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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 92nd Meeting of the Pennsylvania Fish and Boat Commission was held on Monday and Tuesday, July 12 and 13, 2010, at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110.

Commission committees met on July 12 beginning at approximately 10:50 a.m. and on July 13 beginning at approximately 9:00 a.m. The public session for review of this agenda began at or about 11:15 a.m. on July 13.

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
William R. Worobec, Vice-President
Robert A. Bachman
Richard W. Czop
G. Warren Elliott
Steven M. Ketterer
Leonard L. Lichvar
Edward P. Mascharka III
William J. Sabatose

Review and Approval of Minutes from the April 20, 2010 Meeting

A motion was made by Commissioner Sabatose and seconded by Commissioner Ketterer to approve the April 20, 2010 minutes as written. Motion carried.

Awards and Presentations

Cooperative nurseries add more than 1 million fish to Commonwealth waterways annually, supplementing the Commission's trout stocking program and increasing fishing opportunities in local communities. During an evening program on Monday, July 12, the Commission

recognized these efforts by presenting appreciation awards to 15 clubs for service of 50 or more years. Since 1932, the Commission through the Cooperative Nursery Program has been partnering with groups such as sportsmen's clubs to supplement the Commission's stocking program. There are currently 168 cooperative nurseries in Pennsylvania operated by volunteers. In 2009, co-ops raised and stocked more than 1 million fish. Those co-op nurseries receiving awards included the following:

50 Year Awards

Bald Eagle Sportsmen Club (Established in 1956)

The Bald Eagle Sportsmen Club, located in Blair County, has been in the program for 54 years and annually raises 50,000 trout that they stock into 30 local waters in several counties. The current president and nursery manager is Tim Cristine.

Eldred Conservation Club (Established in 1956)

The Eldred Conservation Club, located in McKean County, has been in the program for 54 years and annually raises 4,050 trout that they stock into three local waters. The current president is Orton Mayard and the nursery manager is Robert Cummings, Jr.

Heath Township Sportsmen Club (Established in 1955)

The Heath Township Sportsmen Club, located in Jefferson County, has been in the program for 55 years and annually raises 8,585 trout that they stock into five local waters. The current president is Donald E. Pisarchick, Sr. and the nursery manager is Larry Aharra.

Hi La Sportsmen Association (Established in 1952)

The Hi La Sportsmen Association, located in Elk County, has been in the program for 58 years and annually raises 4,050 trout that they stock into two local waters. The current president and nursery manager is Emil Zuzek.

Jenner Community Sportsmen (Established in 1957)

The Jenner Community Sportsmen, located in Somerset County, has been in the program for 53 years and annually raises 3,500 trout that they stock into three local waters. The current president is Scott Mitchell and the nursery manager is Doug Ashbrook.

Lititz Sportsmen Association (Established in 1956)

The Lititz Sportsmen Association, located in Lancaster County, has been in the program for 54 years and annually raises 14,140 trout that they stock into 12 local waters. The current president is Phil McCloud and the nursery manager is Ronald Williams.

Millcreek Rod & Gun Club (Established in 1951)

The Millcreek Rod & Gun Club, located in Lebanon County, has been in the program for 59 years and annually raises 9,600 trout that they stock into two local waters. The current president is Carl Gordon and the nursery manager is Scott Adams.

Mohnton Fish & Game Association (Established in 1956)

The Mohnton Fish & Game Association, located in Berks County, has been in the program for 54 years and annually raises 4,050 trout that they stock into three local waters. The current president is Brian Keyser and the nursery manager is Larry Geiss.

Norwich Township Sportsmen Association (Established in 1959)

The Norwich Township Sportsmen Association, located in McKean County, has been in the program for 51 years and annually raises 5,050 trout that they stock into six local waters. The current president is Brian Lathrop and the nursery manager is Paul Lathrop.

Potter County Anglers Club (Established in 1960)

The Potter County Anglers Club, located in Potter County, has been in the program for 50 years and has traditionally raised more than 30,000 trout annually that they stock into 34 local waters. The current president is John Harmon and the nursery manager is Mark Lawyer.

Queen City Trout Rearing Committee (Established in 1951)

The Queen City Trout Rearing Committee, located in Lehigh County, has been in the program for 59 years and annually raises 25,750 trout that they stock into four local waters. The current president is Harry Monk and the nursery manager is Michael Gilbert.

Saint Marys Sportsmen Club (Established in 1959)

The Saint Marys Sportsmen Club, located in Elk County, has been in the program for 51 years and annually raises 4,600 trout that they stock into four local waters. The current president is Ed Miller and the nursery manager is John Dippold.

Springside Sportsmen Club (Established in 1955)

The Springside Sportsmen Club, located in Lehigh County, has been in the program for 55 years and annually raises 3,030 trout that they stock into one local water. The current president and nursery manager is Lorne Palansky.

Western Clinton Sportsmen's Association (Established in 1951)

The Western Clinton Sportsmen's Association, located in Clinton County, has been in the program for 59 years and annually raises 13,130 trout that they stock into eight local waters. The current president is Ray Wertz and the nursery manager is Gene Lavelle.

75 Year Award

Windber Sportsmen Association (Established in 1932)

The Windber Sportsmen Association, located in Somerset County, has been in the program for 78 years. They were one of the original sponsor members when the Cooperative Nursery Program was administered by the U. S. Bureau of Fisheries. The Commission took over the program in 1965. They annually raise 16,160 trout which they stock into six local waters. The current president is Jerry Berkey and the nursery manager is Stanley Custer

On Tuesday, July 13, several other recognitions and presentations of awards were made. Waterways Conservation Officer (WCO) Scott Christman was named the 2009 Officer of the Year by the Northeast Conservation Law Enforcement Chiefs Association. WCO Christman was

recognized for his outstanding contribution to fish and wildlife law enforcement and protection of our country's natural resources. WCO Christman represents the Commission's Northeast Region in southern Carbon County and southwestern Monroe County.

The Bureau of Law Enforcement was recognized by the National Committee for Employer Support of the Guard and Reserves as a patriotic employer for contributing to national security and protecting liberty and freedom by supporting employee participation in America's National Guard and Reserves. The Commission has several officers actively serving in the National Guard and Reserves.

Executive Director Arway presented awards to two Commissioners. Commissioner Thomas C. Shetterly was recognized for his outstanding leadership and dedication while serving as President of the Commission from July 14, 2009 to July 13, 2010. Commissioner Richard W. Czop was recognized for his steadfast leadership and dedication while serving as Commissioner from 2002 to 2010.

Election of Commission President and Vice-President

Commission President Thomas C. Shetterly presided over the elections. President Shetterly called for nominations for the office of President, and Commissioner Bachman nominated Commissioner William R. Worobec as President. Commissioner Ketterer seconded the nomination. A motion was made by Commissioner Sabatose and seconded by Commissioner Elliott to close the nominations. The motion was carried, and nominations were closed. The Commission elected Commissioner Worobec to serve as President of the Commission for 2010-2011.

Commissioner Elliott nominated Commissioner Robert A. Bachman as Vice-President. Commissioner Czop seconded the nomination. A motion was made by Commissioner Sabatose and seconded by Commissioner Elliott to close the nominations. The motion was carried, and nominations were closed. The Commission elected Commissioner Bachman to serve as Vice-President of the Commission for 2010-2011.

Executive Director's Report

A thank you note from former Commissioner Donald Lacy's family was read expressing Commissioner Lacy's appreciation and enjoyment from the *Pennsylvania Angler and Boater* magazine. Executive Director John Arway highlighted the "PFBC Activity Report – Highlights for Second Quarter 2010" (Exhibit A) that was provided to the Commissioners. The report includes an update of major activities and accomplishments over the last three months. Director Arway spoke of the Commission's Strategic Plan and his priorities. He also reported on his recent activities and mentioned the evening public meeting that took place on Monday, July 12. The meeting was well attended, and the program was entitled "The Future of the Susquehanna River Fishery." Speakers included Vicki Blazer, a research biologist and fish pathologist with the U.S. Geological Survey's National Fish Health Research Laboratory, and local guide, Rod Bates, of the Koinonia Guide Service. Director Arway spoke of his efforts to employ the Governor's Office of Administration to conduct an agency climate survey. The Commission has

received approval and will move forward with filling position vacancies. Traffic on “The Fishing Hole” has picked up, and the Commission continues to receive comments from the public. In the upcoming weeks, the Executive Director’s schedule is full of numerous events and speaking engagements.

Announcement of Notational Votes (Exhibit B)

The Commission voted on one item by notational vote since the April 2010 meeting. Specifically, the Board approved a property transfer involving a small amount of Commission property at its Huntsdale State Fish Hatchery to Penn Township in connection with the Township’s bridge replacement project.

Announcement of Executive Session

Commissioner Worobec announced that an executive session was held on July 12 at 8:00 a.m. and on July 13 at 8:00 a.m. to discuss litigation and real estate matters.

Reports of Commissioner Committees

Executive and Planning (Commissioner Worobec) –

The Executive and Planning Committee met on Monday, July 12, at approximately 10:50 a.m. Laurel Anders provided an update on the Strategic Plan and gave a demonstration on the Strategic Plan Reporting System (SPRS). The Committee discussed an agenda item and Director Arway’s second quarter Plan of Work. Tim Schaeffer provided a briefing on Marcellus Shale related activities.

Administration (Commissioner Czop)

The Administration Committee met on Tuesday, July 13, at approximately 9:00 a.m. Agenda items were discussed. Bernie Matscavage provided a briefing on fishing license and boat registration sales statistics and trends.

Boating (Commissioner Ketterer) –

The Boating Committee met on Tuesday, July 13, at approximately 10:15 a.m. Agenda items were discussed. Dan Leonard provided an update on boating facilities projects. Laurel Anders provided an update on boating accidents.

Communications (Commissioner Lichvar) –

The Communications Committee met on Monday, July 12, at approximately 11:40 a.m. Rick Levis provided a briefing on the business plan for fiscal year 2010-11 for the *Pennsylvania Angler and Boater* magazine.

Fisheries (Commissioner Sabatose) –

The Fisheries Committee met on Monday, July 12, at approximately 1:35 p.m. Agenda items were discussed. Leroy Young provided an overview of the Bureau of Fisheries, which included Susquehanna River health, Class A and B wild trout studies and unassessed wild trout water efforts. Dave Kristine provided an update on panfish enhancement regulations, and Dave Miko

provided updates on future additions to the Approved Trout Waters Open to Year-round Fishing Program and possible future additions to the Wilderness Trout Stream Program.

Habitat and Environmental (Commissioner Elliott) –

The Habitat and Environmental Committee met on Monday, July 12, at approximately 1:00 p.m. Agenda items were discussed, and Scott Carney provided a summary of projects.

Law Enforcement (Commissioner Worobec) –

The Law Enforcement Committee met on Monday, July 12, at approximately 4:35 p.m. Tom Kamerzel provided an update on the current class of waterways conservation officers and the selection and training of the new class. In addition, Tom provided briefings on the 2010 Walnut Creek Marina operations, gas well inspection and enforcement efforts, and review of possible regulation changes for future action. Last, he provided an update on snake permits, guide permits and Aids to Navigation operations.

The Committee acted upon proposed revocations. The Committee revoked the fishing privileges of four individuals for a period of two years. In addition, the Committee revoked the boating privileges of one individual for two years and also required him to successfully complete a classroom boating safety education course.

Legislation (Commissioner Czop) -

The Legislation Committee met on Monday, July 12, at approximately 4:00 p.m. Updates regarding state legislation, Marcellus Shale severance tax, a Centre County land transfer and suggested law enforcement changes were provided.

Public Comment to Commissioners and Staff

There were no comments or questions from the public.

EXECUTIVE AND PLANNING

A. Commission Strategic Plan for July 1, 2010 to June 30, 2015.

Commentary:

Since the fall of 2008, Commissioners and staff have been collaboratively developing a new strategic plan for the agency. The planning process began with a Staff and Stakeholder Survey and continued with multiple facilitated work sessions of an internal Strategic Planning Steering Team, executive staff and the Board of Commissioners. Through much deliberation with staff from throughout the agency, the process resulted in a strategic plan consisting of a new vision statement, values and seven high-level goals with corresponding sub-goals to help the Commission achieve its mission. The plan is designed to be specific, measurable, action-oriented, realistic and time-bound, with goals that can be translated into Annual Plans of Work to guide major efforts over the next five years. To better allocate financial and human resources and measure performance, the plan aligns with the July 1 to June 30 fiscal year.

A copy of the Strategic Plan is attached as Exhibit C.

Briefer:

Laurel L. Anders, Strategic Initiatives and Projects Coordinator

Recommendation:

Staff recommend that the Commission adopt the Strategic Plan as set forth in Exhibit C. If approved, the Strategic Plan will go into effect July 1, 2010, and will guide the agency until June 30, 2015.

Action:

A motion was made by Commissioner Czop and seconded by Commissioner Mascharka to adopt the Strategic Plan as set forth in Exhibit C. The Strategic Plan will go into effect July 1, 2010, and will guide the agency until June 30, 2015. Motion carried.

ADMINISTRATION PROPOSED RULEMAKING

A. Amendments to Section 51.92 (Royalty Rates).

Commentary:

Under section 503(c) of the Conservation and Natural Resources Act (71 P.S. §1340.503(c)), the Commission, with the concurrence of the Department of Environmental Protection (DEP), is authorized to adjust the amount of royalty payments per ton or cubic yard of usable or merchantable, or both, sand or gravel, or both, extracted from Commonwealth waters. The current royalty rate schedule, which was adopted in 1997 and is set forth in the Commission's regulations at §51.92, will expire on December 31, 2010.

With an eye towards establishing a new rate schedule, the Executive Director established a workgroup consisting of Commission and DEP staff and five representatives from the sand and gravel dredging industry and asked them to collaboratively work together and develop a fair and equitable process for setting royalty rates for the 10-year period of January 1, 2011 through December 31, 2020. The workgroup formally met in April and May 2010 to discuss issues pertaining to setting royalty rates, including the need to simplify the annual rate calculation process and employ a market based approach. With input from DEP and the industry representatives, staff propose that §51.92 be amended as follows:

§51.92. Royalty rates.

Persons holding permits granting them nonexclusive rights and privileges of dredging, excavating, removing and carrying away merchantable sand and gravel under agreements between the permittees and the Department of Environmental Protection shall pay royalties in accordance with the following schedule.

[(1) During the period, January 1 through December 31, 1998—15¢ per dry ton or 25¢ per cubic yard; or \$1,000, whichever is greater.

(2) During the period, January 1, 1999 through June 30, 2000—20¢ per dry ton or 30¢ per cubic yard; or \$1,000, whichever is greater.

(3) During the period, July 1, 2000 through December 31, 2001—25¢ per dry ton or 37.5¢ per cubic yard; or \$1,000, whichever is greater.

(4) During the period, January 1, 2002 through December 31, 2002—30¢ per dry ton or 40¢ per cubic yard; or \$1,000, whichever is greater.

(5) During the period, January 1, 2003 through December 31, 2010—30¢ per dry ton or 40¢ per cubic yard plus or minus an amount equal to the change in the producer price index (PPI) for sand and gravel from the base year (2002), provided that the rate per dry ton may not be less than 25¢.]

(1) During the period, January 1 through December 31, 2011, the greater of \$1,000 or \$0.48 per dry ton.

(2) During the period, January 1, 2012 through December 31, 2015, the greater of \$1,000 or 6.75% of the immediately preceding year's published price, average value, dollars per metric ton (converted to U.S. ton) for the commodity sand and gravel in the U.S. Geological Survey, Mineral Commodity Summary per dry ton, provided that the rate per dry ton is not less than \$0.48.

(3) During the period, January 1, 2016 through December 31, 2020, the greater of \$1,000 or 7.0% of the immediately preceding year's published price, average value, dollars per metric ton (converted to U.S. ton) for the commodity sand and gravel in the U.S. Geological Survey, Mineral Commodity Summary per dry ton, provided that the rate per dry ton is not less than \$0.48.

Briefer:

Bernard M. Matscavage, Director, Bureau of Administration

Recommendation:

Staff recommend that 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 January 1, 2011.

Action:

A motion was made by Commissioner Czop and seconded by Commissioner Bachman to 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 January 1, 2011. Motion carried.

OTHER MATTERS

B. Austin Furst Property Acquisition Pleasant Gap, Benner Township, Centre County.

Commentary:

The Austin Furst Estate is the owner of a +/- 1.2 acre parcel of ground (Furst Parcel) adjacent to the Commission's Pleasant Gap State Fish Hatchery (SFH) along Logans Branch Creek in Benner Township, Centre County. The Estate is offering the parcel to the Commission for \$15,700. The Furst Parcel is located between the Pleasant Gap SFH and the stone house that the Commission leases for office space for use by the Division of Fish Production. The Furst Parcel has over 250 feet of creek frontage. The property is depicted on Exhibit D 1 of 2, and its location in perspective to the entire hatchery is depicted on Exhibit D 2 of 2.

This parcel is of interest to the Commission for the following reasons:

(1) The Commission owns water rights on the "Shugert Spring" (+/-400gm) in the basement of the stone house and utilizes the Shugert Spring for hatchery operations. The Furst Parcel has deeded water rights to use a portion of the Shugert Spring. The right of the Furst Parcel to take water from the Shugert Spring jeopardizes the amount of water available to the Commission. The acquisition of the Furst Parcel will eliminate the threat of a reduced water flow to the Commission.

(2) The Commission is encroaching on the Furst Parcel with an existing hatchery water supply line that runs from the stone house to the hatchery. The water line was inadvertently placed at some time in the past. Parking for staff at the stone house also is partially encroaching on the Furst Parcel. The acquisition of the Furst Parcel will eliminate the need to relocate the water line and parking and the associated costs.

(3) There is a property line discrepancy between the Furst Parcel and the Commission whereby each party's deeded areas overlap along the creek as shown on the exhibit. Normally, property line discrepancies are resolved by agreement or litigation. The acquisition of the Furst Parcel will resolve the property line discrepancy.

(4) The Furst Parcel is an in-holding to the hatchery. The Furst Estate and its agents and assigns have the legal right to drive through the hatchery to access the Furst Parcel. The acquisition of the Furst Parcel will eliminate the in-holding and allow the Commission to better control the hatchery area.

The asking price is reasonable based on area land values. Also, the Austin Furst Estate is willing to pay for closing costs normally paid by the buyer; i.e., there will be pro-ration of real estate taxes and the Estate will pay all transfer taxes. The acquisition will be subject to meeting due diligence and funding requirements and receiving a good marketable title.

Briefer:

Daniel D. Leonard, P.E., Director, Bureau of Engineering and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of the property rights in Benner Township, Centre County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Czop and seconded by Commissioner Ketterer to authorize the acquisition of the property rights in Benner Township, Centre County, as more particularly described in the Commentary. Motion carried.

C. Property Disposition to the Pennsylvania Department of Transportation at Somerset Lake, Somerset County, for Bridge Superstructure Replacement.

Commentary:

The Commission owns a +/- 476 acre tract of land in Somerset County that contains the +/-253-acre Somerset Lake. The Pennsylvania Department of Transportation (PennDOT) is working on a bridge improvement project across Coxes Creek on State Route 4026 in Somerset Township, Somerset County, adjacent to the Somerset Lake property immediately below the dam. The bridge project consists of PennDOT replacing the existing bridge superstructure on the existing bridge abutments. The project also will include roadway work to tie the new deck into the existing road, drainage upgrades and installation of guiderail. The project will require PennDOT to acquire fee title to 0.170 acres of Commission property for pipe installation and relocation as well as for the existing wingwalls that are currently encroaching on Commission property. In addition, the project will require PennDOT to acquire a temporary area of 0.085 acres from the Commission for a construction easement for the relocation of the entrance to the Commission's access roadway to the dam. The dam access roadway will be relocated approximately 20 feet north to allow for the guiderail to be attached to the structure. A drawing depicting the subject area is attached as Exhibit E. The temporary area of the construction easement will revert back to the Commission at the completion of the project. The existing parking lot and access road immediately south of the dam will remain accessible during construction activities.

The Commission acquired the property using federal funds from the U.S. Fish and Wildlife Service, and staff will be securing federal approval for the disposition. PennDOT will put the bridge project out for bid in September 2010 with construction anticipated to begin in the spring of 2011.

PennDOT will provide the Commission with benefits similar to those being offered other claimants impacted by highway improvement projects, such as being paid fair market value, in the form of cash or mitigation through the use of in-kind services, for any property acquired and restoration of the impacted and adjoining areas.

Briefer:

Daniel D. Leonard, P.E., Director, Bureau of Engineering and Property Services

Recommendation:

Staff recommend that the Commission authorize the disposition of the property rights necessary for the PennDOT bridge project at Somerset Lake, Somerset County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Czop and seconded by Commissioner Ketterer to authorize the disposition of the property rights necessary for the PennDOT bridge project at Somerset Lake, Somerset County, as more particularly described in the Commentary. Motion carried.

D. Sandy Run Wetlands Acquisition, Antis Township, Blair County.

Commentary:

Bowman Realty, L.P. (Bowman) is the owner of a parcel of property in Antis Township, Blair County, that contains part of Sandy Run. The Commission has designated a portion of Sandy Run as a Class A wild trout stream, and the Department of Environmental Protection (DEP) has designated it as a high quality stream. Sandy Run provides a significant amount of the coldwater flow to the Little Juniata River, and wetlands located in or along the floodplain of Sandy Run are exceptional value and one of the most significant wetlands in Blair County.

The Commission and DEP share a common interest in protecting Sandy Run and the wetlands, and to that end, the Commission has entered into an option agreement with Bowman in the amount of \$90,000 for the purchase of 49.45 acres in fee and a 1.52 acre easement for public fishing, boating, fishery and riparian buffer management and access on a portion of the adjacent property designated the Kiln Tract because of a historic kiln that is located there. A map depicting the subject parcel is attached as Exhibit F. Final property areas will be contingent on an approved subdivision plan.

Funding for the acquisition and related costs will come from two sources – the John Kennedy Chapter of Trout Unlimited (JK Chapter) and the Blair County Conservation District (BCCD). The JK Chapter has received funding under a settlement relating to the development of the Logantown Center, a project in Blair County, which can be used for the enhancement of coldwater fisheries in Blair County. The JK Chapter has agreed to assist the Commission in acquiring the property by funding the entire purchase price of \$90,000. The BCCD has received funding under a settlement also relating to the development of the Logantown Center that can be used for the acquisition and protection of wetland resources in Blair County. The BCCD has agreed to assist the Commission in acquiring the property by performing certain acquisition-related tasks, including surveying, subdivision, title search, environmental assessment and closing, and funding those costs. The BCCD also will provide a stewardship fund in the amount of \$35,000 to cover the Commission's long-term management and stewardship costs associated with the site. The Commission has entered into separate agreements with its local partners to address these matters.

During the option period, staff will perform the necessary due diligence. The Commission's exercise of the option will be subject to meeting those requirements.

Briefer:

Daniel D. Leonard, P.E., Director, Bureau of Engineering and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of the property rights in Antis Township, Blair County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Lichvar and seconded by Commissioner Czop to authorize the acquisition of the property rights in Antis Township, Blair County, as more particularly described in the Commentary. Motion carried.

BOATING

A. Boating Facility Grant Program: Borough of Berwick, Test Track Park Boat Launch, North Branch of the Susquehanna River, Columbia County.

Commentary:

At its January 2005 meeting, the Commission approved the creation of a grant program providing funds to eligible applicants for the purpose of constructing and improving access for boats. Funds for this program are to be derived primarily from boat registration fees and state motorboat fuels tax. In certain instances, federal aid will also be used if appropriate. Grants exceeding \$100,000 require Commission approval. Staff therefore are seeking approval of the following grant:

Total Project Cost: \$196,693 Recommended Grant: \$147,000

The Borough of Berwick applied for funding to improve and expand its boat launch facility at Test Track Park in Berwick. This facility was originally constructed in 1972 and has had no major improvements since that time. The facility is outdated and in serious need of infrastructure improvements.

The Borough applied for funding to remove the deteriorated single lane concrete ramp and replace it with a new two lane concrete boat launch ramp. In addition, the Borough plans to expand the parking area to accommodate 44 vehicles with trailers and to include ADA accessible parking. The Borough also will install a removable floating dock, lighting for the boat launch ramp and parking area, and a rock jetty to prevent sediment from building up along the launch area. The Borough intends to apply for additional funding in the amount of \$30,000 for this project from the Central Susquehanna Community Foundation.

This boat launch facility is the largest one between Sunbury and Wilkes-Barre along the North Branch of the Susquehanna River and provides a key access point for emergency personnel along this section of the river. The closest public boat launch facilities are located 12.5 miles upstream at Shickshinny and 9.5 miles downstream at Bloomsburg. The Borough indicates that 95% of the usage is by motorboats.

Commission Law Enforcement staff concur that this access area is a high-use one that needs improvement. During a regional meeting for the Commission's fishing and boating access strategy, stakeholders indicated a need for additional access along this section of the North Branch of the Susquehanna River.

Staff will explore whether this project is eligible for U.S. Fish and Wildlife Service funding through the Sport Fish Restoration Act Program. If eligible, the grant to the Borough will be funded with federal monies.

Briefer:

Scott W. Bollinger, Access Area Development

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$147,000 to the Borough of Berwick, Columbia County, as more fully described in the Commentary.

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Ketterer to approve a grant not to exceed \$147,000 to the Borough of Berwick, Columbia County, as more fully described in the Commentary. Motion carried.

(Commissioner Worobec indicated for the record that he abstained.)

B. Boating Facility Grant Program: City of Sunbury, Sunbury Riverfront Marina, Susquehanna River, Northumberland County.

Commentary:

At its January 2005 meeting, the Commission approved the creation of a grant program providing funds to eligible applicants for the purpose of constructing and improving access for boats. Funds for this program are to be derived primarily from boat registration fees and state motorboat fuels tax. In certain instances, federal aid will also be used if appropriate. Grants exceeding \$100,000 require Commission approval. Staff therefore are seeking approval of the following grant:

Total Project Cost: \$610,000 Recommended Grant: \$150,000

In 2006, the City of Sunbury applied for and was awarded a grant by the Commission to construct a headwall dock along the existing concrete retaining wall in Sunbury. After the grant was awarded, it was brought to the Commission's attention that the concrete wall was seriously deteriorated and that repairs would need to be made before the docks could be secured to the wall. Since the additional costs were not included in the original application for the Boating Facility Grant Program, staff recommended that the agreement be cancelled and that the City of Sunbury resubmit an application incorporating the repairs to the retaining wall in a subsequent grant round.

The City of Sunbury plans to construct a \$10,000,000 Riverfront Improvement Project between the floodwall and the Susquehanna River. The project includes a marina, bicycle and pedestrian pathways, an amphitheater, concessions and a scenic overlook. The City has applied for funding through the grant program to develop the marina. Other funding sources will be used for the development of the other amenities. The City proposes to resurface and cap an existing concrete retaining wall that will be used to anchor the docks, install 16 floating dock sections, a gangway, security equipment, lighting, and electrical service. The Department of Conservation and Natural Resources (DCNR) has approved additional funding for this project in the amount of \$250,000 for the construction of a gateway plaza, lighting, landscaping, ADA access and signage. The City applied for additional funding (\$500,000) from DCNR. The City secured additional funding for the riverfront development from the Commonwealth Authority Financing Board, the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Housing and Urban Development.

The City of Sunbury believes that the development of the marina and the riverfront between the floodwall and the Susquehanna River will attract more recreational boaters to the area. In addition, staff recommend funding this project due to previous commitments that were made to the City of Sunbury.

Briefer:

Scott W. Bollinger, Access Area Development

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$150,000 to the City of Sunbury, Northumberland County, as more fully described in the Commentary.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Ketterer to approve a grant not to exceed \$150,000 to the City of Sunbury, Northumberland County, as more fully described in the Commentary. Motion carried.

(Commissioner Worobec indicated for the record that he abstained.)

C. Boating Facility Grant Program: Northcentral Pennsylvania Conservancy, Public Fishing Access and Conservation Easement Acquisition, West Branch of the Susquehanna River, Union County.

Commentary:

At its January 2005 meeting, the Commission approved the creation of a grant program providing funds to eligible applicants for the purpose of constructing and improving access for boats. Funds for this program are to be derived primarily from boat registration fees and state motorboat fuels tax. In certain instances, federal aid will also be used if appropriate. Grants for the acquisition of property rights, and grants exceeding \$100,000 require Commission approval. Staff therefore are seeking approval of the following grant:

Total Project Cost: \$19,274

Recommended Grant: \$9,637

The Northcentral Pennsylvania Conservancy (NPC) proposes to acquire a 10-acre property located along the West Branch of the Susquehanna River upriver of Allenwood and work toward the development of a hand carry canoe/kayak launch on the site. There are no other public boat launch facilities within five miles upstream or three miles downstream of the proposed site. In addition, Union County does not currently have a single, public access on the West Branch of the Susquehanna River.

The acquisition of the property is Phase 1 of the project and will provide public access. Acquisition also will protect open space for development as a future boating facility. The Department of Conservation and Natural Resources has approved a grant in the amount of \$9,637 for the acquisition of the property.

Although the site is currently suitable for unpowered boats and shore fishing, staff will require, as a condition of the grant, that NPC construct facilities, including a parking area and access road for unpowered boats within five years of acquiring the site. Staff also will require as a condition of the grant that NPC convey a public fishing access and conservation easement to the Commission that will allow for public access along the Susquehanna River and a parking area in perpetuity. An agreement between NPC and the Commission will be developed that commits agency funds and will include specific provisions for the protection of the Commission's interests and those of the angling public.

Briefer:

Scott W. Bollinger, Access Area Development

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$9,637 to the Northcentral Pennsylvania Conservancy, as more fully described in the Commentary, and to further authorize the acquisition of a public fishing access and conservation easement on the property to be acquired by the Conservancy, as also described in the Commentary.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Ketterer to approve a grant not to exceed \$9,637 to the Northcentral Pennsylvania Conservancy, as more fully described in the Commentary, and to further authorize the acquisition of a public fishing access and conservation easement on the property to be acquired by the Conservancy, as also described in the Commentary. Motion carried.

(Commissioner Worobec indicated for the record that he abstained.)

D. Boating Facility Grant Program: Borough of Shickshinny, South Canal Street Park, North Branch of the Susquehanna River, Luzerne County.

Commentary:

At its January 2005 meeting, the Commission approved the creation of a grant program providing funds to eligible applicants for the purpose of constructing and improving access for boats. Funds for this program are to be derived primarily from boat registration fees and state motorboat fuels tax. In certain instances, federal aid will also be used if appropriate. Grants exceeding \$100,000 require Commission approval. Therefore, staff are seeking approval of the following grant:

Total Project Cost: \$379,850 Recommended Grant: \$96,000

The Borough of Shickshinny requested funding to construct a new boat launch facility along the North Branch of the Susquehanna River as part of its South Canal Street Park. In 2009, the Commission awarded the Borough funding from the Boating Facility Grant Program in the amount of \$97,000 for Phase I of the project. Phase 1 included the construction of a gravel access road, gravel parking area and a single lane concrete boat launch ramp.

In the 2010 round of the Boating Facility Grant Program, the Borough submitted a new application to perform phases 2 and 3 of the project. Phase 2 includes the paving of the access road, paving of two ADA accessible parking spaces, the construction of a gangway and floating docks and the construction of an ADA accessible pathway from the parking area to the boat docks. Phase 3 includes the installation of lights and playground equipment for their park. The Borough was awarded funding from the Department of Conservation and Natural Resources (DCNR) in the amount of \$156,000 for all three phases of this project. The DCNR funding will be used to construct a playground area with required safety surfacing, site amenities, lighting for the boat launch and park, and the installation of a dry hydrant.

The closest public boat launch facilities are located three miles upriver at the Commission's Union Township Access and 13 miles downstream at the Test Track Park Access in Berwick. The Commission's Access Plan shows a need for additional access on this section of the North Branch of the Susquehanna River. This boat launch facility will directly benefit and support the public recreational boating activities of the area and will improve access to the river for emergency search and rescue operations.

Briefer:

Scott W. Bollinger, Access Area Development

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$96,000 to the Borough of Shickshinny, Luzerne County, as more fully described in the Commentary.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Ketterer to approve a grant not to exceed \$96,000 to the Borough of Shickshinny, Luzerne County, as more fully described in the Commentary. Motion carried.

(Commissioner Worobec indicated for the record that he abstained.)

E. Grant to the Susquehanna Gateway Heritage Area, Susquehanna River, York County.

Commentary:

The Chesapeake Bay Executive Order 13508 issued by President Obama in May 2009 asked Federal agencies to address several key issues relative to the Chesapeake Bay watershed. The Landscape Conservation and Public Access in the Chesapeake Bay Region Report fulfilled Section 202 (e) of the Executive Order. To compile the report, the National Parks Service (NPS) approached the Department of Conservation and Natural Resources (DCNR) and the Commission regarding the need for public access on waterways in the Chesapeake Bay watershed in Pennsylvania. Similar requests were made to other Bay states. DCNR and the Commission provided NPS with information regarding access needs, including a list of potential access projects that were supported by the agencies. A boating access project on the Susquehanna River by the Susquehanna Gateway Heritage Area (SGHA) was on the list.

Since the report was issued, NPS announced a grant round for projects that improve access to the Chesapeake Bay and its rivers. The grant program requires non-federal matching funds. The Bureau of Boating and Access worked with SGHA to submit an application to the grant program for boating access along the Lower Susquehanna River water trail as a pilot project. The Chesapeake Bay Gateways Network grant program provides a unique opportunity to create a partnership with NPS that will continue to be developed as a result of Executive Order 13508.

The SGHA was a successful applicant under the grant program and received a \$100,000 grant for its \$709,000 access improvement project. The project includes the creation of a water trail landing with a floating dock, boat access deck/bulkhead, and canoe/kayak launch and a boardwalk, interpretive pavilion, pedestrian crossing and walkways, signage, access drive with parking enhancements and landscaping. The statewide Access Strategy indicates a need for additional public access along this stretch of the Susquehanna River.

The SGHA is requesting \$75,000 from the Commission to help defray the cost of the pedestrian crossing, boardwalk, boat dock and canoe/kayak launch.

Briefer:

Jackie Kramer, Statewide Public Access and Conservation Lands Coordinator

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$75,000 to the Susquehanna Gateway Heritage Area as more fully described in the Commentary.

Action:

A motion was made by Commissioner Ketterer and seconded by Commissioner Shetterly to approve a grant not to exceed \$75,000 to the Susquehanna Gateway Heritage Area as more fully described in the Commentary. Motion carried.

FISHERIES **FINAL 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.

The Commission therefore proposed that §69.31 be amended to change the date on which the Commission annually announces the total allowable catch for walleye and yellow perch from March 1 to April 15. A notice of proposed rulemaking was published at 40 Pa. B. 1530 (March 20, 2010) (Exhibit G). The Commission did not receive any public comments regarding the proposal.

Briefer:

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

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 on January 1, 2011.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Sabatose to adopt the amendment as set forth in the notice of proposed rulemaking. This amendment will go into effect on January 1, 2011. Motion carried.

PROPOSED RULEMAKING

B. Amendment to Section §71.4 (Stocking of Designated Waters).

Commentary:

Section 71.4 of the Commission's regulations currently provides that it is unlawful to place fish in waters that have been designated by the Commission as catch and release, wilderness trout or wild trout management waters except with the express written consent of the Executive Director or his designee. Considering the fact that some waters managed under catch and release programs, including Catch-and-Release, Catch-and-Release Fly-Fishing Only and Catch-and-Release All Tackle, are managed by the Commission with the planting of hatchery trout, §71.4 should be revised to remove the reference to catch and release. In addition, this section should be revised to make it clear that wild trout management waters listed as Class A waters or Wild Brook Trout Enhancement waters are not to be stocked. This is in accord with the Commission's policy set forth in 58 Pa. Code §57.8a, which prohibits stocking in Class A wild trout waters.

Staff therefore propose that §71.4 be revised as follows:

§71.4. Stocking of designated waters.

It is unlawful to place fish in waters that have been designated by the Commission as **[catch and release,]** wilderness trout, **wild brook trout enhancement**, or **Class A** wild trout **[management]** waters except with the express written consent of the Executive Director or **[his]** designee. This section does not prohibit a person from returning fish unharmed to the waters from which they were caught or taken.

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 approved on final rulemaking, the amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Bachman to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If approved on final rulemaking, the amendment will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

DESIGNATIONS

C. Additions to the Class A Wild Trout Waters List.

Commentary:

Pursuant to 58 Pa. Code §57.8a (relating to Class A wild trout streams), it is the Commission’s policy to recognize self-sustaining Class A wild trout populations as a renewable natural resource meriting special consideration in development of fisheries management plans and water quality/habitat protection. Class A wild trout populations represent the best of Pennsylvania’s naturally reproducing trout populations. Criteria developed for Class A Wild Trout populations are species specific. Wild Trout Abundance Class Criteria include provisions for wild brook trout, wild brown trout, mixed wild brook and brown trout, and wild rainbow trout populations. All must have at least 0.1 kg/ha (0.089 lbs/acre) of trout of the particular species less than 15 cm (5.9 inches) in total length. Biomass minimums for wild brown trout, wild brook trout and mixed wild brook/brown trout populations, where neither species comprises 75 percent or more of the biomass, are 40 kg/ha (35.6 lbs/acre), 30 kg/ha (26.8 lbs/acre), and 40 kg/ha (35.6 lbs/acre), respectively.

Commission staff documented the following stream sections to have Class A wild trout populations:

County	Stream	Section	Limits	Trout Biomass (kg/ha) Brook	Length (miles)	Survey Year
Wallenpaupack Creek Basin						
Pike	Kleinhans Creek	1	Headwaters to Confluence with Lake Wallenpaupack/Wallenpaupack Creek	36.22	1.68	2004
Lehigh River Basin						
Lackawanna	Sand Spring Creek	1	Headwaters to Confluence with Lehigh River	134.08	2.82	2004
				Brown		
Carbon	Hunter Creek	1	Headwaters to Confluence with Buckwha Creek	56.58	6.21	2009
Lehigh	Catasauqua Creek	3	Eastwood Street Bridge downstream to the former Lehigh Canal downstream Lehigh Street (SR 1007) Bridge	94.90	0.56	2009
	Iron Run	2	Upstream face of the Turning Leaf Trail Bridge downstream to confluence with Spring Creek	64.42	0.48	2009
	Spring Creek	1	Headwater (Schaefer and Iron Run confluence) downstream to confluence with Little Lehigh Creek	148.06	1.24	2009
				Mixed Brook/ Brown		
Luzerne	Shades Creek	2	Downstream face of the SR 0115 Bridge downstream Pipeline Crossing	70.49	1.75	2004

A notice of proposed designation was published at 40 Pa. B. 3027 (June 5, 2010) (Exhibit H). The Commission received one public comment supporting the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the additions to its list of Class A wild trout waters as described in the Commentary. If approved, the additions will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Bachman to approve the additions to its list of Class A wild trout waters as described in the Commentary. The additions will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

D. Removal of Refuge Area Designations.

Commentary:

Under section §67.2 of the Commission’s regulations, the Executive Director, with the approval of the Commission, may designate waters as refuge areas to which section 2306(a) of the Fish and Boat Code (relating to refuge areas) shall apply. Section 2306(a) provides that the Commission may set aside, at 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.

Since the 1960’s, refuge areas have been used in an effort to reduce truck following and extend stocked trout fishing opportunities by placing all, or a portion, of a stream’s trout allocation into these areas and denying angler access to these sections from March 1 through June 14. These areas are opened to angling on June 15 to allow for the harvest of trout prior to the waters becoming too low or too warm to support trout. Wires and signage for these waters are maintained by local sponsors.

Based on current conditions, there are reasons to remove the refuge area designation from 18 streams. For example, some streams are no longer being maintained as marked refuge areas, some streams are no longer stocked with trout and some streams are simply not being well utilized by anglers. These conditions are inconsistent with the premise for the use of refuge areas.

Therefore, staff propose that the Commission remove the refuge area designations from the sections of the following waters that have been so designated:

County	Water Area	Rationale for Removal
Cambria/Clearfield	Chest Creek	No marked refuge areas
Clearfield	Little Clearfield Creek	No marked refuge areas
Clearfield	Gifford Run	No marked refuge areas
Clearfield	Mosquito Creek	Unstocked water
Elk	Bear Creek	Low use of refuge areas
Elk	Big Mill Creek	Low use of refuge areas
Elk/McKean	Wilson Run	Low use of refuge areas
Forest	Bluejay Creek	No marked refuge areas
Luzerne/Wyoming	Bowman Creek	No marked refuge areas
Lycoming	White Deer Hole Creek	Low use of refuge areas
McKean	Combs Creek	Low use of refuge areas
McKean	East Branch Tunungwant Creek	Unstocked water
McKean	Lewis Run	Unstocked water
Monroe	Tobyhanna Creek	No marked refuge areas
Snyder	Swift Run	Low use of refuge areas

County	Water Area	Rationale for Removal
Schuylkill	Little Schuylkill River	No marked refuge areas
Warren	Farnsworth Branch	No marked refuge areas
Warren	West Branch Tionesta Creek	No marked refuge areas

The sections of the following waters that have been designated as refuge areas will remain in the program so long as they are maintained by a local sponsor; however, any areas that are not maintained will be proposed for removal from the program at a later date:

County	Water Area
Cameron	Hicks Run
Cameron	Mix Run
Cameron	Upper Jerry Run
Cameron	Wykoff Run
Clearfield	Jack Dent Branch
Elk	Medix Run
McKean	Chappel Fork
McKean	Kinzua Creek
McKean	Kinzua Creek, South Branch
McKean	Skinner Creek
McKean	Sugar Run
McKean	Sugar Run, North Branch
McKean	Tionesta Creek, East Branch
McKean	Two Mile Run
McKean	Willow Creek
McKean	Wilson Run
Warren	Two Mile Run

A notice of proposed re-designation was published at 40 Pa. B. 3029 (June 5, 2010) (Exhibit I). The Commission did not receive any public comments concerning this proposal.

Briefer:

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

Recommendation:

Staff recommend that the Commission remove the refuge area designations from the sections of the waters described in the Commentary that have been so designated. If approved, these changes will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Czop to remove the refuge area designations from the sections of the waters described in the Commentary that have been so designated. If approved, these changes will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

HABITAT & ENVIRONMENTAL

A. Fish Passage Feasibility Study Grant to Wildlands Conservancy for Easton and Chain Dams, Lehigh River.

Commentary:

At the October 2004 meeting, the Commission established the Statewide Grant Program for Fish Passage and Habitat Restoration. The purpose of this grant program is to provide a mechanism for the Commission to pass federal and other funding, as it becomes available, to dam owners throughout Pennsylvania who agree to provide fish passage and habitat restoration at their dams. The Commission authorized the Executive Director to approve individual pass-through grants of up to and including \$100,000 each to dam owners and their designees for dam removal, fish passage and habitat restoration projects statewide. For individual pass-through grants in excess of \$100,000, staff will seek separate Commission approval.

The Commission has obtained \$75,000 from the National Oceanic and Atmospheric Administration/American Rivers Fish Passage Program and, as a match, \$75,000 in planning funds held by the Palmerton Trustee Council, a seven agency group of state and federal natural resource trustees that was formed to ensure coordination and cooperation in addressing natural resource damage and restoration concerns and responsibilities arising from the release of hazardous substances at the Palmerton Zinc Pile Superfund Site in Carbon County. The funding is earmarked to undertake a feasibility analysis of alternatives to improve fish passage efficiency at the Easton and Chain Dams on the Lehigh River. The owners of the dams, the Department of Conservation and Natural Resources and the City of Easton, respectively, support the analysis.

Commission staff propose to provide up to \$150,000 in the form of a grant to the Wildlands Conservancy to finance the project. The Commission's Division of Habitat Management will provide the necessary technical assistance and oversight as well as administer the contract on behalf of the Commission.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve a grant of up to \$150,000 to the Wildlands Conservancy to fund the feasibility analysis of alternatives to improve fish passage at the Easton and Chain Dams on the Lehigh River.

Action:

A motion was made by Commissioner Bachman and seconded by Commissioner Czop to approve a grant of up to \$150,000 to the Wildlands Conservancy to fund the feasibility analysis of alternatives to improve fish passage at the Easton and Chain Dams on the Lehigh River. Motion carried.

B. Fish Passage and Habitat Restoration Grant to Wilson College for Conococheague Creek, Franklin County.

Commentary:

At the October 2004 meeting, the Commission established the Statewide Grant Program for Fish Passage and Habitat Restoration. The purpose of this grant program is to provide a mechanism for the Commission to pass federal and other funding, as it becomes available, to dam owners throughout Pennsylvania who agree to provide fish passage and habitat restoration at their dams. The Commission authorized the Executive Director to approve individual pass-through grants of up to and including \$100,000 each to dam owners and their designees for dam removal, fish passage and habitat restoration projects statewide. For individual pass-through grants in excess of \$100,000, staff will seek separate Commission approval.

The Commission has obtained up to \$294,600 from Norfolk Southern to mitigate impacts associated with NSR Antrim Township Regional Intermodal Facility in Franklin County. The funding is earmarked to address the removal of a small dam, wetland construction, and stream and riparian restoration on Conococheague Creek, Franklin County. Staff propose to provide up to \$294,600 in the form of a grant to Wilson College to finance the project. The Commission's Division of Habitat Management will provide the necessary technical assistance and oversight as well as administer the contract on behalf of the Commission.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve a grant of up to \$294,600 to Wilson College for the Conococheague Creek project.

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Shetterly to approve a grant of up to \$294,600 to Wilson College for the Conococheague Creek project. Motion carried.

C. Endangered Species Grant Program.

Commentary:

The National Fish and Wildlife Foundation (NFWF), among others, have historically provided funds to agencies and institutions that conduct conservation of nongame species, including projects that concern state and federally protected species. Given the high demand and limited financial resources, these programs are highly competitive. In 2009, the Commission applied for, and received approval for, \$297,000 of NFWF funds for bog turtle recovery efforts in Pennsylvania. Using these NFWF funds, Commission staff wish to enter into cooperative agreements with partners to fund projects that Commission staff have identified as high priority for recovery of this species.

This project is entitled *Bog Turtle Recovery and Habitat Restoration in Pennsylvania*, and the primary conservation objectives of the project are to address habitat needs and establish long-term management of the state endangered and federally threatened bog turtle in Pennsylvania. Several factors are contributing to the decline of the bog turtle, and this project will have its primary focus on the critical feature of habitat restoration. These efforts have the long-term goal of recovering the species through habitat restoration. To help ensure sufficient habitat and population structure for long-term survival of the species in Pennsylvania, this project will: (1) address habitat succession (i.e., advancing forested habitat in critical breeding habitat); (2) focus on known and suspected occupied sites and engage landowners to advance the protection and conservation of the species; and (3) develop a collaborative approach for addressing long-term management needs. Furthermore, by enhancing coordination among partners, this project will advance habitat management and assessment as well as bog turtle assessment and monitoring to further recovery of the species in Pennsylvania.

Staff are requesting that the Commission authorize the Executive Director to approve individual grants up to \$100,000 of NFWF and other pass-through monies, should they be obtained, per grantee, per year, for projects meeting the Commission's objectives relating to the conservation of endangered, threatened, candidate and other rare species. 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 approve the bog turtle restoration project described in the Commentary and authorize the Executive Director to approve individual grants utilizing up to \$100,000 of National Fish and Wildlife Foundation and other pass-through monies per grantee, per year, for projects meeting the Commission's objectives relating to the conservation of endangered, threatened, candidate and other rare species. For grants exceeding that amount, staff will seek separate Commission approval after appropriate staff review.

Action:

A motion was made by Commissioner Shetterly and seconded by Commissioner Bachman to approve the bog turtle restoration project described in the Commentary and authorize the Executive Director to approve individual grants utilizing up to \$100,000 of National Fish and Wildlife Foundation and other pass-through monies per grantee, per year, for projects meeting the Commission's objectives relating to the conservation of endangered, threatened, candidate and other rare species. For grants exceeding that amount, staff will seek separate Commission approval after appropriate staff review. Motion carried.

Other New Business

Commission President William R. Worobec provided the Commissioners with their July 2010 – June 2011 Commissioner Committee assignments.

Commissioner Worobec also tasked the Fisheries Committee with the following:

1. Continue to work with staff on Susquehanna smallmouth and tailwater fishery issues.
2. Work with Executive Director Arway to complete the second phase of the hatchery cost study to determine cost of the creel and its associated policy implications.
3. Work with Executive Director Arway to evaluate and expand upon our efforts to partner with colleges and universities to update our stream classification data.
4. Work with Executive Director Arway to review our current stream classification system, to evaluate alternatives and, if needed, develop a recommendation on the subject for Commission action.
5. Examine the policy implications associated with permitting the use of bait in catch and release streams.

Time and Place of October 2010 Commission Meeting

The next meeting is scheduled for October 4-5, 2010 and will be held in Williamsport, PA.

Adjournment

A motion was made by Commissioner Bachman to adjourn the meeting at approximately 12:05 p.m. Motion carried.