

This notice shall take effect upon publication in the *Pennsylvania Bulletin*.

*Public Comment*

Persons who wish to testify on the proposed State Plan at a public hearing should arrange a time by calling (717) 772-7906. Persons from outside the Harrisburg area should call (800) 692-7462 or send a written request including telephone number to Tammy Sampson, Federal Programs and Program Management, Room 224, Willow Oak Building No. 42, DGS Annex Complex, P. O. Box 2675, Harrisburg, PA 17105-2675.

Persons with a disability who require auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

GARY D. ALEXANDER,  
*Acting Secretary*

[Pa.B. Doc. No. 11-944. Filed for public inspection June 3, 2011, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

**James Barton, Karen Barton, Filippo Valenti, Vita Valenti, Robert Hepler and Kathleen Hepler v. DEP and Grande Land, LP; EHB Doc. No. 2011-074-L**

James Barton, Karen Barton, Filippo Valenti, Vita Valenti, Robert Hepler and Kathleen Hepler have appealed the issuance by the Department of Environmental Protection of a renewal of NPDES Permit No. PAG02005404022(1) to Grande Land, LP for Chestnut Hill Development in North Manheim Township, Schuylkill County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Pennsylvania Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 11-945. Filed for public inspection June 3, 2011, 9:00 a.m.]



## FISH AND BOAT COMMISSION

### Proposed Addition to List of Class A Wild Trout Waters; Big Spring Creek, Section 02, Cumberland County

The Fish and Boat Commission (Commission) is considering a change to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) Wild Brook Trout Fisheries

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) Wild Brown Trout Fisheries

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) Mixed Wild Brook and Brown Trout Fisheries

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) Wild Rainbow Trout Fisheries

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass must be documented below the set criteria for two consecutive stream examinations.

At its meeting on July 11 and 12, 2011, the Commission intends to consider adding Big Spring Creek, Section 02, Cumberland County, from the Former Piper Mill Dam

(RM 4.47) downstream to Nealy Road Bridge (RM 3.54) to its list of Class A wild trout streams. Commission staff, during a survey conducted on August 29, 2009, documented a population of wild rainbow trout in Big Spring Creek, Section 02, with a total biomass of 90.91 kg/ha (80.91 lbs/acre). This biomass estimate included 6.62 kg/ha (5.89 lbs/acre) of wild rainbow trout less than 15 cm (5.9 inches).

Persons with comments, objections or suggestions concerning the addition 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 also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 11-946. Filed for public inspection June 3, 2011, 9:00 a.m.]

### Proposed Exhibition Area Designation

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 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*.

At the next Commission meeting on July 11 and 12, 2011, the Commission will consider changing the limits of the exhibition area on Spring Creek, Section 05, Centre County. The Commission currently manages this section of Spring Creek as an exhibition area from the railroad trestle located 100 meters upstream of the dam in Tallyrand Park downstream to Lamb Street Bridge, a distance of approximately 550 meters. The Commission proposes to maintain the reach of Spring Creek flowing through Tallyrand Park as an exhibition area but open the adjacent reach downstream of the park to public angling. The new limits of the exhibition area would be from the railroad trestle located 100 meters upstream of the dam in Tallyrand Park downstream to High Street Bridge, a distance of approximately 200 meters. If approved, the approximately 350-meter reach of Spring Creek that will reopened to public angling will be managed as part of Section 06 under 58 Pa. Code § 65.15 (relating to catch and release all-tackle areas).

At this time, the Commission is soliciting public input concerning the previous redesignation. Persons with comments, objections or suggestions concerning the redesignation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 11-947. Filed for public inspection June 3, 2011, 9:00 a.m.]

### Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Commissioners.

At the next Commission meeting on July 11 and 12, 2011, the Commission will consider taking the following actions with respect to streams, stream sections and lakes as waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective January 1, 2012:

#### 58 Pa. Code § 65.6. Delayed Harvest Artificial Lures Only Areas

The Commission will consider redefining the limits of the Delayed Harvest Artificial Lures Only Area on Quitapahilla Creek, Section 04, Lebanon County, that is currently regulated and managed under 58 Pa. Code § 65.6. The current limits are from the Spruce Street Bridge (T-398) downstream to the lower boundary of the Quitty Nature Park, a distance of 0.9 mile. The Commission will consider extending the limits 0.2 mile. The redefined limits will be from the Spruce Street Bridge (T-398) downstream to the Route 934 Bridge, a distance of 1.1 mile.

#### 58 Pa. Code § 65.9. Big Bass Special Regulations

The Commission will consider removing Memorial Lake, Lebanon County, from its list of Big Bass Regulation waters regulated and managed under 58 Pa. Code § 65.9.

#### 58 Pa. Code § 65.15. Catch and Release All-Tackle Areas

The Commission currently manages Spring Creek, Section 05, Centre County, as an exhibition area from the railroad trestle located 100 meters upstream of the dam in Tallyrand Park downstream to Lamb Street Bridge, a distance of approximately 550 meters. The Commission proposes to maintain the reach of Spring Creek flowing through Tallyrand Park as an exhibition area but open the adjacent reach downstream of the park to public angling. The new limits of the exhibition area will be from the railroad trestle located 100 meters upstream of

the dam in Tallyrand Park downstream to High Street Bridge, a distance of approximately 200 meters. If approved, the Commission will consider managing the approximately 350-meter reach of Spring Creek that will be reopened to public angling as part of Section 06 under catch and release all-tackle regulations under 58 Pa. Code § 65.15. The description of the limits of the catch and release all-tackle area will remain the same. They are from the Boalsburg Road Bridge (SR 3010) at Oak Hall upstream of Hanson Quarry (formerly HRI/Neidig Bros. Quarry) downstream to the mouth with the exception of the special regulations area at Fishermen's Paradise and the exhibition area in Bellefonte.

*58 Pa. Code § 65.19. Approved Trout Waters Open to Year-Round Fishing*

The Commission will consider designating the following waters as part of the Approved Trout Waters Open to Year-Round Fishing Program managed under 58 Pa. Code § 65.19:

County	Water
Bucks	Lake Luxembourg
Cumberland	Laurel Lake
Lancaster	Muddy Run Recreation Lake
Schuylkill	Sweet Arrow Lake

At this time, the Commission is soliciting public input concerning the previously listed designations. Persons with comments, objections or suggestions concerning the 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](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 11-948. Filed for public inspection June 3, 2011, 9:00 a.m.]

## GAME COMMISSION

### Voluntary Public Access-Habitat Incentives Program; Final Programmatic Environmental Assessment and Finding of No Significant Impact

The Game Commission (Commission) in partnership with the United States Department of Agriculture, Farm Service Agency announces the availability of a Finding of No Significant Impact (FONSI) and Final Programmatic Environmental Assessment (PEA) for the Voluntary Public Access-Habitat Incentives Program (VPA-HIP). The primary objective of the activity is to provide private landowners various incentives to open their land to public hunting and wildlife related recreation and to improve conditions for wildlife and their habitats.

The Commission is accepting comments on the FONSI and Final PEA through July 3, 2011. The FONSI and Final PEA can be reviewed either online at [www.pgc](http://www.pgc).

state.pa.us and view the VPA-HIP link or in person at the Commission headquarters office in Harrisburg and its six region offices located as follows:

Game Commission  
Headquarters Office  
2001 Elmerton Avenue  
Harrisburg, PA 17110-9797

Northwest Region  
1415 Pittsburgh Road  
Franklin, PA 16323  
(814) 432-3187

Southwest Region  
4820 Route 711  
Bolivar, PA 15923  
(724) 238-9523

Northcentral Region  
1566 South Route 44 Highway  
P. O. Box 5038  
Jersey Shore, PA 17740-5038  
(570) 398-4744

Southcentral Region  
8627 William Penn  
Highway  
Huntingdon, PA 16652  
(814) 643-1831

Northeast Region  
Intersection of Routes 415  
and 118  
P. O. Box 220  
Dallas, PA 18612-0220  
(570) 675-1143

Southeast Region  
448 Snyder Road  
Reading, PA 19605  
(610) 926-3136

Comments should be submitted to Michael Pruss, Chief—Private Lands Section at the Harrisburg address or by e-mail to [vpahip@state.pa.us](mailto:vpahip@state.pa.us).

CARL G. ROE,  
*Executive Director*

[Pa.B. Doc. No. 11-949. Filed for public inspection June 3, 2011, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, May 19, 2011, and announced the following:

*Action Taken—Regulation Disapproved: Order Not Yet Issued*

Pennsylvania Public Utility Commission #57-265: Standards and Billing Practices for Residential Utility Services

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 11-950. Filed for public inspection June 3, 2011, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. § 1303.303),