

Table of Contents

Call to Order	76
Roll Call	76
FISHERIES	77
DESIGNATIONS	77
A. Amendments to the List of Wild Trout Streams.	77
Other New Business	79
Adjournment	79

Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 97th Meeting of the Pennsylvania Fish and Boat Commission was held on Tuesday, May 24, 2011, at the Environmental Learning Center, Bald Eagle State Park, 149 Main Park Road, Howard, PA 16841. The public session began at or about 11:20 a.m.

Call to Order

The meeting was called to order by Commission President William R. Worobec.

Roll Call

Members Present

William R. Worobec, President
Robert A. Bachman, Vice-President
G. Warren Elliott
Norman R. Gavlick
Leonard L. Lichvar
Edward P. Mascharka III
William J. Sabatose
Glade E. Squires *

Members Not Present

Steven M. Ketterer
Thomas C. Shetterly

* Present via telephone

FISHERIES DESIGNATIONS

A. Amendments to the List of Wild Trout Streams.

Commentary:

The Department of Environmental Protection's regulations at 25 Pa. Code §105.1 define the term "wild trout stream" as "a stream classified as supporting naturally reproducing trout populations by the Fish and Boat Commission." The definition goes on to provide that the list of "wild trout streams" is available from the Commission's Fisheries Management Division. This term has regulatory significance because wetlands that are located in or along a floodplain of the reach of a wild trout stream, and the floodplain of streams tributary thereto, are considered "exceptional value" and are thus entitled to the highest level of protection.

The Commission adopted a statement of policy at Pa Code §57.11 (relating to the listing of wild trout streams) that sets forth the basis for the classification of streams supporting the natural reproduction of trout. Under section 57.11, it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how the stream is managed. The statement of policy provides that the Commission's Fisheries Management Division will maintain the list of wild trout streams and that the Executive Director, with approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin* and solicit public comments.

The current version of the wild trout streams list was last revised in April 2010. Staff are recommending the addition of 99 new waters to the list, adjustments in the limits of eight waters and removal of 16 waters from the list. These changes are primarily the result of recent surveys conducted on these waters. Surveying unassessed waters and documenting wild trout populations are consistent with the Commission's recently adopted Strategic Plan for Management of Trout Fisheries in Pennsylvania and the agency's Resource First philosophy.

Notices of proposed designation and re-designation were published at 41 Pa. B. 1294 (March 5, 2011) (Exhibit A) and 41 Pa. B. 1412 (March 12, 2011) (Exhibit B). During the formal public comment period, the Commission received five comments from individuals regarding the proposed changes to the list. There was overwhelming support among those individuals for the additions, particularly, Bennett Brook. The Commission also received comments from the Pennsylvania Coal Association, Rosebud Mining Company and members of the General Assembly requesting that the Commission defer consideration of the listings until a future meeting to allow additional time for review and comment. The Commission agreed to postpone consideration of the listings until May 24, 2011. After the close of the formal comment period, the Commission received an additional 13 comments, the majority of which support the listings. Copies of all public comments have been provided to Commissioners.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the changes to the list of wild trout streams as set forth in the notices. If approved, these changes will go into effect immediately upon the publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Bachman to approve the changes to the list of wild trout streams as set forth in the notices. These changes will go into effect immediately upon the publication of a second notice in the *Pennsylvania Bulletin*.

President Worobec called for a roll call vote on the motion:

Commissioner Bachman	Yes
Commissioner Elliott	Yes
Commissioner Gavlick	Yes
Commissioner Lichvar	Yes
Commissioner Mascharka	Yes
Commissioner Sabatose	Yes
Commissioner Squires	Yes
Commissioner Worobec	Yes

There were 8 yes votes. Motion unanimously carried.

Other New Business

None.

Adjournment

A motion was made by Commissioner Bachman and seconded by Commissioner Elliott to adjourn the meeting at approximately 11:26 a.m. Motion carried.