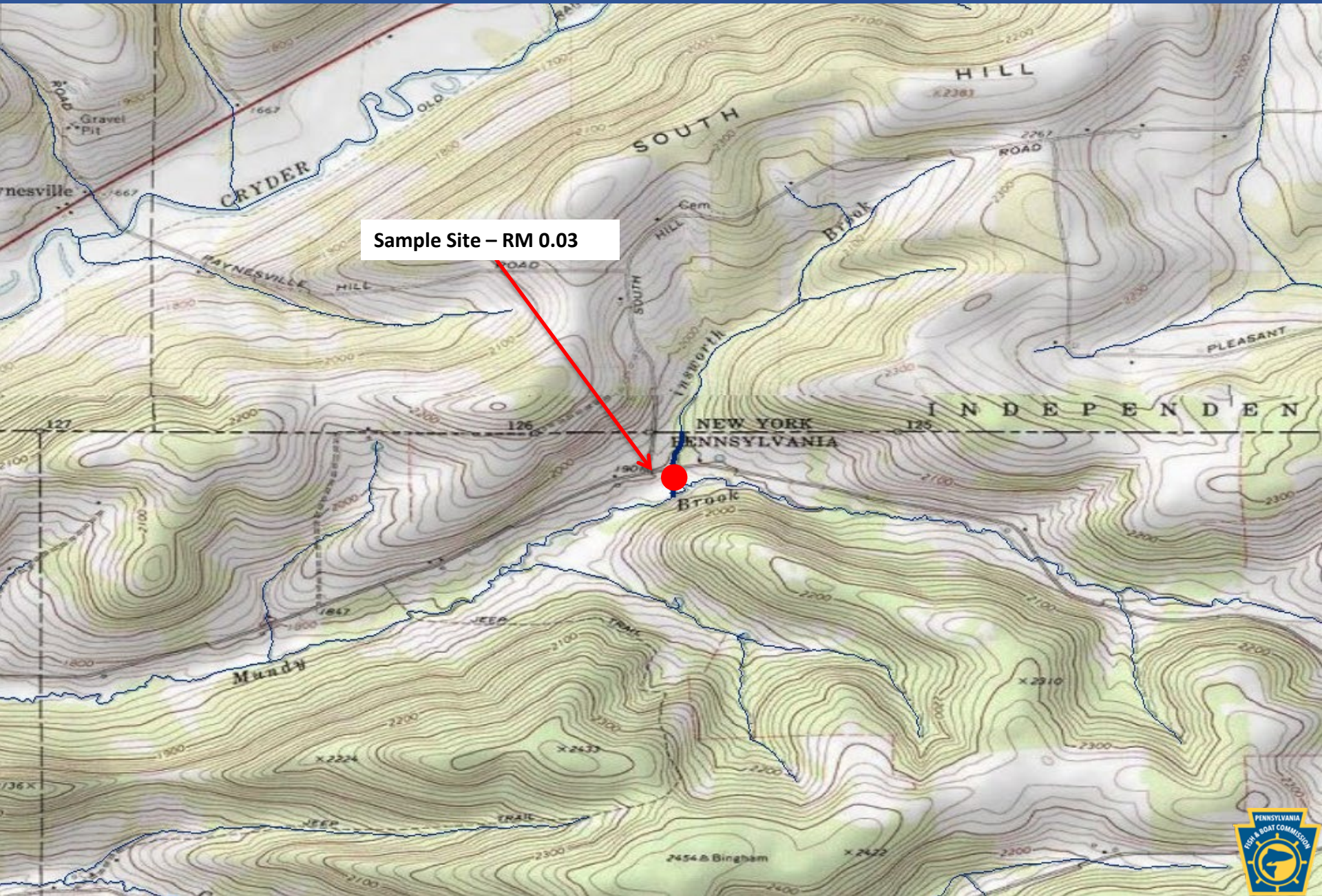
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	20	2.67	129
3	5	1.44	29
4	6	4.68	41
5	8	10.77	53
6	2	4.03	12
7	1	3.13	6
9	1	6.45	6
Total	43	33.17	276

Brown Trout RM – 0.09
Site Length – 170 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
3	2	0.62	12
4	1	0.70	6
Total	3	1.32	18



Ainsworth Brook, Potter County



Sample Site - RM 0.03

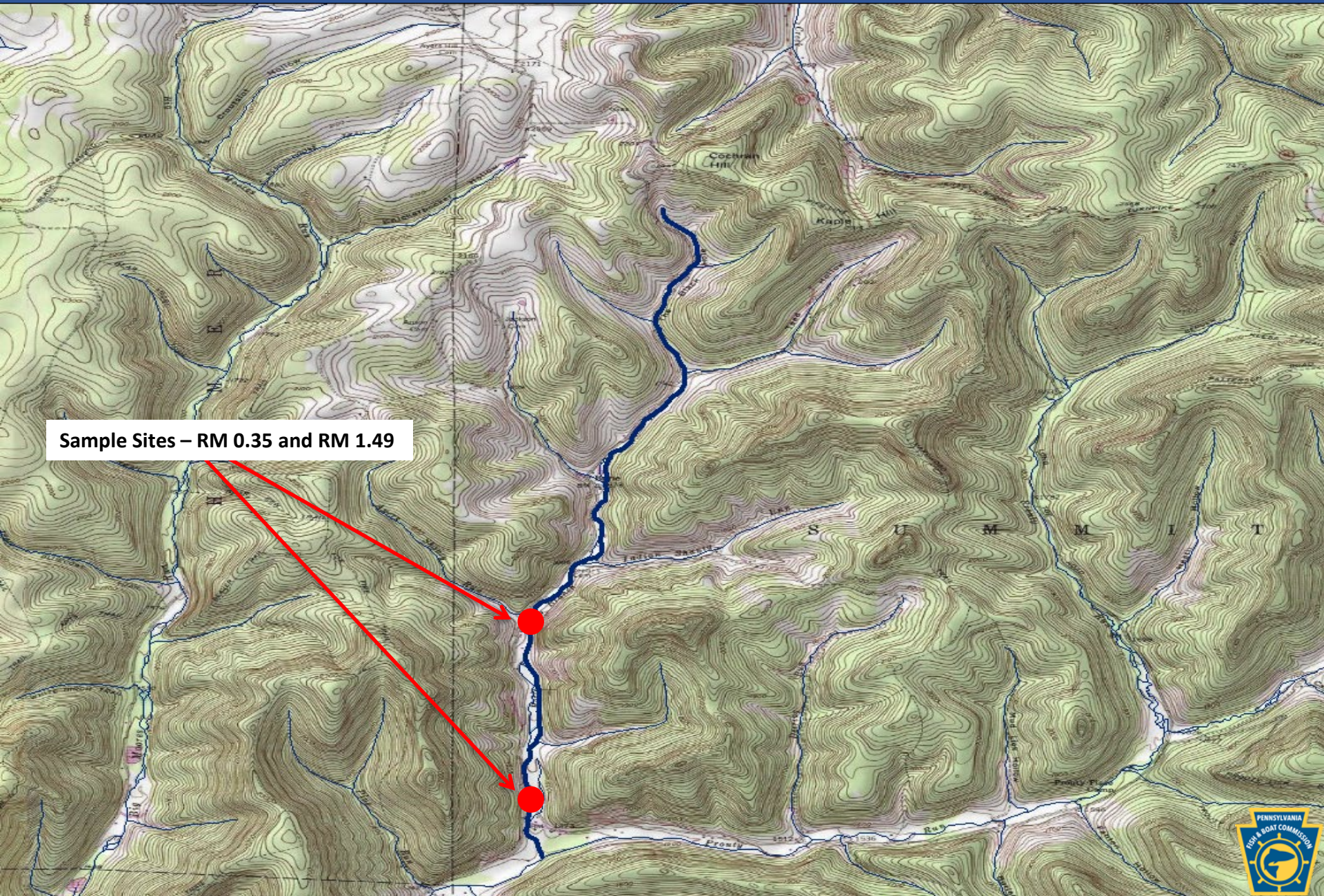
Ainsworth Brook, Potter County

Brook Trout RM – 0.03
Site Length – 108 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	3	0.82	28
3	3	1.94	28
4	1	1.50	9
7	3	21.06	28
8	1	10.17	9
9	3	43.39	28
10	1	19.91	9
Total	15	98.79	139



Borie Branch, Potter County



Sample Sites – RM 0.35 and RM 1.49

Borie Branch, Potter County

Brook Trout RM – 0.35
Site Length – 375 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
4	3	0.42	8
5	1	0.25	3
6	5	2.10	13
7	4	2.61	11
8	4	3.78	11
Total	17	9.16	46

Brown Trout RM – 0.35
Site Length – 375 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	10	0.26	27
3	100	6.48	267
4	18	2.64	48
5	3	0.80	8
6	21	9.40	56
7	8	5.49	21
8	1	0.99	3
10	2	3.72	5
12	1	3.10	3
Total	164	32.88	438



Borie Branch, Potter County

Brook Trout RM – 1.49
Site Length – 370 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
3	2	0.14	5
4	3	0.49	8
5	2	0.59	5
6	12	5.94	32
7	13	10.02	35
8	8	8.93	22
11	1	2.92	3
Total	41	29.03	110

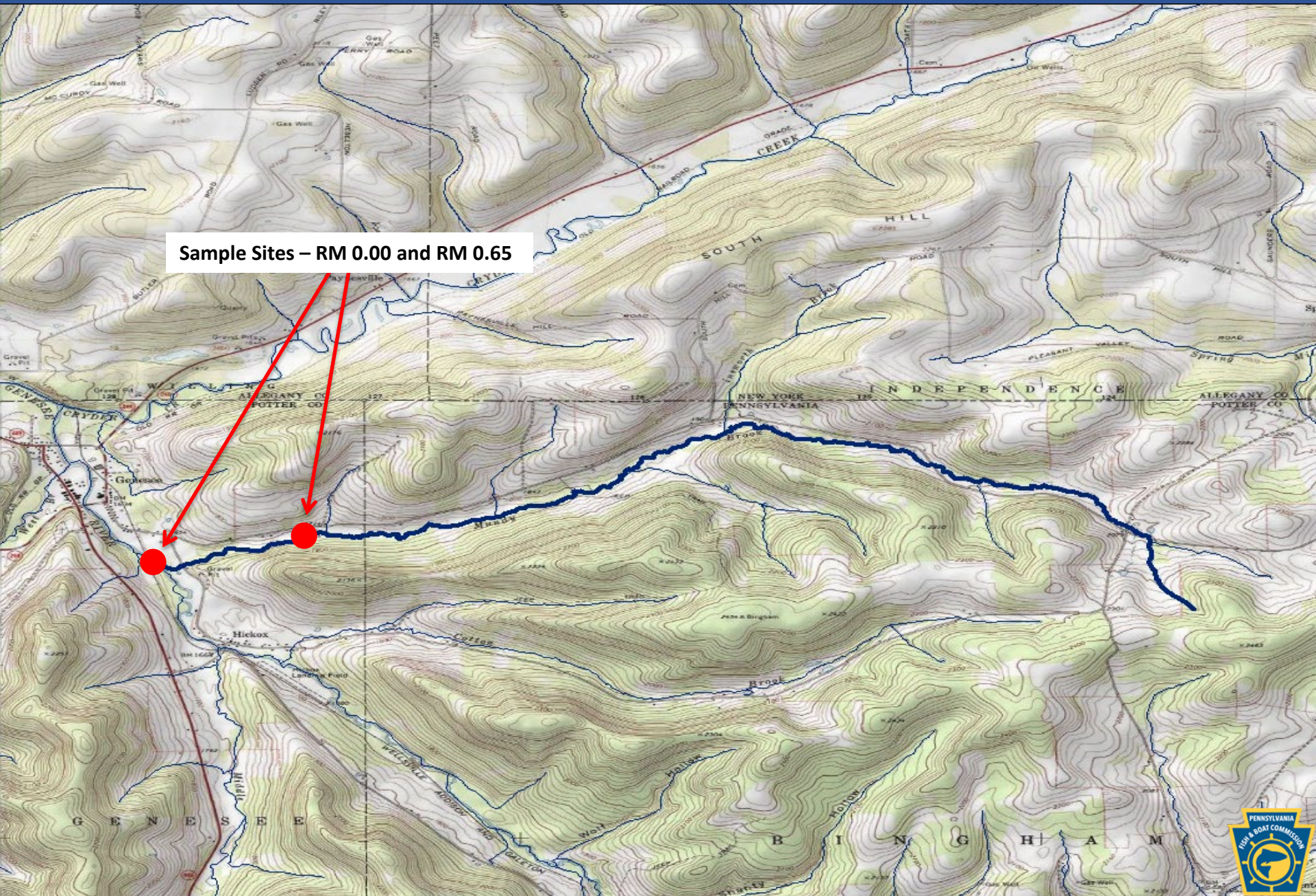
Brown Trout RM – 1.49
Site Length – 370 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	7	0.22	19
3	35	2.68	95
4	10	1.73	27
6	8	4.23	22
7	3	2.43	8
8	3	3.51	8
9	1	1.63	3
10	2	4.40	5
12	1	3.66	3
13	1	4.61	3
Total	71	29.10	193



Mundy Brook, Potter County

Sample Sites – RM 0.00 and RM 0.65



Mundy Brook, Potter County

Brook Trout RM – 0.00
Site Length – 775 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
6	1	0.23	1
7	1	0.36	1
8	1	0.51	1
9	3	2.20	4
10	1	1.01	1
Total	7	4.31	8

Brown Trout RM – 0.00
Site Length – 775 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	5	0.07	6
3	76	2.68	98
4	23	1.83	30
5	4	0.58	5
6	24	5.85	31
7	22	8.22	28
8	5	2.70	6
9	8	6.01	10
10	5	5.07	6
11	7	9.22	9
12	1	1.69	1
13	1	2.13	1
14	2	5.26	3
16	1	3.87	1
Total	184	55.18	235



Mundy Brook, Potter County

Brook Trout RM – 0.65
Site Length – 200 meters

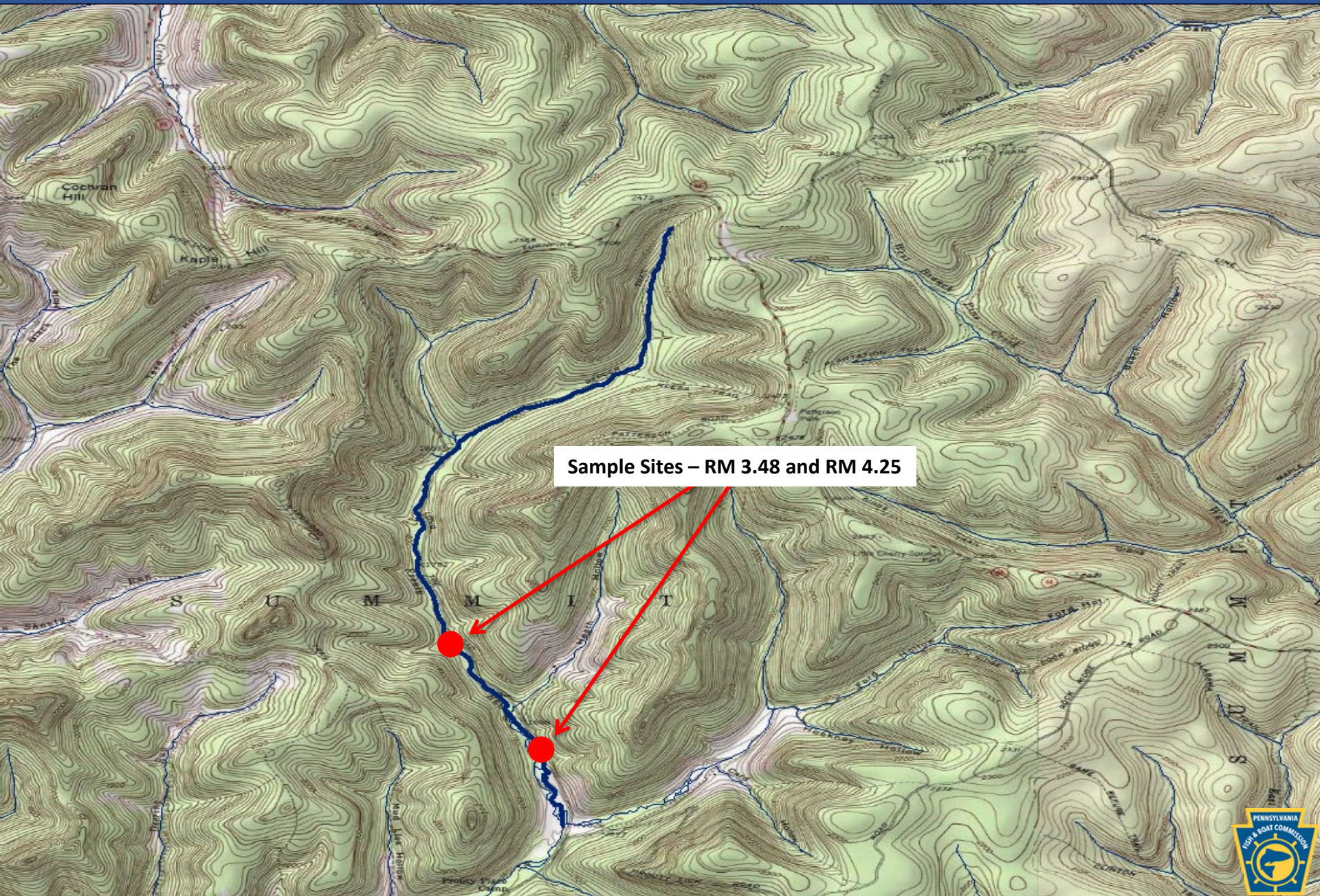
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
11	1	7.07	5
Total	1	7.07	5

Brown Trout RM – 0.65
Site Length – 200 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
3	9	1.67	45
5	1	0.77	5
6	8	10.25	40
7	12	23.56	60
8	2	5.68	10
9	3	11.85	15
10	6	31.98	30
11	2	13.86	10
12	1	8.88	5
13	1	11.17	5
Total	45	119.67	225



Prouty Run, Potter County



Sample Sites - RM 3.48 and RM 4.25

Prouty Run, Potter County

Brook Trout RM – 3.48
Site Length – 320 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	76	3.56	238
3	47	5.24	147
4	40	10.34	125
5	42	19.41	131
6	15	11.66	47
7	5	6.05	16
8	1	1.75	3
Total	226	58.01	707

Brown Trout RM – 3.48
Site Length – 320 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	34	1.64	106
3	10	1.20	31
4	24	6.51	75
5	6	2.98	19
6	3	2.49	9
7	3	3.82	9
8	2	3.68	6
11	2	8.98	6
Total	84	31.30	261



Prouty Run, Potter County

Brook Trout RM – 4.25
Site Length – 325 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	70	2.61	215
3	48	4.26	148
4	5	1.03	15
5	18	6.63	55
6	9	5.57	28
7	3	2.89	9
9	1	1.99	3
Total	154	24.98	473

Brown Trout RM – 4.25
Site Length – 325 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	28	1.08	86
3	17	1.63	52
4	3	0.65	9
5	5	1.98	15
6	1	0.66	3
9	1	2.04	3
Total	55	8.04	168



UNT to Prouty Run (RM 2.72), Potter County



Sample Site - RM 0.03

UNT to Prouty Run (RM 2.72), Potter County

Brook Trout RM – 0.03
Site Length – 175 meters

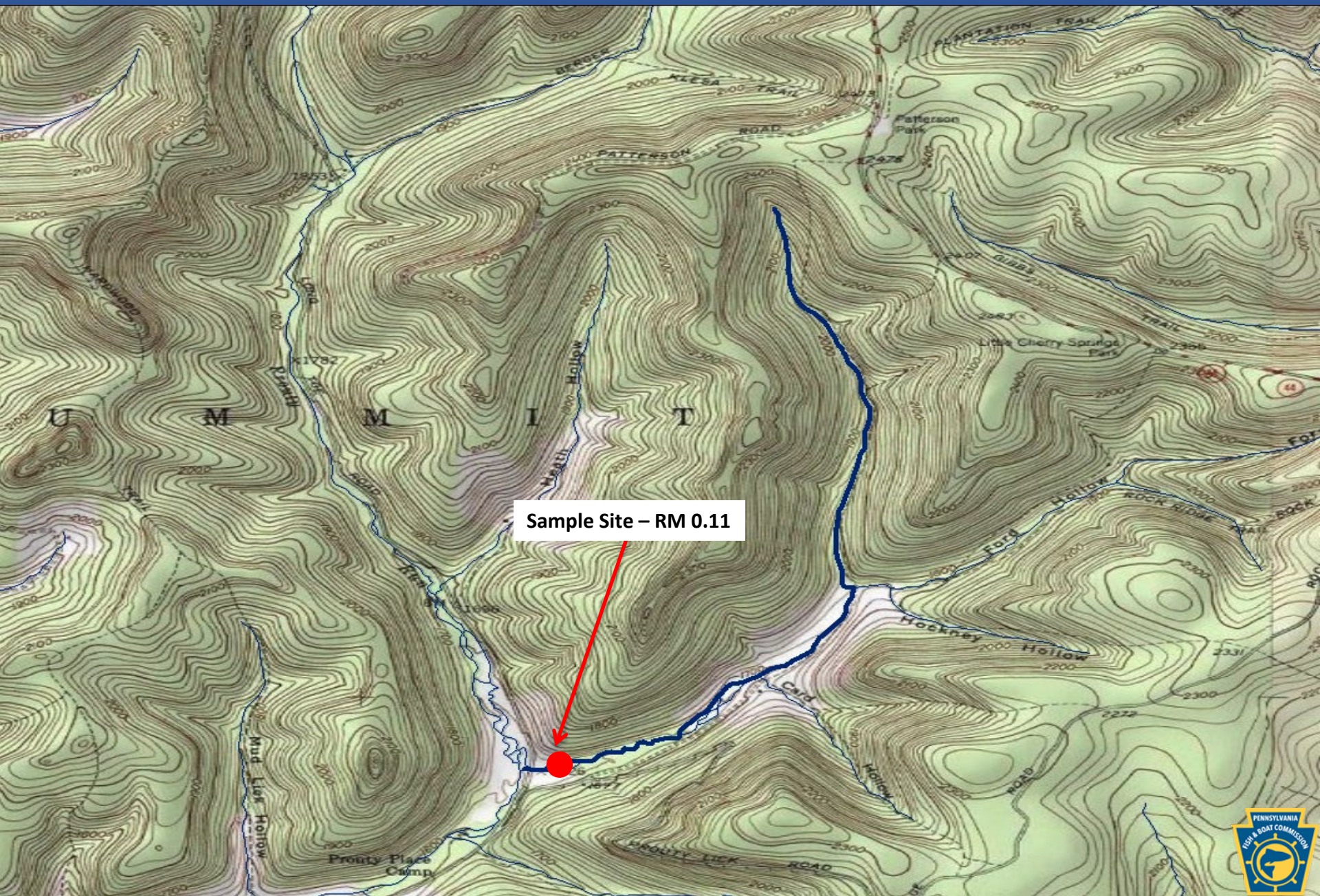
Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	31	5.08	177
3	3	1.17	17
4	10	9.04	57
5	3	4.85	17
6	2	5.44	11
7	3	12.69	17
8	1	6.13	6
9	1	8.72	6
10	1	12.00	6
Total	55	65.12	314

Brown Trout RM – 0.03
Site Length – 175 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	12	2.02	69
3	1	0.42	6
4	4	3.80	23
Total	17	6.24	98



UNT to Prouty Run (RM 3.08), Potter County



UNT to Prouty Run (RM 3.08), Potter County

Brook Trout RM – 0.11
Site Length – 430 meters

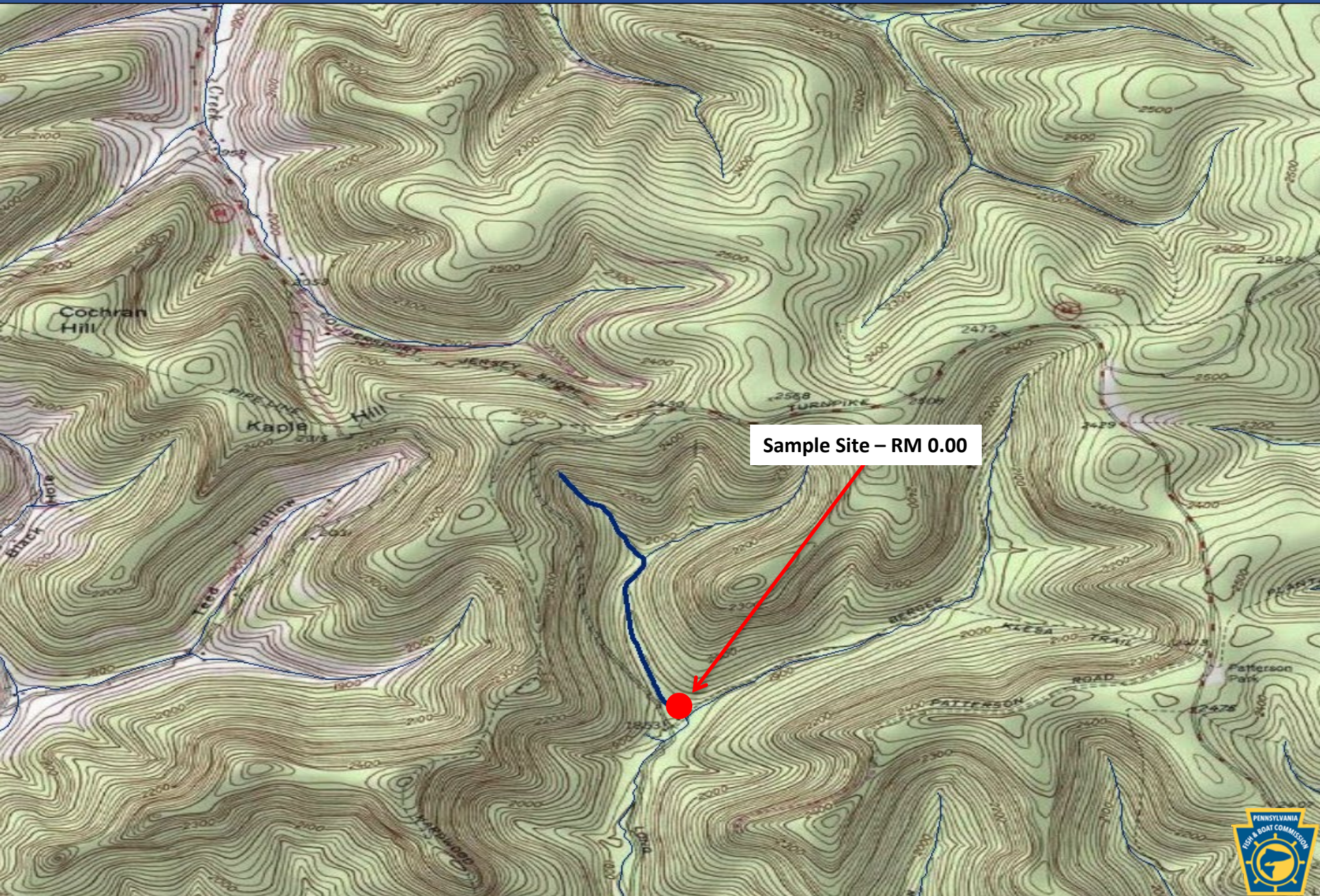
Brown Trout RM – 0.11
Site Length – 430 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	1	0.02	2
2	26	1.03	60
3	28	2.64	65
4	20	4.38	47
5	17	6.65	40
6	8	5.26	19
7	3	3.07	7
8	1	1.48	2
9	1	2.11	2
Total	105	26.64	244

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	32	1.31	74
3	8	0.81	19
4	12	2.76	28
5	5	2.10	12
6	4	2.81	9
7	2	2.15	5
8	2	3.11	5
11	1	3.80	2
Total	66	18.85	154



UNT to Prouty Run (RM 5.57), Potter County



UNT to Prouty Run (RM 5.57), Potter County

Brook Trout RM – 0.00
Site Length – 85 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	38	7.77	447
3	12	5.84	141
4	16	18.05	188
5	4	8.07	47
6	2	6.79	24
7	2	10.56	24
Total	74	57.08	871

Brown Trout RM – 0.00
Site Length – 85 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
4	2	2.37	24
Total	2	2.37	24



UNT to Mine Hole Run (RM 2.19), Tioga County



Sample Site - RM 0.00

UNT to Mine Hole Run (RM 2.19), Tioga County

Brook Trout RM – 0.00
Site Length – 235 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	82	8.56	349
3	22	5.46	94
4	8	4.61	34
5	11	11.33	47
6	11	19.06	47
7	3	8.09	13
Total	137	57.11	584



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NOTICES

FISH AND BOAT COMMISSION

Proposed Changes to List of Class A Wild Trout Waters; October 2024

[54 Pa.B. 5197]

[Saturday, August 10, 2024]

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.

(1) Criteria developed for Class A Wild Trout fisheries are species specific.

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

(E) Brown trout biomass shall 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 October 21, 2024.

County	Stream	Section	Limits	Tributary to	Mouth Lat/Lon	Brook Trout Brown Trout Rainbow Trout			Length (miles)	Survey year
						(kg/ha)	(kg/ha)	(kg/ha)		
Centre	Bullit Run	1	Headwaters to Mouth	Foster Joseph Sayers Lake	40.988976 77.705627	—	57.00	—	4.83	2023
Centre	Trout Run	1	Headwaters to 3.96 kilometers upstream of Mouth	Moshannon Creek	40.847500 78.267778	22.90	21.96	—	3.98	2022
Centre	Unnamed Tributary (UNT) to Pine Creek (RM 5.12)	3	Spring seep to UNT to UNT to Pine Creek (RM 5.12)	Pine Creek	40.887357 77.392825	—	227.11	—	0.87	2022
Centre	UNT to Trout Run (RM 3.51)	1	Headwaters to Mouth	Trout Run	40.806811 78.261429	19.16	44.23	—	2.65	2022
Clearfield	Big Run (Fairview)	1	Headwaters to Mouth	West Branch Susquehanna River	41.061111 78.200278	56.77	—	—	3.23	2022
Clinton	Grass Flats Run	1	Headwaters to Mouth	Wistar Run	41.268055 77.950279	40.50	—	—	1.93	2023
Clinton	Moccasin	1	Headwaters	Sinnemahoning	41.261111	31.51	—	—	5.53	2023

	Run		to Mouth	Creek	77.931111					
Clinton	Wistar Run	1	Headwaters to Mouth	Sinnemahoning Creek	41.270832	50.22	—	—	2.73	2023
Lackawanna	Rush Brook	1	Headwaters to Mouth	Lackawanna River	41.531389	0.49	68.89	—	2.18	2023
Lycoming	Grays Run	1	Headwaters to Grays Run Club Reservoir	Lycoming Creek	41.420556	24.68	47.38	—	4.23	2023
Lycoming	Grays Run	2	Grays Run Club Reservoir to Tiadaghton State Forest boundary	Lycoming Creek	41.420556	3.87	46.04	—	0.36	2024
Lycoming	UNT to Grays Run (RM 5.12)	1	Headwaters to Mouth	Grays Run	41.484552	33.17	1.32	—	0.96	2023
Potter	Ainsworth Brook	1	PA/NY state line to Mouth	Mundy Brook	41.995410	98.77	—	—	0.21	2021
Potter	Borie Branch	1	Headwaters to Mouth	First Fork Sinnemahoning Creek	41.651436	19.10	30.99	—	4.59	2023
Potter	Mundy Brook	1	Headwaters to Mouth	Genesee River	41.983626	5.69	87.43	—	5.82	2021
Potter	Prouty Run	1	Headwaters to confluence of UNT to Prouty Run (RM 3.08)	First Fork Sinnemahoning Creek	41.651112	41.50	19.67	—	3.90	2023
Potter	UNT to Prouty Run (RM 2.72)	1	Headwaters to Mouth	Prouty Run	41.659350	65.12	6.24	—	0.97	2023
Potter	UNT to Prouty Run (RM 3.08)	1	Headwaters to Mouth	Prouty Run	41.662926	26.64	18.85	—	2.62	2023
Potter	UNT to Prouty Run (RM 5.57)	1	Headwaters to Mouth	Prouty Run	41.694560	57.08	2.37	—	1.20	2023
Tioga	UNT to Mine Hole Run (RM 2.19)	1	Headwaters to Mouth	Mine Hole Run	41.577060	57.11	—	—	0.38	2022

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.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-1133. Filed for public inspection August 9, 2024, 9:00 a.m.]

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EXHIBIT J

Wild Trout Additions

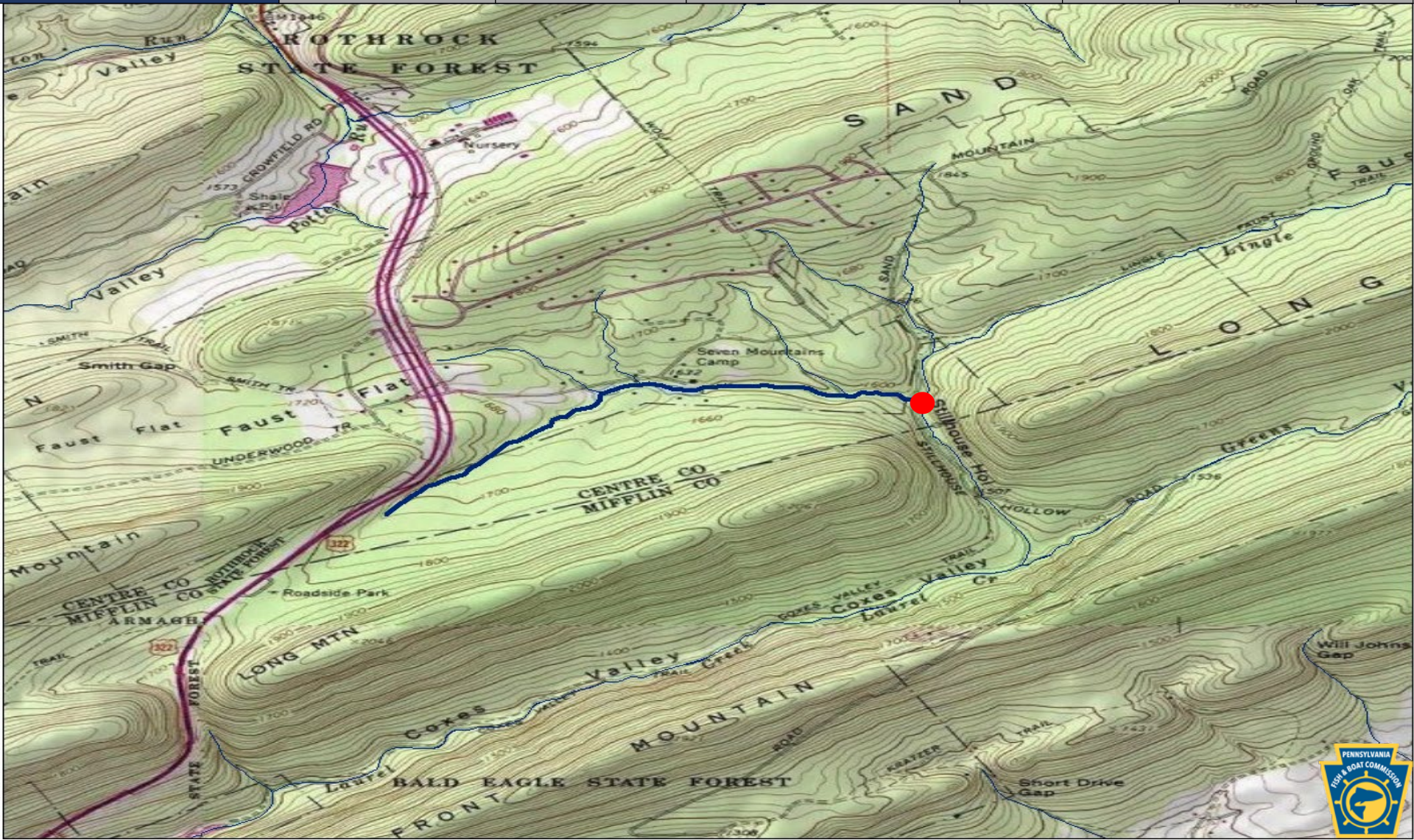
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Centre	Eagleville Gap Run	Bald Eagle Creek	Headwaters to mouth	1.13	Brook Brown	4 8	2-3 2-11



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Centre	UNT (RM 0.06) to UNT to Bear Run (RM 0.90)	UNT to Bear Run (RM 0.90)	Headwaters to mouth	0.05	Brook	24	1-6



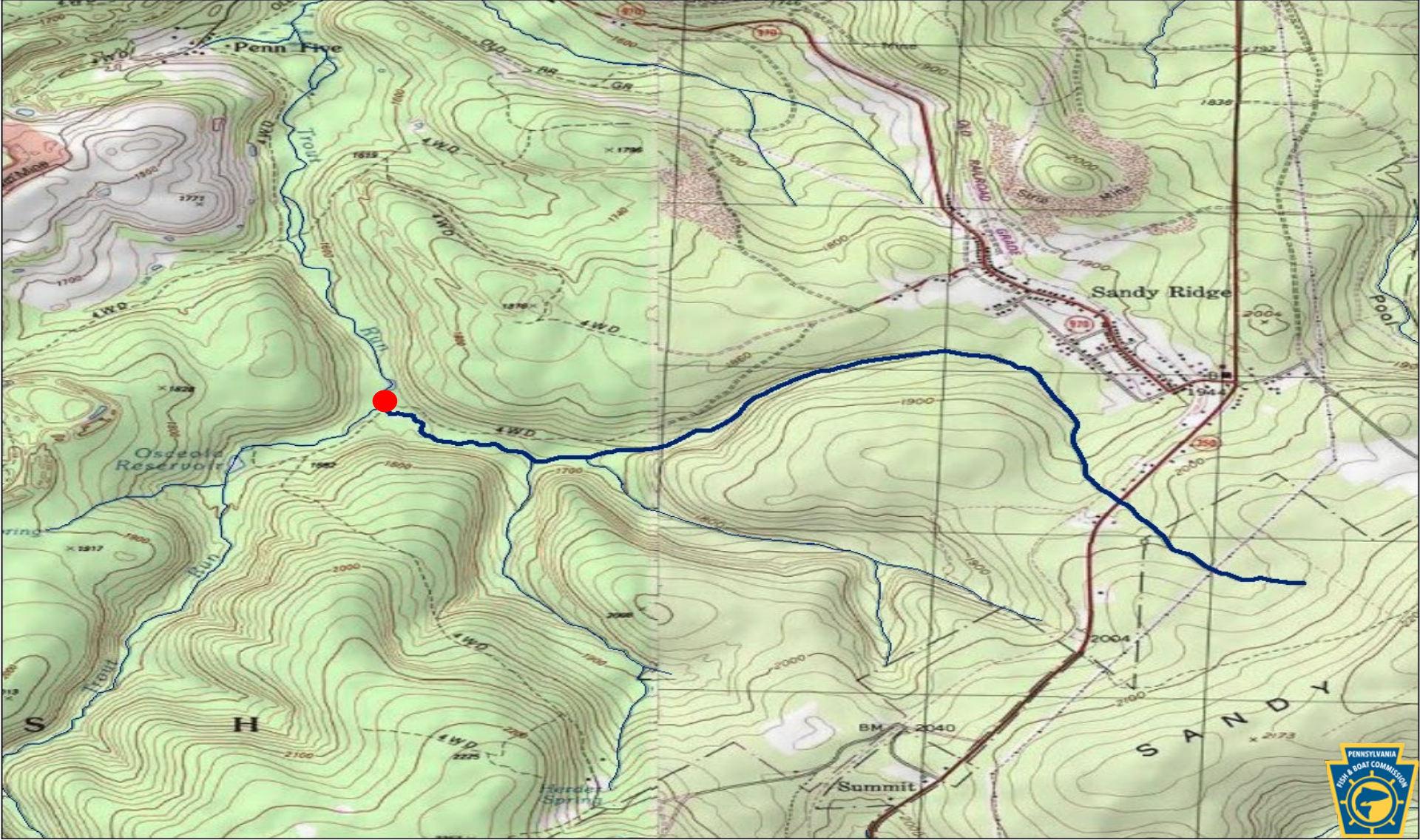
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Centre	UNT to Laurel Creek (RM 9.41)	Laurel Creek	Headwaters to mouth	0.00	Brook Brown	28 3	2-7 5-8



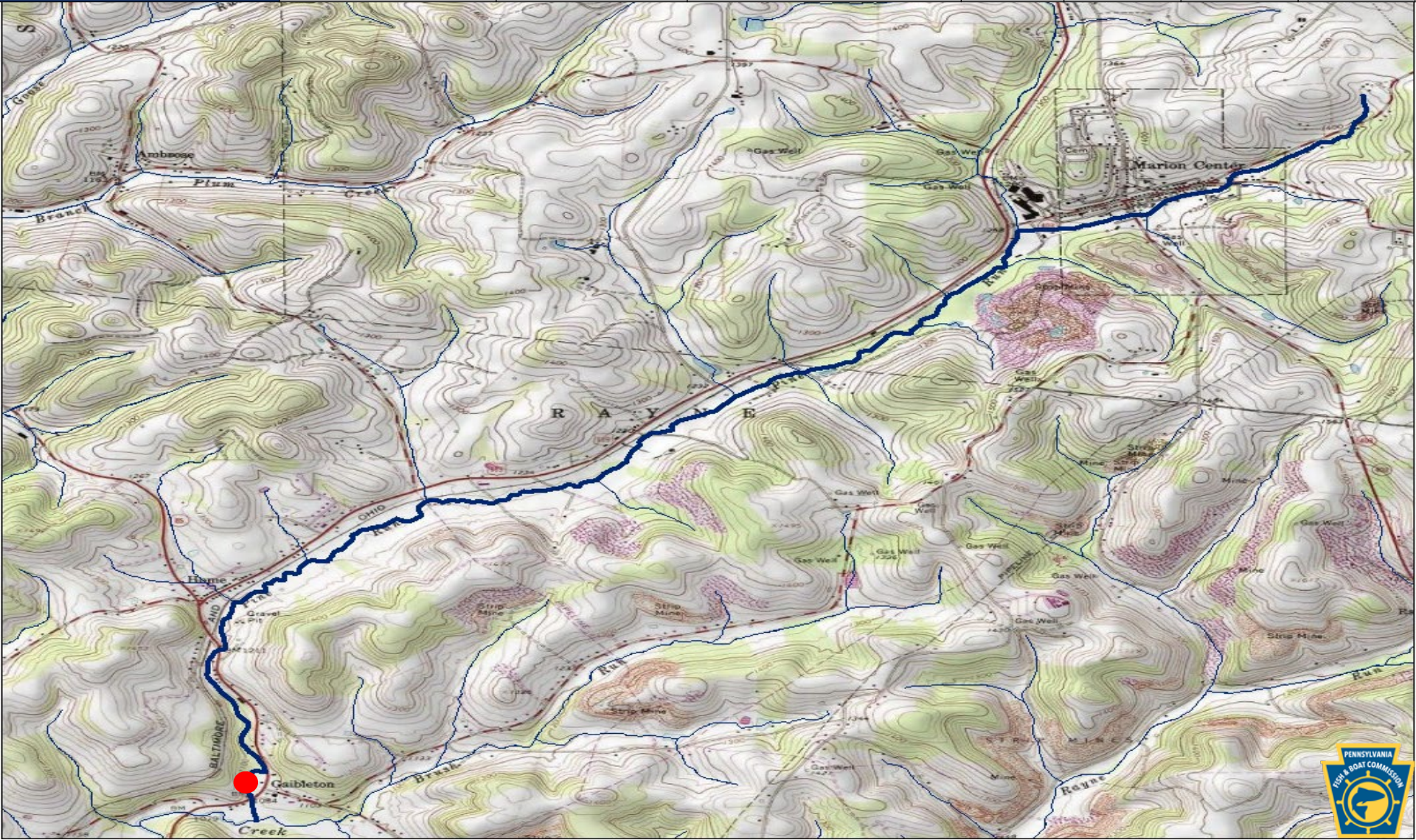
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Centre	UNT to Mountain Branch (RM 2.32)	Mountain Branch	Headwaters to mouth	0.00	Brook	11	2-3



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Centre	UNT to Trout Run (RM 3.51)	Trout Run	Headwaters to mouth	0.01	Brook Brown	91 68	2-9 1-15



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Indiana	Pine Run	Crooked Creek	Headwaters to mouth	0.13	Brown	3	3-8



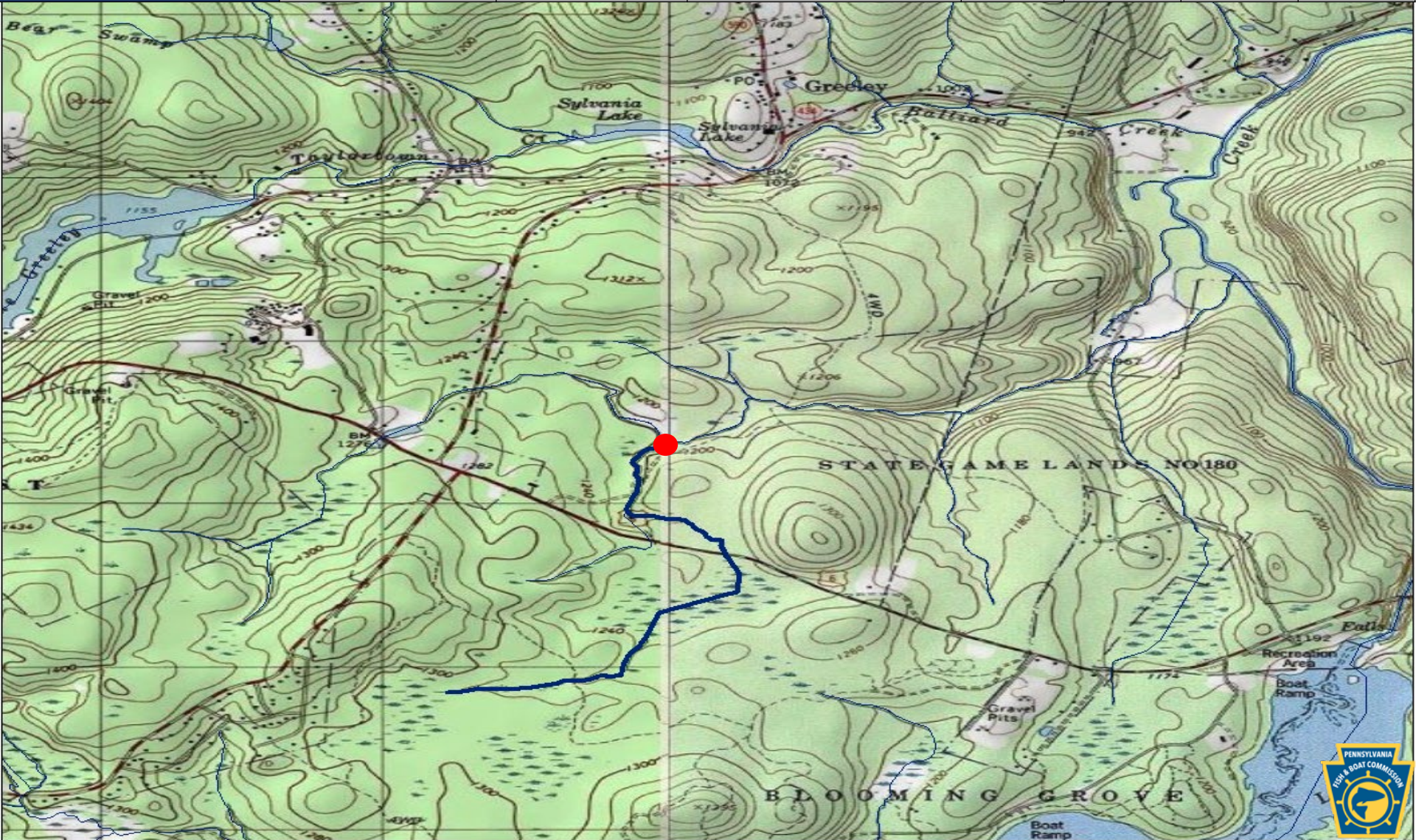
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Monroe	Dotters Run	Stillwater Lake	Headwaters to mouth	0.00	Brook	3	4-5



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Pike	Rattlesnake Creek	Shohola Marsh Reservoir	Headwaters to mouth	0.81	Brook	3	3-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Pike	UNT (RM 1.69) to UNT to Shohola Creek (RM 7.88)	UNT to Shohola Creek (RM 7.88)	Headwaters to mouth	0.00	Brook	3	6-8



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Pike	UNT to Masthope Creek (RM 1.59)	Masthope Creek	Headwaters to mouth	0.09	Brook	3	3-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Pike	UNT to Masthope Creek (RM 3.13)	Masthope Creek	Headwaters to mouth	0.13	Brook	3	2



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Pike	UNT to Rattlesnake Creek (RM 4.73)	Rattlesnake Creek	Headwaters to mouth	0.33	Brook	4	6-8



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Pike	UNT to Shohola Creek (RM 7.88)	Shohola Creek	Headwaters to mouth	0.55	Brook	9	2-8



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Potter	UNT to Gravel Lick Run (RM 0.61)	Gravel Lick Run	Headwaters to mouth	0.00	Brook	12	2-3



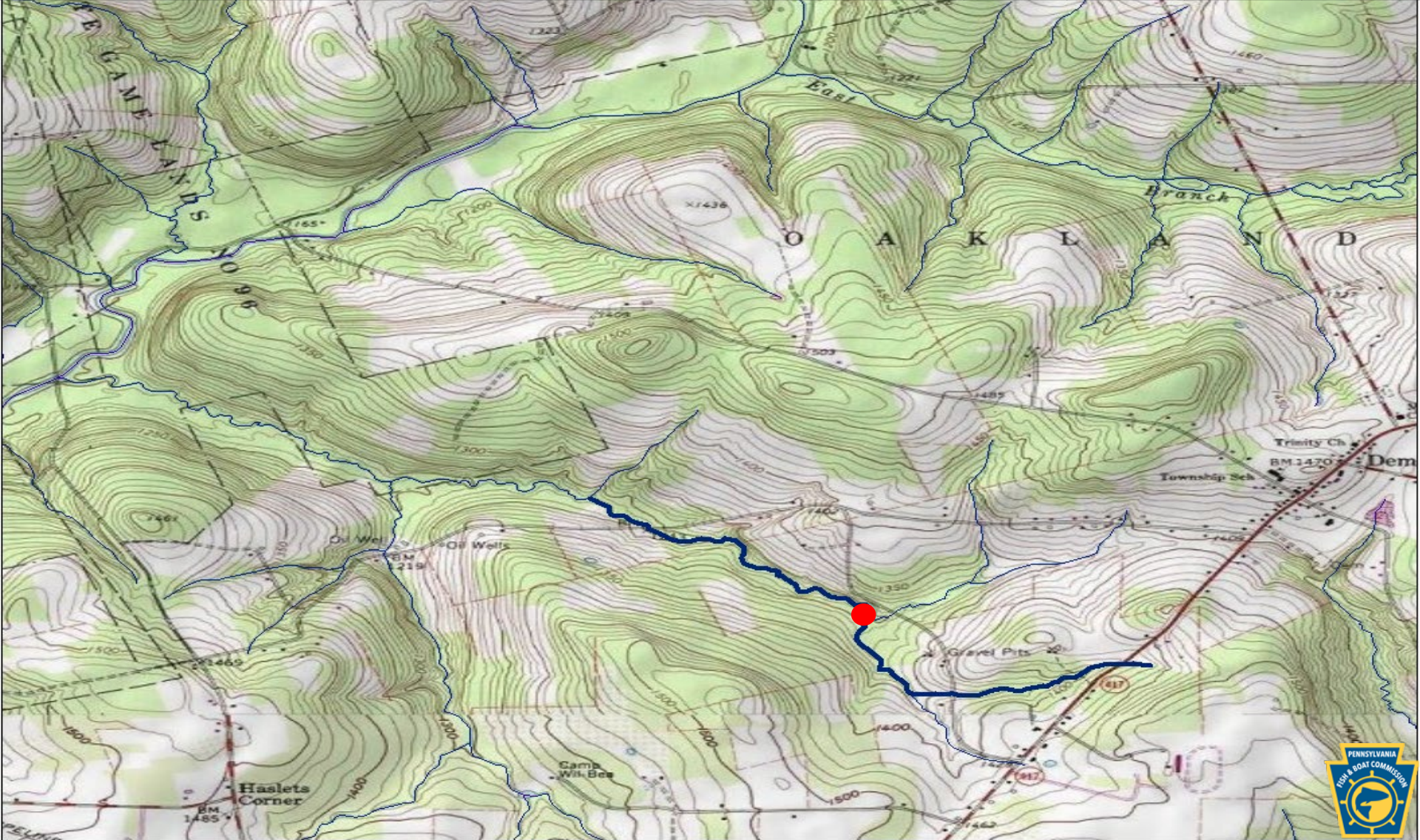
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Tioga	Gaffers Creek	Elk Run	Headwaters to mouth	0.86	Brook	47	2-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Tioga	UNT to Mine Hole Run (RM 2.19)	Mine Hole Run	Headwaters to mouth	0.00	Brook	137	2-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Venango	UNT to East Branch Sugar Creek (RM 2.63)	East Branch Sugar Creek	Headwaters to UNT at RM 1.60	2.43	Brown	13	1-12



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Venango	UNT to Hemlock Creek (RM 3.38)	Hemlock Creek	Headwaters to mouth	0.06	Brook Brown Rainbow	3 7 2	2-5 2-6 5



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Wayne	UNT to Carley Brook (RM 7.42)	Carley Brook	Headwaters to mouth	0.52	Brook	8	2-7



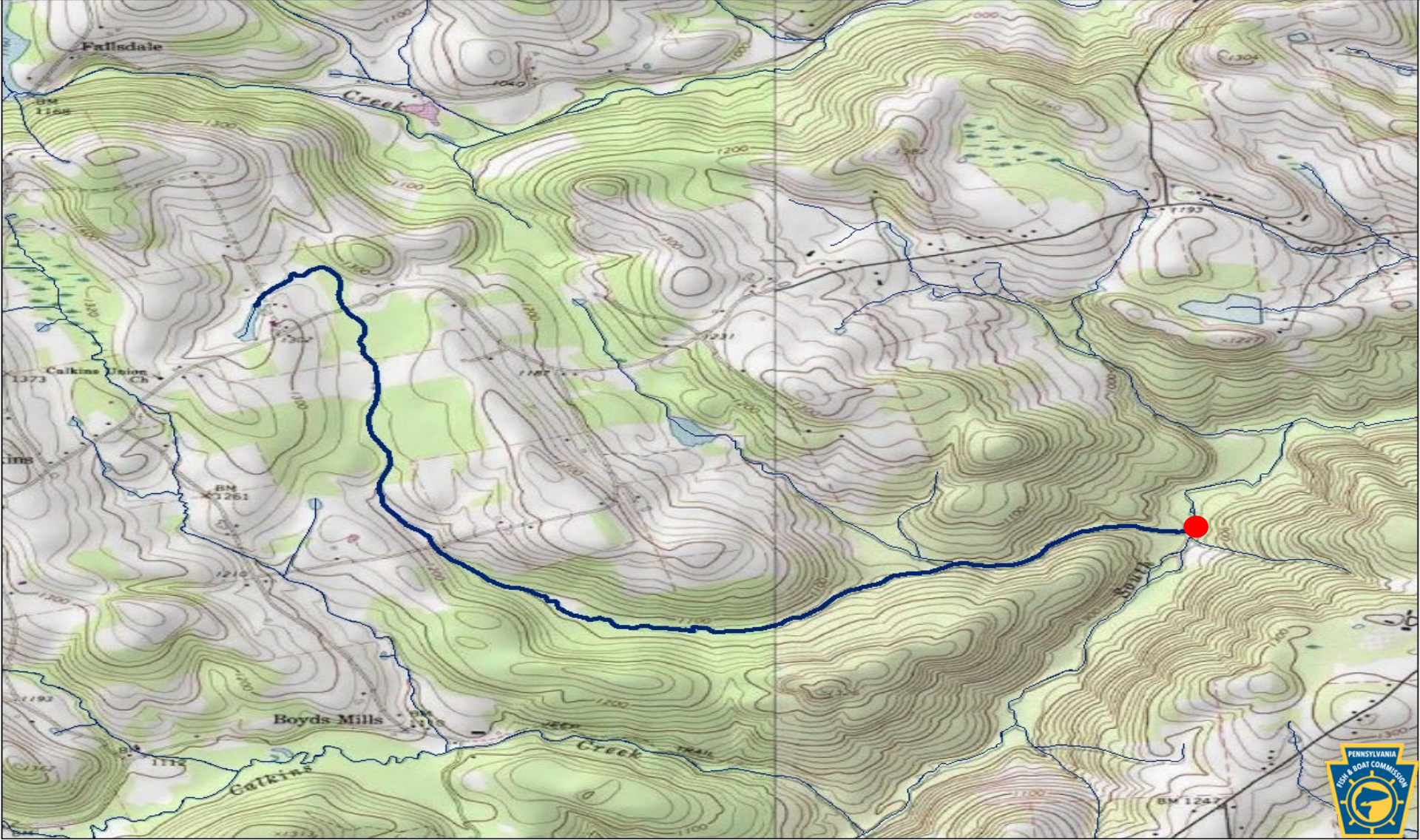
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Wayne	UNT to Indian Orchard Brook (RM 1.98)	Indian Orchard Brook	Headwaters to mouth	0.00	Brook	8	2-6



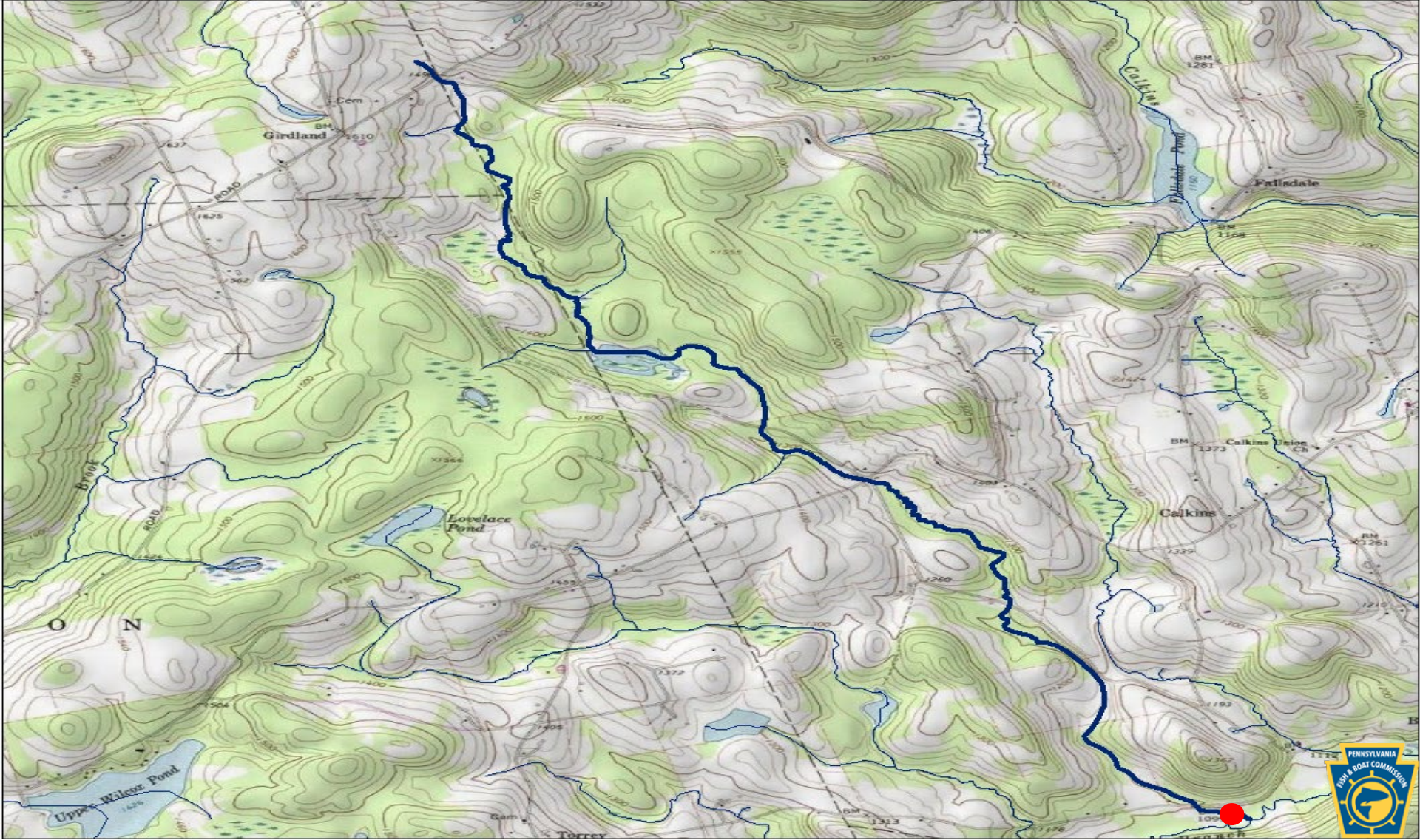
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Wayne	UNT to Middle Creek (RM 15.27)	Middle Creek	Headwaters to UNT (RM 1.19) to UNT to Middle Creek (RM 15.27)	1.76	Brook	5	2-3



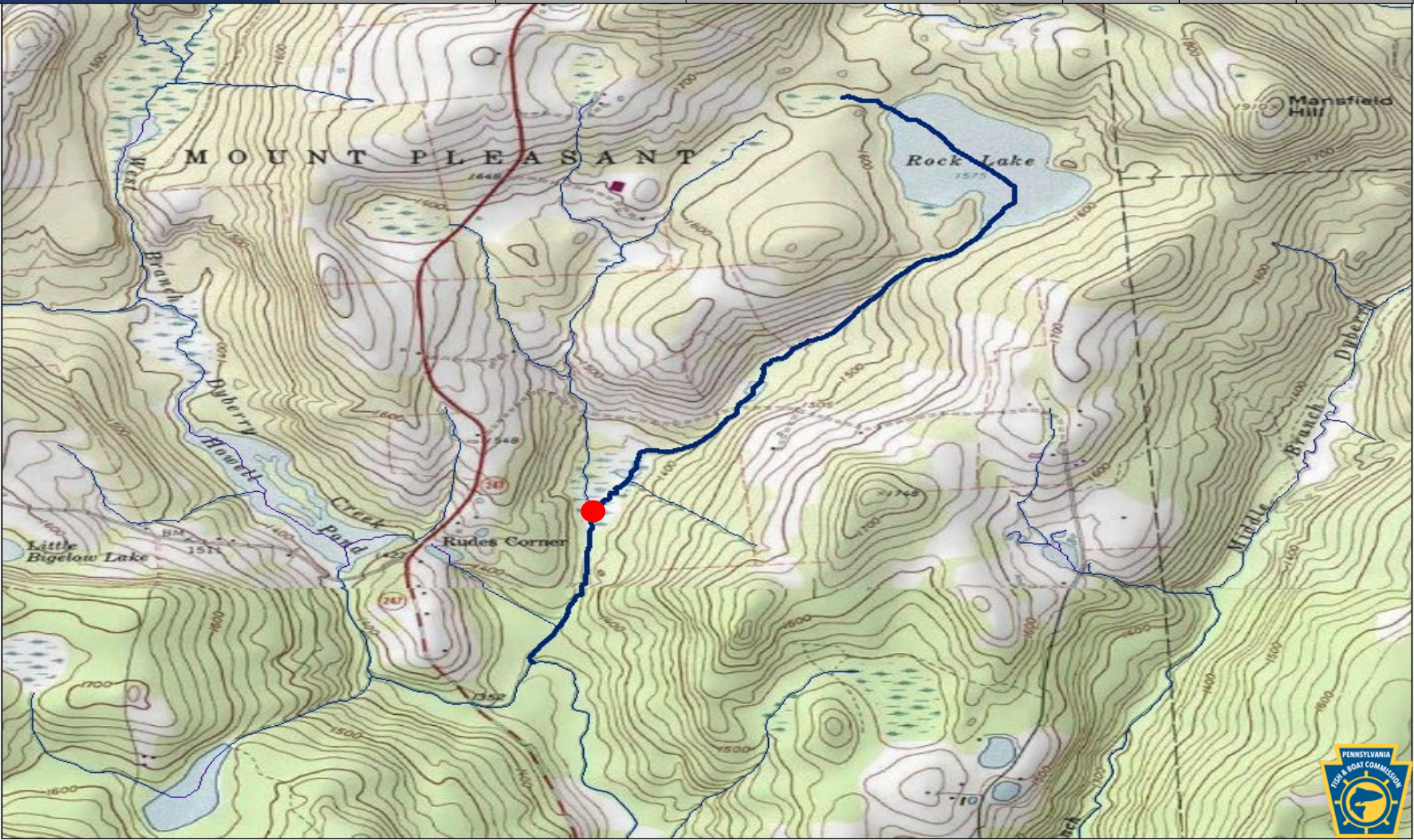
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Wayne	UNT to South Branch Calkins Creek (RM 1.37)	South Branch Calkins Creek	Headwaters to mouth	0.00	Brook	5	6-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Wayne	UNT to South Branch Calkins Creek (RM 5.33)	South Branch Calkins Creek	Headwaters to mouth	0.03	Brook	5	2-3

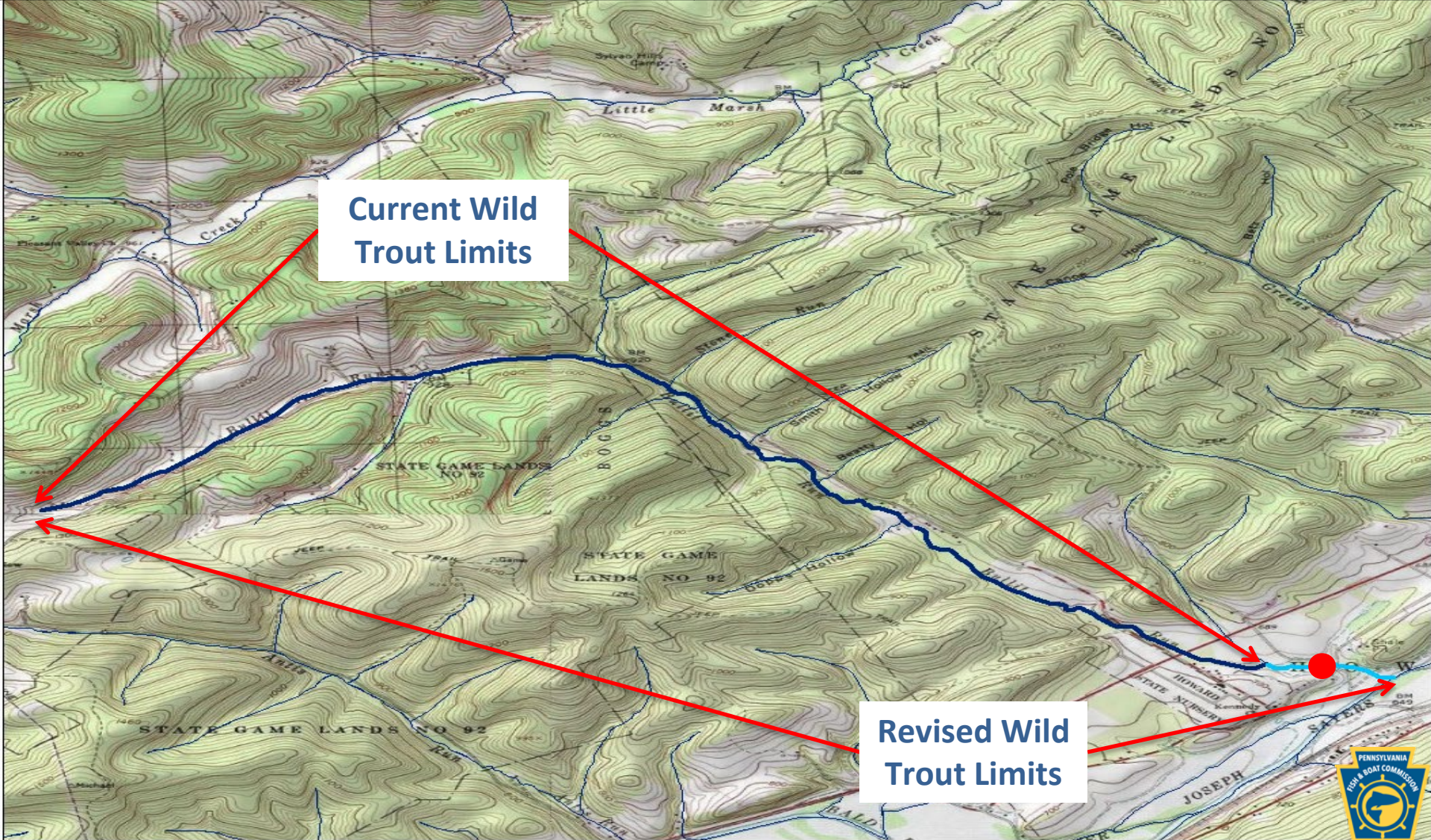


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Wayne	UNT to West Branch Dyberry Creek (RM 8.39)	West Branch Dyberry Creek	Headwaters to mouth	0.61	Brook	4	2-6

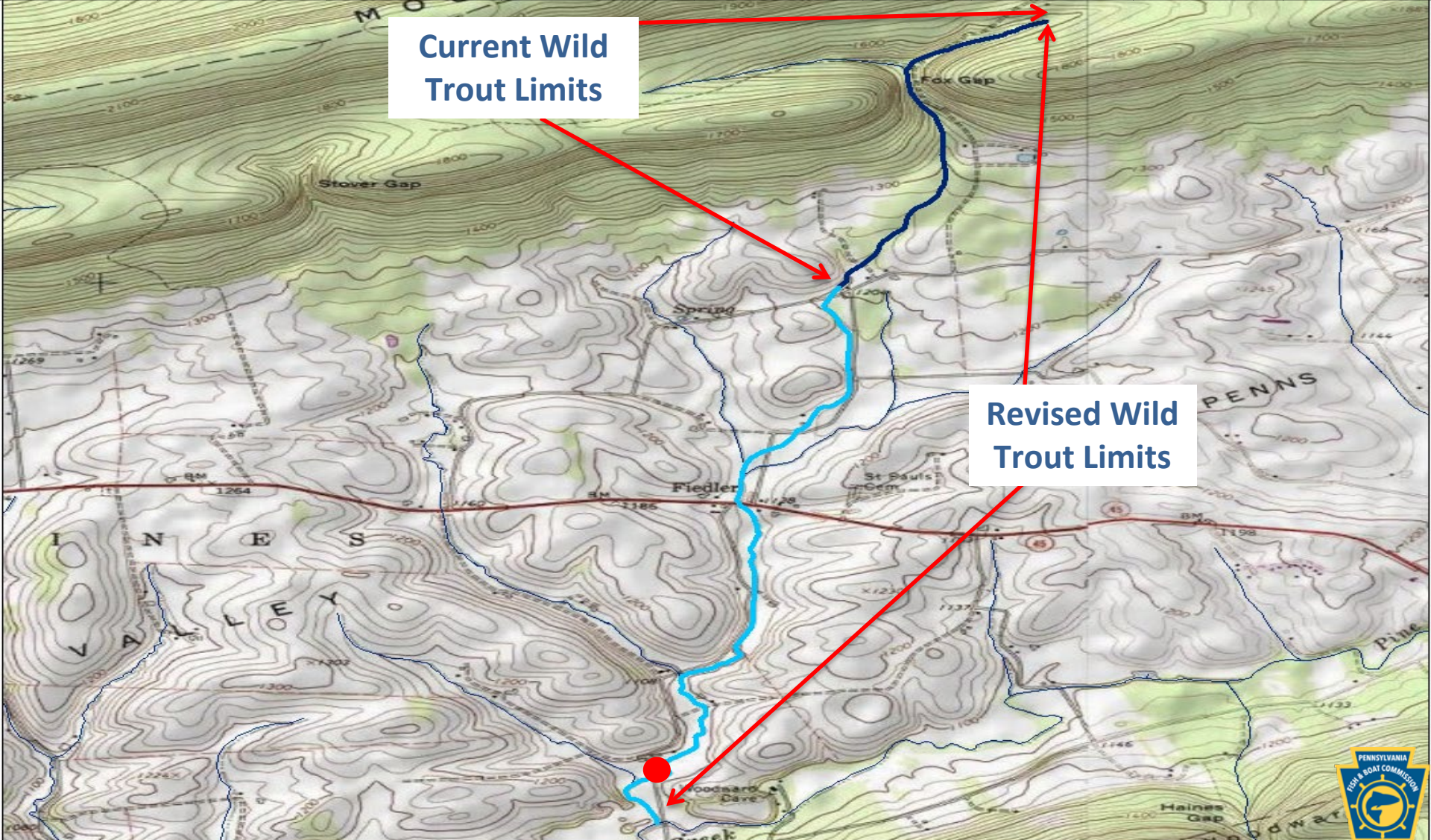


Wild Trout Revisions

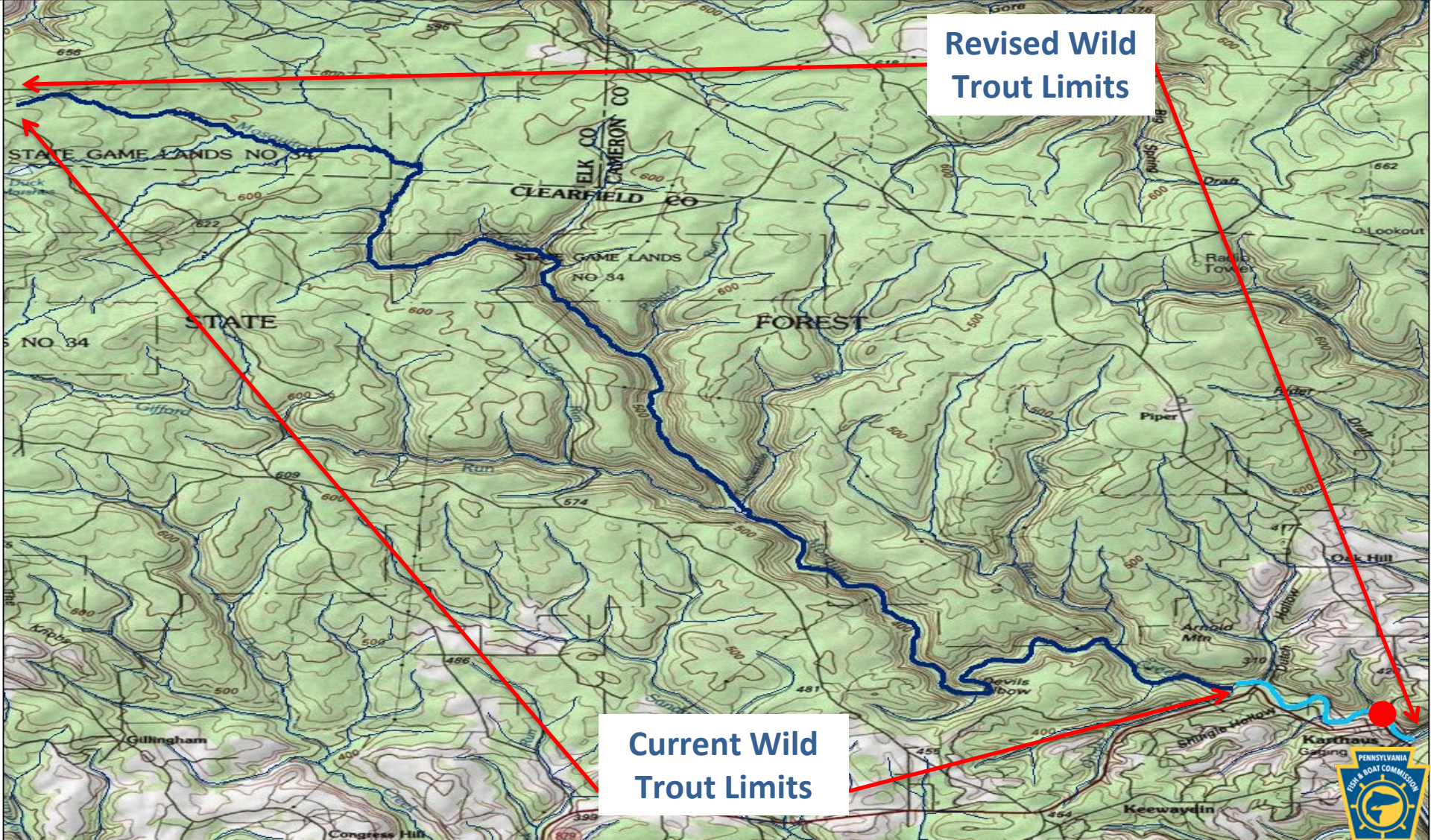
County of Mouth	Stream Name	Tributary To	Current Wild Trout Limits	Revised Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Centre	Bullit Run	Foster Joseph Sayers Lake	Headwaters to UNT at RM 0.38	Headwaters to mouth	0.21	Brown	67	2-14



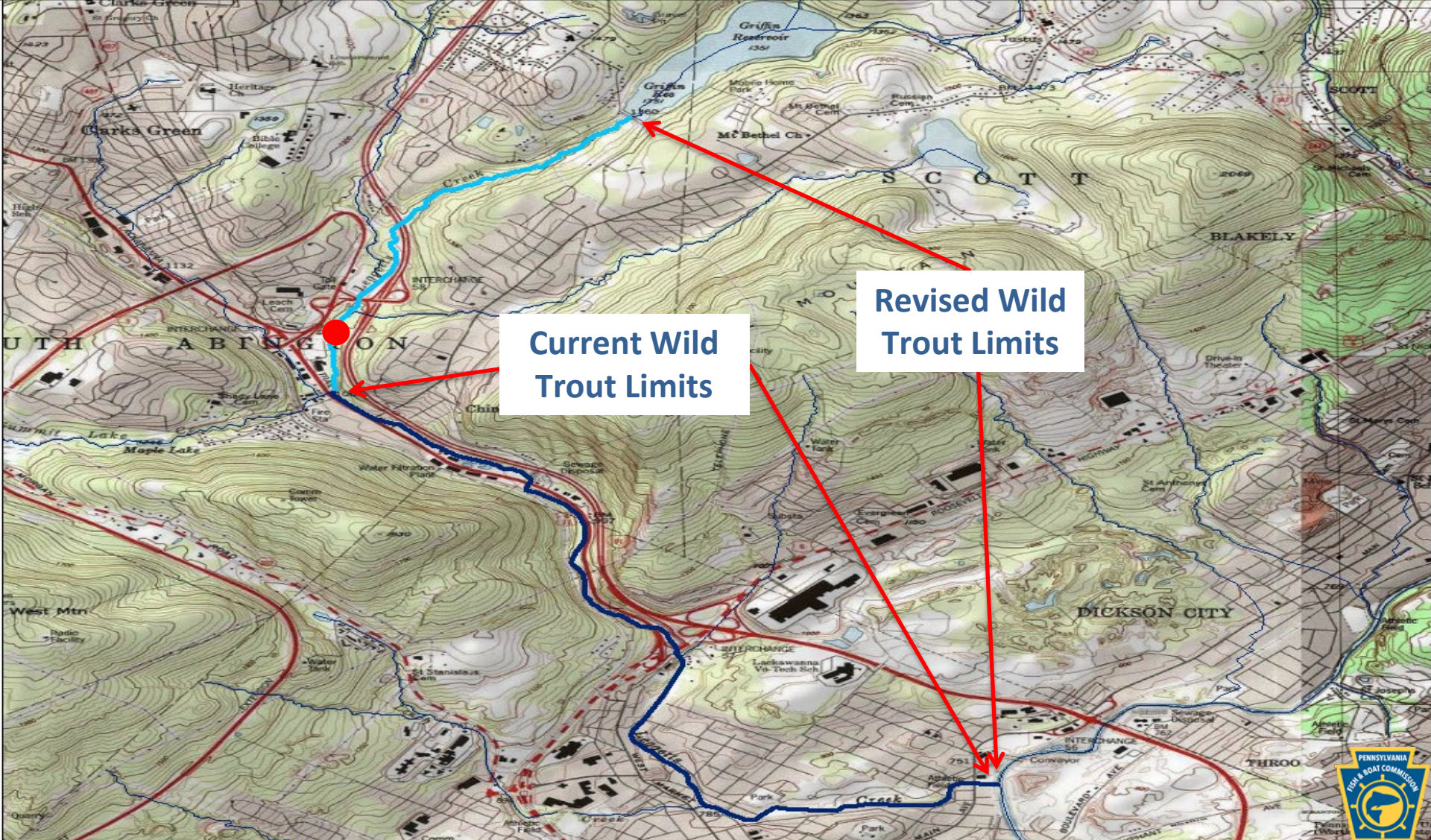
County of Mouth	Stream Name	Tributary To	Current Wild Trout Limits	Revised Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Centre	UNT to Pine Creek (RM 5.12)	Pine Creek	Headwaters to sink at RM 2.39	Headwaters to mouth	0.22	Brown	3	7-12



County of Mouth	Stream Name	Tributary To	Current Wild Trout Limits	Revised Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Clearfield	Mosquito Creek	West Branch Susquehanna River	Headwaters to Grimes Run	Headwaters to mouth	0.53	Brook	3	5-8



County of Mouth	Stream Name	Tributary To	Current Wild Trout Limits	Revised Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Lackawanna	Leggetts Creek	Lackawanna River	Summit Lake Creek to mouth	Griffin Reservoir to mouth	4.20	Brown	25	2-20

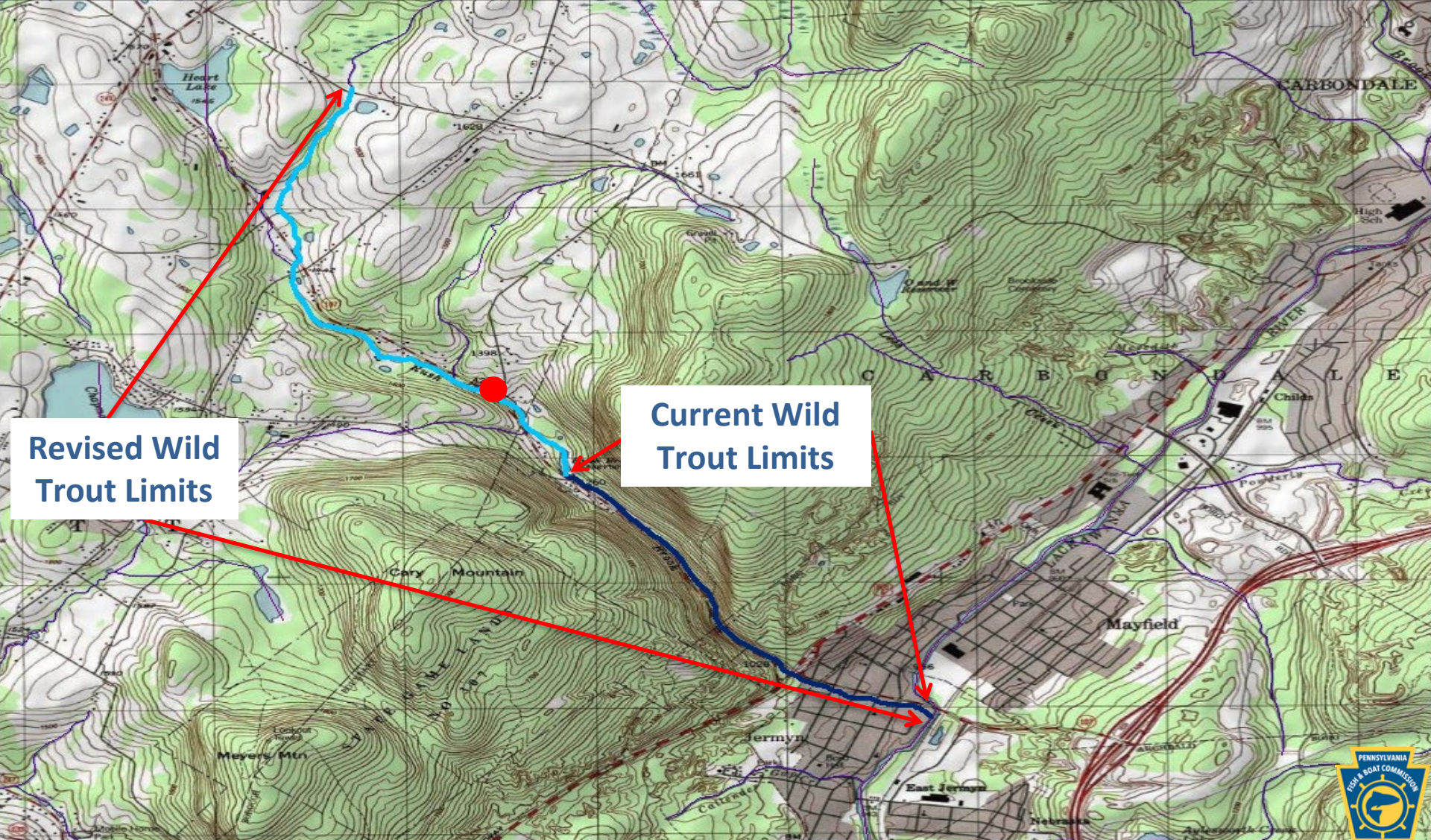


Current Wild Trout Limits

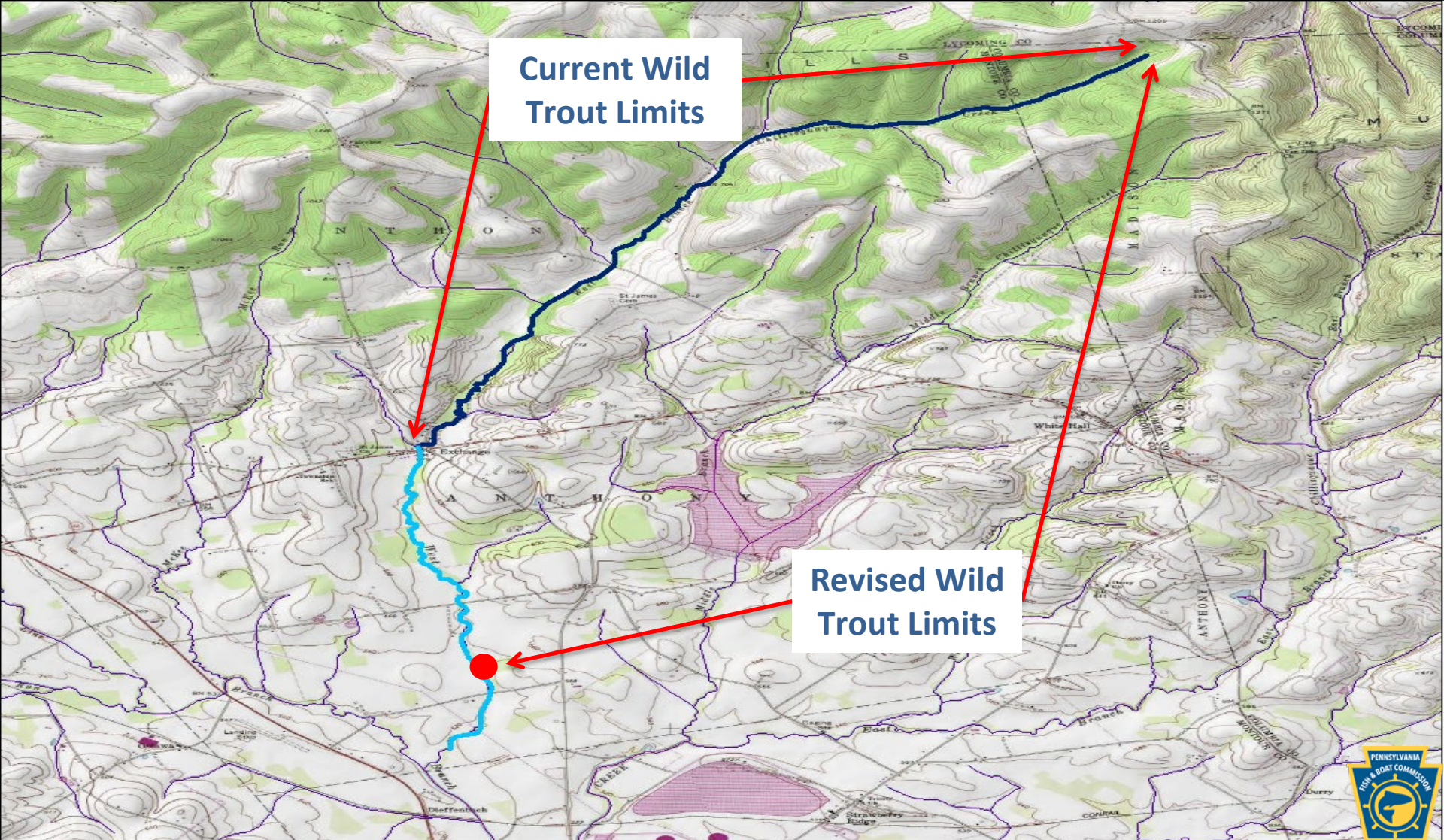
Revised Wild Trout Limits



County of Mouth	Stream Name	Tributary To	Current Wild Trout Limits	Revised Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Lackawanna	Rush Brook	Lackawanna River	Rush Brook Reservoir to mouth	Headwaters to mouth	2.20	Brook Brown	21 312	2-5 2-18



County of Mouth	Stream Name	Tributary To	Current Wild Trout Limits	Revised Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Montour	West Branch Chillisquaque Creek	Chillisquaque Creek	Headwaters to SR 44 bridge in Exchange	Headwaters to 0.5 miles downstream of Arrowhead Road	1.83	Brown	7	3-19



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NOTICES

FISH AND BOAT COMMISSION

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

[54 Pa.B. 5196]
[Saturday, August 10, 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 October 21, 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
Centre	Eagleville Gap Run	Headwaters to Mouth	Bald Eagle Creek	41.059734 77.594254
Centre	Unnamed Tributary (UNT) (RM 0.06) to UNT to Bear Run (RM 0.90)	Headwaters to Mouth	UNT to Bear Run (RM 0.90)	40.805946 78.300734
Centre	UNT to Laurel Creek (RM 9.41)	Headwaters to Mouth	Laurel Creek	40.762501 77.594170
Centre	UNT to Mountain Branch (RM 2.32)	Headwaters to Mouth	Mountain Branch	40.783260 78.318820
Centre	UNT to Trout Run (RM 3.51)	Headwaters to Mouth	Trout Run	40.806811 78.261429
Indiana	Pine Run	Headwaters to Mouth	Crooked Creek	40.722300 79.102200
Monroe	Dotters Run	Headwaters to Mouth	Stillwater Lake	41.127222 75.418333
Pike	Rattlesnake Creek	Headwaters to Mouth	Shohola Marsh Reservoir	41.374916 74.971678
Pike	UNT (RM 1.69) to UNT to Shohola Creek (RM 7.88)	Headwaters to Mouth	UNT to Shohola Creek (RM 7.88)	41.401707 74.999832

Pike	UNT to Masthoke Creek (RM 1.59)	Headwaters to Mouth	Masthoke Creek	41.544721 75.046437
Pike	UNT to Masthoke Creek (RM 3.13)	Headwaters to Mouth	Masthoke Creek	41.555677 75.062677
Pike	UNT to Rattlesnake Creek (RM 4.73)	Headwaters to Mouth	Rattlesnake Creek	41.323037 74.964465
Pike	UNT to Shohola Creek (RM 7.88)	Headwaters to Mouth	Shohola Creek	41.411121 74.975585
Potter	UNT to Gravel Lick Run (RM 0.61)	Headwaters to Mouth	Gravel Lick Run	41.562643 77.916463
Tioga	Gaffers Creek	Headwaters to Mouth	Elk Run	41.793889 76.913889
Tioga	UNT to Mine Hole Run (RM 2.19)	Headwaters to Mouth	Mine Hole Run	41.577060 77.434632
Venango	UNT to East Branch Sugar Creek (RM 2.63)	Headwaters to UNT at RM 1.60	East Branch Sugar Creek	41.517320 79.832540
Venango	UNT to Hemlock Creek (RM 3.38)	Headwaters to Mouth	Hemlock Creek	41.431470 79.512210
Wayne	UNT to Carley Brook (RM 7.42)	Headwaters to Mouth	Carley Brook	41.649586 75.226159
Wayne	UNT to Indian Orchard Brook (RM 1.98)	Headwaters to Mouth	Indian Orchard Brook	41.565895 75.207948
Wayne	UNT to Middle Creek (RM 15.27)	Headwaters to UNT (RM 1.19) to UNT to Middle Creek (RM 15.27)	Middle Creek	41.500717 75.374218
Wayne	UNT to South Branch Calkins Creek (RM 1.37)	Headwaters to Mouth	South Branch Calkins Creek	41.651910 75.106787
Wayne	UNT to South Branch Calkins Creek (RM 5.33)	Headwaters to Mouth	South Branch Calkins Creek	41.634447 75.154272
Wayne	UNT to West Branch Dyberry Creek (RM 8.39)	Headwaters to Mouth	West Branch Dyberry Creek	41.746278 75.344906

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
Centre	Bullit Run	Headwaters to UNT at RM 0.38	Headwaters to Mouth	Foster Joseph Sayers Lake	40.988541 77.704133
Centre	UNT to Pine Creek (RM 5.12)	Headwaters to Sink at RM 2.39	Headwaters to Mouth	Pine Creek	40.887357 77.392825
Clearfield	Mosquito Creek	Headwaters to Grimes Run	Headwaters to Mouth	West Branch Susquehanna River	41.116944 78.108333
Lackawanna	Leggetts Creek	Summit Lake Creek to Mouth	Griffin Reservoir to Mouth	Lackawanna River	41.444722 75.642778
Lackawanna	Rush Brook	Rush Brook Reservoir to Mouth	Headwaters (Heart Lake) to Mouth	Lackawanna River	41.531389 75.541944

Montour	West Branch	Headwaters to	Headwaters to 0.5	Chillisquaque	41.065834
	Chillisquaque	SR 44 bridge in	miles downstream	Creek	76.680557
	Creek	Exchange	of Arrowhead Road		

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.

TIMOTHY D. SCHAEFFER,
Executive Director

[Pa.B. Doc. No. 24-1132. Filed for public inspection August 9, 2024, 9:00 a.m.]

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