

Proposed Nursery Water Designations and Re-Designations

Under 58 Pa. Code § 67.1 (relating to nursery waters and exhibition areas), the Executive Director of the Fish and Boat Commission (Commission), 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 shall be 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. At the next Commission meeting on January 27 and 28, 2010, the Commission will consider the following designations or re-designations of nursery waters.

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

County	Water	Limits
Centre	Spring Creek	In Bellefonte from the trestle immediately above the falls downstream to the Lamb Street Bridge
Crawford	Fymatuning 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 1/4 mile in length)
Erie	Godfrey Run	Entire stream
Erie	Crooked Creek	From Ables Road Bridge downstream to a wire just above the mouth (approximately 1/4 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 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. The Commission proposes 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.

County	Water	Limits
Crawford	Linesville Creek	From the mouth upstream to the Conrail Railroad Bridge north of SR 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 SR 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, and therefore, the Commission proposes that they be removed from the current list:

County	Water	Limits
Carbon	Hock Run	From the source downstream to SR 534 (Approximately one mile in length) No Longer Maintained; Cooperative Nursery Defunct
Cumberland	Middle Spring Creek	In Shippensburg No Longer Maintained
Erie	Elk Creek	Portions posted as temporary nursery waters for Chinook Salmon No Longer Maintained Or Needed

County	Water	Limits
Huntingdon	Lake Raystown	Seven Points Marina fish display tank No Longer Maintained
Lancaster	Lititz Spring	A pool located in Lititz Spring Park No Longer Maintained
Potter	Allegheny River	200-foot area at the confluence of the Allegheny River and Mill Creek No Longer Maintained
Potter	Allegheny River	500-foot area from the Chestnut Street Bridge to the lower end of the flood control channel No Longer Maintained
Washington	Cross Creek Lake	Entire lake No Longer Maintained; Lake Open To Public Fishing
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 No Longer Maintained; Cooperative Nursery Defunct

At this time, the Commission is soliciting public input concerning the previous designations or re-designations. Persons with comments, objections or suggestions concerning the designations or re-designations 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. 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

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Regulation Re-Designation; Fishing Creek, Columbia County

The Fish and Boat Commission (Commission) has removed Fishing Creek, Columbia County, from the upstream Richard Kriebel property line downstream to a point located 180 yards upstream from the Renton borough line (a distance of 0.7 mile), from its list of waters that are regulated and managed under 58 Pa. Code § 65.6 (relating to delayed harvest artificial lures only areas). This re-designation is effective upon publication of this notice in the *Pennsylvania Bulletin*.

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

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Temporary Changes to Fishing Regulations; Reduce Creel Limit for American Shad

The Fish and Boat Commission (Commission) recently adopted an amendment to 58 Pa. Code § 61.2 (relating to Delaware River and River Estuary) that reduces the creel limit for American shad on the West Branch and the entire Delaware River mainstem from the confluence of the East and West Branches downstream to the Commodore Barry Bridge from six to three. This change will go into effect on January 1, 2010, or upon publication of an

order in the *Pennsylvania Bulletin*, whichever occurs later.

Upon further review of its other regulations, the Commission has determined that an amendment to § 61.1 (relating to Commonwealth inland waters) is also needed. This section provides for a daily limit for American shad of six on all inland waters that are not covered by other sections within Chapter 61 (relating to seasons, sizes and creel limits). Section 61.2, which is applicable only to those Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence, does not cover large tributaries upriver of the tidal influence, such as the Lackawaxen River in Pike County. It is likely that a limited number of shad enter the larger tributaries upriver of the tidal influence. Currently, the limit for American shad on those Delaware River tributaries is six under § 61.1.

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 amend § 61.1 to reduce the creel limit for American shad to three to be consistent with § 61.2. This temporary modification will go into effect on January 1, 2010, and will remain in effect until the Commission, by appropriate action, amends § 61.1 in that regard.

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

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