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Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission

Minutes

The 89th Meeting of the Pennsylvania Fish and Boat Commission was held on Wednesday and Thursday, January 27 and 28, 2010, at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110.

Commission committees met on January 27 beginning at 11:40 a.m. and on January 28 beginning at 9:00 a.m. The public session for review of this agenda began at or about 11:50 a.m. on January 28.

**Call to Order**

The meeting was called to order by Commission President Thomas C. Shetterly and followed by the Pledge of Allegiance to the Flag.

**Roll Call**

**Members Present**

**Thomas C. Shetterly, President**  
**Robert A. Bachman**  
**Richard W. Czop**  
**G. Warren Elliott**  
**Steven M. Ketterer**  
**Leonard L. Lichvar**  
**William J. Sabatose**

**Members Not Present**

**William R. Worobec, Vice-President**

**Review and Approval of Minutes from the October 6, 2009 Meeting**

A motion was made by Commissioner Sabatose and seconded by Commissioner Bachman to approve the October 6, 2009 minutes as written. Motion carried.

**Awards and Presentations**

There were no awards or presentations.

### **Announcement of Executive Session**

Commissioner Shetterly announced that executive sessions were held on January 27 at 9:00 a.m. and 1:00 p.m. and on January 28 at 8:30 a.m. to discuss real estate, litigation and personnel matters.

### **Reports of Commissioner Committees**

#### **Executive and Planning (Commissioner Shetterly) –**

The Executive and Planning Committee met on Wednesday, January 27, at approximately 11:40 a.m. Laurel Anders provided an update on the Strategic Plan, and Brian Barner provided an update on the Annual Plan of Work. Laurel provided a briefing on the Legislative Budget and Finance Committee performance audit and introduced the Committee's staff. Laurel provided information on the 2009-2013 Statewide Comprehensive Outdoor Recreation Plan.

#### **Administration (Commissioner Ketterer) –**

The Administration Committee met on Thursday, January 28, at approximately 9:00 a.m. Agenda items were discussed. An update on a policy regarding the allocation of Lake Erie restricted revenue account funds was given by Dan Martin, Director of Boating and Access. Dan Leonard, Director of Engineering and Property Services, provided a presentation on the quarterly accomplishments of his bureau, high hazard dams and infrastructure improvements to the Reynoldsdale State Fish Hatchery.

#### **Boating (Commissioner Ketterer) –**

The Boating Committee met on Thursday, January 28, at approximately 10:00 a.m. An agenda item was discussed, and Dan Martin, Director of Boating and Access, provided an overview of the 2009 Coast Guard Grant Report. Scott Bollinger provided an update on the Boating Facility Grant Program.

#### **Communications (Commissioner Lichvar) –**

The Communications Committee met on Thursday, January 28, at approximately 10:40 a.m. Rick Levis, Director of Communications, provided an outline of steps for future analysis and evaluation of the Commission's publications. A workgroup will be formed to more fully examine publication options, and recommendations will be provided at the July 2010 Commission meeting.

#### **Fisheries (Commissioner Sabatose) –**

The Fisheries Committee met on Wednesday, January 27, at approximately 1:10 p.m. Agenda items were discussed. Dave Miko provided a presentation on the Early Season Trout Stocked Waters survey results. Andy Shiels gave a presentation on American shad management efforts, and Mike Hendricks provided a presentation on shad restoration in the Lehigh and Potomac Rivers.

#### **Habitat and Environmental (Commissioner Elliott) –**

The Habitat and Environmental Committee met on Wednesday, January 27, at approximately 1:10 p.m. Scott Carney provided a summary of 2009 activities of the Division of Habitat

Management. Ken Anderson gave a presentation on the South Branch of Kinzua Creek project. A resolution regarding the Susquehanna River smallmouth bass fishery also was discussed.

**Law Enforcement (Commissioner Ketterer) –**

The Law Enforcement Committee met on Wednesday, January 27, at approximately 5:05 p.m. The Committee acted upon proposed revocations. The Committee revoked the fishing privileges of one individual for a period of two years. In addition, the Committee revoked the boating privileges of two individuals for two years with a reduction to one year upon successful completion of a classroom boating safety education course.

**Legislation (Commissioner Czop) –**

The Legislation Committee met on Wednesday, January 27, at approximately 12:05 p.m. Updates regarding legislation, Title 30 revisions, dangerous exotic reptiles, Marcellus Shale severance tax, National Fish Habitat Conservation Act, and a license package were provided. The Senate Game and Fisheries Committee will meet in Erie on February 4-6.

**Public Comment to Commissioners and Staff**

Mike Burton read a statement from Mike Pierro, President, PA Bass Federation, Inc., supporting the Fisheries Committee's resolution concerning the problems of smallmouth bass and water quality on the Susquehanna River.

**Activity Report for 2009**

A copy of the Commission's Activity Report 2009 End of Year Summary is attached as Exhibit A.

## ADMINISTRATION

### A. Lawrence Park Golf Club Lease Agreement, Lawrence Park Township, Erie County.

#### Commentary:

The Commission is working with the Lawrence Park Golf Club and Lawrence Park Township to install fish passage structures at two impediments in Fourmile Creek to facilitate the movement of steelhead upstream. At its January 2009 meeting, the Commission authorized the acquisition of a fishing access and conservation easement on over 5,447 linear feet on both sides of Fourmile Creek as it flows across the Golf Club property. This authorization is subject to meeting all due diligence requirements, including release or subordination of any liens on the property. The Commission and the Golf Club have entered into an option agreement that remains in effect until February 17, 2011.

The design and installation of the fish passage structures will be funded with grants from the Department of Environmental Protection's Coastal Zone Management Program and the Department of Conservation and Natural Resources' Community Conservation Partnership Program. Both grant programs require that the grantee have a long-term interest in the property on which the structures will be installed and that the installation be completed next year. In order for the Commission to meet the grant programs' requirements regarding control of the property and the deadlines for installation, the Commission must acquire a long-term interest in the property sooner rather than later and cannot wait until the Commission exercises the option and ultimately purchases the easement. The Golf Club therefore has offered to enter into a lease agreement with the Commission for \$1 for a period of 25 years. Upon recording of the deed of easement, the lease agreement will automatically terminate.

Mirroring the fishing access and conservation easement to be acquired, the lease is on over 5,447 linear feet on both sides of Fourmile Creek as it flows across the Golf Club property. The lease area borders Route 5 (East Lake Road) at the intersection of Route 5 and Route 955. The northern boundary of the lease area is approximately 750 feet from Lake Erie. A map depicting the subject parcel is attached as Exhibit B. The lease agreement will provide for construction of the fish passage structures, public fishing and riparian and fishery management and will include the stream corridor and extend at least 25 feet back from the top of bank. Pathways to the waterway for the construction of the fish passage structures and public access are designated on the map that is attached as Exhibit C. The lease agreement requires the Golf Club, as the property owner, to operate, maintain and repair the fish passage structures in accordance with section 3502 of the Fish and Boat Code.

Fourmile Creek contains a steelhead fishery and currently provides limited steelhead fishing opportunities in this area. The lease agreement and installation of the fish passage structures will expand the steelhead fishing opportunities on the stream. The first impediment is a dam located less than a quarter mile from the mouth of Fourmile Creek. A natural waterfall less than a quarter mile south of the dam is the second impediment in the creek. The installation of the structures will allow steelhead to move beyond the Golf

Club property to public lands that are already open for public fishing. These properties include the Lawrence Park Township Park located less than one mile from the Golf Club property with 2,050 linear feet of stream frontage, the Penn State Behrends College property with 9,630 linear feet of stream frontage, and Wesleyville Borough Park with 4,870 linear feet of stream frontage.

Briefer:

Daniel G. Martin, Director, Bureau of Boating and Access

Recommendation:

Staff recommend that the Commission authorize the lease of property along Fourmile Creek in Lawrence Park Township, Erie County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Ketterer and seconded by Commissioner Elliott to authorize the lease of property along Fourmile Creek in Lawrence Park Township, Erie County, as more particularly described in the Commentary. Motion carried.

B. Dopp Property Rights Acquisition, Porter Township, Huntingdon County.

Commentary:

The Little Juniata River Association (LJRA) and other local interests are concerned about the future of public fishing access in the Upper Juniata Watershed. LJRA therefore contacted the Commission and agreed to submit a grant application to the Department of Conservation and Natural Resources (DCNR) for funding to acquire public fishing access and conservation easements in the watershed. The Commission agreed to match the grant funding with funds received from American Hydro Power Company, L.P. and paid into a restricted revenue account pursuant to a settlement agreement with the Commission. Under the agreement, settlement funds may be used for projects jointly approved by the Commission and American Hydro that enhance fishery resources in the Juniata River and its tributaries. These projects may include, but are not limited to, fisheries habitat restoration or enhancement; fish stocking; creation of, expansion of, and preservation of, facilities to encourage, improve and expand the recreational use of the fishery, and utilization of the same by the public and local fishing persons; and any other action to enhance the fishery resources, as deemed reasonable and appropriate by the parties. The Commission and American Hydro have jointly agreed that such funds may be used to acquire fishing access and conservation easements in the Juniata River watershed. LJRA and the Commission have entered into an agreement that will transfer the DCNR funds to the Commission.

The Commission has been offered a public fishing access and conservation easement on the Little Juniata River that includes approximately 1,020 linear feet on one side of the river. A map depicting the subject parcel is attached as Exhibit D. The easement is being offered to the Commission for \$12,900. The easement will be paid for from settlement funds deposited into a restricted account and the grant funds from DCNR.

The site is located along Barree Road in Porter Township, Huntingdon County. The Little Juniata River is classified as a Cool Water Fishery. The Commission stocks this portion of the Little Juniata River at a location on an adjoining property.

The seller and the Commission have signed an option agreement that will allow staff to perform its due diligence. The Commission's exercise of the option will be subject to meeting the due diligence requirements. The Commission may, in its sole discretion, pay the costs to obtain and record a subordination of lien for the property. The seller also has requested that the Commission construct a fishing pier for persons with disabilities. The cost to construct the pier is estimated to be less than \$5,000.

Briefer:

Daniel G. Martin, Director, Bureau of Boating and Access

Recommendation:

Staff recommend that the Commission authorize the acquisition of property rights along the Little Juniata River in Porter Township, Huntingdon County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Ketterer and seconded by Commissioner Czop to authorize the acquisition of property rights along the Little Juniata River in Porter Township, Huntingdon County, as more particularly described in the Commentary. Motion carried.

**BOATING**  
**FINAL RULEMAKING**

A. Amendment to §111.56 (Somerset County).

Commentary:

A recent review of the Commission's regulations showed that section 111.56, subsections (c) (relating to Lake Somerset), (d) (relating to High Point Lake) and (e) (relating to Cranberry Glade Lake) were not included when the Commission reorganized its boating regulations in 1994. These subsections were inadvertently omitted by staff at the time and thus were not part of the rulemaking package that was published in the *Pennsylvania Bulletin*. The Commission therefore proposed that §111.56 be amended to add the overlooked subsections that prohibit the operation of boats powered by internal combustion motors on these lakes.

A notice of proposed rulemaking containing the proposed amendment was published at 39 Pa. B. 5916 (October 10, 2009) (Exhibit E). Following the formal public comment period, the Commission received a comment from the Somerset County Sportsmen's League supporting the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

Daniel G. Martin, Director, Bureau of Boating and Access

Recommendation:

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

Action:

A motion was made by Commissioner Ketterer and seconded by Commissioner Lichvar to adopt the amendment as set forth in the notice of proposed rulemaking. This amendment will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

## FISHERIES PROPOSED RULEMAKING

### A. Amendments to Section 69.31 (Seasons) to Change Reporting Date for Lake Erie Commercial Trap Net Total Allowable Catch.

#### Commentary:

The harvest of Lake Erie walleye and yellow perch is managed through a quota management system, where each Lake Erie jurisdiction on the Lake Erie Committee (Pennsylvania, Ohio, Michigan, New York and Ontario) is allocated a portion of a total lake wide annual quota, based on the surface area of each jurisdictional water. Jurisdictional Total Allowable Catch (TAC) is the maximum harvest allowed by sport and commercial sources in individual jurisdictional waters.

The Lake Erie Research Unit generates an internally derived commercial TAC (PFBC-TAC) for the Pennsylvania yellow perch and walleye trap net fisheries. Current regulations provide that the commercial trap net TAC's (PFBC-TAC) must be published annually in the *Pennsylvania Bulletin* by March 1. This date poses two problems: 1) the most recent year's fishery data is still being finalized at this time and 2) this date precedes announcement of the Lake Erie Committee TAC, which sets the TAC (sport and commercial) permissible in Pennsylvania waters. Extending the announcement of the walleye and yellow perch PFBC-TAC's until April 15 will allow Lake Erie management biologists additional time to review and integrate contemporary fishing data into the PFBC-TAC calculations and provide time for the formal announcement of Lake Erie Committee TAC's. This also will ensure that Pennsylvania trap net harvest limits are aligned with lake wide harvest strategies.

Staff therefore propose the following amendment:

§69.31. Seasons.

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(b) The commercial fishing season for walleye is January 1 to March 14 and 12:01 a.m. the first Saturday in May to December 31. This season will close on the date established by the Executive Director as marking the probable attainment of the total allowable catch for walleye for that year. The total allowable catch for walleye for any year will be determined by the Executive Director and announced annually on or before **[March 1] April 15**. After the announcement, the Executive Director may, from time to time, revise the total allowable catch for that year if he determines that conditions so warrant. \*\*\*

(c) The commercial fishing season for yellow perch is January 1 until the date established by the Executive Director as marking the probable attainment of the total allowable catch for yellow perch for that year. The total allowable catch for yellow perch for any year will be determined by the Executive Director and announced on or before **[March 1] April 15**. After the announcement, the Executive Director may revise the total allowable catch for that year if he determines that conditions so warrant. \*\*\*

Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect on January 1, 2011.

Action:

A motion was made by Commissioner Bachman and seconded by Commissioner Ketterer to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect on January 1, 2011. Motion carried.

## DESIGNATIONS

### B. Designation of Nursery Waters under Section 67.1.

Commentary:

Under section 67.1 of the Commission’s regulations, the Executive Director, with the approval of the Commission, may designate waters as nursery waters or exhibition areas to which the penalties of section 2106 of the Fish and Boat Code, 30 Pa. C.S. §2106 (relating to fishing in hatchery or nursery waters) apply. The designation of waters as nursery waters or exhibition areas is effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*.

The last comprehensive designation of nursery waters by the Commission occurred in 1984. Since that time, changes have occurred on several of these waters, thereby making their designations as nursery waters no longer appropriate. Staff have reviewed all of the existing nursery waters and recommend the actions described below.

The Commission designated the following waters in the past as nursery waters, and staff propose that they be maintained and posted as such and continue to be designated as nursery waters:

<b>County</b>	<b>Water</b>	<b>Limits</b>
Centre	Spring Creek	In Bellefonte from the trestle immediately above the falls downstream to the Lamb Street Bridge
Crawford	Pymatuning Lake	Sanctuary and spillway area
Elk	East Branch Clarion River	A section of the East Branch of the Clarion River where the East and West Branches meet to form the Clarion River upstream to the Venners Island Bridge (approximately ¼ mile in length)
Erie	Godfrey Run	Entire stream
Erie	Crooked Creek	From Ables Road Bridge downstream to a wire just above the mouth (approximately ¼ mile in length)
Erie	Trout Run	Entire stream including an unnamed tributary flowing from the Fairview State Fish Hatchery
Erie	Orchard Beach Run	Entire stream
Franklin	Dickey’s Run	100 feet on the Mercersburg Sportsman’s Association property
Franklin	Falling Springs Creek	From the US Route 30 bridge downstream approximately 300 feet to Walker Road
Potter	Commissioner Run	Located on Pennsylvania Historical and Museum Commission property
Potter	One Acre Pond	Located at Lumber Museum – Denton Hill State Park

The Commission previously designated the following waters as nursery waters to protect spawning walleye and therefore closed them to fishing on a seasonal basis only. Currently, these nursery waters are closed from March 1 to April 15. Staff propose that these waters continue to be designated as nursery waters but that the annual time period for the

designations be extended from April 15 to the first Saturday in May to provide for additional protection for spawning walleyes.

<b>County</b>	<b>Water</b>	<b>Limits</b>
Crawford	Linesville Creek	From the mouth upstream to the Conrail Railroad Bridge north of State Route 6 in Linesville. (Annually from March 1 to the first Saturday in May)
Crawford	Padden (Finley) Creek	From the mouth upstream to Finley Bridge on State Route 6 (Annually from March 1 to the first Saturday in May)

The following waters no longer require designation as nursery waters or exhibition areas for the reasons provided below, and therefore, staff propose that they be removed from the current list:

<b>County</b>	<b>Water</b>	<b>Limits</b>
Carbon	Hock Run	From the source downstream to State Route 534 (Approximately one mile in length) <b>NO LONGER MAINTAINED; COOPERATIVE NURSERY DEFUNCT</b>
Cumberland	Middle Spring Creek	In Shippensburg <b>NO LONGER MAINTAINED</b>
Erie	Elk Creek	Portions posted as temporary nursery waters for Chinook Salmon <b>NO LONGER MAINTAINED OR NEEDED</b>
Huntingdon	Lake Raystown	Seven Points Marina fish display tank <b>NO LONGER MAINTAINED</b>
Lancaster	Lititz Spring	A pool located in Lititz Spring Park <b>NO LONGER MAINTAINED</b>
Potter	Allegheny River	200 foot area at the confluence of the Allegheny River and Mill Creek <b>NO LONGER MAINTAINED</b>
Potter	Allegheny River	500 foot area from the Chestnut Street Bridge to the lower end of the flood control channel <b>NO LONGER MAINTAINED</b>
Washington	Cross Creek Lake	Entire lake <b>NO LONGER MAINTAINED; LAKE OPEN TO PUBLIC FISHING</b>
Wayne	Lake Wallenpaupack	Mangan Spring and Run and that portion of Mangan Cove into the lake for a distance of 150 yards from the high water mark <b>NO LONGER MAINTAINED; COOPERATIVE NURSERY DEFUNCT</b>

A notice of proposed designation was published at 39 Pa. B. 7164 (December 19, 2009) (Exhibit F). The Commission did not receive any public comments concerning the designations.

Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission approve the changes to the designation of nursery waters as described in the Commentary. If approved, the changes will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Elliott to approve the changes to the designation of nursery waters as described in the Commentary. The changes will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

## OTHER MATTERS

### C. Monongahela River Monitoring Project - Grant to Carnegie Museum of Natural History.

#### Commentary:

The 3 Rivers Ecological Research Center (3RERC) is the lead organization on a multi-agency project, the Monongahela River Monitoring Project, to repeat baseline studies conducted on the Monongahela River in 2003 and to establish monitoring of the aquatic resources of this river on a regular basis. The 3RERC received a \$15,000 grant from the Greene County Conservation District to assist with the project. In the proposal for the project, an amount not to exceed \$10,000 was allotted to Carnegie Museum of Natural History, Section of Invertebrate Zoology, to process and identify invertebrate samples. Field work and collection of the samples were completed in 2009. This item requests that the Commission approve a pass-through grant not to exceed \$10,000 to Carnegie Museum of Natural History for processing and identification for all invertebrate samples collected as part of this project.

#### Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

#### Recommendation:

Staff recommend that the Commission approve a grant to Carnegie Museum of Natural History as described in the Commentary.

#### Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Bachman to approve a grant to Carnegie Museum of Natural History as described in the Commentary. Motion carried.

#### D. Development of Conservation Planning Polygons.

##### Commentary:

Since 2006, the Pennsylvania Fish and Boat Commission (PFBC) and Pennsylvania Game Commission (PGC) have been collaborating on a State Wildlife Grant project entitled *Development of Conservation Planning Materials for Species of Greatest Conservation Need* in Pennsylvania. Through this project, each agency has developed narrative specifications for habitat requirements for their jurisdictional species and transferred this narrative information to a Geographic Information System (GIS) map to display conservation planning polygons. These polygons represent the habitat requirements of the species for each occurrence where the animal has been found and reported in the Pennsylvania Natural Heritage Database. The scope of this project has been to address the highest priority species, as identified by the jurisdictional agencies. Given the large number of animal species and occurrences, this project was not designed to address all priority species. The conservation planning polygons are fundamental to the work of both agencies as they provide the foundation for species management, environmental review and habitat protection for Pennsylvania's Species of Greatest Conservation Need, as identified in the Pennsylvania Wildlife Action Plan.

The PGC is developing management plans for each of its Game Lands and is enlisting the assistance of the PFBC to develop Conservation Planning Polygons for PFBC jurisdictional species which occur on State Game Lands and for lands with cooperator agreements. Upon completion of polygons for Game Lands and Cooperator Lands, work can also be conducted on species elsewhere in the Commonwealth. Additionally, recent technological advances have provided an opportunity to access this polygon information through web-based tools. As part of this agreement, the PFBC will help guide the development of these technologies to enhance staff access to this information. For this assistance, the PGC will be providing the PFBC with funding to conduct this work.

This project will be funded through the Pittman-Robertson Wildlife Restoration Act, as amended (16U.S.C. 669 et seq.), with funds passed-through from the PGC to the PFBC. This process will be implemented through an interagency agreement.

To further advance the protection and management of species of greatest conservation need and associated habitats, the development of conservation planning polygons as well as the development of web-based technologies, PFBC staff are seeking to develop third-party agreements with various conservation partners using pass-through Pittman-Robertson funds provided by the PGC. Staff are, therefore, requesting that the Commission authorize the Executive Director to approve individual grants utilizing up to \$100,000 of Pittman Robertson pass-through monies per grantee per year for projects meeting Pittman-Robertson objectives. For grants exceeding that amount, staff will seek separate Commission approval.

##### Briefer:

Leroy M. Young, Jr., Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission authorize the Executive Director to approve individual grants utilizing up to \$100,000 of Pennsylvania Game Commission pass-through monies per grantee per year for projects meeting Pittman Robertson objectives. For grants exceeding that amount, staff will seek separate Commission approval after appropriate staff review.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Bachman to authorize the Executive Director to approve individual grants utilizing up to \$100,000 of Pennsylvania Game Commission pass-through monies per grantee per year for projects meeting Pittman Robertson objectives. For grants exceeding that amount, staff will seek separate Commission approval after appropriate staff review. Motion carried.

### **Other New Business**

A motion was made by Commissioner Lichvar and seconded by Commissioner Czop to adopt the following resolution:

Whereas, the Pennsylvania Fish and Boat Commission (PFBC) holds its Board of Commissioners (Board) as the entity entrusted to establish programs and services for the betterment of the Commonwealth's aquatic resources and the fishing and boating recreational services that they provide to the anglers and boaters of the Commonwealth,

Whereas, the Board strives to be aware of problems and challenges facing the Commonwealth's aquatic resources and, as such, has received numerous complaints from anglers fishing the middle reaches of the Susquehanna River with regard to a serious decline in their catch rates of smallmouth bass,

Whereas, PFBC staff biologists, having monitored juvenile bass populations at various locations in the Susquehanna and its tributaries for decades and have found the Susquehanna River smallmouth bass population in the middle reach of the river to be in serious decline and, based upon staff projections, will continue to decline for sometime into the future because of poor recruitment from weak year classes,

Whereas, the PFBC staff have detected *Flavobacterium columnare*, a bacterium that typically infects stressed fish, in juvenile smallmouth bass in the Susquehanna River, such infections being first discovered in the Susquehanna River and major tributaries in the summer of 2005 and again in 2007 and 2008,

Whereas, the Board instructed staff and allocated significant agency resources (\$400,000) to support a two-year water quality study coordinated by the U.S. Geological Survey (USGS) in 2008 and 2009,

Whereas, the USGS in reporting the results of the 2008 study at the October 2009 Commission meeting emphasized that they found stress factors including but not limited to elevated water temperature and low dissolved oxygen during times critical for survival and development of smallmouth bass (May 1 through July 31) with daily minimum dissolved-oxygen concentrations lower than the applicable national criterion (5.0 mg/L) in microhabitat in the Susquehanna River at Clemson Island on 31 days (of 92 days in the critical period) compared to no days in the corresponding main-channel habitat,

Now, Therefore, Be It Resolved, the Board of Commissioners of the Pennsylvania Fish and Boat Commission hereby expresses deep concern for the health of the Susquehanna River's smallmouth bass fishery and asserts there is evidence showing that the water quality of the Susquehanna River has become increasingly impaired to the level that it is seriously impacting important elements of the Susquehanna River fishery, especially its nationally-reputed smallmouth bass fishery.

Be it Further Resolved, the Board of Commissioners strongly recommend that the Pennsylvania Department of Environmental Protection and the U.S. Environmental Protection Agency

immediately expand ongoing efforts to find the sources and causes of pollution that are contributing to the demise of the Susquehanna's smallmouth fishery and restore this national treasure to its former healthy status.

Motion carried.

Commissioner Czop expressed an interest in developing a Marcellus Shale educational plan. He will provide suggestions to Commissioner Shetterly for his review.

**Time and Place of April 2010 Commission Meeting**

The next meeting is scheduled for April 19-20, 2010 and will be held in DuBois, PA.

**Adjournment**

A motion was made by Commissioner Ketterer to adjourn the meeting at approximately 12:00 p.m. Motion carried.