



### Elimination of Refuge Areas

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

At the next Commission meeting on April 20 and 21, 2009, the Commission will consider taking action to remove the refuge area designations from the sections of the following waters that have been so designated:

County	Water Area
Cameron	Hicks Run
Cameron	Mix Run
Cameron	Upper Jerry Run
Cameron	Wykoff Run
Clearfield	Chest Creek
Clearfield	Jack Dent Branch
Clearfield	Little Clearfield Creek
Clearfield	Mosquito Creek and tributary, Gifford Run
Elk	Bear Creek
Elk	Big Mill Creek
Elk	Medix Run
Elk	Wilson Run
Forest	Blue Jay Creek
Luzerne	Bowman's Creek
Lycoming	White Deer Hole Creek
McKean	Chappel Fork
McKean	Combs Creek
McKean	Kinzua Creek
McKean	Kinzua Creek, South Branch
McKean	Lewis Run
McKean	Skinner Creek
McKean	Sugar Run
McKean	Sugar Run, North Branch
McKean	Tionesta Creek, East Branch
McKean	Tunungwant Creek, East Branch
McKean	Two Mile Run
McKean	Willow Creek
McKean	Wilson Run

County	Water Area
Monroe	Tobyhanna Creek
Snyder	Swift Run
Schuylkill	Little Schuylkill River
Warren	Farnsworth Branch
Warren	Tionesta Creek, West Branch
Warren	Two Mile Run

At this time, the Commission is soliciting public input concerning the previous redesignations. Persons with comments, objections or suggestions concerning the redesignations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

(Pa.B. Doc. No. 09-490. Filed for public inspection March 13, 2009, 9:00 a.m.)

### Importation of VHS-Susceptible Species of Fish

Viral hemorrhagic septicemia (VHS) is an infectious disease found in a variety of fish species. Effective January 1, 2009, the Fish and Boat Commission (Commission) adopted 58 Pa. Code § 73.3 (relating to transportation and importation of VHS-susceptible species of fish) to help prevent the spread of the disease in the Commonwealth. Under § 73.3(d), it is unlawful to import or cause the importation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk region, except as follows: (1) VHS-susceptible species of live fish may be imported into the United States if the requirements of 9 CFR 93.910-93.916 are met; or (2) VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

At the time of adoption, the language of § 73.3(d)(1) was consistent with the interim rule of the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) that was slated to go into effect on January 9, 2009. However, by notice published at 74 FR 1 (January 2, 2009), the United States Department of Agriculture announced that it has delayed the effective date of the interim rule indefinitely to provide APHIS with time to make some adjustments to the interim rule that are necessary for the rule to be successfully implemented. The provisions of § 73.3(d)(1) therefore have no effect.

Accordingly, the Executive Director of the Commission, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to rescind § 73.3(d)(1). This

temporary modification will go into effect immediately and will remain in effect until the Commission, by appropriate action, rescinds the regulation.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

[Pa.B. Doc. No. 09-181. Filed for public inspection March 13, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, February 26, 2009, and announced the following:

#### Action Taken—Regulations Approved:

Department of State #16-40: Lobbying Disclosure (establishes 51 Pa. Code Chapters 51—69)

State Board of Medicine #16A-4926: Nurse Midwife Prescriptive Authority (amends 49 Pa. Code Chapters 16 and 18)

Environmental Quality Board #7-421: Triennial Review of Water Quality Standards (amends 25 Pa. Code Chapters 16 and 93)

### Approval Order

Public Meeting held  
February 26, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson, Dissented; Nancy Sabol Frantz, Esq., Abstained; Karen A. Miller; George D. Bedwick; John F. Mizner, Esq.

Department of State—Lobbying Disclosure,  
Regulation No. 16-40 (#2665)

On January 9, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of State (Department). This rulemaking establishes 51 Pa. Code Chapters 51 to 69. The proposed regulation was published in the January 19, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. A final-form regulation was submitted to the Commission on September 18, 2008, that was disapproved by the Commission on November 6, 2008. An amended final-form regulation was submitted to the Commission on February 9, 2009, after the conclusion of adjournment *sine die*.

This regulation implements Act 134 of 2006, also known as the Lobbying Disclosure Act.

We have determined this amended regulation is consistent with the statutory authority of the Department (65 P.S. § 13A10(d)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

### Approval Order

Public Meeting held  
February 26, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

State Board of Medicine—Nurse Midwife Prescriptive Authority; Regulation No. 16A-4926 (#2656)

On December 5, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine. This rulemaking amends 49 Pa. Code Chapters 16 and 18. The proposed regulation was published in the December 15, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 6, 2009. On November 17, 2008, the Commission received a request from the State Board of Medicine to toll consideration of this final-form regulation to delay Section 18.2(b) as requested by the House Professional Licensure Committee. The State Board of Medicine then simultaneously tolled and submitted its revisions to the final-form regulation to the Commission on November 17, 2008, and then resubmitted the final regulation again on February 6, 2009, at the conclusion of *sine die* adjournment.

This regulation implements Act 50 of 2007 by establishing prescriptive authority requirements for nurse midwives.

We have determined this regulation is consistent with the statutory authority of the State Board of Medicine (63 P.S. § 422.36) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

### Approval Order

Public Meeting held  
February 26, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

Environmental Quality Board—Triennial Review of Water Quality Standards; Regulation No. 7-421 (#2659)

On December 21, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 16 and 93. The proposed regulation was published in the January 12, 2008 *Pennsylvania Bulletin* with a 75-day public comment period. The final-form regulation was originally submitted to the Commission on October 7, 2008. That version was disapproved by the Commission on November 20, 2008, based on concerns regarding the inclusion of a water quality criterion for Molybdenum (Mo). An amended final-form version was submitted to the Commission on February 6, 2009.