



**Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission  
Harrisburg, Pennsylvania**

**MINUTES**

**111th Meeting**

**Volume 65**

**HARRISBURG, PENNSYLVANIA  
JULY 15, 2014**

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Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission

Minutes

The 111<sup>th</sup> Meeting of the Pennsylvania Fish and Boat Commission was held on Monday and Tuesday, July 14 and 15, 2014, at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110.

Commission committees met on July 14 beginning at approximately 10:15 a.m. and on July 15 beginning at approximately 8:05 a.m. The public session for review of this agenda began at or about 9:40 a.m. on July 15.

**Call to Order**

The meeting was called to order by Commission President G. Warren Elliott and followed by the Pledge of Allegiance to the Flag.

**Roll Call**

**Members Present**

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

**Review and Approval of Minutes from the May 6, 2014 Meeting**

A motion was made by Commissioner Sabatose and seconded by Commissioner Ali to approve the July 15, 2014 minutes as written. Motion carried.

**Awards and Presentations**

The Ralph W. Abele Conservation Heritage Award was presented to Franklin Kury at a special event held on the evening of Monday, July 14, at Harrisburg headquarters. The Abele Award is

the highest recognition the Commission provides to persons who distinguish themselves in the cause of conservation. The Commission established the award to recognize citizens of Pennsylvania who have made outstanding contributions to the protection, conservation, and enhancement of the aquatic resources of the Commonwealth. Former Senator Kury's lasting conservation impact as the author and champion of Article I, Section 27 of the Pennsylvania Constitution, also known as the Environmental Rights Amendment, was acknowledged. A discussion on the significance of Article I, Section 27, moderated by Pete Duncan, former Secretary of the Pennsylvania Department of Environmental Resources and former Executive Director of the Pennsylvania Game Commission, followed the award presentation. The session included a taped interview with Professor John Dernbach, Distinguished Professor of Law at Widener University and co-director of Widener's Environmental Law Center.

A Lifesaving Award was presented to Waterways Conservation Officer (WCO) William Crisp and to Deputy Waterways Conservation Officer (DWCO) George Afionis for exemplary public service and dedication to duty displayed during actions taken on April 5, 2014 which saved the life of a boater on the Driftwood Branch of the Sinnemahoning Creek. Officers Crisp and Afionis responded to a boater in distress during the annual Cameron County Canoe and Kayak Race. The victim was suffering from hypothermia as a result of capsizing his kayak. The location of the mishap left him clinging to a cliff face along the creek with no way to self-rescue. WCO Crisp and DWCO Afionis placed themselves at significant risk to attempt to reach the victim while search and rescue personnel prepared and secured line systems to effect the rescue. Had the officers not interceded, the victim may have succumbed to his condition and lost his tenuous hold on the cliff face and fallen back into the flood swollen frigid waters leading to almost certain death. Both officers are to be commended for their heroic actions.

A Lifesaving Award was presented to WCO Robert Mader, DWCO Neil H. Cook, Jr. and to DWCO James F. Hillman for exemplary public service and dedication to duty displayed during actions taken on May 10, 2014 which saved the life of an injured citizen along the shore of the Allegheny Reservoir. These officers were on boat patrol when they were called to shore for a medical emergency involving a 26 year old male. The victim had experienced a burst blood vessel on his foot and was bleeding severely. WCO Mader summoned EMS, while DWCO Hillman positioned the victim to elevate his leg and applied direct pressure to the wound. DWCO Cook hiked out of the isolated location of the incident to direct responding emergency workers. The victim lost a considerable amount of blood. Due to the lack of cell coverage in the area it is likely that the victim would not have received the necessary, lifesaving medical attention had these officers not intervened. They are to be commended for their heroic actions.

The NASBLA (National Association of Safe Boating Law Administrators) 2014 Butch Potts Boating Law Enforcement Officer of the Year Award was presented to WCO Darrin Kephart. Officer Kephart is an eight-year veteran with the Commission's Bureau of Law Enforcement, assigned to the Southern York County District, which includes the recreational boating pools encompassing the lower 22 miles of the Susquehanna River. During the past year, Officer Kephart logged 638.5 hours of recreational boating law enforcement, with 39 shifts conducted aboard various patrol boats. During that time, Officer Kephart initiated 403 vessel boardings, resulting in 77 criminal summary citations and 486 warnings. Officer Kephart is very proactive in boating under the influence (BUI) enforcement. During 2013, he facilitated three BUI/boating

safety special enforcement details on the lower Susquehanna River and assisted with three additional details hosted at other waterways throughout the Southcentral Region. As a result of these efforts, Officer Kephart apprehended and prosecuted three watercraft operators for BUI and also assisted fellow officers with five additional BUI arrests. During the 2013 boating season on the lower Susquehanna River, Officer Kephart served as the lead investigator of a boating accident that resulted in two fatalities, garnering extensive media coverage and legislative interest. Partnering with the Pennsylvania State Police and Lancaster County District Attorney's Office, Officer Kephart led a thorough and meticulous five-month investigation, which included forensic reenactments of the watercraft's loading, capacity and stability. Subsequently, evidence derived from this investigation led to the operator of the involved watercraft being criminally charged with multiple counts of homicide by watercraft, involuntary manslaughter, reckless operation of watercraft and numerous supporting summary offenses. Additionally within his district, Officer Kephart provided waterborne investigatory support to the Pennsylvania State Police Criminal Investigation Unit with a homicide investigation, a body recovery incident, and a search for human remains investigation. During 2013, Officer Kephart continued to enhance his recreational boating law enforcement skill set by completing the NASBLA Level 1 - Comprehensive Boat Accident and Analysis Investigator's Training and the NASBLA Seated Battery of Standardized Field Sobriety Test training. As a result of Officer Kephart's exemplary professionalism and unwavering dedication to the promotion and enhancement of recreational boating safety on the lower Susquehanna River, Pennsylvania's watersports enthusiasts are afforded a much safer environment on one of the Commonwealth's busiest waterways. Therefore, Officer Kephart is presented NASBLA's 2014 Butch Potts Boating Law Enforcement Officer of the Year Award.

The "Wave of Excellence" Award was presented to Susan Taylor, Clerk Typist, Benner Spring State Fish Hatchery, Bureau of Hatcheries. In keeping with Executive Director Arway's interest in recognizing a job well done, the Commission implemented an employee recognition program entitled the "Wave of Excellence" Award program. The concept is for Commission employees to recognize other Commission employees who have gone above and beyond the call of duty in performing their work or who have provided extraordinary customer service. Susan Taylor is the fifth recipient to receive the "Wave of Excellence" Award or the "WE" Award. Susan was nominated by a fellow co-worker and the fourth recipient of the award, Carol Miller. Susan is known to put "we" (the Commission) above "me." As winner of the "Wave of Excellence" Award, Susan will be permitted to keep the award for six months before passing it on.

### **Commission President Welcome**

Commission President Elliott extended a welcome to Josh Zimmerman, liaison for the Governor's Advisory Council for Hunting, Fishing and Conservation.

### **Election of Commission President and Vice-President**

Commission President Elliott presided over the elections. He called for nominations for the office of President, and Commissioner Mascharka nominated Commissioner Gavlick as President. Commissioner Ali seconded the nomination. A motion was made by Commissioner Sabatose and seconded by Commissioner Squires to close the nominations. The motion was

carried, and nominations were closed. The Commission elected Commissioner Gavlick to serve as President of the Commission for 2014-2015.

Commission President Elliott then called for nominations for the office of Vice-President. Commissioner Ali nominated Commissioner Mascharka as Vice-President. Commissioner Gavlick seconded the nomination. A motion was made by Commissioner Squires and seconded by Commissioner Ketterer to close the nominations. The motion was carried, and nominations were closed. The Commission elected Commissioner Mascharka to serve as Vice-President of the Commission for 2014-2015.

### **Awards and Presentations**

Commissioner Elliott was recognized for his outstanding leadership and dedication while serving as president of the Commission from July 16, 2013 to July 15, 2014. Commissioner Elliott spoke, reflecting on his past year as president and extending his thanks. Commissioner Squires then spoke and thanked Commissioner Elliott for his hard work and his leadership as president.

### **Executive Director's Report**

Executive Director John Arway highlighted the "April – June 2014 Quarterly Report" (Exhibit A) that was provided to Commissioners and gave a review of his recent activities and upcoming events.

### **Announcement of Notational Votes (Exhibits B, C, and D)**

The Commission voted on three items by notational vote since the May 2014 meeting. The first item relates to the disposition of the Commission's Frankford Arsenal Access property in Philadelphia County to the City of Philadelphia. The second item relates to the disposition of the Commission's Tacony Access property in Philadelphia County to the City of Philadelphia. The third item relates to the acquisition of a portion of Shiloh Road in Benner Township, Centre County, from Benner Township.

### **Announcement of Executive Session**

Commissioner Gavlick announced that an executive session was held on July 14 at 8:00 a.m. to discuss personnel, real estate and litigation matters.

### **Reports of Commissioner Committees**

#### **Executive and Administrative (Commissioner Gavlick) –**

The Executive and Administrative Committee met on Monday, July 14, at approximately 10:15 a.m. Agenda items were discussed, which included a non-surface use oil and gas agreement at Stump Pond, New Milford Township, Susquehanna County. Commissioner Worobec abstained from discussion and voting on this agreement because of concerns over a possible conflict of interest. Tim Schaeffer provided a presentation on the Mentored Youth Fishing Day for panfish. Ted Walke spoke about the history project for the Commission's 150<sup>th</sup> anniversary. Executive

Director John Arway spoke on funding options, and Craig Miller, Human Resources Office, provided a presentation on a Conservation Leaders for Tomorrow retreat that he attended in February 2014.

**Boating (Commissioner Ketterer) –**

The Boating Committee met on Tuesday, July 15, at approximately 9:10 a.m. Discussion items included the Water Rescue for the First Responder on-line course, the Vigilant Guard training exercise, and the Higgins and Langley Program Development PA-HART Award recognition.

**Fisheries (Commissioner Mascharka) –**

The Fisheries Committee met on Monday, July 14, at approximately 1:40 p.m. Agenda items were discussed. Discussion items included a hatchery update provided by Brian Wisner. Guest, Brian Wingard, provided a presentation on carp fishing.

**Habitat and Environmental (Commissioner Ali) –**

The Habitat and Environmental Committee met on Monday, July 14, at approximately 12:55 p.m. Agenda items were discussed. Ben Lorson provided a dam removal update, Mark Hartle spoke on the fishery recovery status in the Sinnemahoning Creek watershed, and Leroy Young announced the Sinnemahoning Creek Watershed Restoration Grant Program awards. The Committee also requested that Executive Director Arway send a letter to the Department of Environmental Protection and/or the Department of Health regarding triclosan and pharmaceuticals ending up in our water systems and the aquatic resources of the state.

**Law Enforcement (Commissioner Gavlick) –**

The Law Enforcement Committee met on Tuesday, July 15, at approximately 8:30 a.m. One agenda item was discussed, and updates were given on the Fish Kill hotline, Marcellus shale enforcement efforts, and the Bureau of Law Enforcement water rescue response.

The Committee also acted upon proposed revocations. The Committee revoked the fishing privileges of one individual for a period of one year, one individual for a period of two years, and one individual for a period of five years.

**Legislation and Public Outreach (Commissioner Squires) –**

The Legislation and Public Outreach Committee met on Monday, July 14, at approximately 4:45 p.m. and then reconvened at approximately 8:05 a.m. on Tuesday, July 15. Legislation discussion items included a legislative update on the Endangered Species Coordination Act, the severance tax and impact fee, Act 89 spending plan hearing (date to be determined), allocation of a portion of state sales tax, and reauthorization of the Sportfish Restoration and Boating Trust Fund. Public outreach discussion items included family fishing festivals, the Bassmaster Elite Tournament, and a marketing update.

**Public Comment to Commissioners and Staff**

There were no comments or questions from the public.

## EXECUTIVE AND ADMINISTRATIVE FINAL RULEMAKING

A. Amendment to Section 63.20 (Permits for the Protection and Management of Trout and Salmon).

Commentary:

Pursuant to 58 Pa. Code § 63.20(d)(3), a person who purchases a senior resident lifetime fishing license and who desires to fish for trout or salmon is required to purchase one trout/salmon permit and is then exempt from the requirement to purchase a trout/salmon permit for subsequent years. This effectively means that those licensees may purchase one trout/salmon permit that is valid for the licensee's lifetime. About 70% of seniors purchase a trout/salmon permit, which mirrors the rate for other anglers.

Since it was instituted in 1979, the Commission sold 463,714 senior resident lifetime fishing licenses through the end of 2013. In 1979, that category of license sales accounted for 1.31% of total license sales (13,179 out of 1,004,003). When license sales peaked in 1990, the sale of senior resident lifetime fishing licenses also reached an all-time high of 18,645. As Pennsylvania's population has aged, so too has the percentage of senior resident lifetime fishing licenses compared to total license sales, with that category accounting for 1.97% of total sales in 2013 (17,004 out of 860,672).

Even more significantly, senior resident lifetime fishing licenses have grown to comprise nearly 50% of all senior licenses sold. Residents 65 years of age and older may purchase either a senior resident lifetime fishing license for \$50 or a senior resident annual fishing license for \$10. In 1979, senior resident lifetime licenses and senior resident annual licenses totaled 87,247, but the lifetime category only accounted for 15.11% of that total. In 2013, of the 34,790 combined senior resident lifetime and senior resident annual licenses, 48.9% were for the lifetime license. As Pennsylvania's seniors continue to account for a larger percentage of the total population (and of anglers), the relative number of anglers buying the lifetime license is expected to continue to rise.

According to the Commission's report *Stocked Trout Program: Cost Report* (March 2009), the Commission's trout program accounts for 36% of the Fish Fund annual expenditures, and the cost of trout production continues to rise. The Commission can no longer afford to allow anyone required to purchase a senior resident lifetime fishing license to fish for trout without paying for the privilege to do so annually.

One thing that the Commission can do by regulation is to require all senior resident lifetime license holders to purchase a trout/salmon permit each year that the license holder desires to fish for trout. At the same time, the Commission can establish that any senior resident lifetime license holder who purchased a trout/salmon permit before a certain date shall remain exempt from the requirement to purchase a permit annually. To use a common term, those individuals will be "grandfathered."

With the grandfathering clause, there will be no additional revenues generated in the first year of the proposed regulatory change, since all of the licensees who purchase a permit under the regulation will presumably buy it anyway. Assuming senior resident lifetime license holders continue to make up about 50% of all senior license buyers, an estimated 8% drop in sales and associated federal funds due to the new annual requirement, and 70% of seniors will continue to purchase a trout/salmon permit, staff estimate the generation of about \$300,000 in additional annual revenues by the fifth year that the change is in place.

<b>Estimated Revenues for Requiring the Annual Purchase of a T/S Permit for Senior Lifetime Holders</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
<i>Life Rate Adjustment Factors &gt;&gt;</i>	0%	98.55%	96.90%	95.18%	93.34%
Additional Trout/Salmon Permit Revenues	\$ -	\$ 75,778.56	\$150,287.77	\$223,478.32	\$295,254.44
Additional Trout/Salmon Permit Revenues from Combination T/S & Lake Erie Permit	\$ -	\$ 14,033.63	\$ 27,832.18	\$ 41,386.52	\$ 54,678.92
Less Loss of License Revenue	\$ -	\$ (11,062.19)	\$ (11,062.19)	\$ (11,062.19)	\$ (11,062.19)
Less Loss of Federal Funds	-	(1,106.22)	(1,106.22)	(1,106.22)	(1,106.22)
<b>Net Additional Revenue</b>	\$ -	\$ 77,643.78	\$165,951.54	\$252,696.44	\$337,764.96

Similar to § 63.20(d)(3), a person who purchases a senior resident lifetime license and fishes in Lake Erie or its tributaries is only required to purchase one special permit to fish in Lake Erie and its tributaries which is valid for the licensee's lifetime pursuant to 30 Pa. C.S. §2907.2(c). Requiring those anglers to purchase a special permit to fish in Lake Erie and its tributaries annually will require an act of the General Assembly.

In reviewing this matter, the Commission also noted the need for a number of technical changes to 58 Pa. Code § 63.20.

In § 63.20(b), eliminating the list of licenses to which the requirement applies makes it clear that any license holder must possess a trout/salmon permit or a combination trout/salmon permit and Lake Erie permit to fish for trout. While 30 Pa. C.S. §2907.2(c) already requires all anglers to have a special permit to fish in Lake Erie and tributaries or a combination trout/salmon permit and Lake Erie permit to fish in those parts of the Lake Erie watershed, adding the combination trout/salmon permit and Lake Erie permit makes it clear that the license holder must have a valid permit to fish for trout in other parts of the Lake Erie watershed (e.g., lakes stocked with trout).

Since license holders no longer need to affix a stamp to their license, that requirement in § 63.20(b) should be deleted.

Because the Commission no longer issues trout stamps, § 63.20(c) is no longer necessary and should be deleted.

A notice of proposed rulemaking containing these amendments was published at 44 Pa. B. 1769 (March 22, 2014) (Exhibit E). The Commission received one comment from Representatives Haluska and Gergely during the formal comment period and one public comment after the comment period, both opposing the proposal. The Commission also received one public comment before the comment period and one public comment after the comment period, both supporting the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

Timothy D. Schaeffer, Director, Office of Policy and Planning

Recommendation:

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

Action:

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

## OTHER MATTERS

### B. Commission Strategic Plan for July 1, 2014 to June 30, 2017.

#### Commentary:

The new strategic plan will guide agency operations from July 2014 through June 2017. The previous strategic plan was adopted in July 2010, amended slightly in January 2012, and intended to last from July 2010 until June 2015. Due to significant fiscal constraints driven largely by impending increases in health care and retirement costs that the agency is required to bear, the Board of Commissioners determined that the plan needed to be revised to reflect the new fiscal realities.

Mandatory personnel costs beyond the agency's control are expected to be over \$9 million annually by fiscal year 2016-17 and constitute about 20% of annual spending. Just before the strategic planning process started in earnest, the agency began developing an internal Spending Reallocation Plan (SRP) that shifted spending to accommodate the ballooning health care and retirement costs. Absent an influx of revenue to meet the rising personnel costs, this new strategic plan is constrained by more austere fiscal realities than the past plan. In the words of the Executive Director, the agency will be doing "less for less." The SRP limits the levels of services the agency will be able to deliver, and activities will ultimately be scaled according to available staff and financial resources.

The new plan follows the SMART goal format that characterized the previous plan and that has become a fundamental part of how the agency operates. Adherence to the SMART approach means that each goal needs to meet the following five criteria: Specific, Measurable, Action-oriented, Realistic, and Time-bound.

Unlike the previous strategic plan that focused mainly on new initiatives, this plan is intended to capture the universe of activities that the agency will focus on from July 1, 2014 through June 30, 2017.

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

#### Briefer:

Timothy D. Schaeffer, Director, Policy and Planning Office

#### Recommendation:

Staff recommend that the Commission adopt the Strategic Plan as set forth in Exhibit F. If approved, the Strategic Plan will go into effect July 1, 2014 and will guide the agency until June 30, 2017.

#### Action:

A motion was made by Commissioner Worobec and seconded by Commissioner Elliott to adopt the Strategic Plan as set forth in Exhibit F. The Strategic Plan will go into effect July 1, 2014 and will guide the agency until June 30, 2017. Motion carried.

C. Venesky Property Acquisition, Wright Township, Luzerne County.

Commentary:

The Commission has been offered a donation of two parcels of land along Big Wapwallopen Creek in Wright Township, Luzerne County. These properties consist of a total of 10.77 acres and provide access to approximately 2,515 linear feet of frontage along one side of Big Wapwallopen Creek. The properties are located along Nuangola Road approximately three miles southwest of Mountain Top. A map depicting the subject parcels is attached as Exhibit G. The southern end of the properties serves as the downstream limit of the Class A wild trout section of Big Wapwallopen Creek and the upstream limit of the stocked trout section of Big Wapwallopen Creek. Big Wapwallopen Creek provides significant wild and stocked trout fishing opportunities. *Pennsylvania's Fishing and Boating Access Strategy* indicates a need for more access on this section of Big Wapwallopen Creek. The Commission's Regional Law Enforcement and Fisheries staff have recommended that the site be acquired.

The landowner and the Commission have signed an option agreement that will allow staff to perform its due diligence. The Commission's exercise of the option will be subject to meeting the due diligence and funding requirements. The conveyance to the Commission will be free and clear of all liens and judgments with good and marketable title.

Briefer:

Scott W. Bollinger, Statewide Public Access Program Manager, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of the 10.77 acre parcels along Nuangola Road, Wright Township, Luzerne County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Ali to authorize the acquisition of the 10.77 acre parcels along Nuangola Road, Wright Township, Luzerne County, as more particularly described in the Commentary. Motion carried.

D. Galbreath Property Acquisition, Harborcreek Township, Erie County.

Commentary:

Section 2907.2 of the Fish and Boat Code, 30 Pa. C.S. §2907.2, provides that the proceeds from the sale of the special Lake Erie fishing permits and \$6 of the fees for the combination trout/salmon/Lake Erie permits are to be deposited into a restricted account within the Fish Fund and that this restricted account “shall be used to provide public fishing access or to protect or improve fish habitat on or at Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries.” The funds generated through this program are deposited into the Lake Erie restricted account where they are restricted now and into the future for their legislatively intended purposes. *Pennsylvania’s Fishing and Boating Access Strategy* ranks this watershed as the top priority for access improvement statewide.

The Commission has been offered fee title for a +/- 1.7-acre parcel of land owned by Daniel R. Galbreath and having frontage on Twelvemile Creek in Harborcreek Township, Erie County, for \$30,000. The property provides access to approximately 490 linear feet of frontage on each side of Twelvemile Creek. The property is located immediately south of Route 5 along Moorheadville Road near North East, Pennsylvania. A map depicting the subject parcel is attached as Exhibit H.

Twelvemile Creek provides significant steelhead fishing opportunities in the area. The Commission’s Regional Law Enforcement and Fisheries staff have recommended that the site be pursued and acquired if possible. The acquisition of the property would guarantee that the fishable portion of Twelvemile Creek remains open to public fishing because Harborcreek Township owns all of the property along the stream from Route 5 to the mouth, and it is currently open to the public. Parking is currently available on Harborcreek Township’s property.

The seller and the Commission have signed an option agreement that will allow staff to perform its due diligence. The Commission’s exercise of the option will be subject to meeting the due diligence and funding requirements. In addition, the seller has agreed to be responsible for all current applicable real estate and transfer taxes that are normally shared between the buyer and seller.

Briefer:

Scott W. Bollinger, Statewide Public Access Program Manager, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission authorize the acquisition of the property in Harborcreek Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Ali to authorize the acquisition of the property in Harborcreek Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

E. Lease of Colyer Lake Property, Centre County.

Commentary:

The Commission owns a +/-165 acre tract of land in Potter Township, Centre County, which contains Colyer Lake, a +/-77 acre lake. The property is located +/-10 miles east of State College and was constructed in 1966 by the Commission for public recreation. The property for the lake was acquired in the early sixties using DJ – Sport Fish Restoration and Project 70 funding. Colyer Lake is currently drawn down 17 feet due to concerns about the operational integrity of the spillway. Design for the rehabilitation of the dam is complete with construction anticipated to start this fall.

Potter Township and Save Colyer Lake, Inc. (SCL) have approached the Commission about leasing the subject property, excluding the dam. In addition to public fishing and boating, the Township and SCL desire to enhance recreational opportunities, lake habitat and lake water quality. The Township and SCL plan to fund improvements through raised funds, and the Township will apply for a Greenways, Trails and Recreation Grant in the amount of \$250,000. SCL already has pledged \$100,000 in donated funds for the rehabilitation of the dam.

The lease will be for 25 years and will require the Township to be responsible for routine maintenance at the lake and for any new recreational enhancements. Any new recreational enhancements at the site will require prior review and approval of the Commission. Fishing and boating will take precedence over all other recreational activities.

Briefer:

Mark H. Mitchell, P.L.S., Chief, Property Services Section, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission authorize the Executive Director to enter into a lease with Potter Township for the Colyer Lake property as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Ali to authorize the Executive Director to enter into a lease with Potter Township for the Colyer Lake property as more particularly described in the Commentary. Motion carried.

F. Non-Surface Use Oil and Gas Cooperative Agreement, Stump Pond, New Milford Township, Susquehanna County.

Commentary:

Under section 744 of the Code, 30 Pa. C.S. §744, the Commission may dispose of, by lease, sale, or otherwise, timber, minerals, oil and gas, or rights therein, on or under lands to which it has acquired title. Southwestern Energy Production Company has presented the Commission with an offer to develop the oil and gas rights under the Commission's +/- 15.97 acre Stump Pond property located in New Milford Township, Susquehanna County. A map depicting the parcels is attached as Exhibit I.

Southwestern Energy has offered the Commission a non-surface use agreement that includes a five-year primary term, a \$1,000 per acre up-front bonus payment of \$15,970 and a royalty rate of 15%. Southwestern Energy acquired the oil and gas rights, has development plans on private lands adjacent to the Commission's property, and has the ability to unitize and produce the Commission's oil and natural gas reserves through directional drilling techniques.

The agreement will allow for the development of the Commission's oil and gas reserves without allowing well pad construction or drilling on Commission property. Oil and gas development will be regulated by the Commonwealth's oil and gas regulations and the Commission's Non-Surface Use Oil and Gas Cooperative Agreement.

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the Executive Director to enter into a Non-Surface Use Oil and Gas Cooperative Agreement with Southwestern Energy Production Company for the development of oil and natural gas at the Commission's Stump Pond property in New Milford Township, Susquehanna County.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Mascharka to authorize the Executive Director to enter into a Non-Surface Use Oil and Gas Cooperative Agreement with Southwestern Energy Production Company for the development of oil and natural gas at the Commission's Stump Pond property in New Milford Township, Susquehanna County. Motion carried.

Commissioner Worobec abstained because of concerns over a possible conflict of interest.

**FISHERIES**  
FINAL ADOPTION OF STATEMENT OF POLICY

A. Amendments to Statement of Policy at Section 57.8a (Class A Wild Trout Streams).

Commentary:

In October 2009, the Commission approved the Strategic Plan for Management of Trout Fisheries in Pennsylvania 2010-2014. The plan was developed based on input provided by a work group that consisted of Commission staff, anglers affiliated with a variety of sportsmen's organizations, and independent trout anglers that are not affiliated with an organized group. This plan has guided the direction of trout management for the agency since that time. The plan identified opportunities for improvement of trout management in Pennsylvania, issues that affected such improvements, and strategies for addressing those issues. One of the key issues addressed in the plan was the protection of Class A wild trout waters. Issue 2 of the plan states, *"There are a number of streams that may hold Class A biomass trout populations that have not been officially designated as Class A streams by the Pennsylvania Fish and Boat Commission (PFBC). This leads to inadequate water quality protection for these waters and inconsistent application of fisheries management strategies."* The identified strategy to address this specific issue is *"By 2014, sample waters identified by PFBC staff as likely to support a Class A wild trout biomass and designate appropriately."* It should be noted that this issue is separate from the identification of unassessed Class A waters, which the Commission has been addressing since adoption of the plan. The waters to which Issue 2 of the plan refers are waters in which historical data was present but which had never been officially designated as Class A.

To date, Commission staff have identified 10 potential high biomass waters per Issue 2 of the plan. These waters and relevant statistics are identified in Exhibit J. Staff have completed new inventories on these waters, and each has been sampled twice since 2010. Based on the results of the second examination, each of these waters supports Class A populations and will be proposed for designation as Class A wild trout streams at a future Commission meeting pending final adoption of the amended statement of policy.

Currently, each of these waters is stocked. Most of them support heavy angler use for the stocked trout component of the fishery. A recent analysis of all stocked trout waters in Pennsylvania resulted in the development of three stocked trout "efficiency classes." These classes of streams were differentiated statistically relative to the angler use resulting from the numbers of trout stocked (efficiency). High human population density and/or high accessibility (number of parking places per mile of stream) were two of the variables that resulted in waters being classified into the highest efficiency classes. Others with high use were "so called" destination waters, which may have been more rural in nature but which traditionally have supported high angler use. The lowest efficiency class (Class 3) was primarily comprised of rural waters, but there are statistical outliers in this class that also have high angler use.

Of the 10 stream sections listed in Exhibit J, eight fall into the top 75<sup>th</sup> percentile of angler use for all the stocked stream sections that have been evaluated by Commission staff. Opening Day angler counts on Martin's Creek in 2014 documented higher use levels than those previously seen, now falling into the 67<sup>th</sup> percentile of Opening Day angler use

statewide. No counts have been made on the special regulation section on Yellow Creek, where use levels on Opening Day are not likely to reflect use on this section year-round.

To address the high angler use levels for stocked trout on certain Class A waters, the Commission proposed amendments to the Class A policy that will permit fingerling stocking and preseason-only stocking of adult trout to continue on Class A waters designated after December 31, 2013 provided that certain conditions are met. Exceptions are limited to those waters (1) that had been stocked the year preceding the Class A designation and (2) where angler use is greater than or equal to the 75<sup>th</sup> percentile of angler use (number of anglers/mile on Opening Day) for stocked trout waters in Pennsylvania. Other conditions are that the trout species to be stocked may not be the same species as the primary component of the wild trout population; a stream section designated as a Class A wild brook trout, a Class A mixed wild brook and brown trout or a Class A mixed wild brook and rainbow trout stream will not be considered for stocking; and prior to implementing a decision to stock a Class A wild trout stream, the Executive Director must obtain Board approval.

A proposed statement of policy, containing these changes and seeking public comments for a period of 90 days, was published at 43 Pa. B. 7107 (December 7, 2013) (Exhibit K). The Commission received a total of 135 public comments – 19 prior to, 106 during, and nine after the formal comment period. Copies of all public comments were provided to the Commissioners. Only two comments supported the proposal as currently written. There were 95 comments in opposition to any reduction in stocking. Martins Creek was specifically mentioned in 63 comments, but other streams that were named in comments opposed to preseason only stocking were Little Lehigh Creek, Monocacy Creek, Pohopoco Creek, Fishing Creek and Penns Creek. There were 23 comments in opposition to designating the waters described in the proposal as Class A. There were 22 comments in opposition to stocking in Class A waters. One commenter recommended reducing stocking gradually over a three year period.

On final adoption of this statement of policy, staff recommend that several changes be made to address public comments. Specifically, staff recommend that the Class A policy permit Class A waters that meet the aforementioned specific criteria to be eligible for stocking at a number and frequency not to exceed the level prior to the year the water was designated as Class A and remove the reference to pre-season only stocking. In addition, due to the numerous public comments specific to Martin's Creek, staff recommend that the angler use criteria to allow stocking be set at the 50<sup>th</sup> rather than the 75<sup>th</sup> percentile. This will bring Martin's Creek within the criteria to allow stocking, as angler use there on the 2014 Opening Day was documented to be in the 67<sup>th</sup> percentile of use statewide but would not affect the other nine stream sections. Because Yellow Creek is a special regulation area contiguous to the high use section just upstream, staff recommend that the policy allow stocking on previously stocked special regulation areas that meet all other criteria in the policy.

With these revisions, paragraphs 4, 5 and 6 of the statement of policy will read as follows:

§ 57.8a. Class A wild trout streams.

It is the policy of the Commission 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. With rare exceptions, these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking.

\* \* \*

(4) Stream sections that the Commission designates as Class A wild trout streams after December 31, 2014 may remain eligible for stocking of adult and fingerling trout by the Commission or Commission approved cooperative nurseries to provide additional angling opportunities provided all of the following conditions are met:

(i) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

(ii) Angler use (anglers/mile of stream) in the stream section equals or exceeds the 50th percentile, statewide, of angler use for the opening weekend of trout season as documented by Commission staff, or the stream section is a special regulation area under 58 Pa. Code Chapter 65 (relating to special fishing regulations) that had been stocked by the Commission or a Commission approved cooperative nursery the year immediately prior to its designation as a Class A wild trout stream.

(iii) The trout species to be stocked are not the same species as the primary component of the wild trout population.

(iv) The stocking numbers and frequency will not exceed those of the year prior to the Class A designation.

(5) A stream section designated as a Class A wild brook trout, Class A mixed wild brook and brown trout or Class A mixed wild brook and rainbow trout stream will not be considered for stocking.

(6) Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Board.

Briefer:

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

Recommendation:

Staff recommend that the Commission adopt the amended statement of policy as set forth in the Commentary. If adopted, the amended statement of policy will go into effect on January 1, 2015.

Action:

The Fisheries Committee recommended that the agenda item be “tabled” and consideration be deferred until the fall 2014 Commission meeting.

At the full Commission meeting, a motion was made by Commissioner Sabatose and seconded by Commissioner Squires to “table” this agenda item and defer consideration until the fall 2014 Commission meeting. Motion carried.

## FINAL RULEMAKING

B. Amendments to Sections 61.1 (Commonwealth Inland Waters), 65.12 (Regional Opening Day of Trout Season Program) and 65.26 (Extended Trout Season).

### Commentary:

The Commission proposed that Class A streams be treated the same as other wild trout streams with respect to harvest during the extended season. Specifically, wild trout streams are closed to harvest beginning 12:01 a.m. the day after Labor Day to midnight the last day of February of the following year. Under §61.1 (relating to Commonwealth inland waters) and §65.12 (relating to Regional Opening Day of Trout Season Program), approved trout waters and all waters downstream of approved trout waters are open to harvest with a three fish limit. There are currently at least 22 streams comprising 29 stream sections designated as Class A and that occur downstream of an approved trout water section (Exhibit L). The proposed changes would result in all Class A streams being regulated the same relative to harvest and consistent with other wild trout streams that are not approved trout waters. This additional level of protection is consistent with treating our best wild trout waters with a greater level of protection than streams whose trout fisheries are partially or totally provided by stocking, where put-and-take is the preferred management approach.

A notice of proposed rulemaking, containing the proposed amendments and soliciting public comments for 90 days, was published at 43 Pa. B. 7097 (December 7, 2013) (Exhibit M). The Commission did not receive any public comments.

In subsequently reviewing the proposed amendments, Commission staff determined that §65.26 (relating to extended trout season) also must be revised to maintain consistency among regulations. Staff therefore recommend that the following changes to §65.26 be adopted on final rulemaking:

§65.26. Extended trout season.

(a) *General rule.* The extended trout season is in effect from the day after Labor Day until the last day of February of the following year on approved trout waters and all waters downstream of approved trout waters. A creel limit of three trout per day and a minimum size limit of 7 inches applies during this season **except Class A wild trout streams where the creel limit is 0 and areas with special regulations.**

\* \* \*

### Briefer:

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

Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking with the additional change described in the Commentary. If adopted, these changes will go into effect on January 1, 2015.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Mascharka to adopt the amendments as set forth in the notice of proposed rulemaking with the additional change described in the Commentary. These changes will go into effect on January 1, 2015. Motion carried.

## PROPOSED RULEMAKING

C. Amendments to Sections 65.4a (All-Tackle Trophy Trout), 65.5 (Catch and Release Areas), 65.6 (Delayed Harvest Artificial Lures Only Areas), 65.7 (Trophy Trout Program), 65.14 (Catch and Release Fly-Fishing Only Areas), 65.15 (Catch and Release All-Tackle Areas) and 65.20 (Mentored Youth Fishing Day Program) to Allow Boating Through Special Regulation Areas.

### Commentary:

A number of existing special regulation areas for trout occur on waters that may be large enough to permit boating. Sections 65.5, 65.6, 65.7 and 65.14 allow, notwithstanding the requirements of those sections, an angler in a boat to possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the waters from which taken, provided that the boat angler floats through the specially regulated area without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the specially regulated area. Sections 65.4a, 65.15 and 65.20 contain similar language but do not mention bait. While these regulations reference anglers who take out their boats at an access area within a special regulation area, they do not reference anglers who would put in their boats at an access area within a special regulation area. To address this omission, staff propose that these sections be amended as follows:

§65.4a. All-tackle trophy trout.

\* \* \*

(d) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, size, and creel limits in effect for the water from which it was taken, provided that the boat angler floats through the all-tackle trophy trout area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the all-tackle trophy trout area.

§65.5. Catch and release areas.

\* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, size, and creel limits in effect for the water from which it was taken, provided that the boat angler floats through the catch and release area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the catch and release area.

§65.6. Delayed harvest artificial lures only areas.

\* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, size, and creel limits in effect for the water from which it was taken, provided that the boat angler floats through the delayed harvest artificial lures only area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the delayed harvest artificial lures only area.

§65.7. Trophy Trout Program.

\* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, size, and creel limits in effect for the water from which it was taken, provided that the boat angler floats through the trophy trout area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the trophy trout area.

§65.14. Catch and release fly-fishing only areas.

\* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, size, and creel limits in effect for the water from which it was taken, provided that the boat angler floats through the catch and release fly-fishing only area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the catch and release fly-fishing only area.

§65.15. Catch and release all-tackle areas.

\* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, size, and creel limits in effect for the water from which it was taken, provided that the boat angler floats through the catch and release all-tackle area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the catch and release all-tackle area.

§65.20. Mentored Youth Fishing Day Program.

\* \* \*

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, size, and creel limits in effect for the water from which it was taken, provided that the boat angler floats through the water designated as part of the Mentored Youth Fishing Day Program without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the water designated as part of the Mentored Youth Fishing Day Program.

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 amendments described in the Commentary. If adopted on final rulemaking, the amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

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

## DESIGNATIONS

### D. Extension of the Delayed Harvest Artificial Lures Only Area on Pine Creek, Lycoming County under Section 65.6.

#### Commentary:

Pine Creek is an 85 mile long tributary to the West Branch Susquehanna River that provides a variety of recreational angling opportunities along its length. Class A wild trout angling opportunities exist in the headwaters followed by stocked trout fishing in the middle reach of the river and warm/cool water angling opportunities in the lower reaches. To add to the diversity of angling opportunities, the Commission, in January 2007, placed the 1.2 mile Section 11 from the confluence of Slate Run downstream to 164 yards upstream of the confluence with Naval Run in the Delayed Harvest Artificial Lures Only (DHALO) Program.

The Commission has been approached by the Lower Pine Creek Brown Trout Club that has requested a new regulation that would encompass the DHALO area downstream of Slate Run and extend an additional 1.6 miles downstream to Bonnell Run. The requested regulation would be similar to the current regulation but include a slot limit to protect fish over 12 inches from harvest. This change in regulation was requested to reduce crowding in the current DHALO section and provide increased protection for the large fish that the Lower Pine Creek Brown Trout Club annually purchases and stocks into this section of Pine Creek for public angling.

Based on the results of the 2008 Pine Creek angler creel survey, staff believe that an increase of up to four times the number of angler trips per mile and two times the number of angler trips per trout stocked could be generated as a result of extending the DHALO section. However, given the thermal conditions that exist in Pine Creek in the reach where the regulation change has been requested, staff believe that the requested regulations will provide very little additional benefit to the larger stocked trout that the Lower Pine Creek Brown Trout Club is seeking. Therefore, in recognition of the anticipated increase in angler use, staff are proposing an extension of the current DHALO regulations from the current downstream limit located 164 yards upstream of the confluence of Naval Run downstream 1.6 miles to Bonnell Run.

There is a popular Pennsylvania Department of Conservation and Natural Resources (DCNR) campground within the proposed DHALO section as well as two DCNR access areas. To address some existing confusion by the public regarding the possession of bait while in a boat traversing a DHALO area under section 65.6(c), staff are proposing in a separate agenda item (Fisheries C) to make it clear that anglers may possess bait but not fish with bait when putting in a boat in a special regulation area. The current regulation allows possession of bait when floating through a special regulation area or when taking out at an access within a special regulation area but not when putting a boat in.

A notice of proposed designation extending the DHALO area on Pine Creek was published at 44 Pa. B. 3469 (June 7, 2014) (Exhibit N). The Commission received 959 comments regarding this proposal. There were 891 comments in support of the proposal, 60 opposed and eight classified as “no comment” or “vague.” Copies of all public comments were provided to the Commissioners.

In addition to the written public comments, the Commission sought input at a public session held on June 5, 2014 at the Pennsylvania Department of Conservation and Natural Resources, Tiadaghton State Park. A total of 111 members of the public attended the session. Of those attending, 74 completed and returned a questionnaire distributed by Commission staff. Twenty-one people made oral comments at the session. Of the 74 that completed the questionnaire, 30 supported and 40 opposed the proposed DHALO extension. Responses to one of the written questions revealed that of those that supported the DHALO extension, 11 were classified as from the local area and 17 were not local. Of those that opposed the extension, 32 were local and seven were not local. Most of the opponents of the DHALO extension primarily use bait or bait and other gear when fishing. All the supporters of the designation indicated that they primarily utilize flies or lures. Of those providing oral comments at the session, 12 opposed the designation and eight supported it.

There is significant support for extending the DHALO extension the full 1.6 miles, while there is also what appears to be primarily local opposition to the regulatory change. Those opposed mentioned such concerns as the impacts of the designation on children who fish and on bait angling in general. Some comments indicated that anglers desire to fish for other species, such as bass and walleye, with bait in the proposed extended DHALO section.

In reviewing the public comments, staff have identified at least three alternatives for consideration by the Board.

**Option 1:** Approve the proposed 1.6 mile extension of the DHALO area, effective January 1, 2015.

**Pros**

- i. Recommendation of Lower Pine Creek Brown Trout Club, which annually stocks over 1,000 large brown trout for public angling
- ii. Would reduce crowding in current DHALO area but encourage increased angler use in the area of the extension
- iii. Could provide public notice by placement in 2015 summary book, effective January 1, 2015
- iv. Many comments in support

**Cons**

- i. Does not allow bait fishing – impacts on children, bait anglers for trout as well as bait anglers for other species such as walleye and bass
- ii. Opposition, particular from local residents, expressed in comments

**Option 2:** Approve the publication of a notice of proposed rulemaking containing a miscellaneous special regulation that would consist of a DHALO regulation for 1.6 miles except that bait fishing would be allowed for children (under 16 years of age).

**Pros**

- i. Allows bait fishing by children, which was a concern expressed by some commenters; otherwise, is the same as Option 1
- ii. Would reduce crowding in current DHALO area but encourage increased angler use in the area of the extension

- iii. Represents a compromise between DHALO proponents and bait angling proponents

**Cons**

- i. Some increased mortality on stocked trout could occur due to use of bait by children
- ii. Action would not be final at the July meeting. The publication of a notice of proposed rulemaking could be approved by the Commission at the July meeting with final action in January 2015. The Commission would need to post the stream with signs containing the new regulation in 2015.
- iii. Adds a new regulation

**Option 3:** Approve the publication of a notice of proposed rulemaking containing a miscellaneous special regulation for 1.6 miles that would consist of the seasons of a DHALO regulation, allow children (under 16 years of age) to fish with bait, a creel limit of two fish and a size limit of 7 inches.

**Pros**

- i. Allows bait fishing by children, which was a concern expressed by some commenters
- ii. Simplifies regulations by making minimum size limit the same as the Commonwealth's inland regulations
- iii. Represents a compromise between DHALO proponents and bait angling proponents

**Cons**

- i. Some increased mortality on stocked trout could occur due to the use of bait by children. This could be offset by reduced creel limit from three to two fish
- iv. Action would not be final at the July meeting. The publication of a notice of proposed rulemaking could be approved by the Commission at the July meeting with final action in January 2015. The Commission would need to post the stream with signs containing the new regulation in 2015
- ii. Adds a new regulation

**Briefer:**

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

**Action:**

The Fisheries Committee recommended that the Commission approve the 1.6 mile extension of the DHALO area on Pine Creek, effective January 1, 2015, and request staff to explore other regulatory options and bring forth a proposal at the fall 2014 meeting for Board consideration.

At the full Commission meeting, a motion was made by Commissioner Worobec and seconded by Commissioner Elliott to approve the 1.6 mile extension of the DHALO area on Pine Creek, effective January 1, 2015. Motion carried. A second motion was made by Commissioner Worobec and seconded by Commissioner Mascharka to request staff to explore other regulatory options and make a recommendation to the Board at the fall 2014 Commission meeting. Motion carried.

E. Additions to Approved Trout Waters Open to Year-Round Fishing Program (Section 65.19) - Francis E. Walter Reservoir and Lehigh River Section 06.

Commentary:

Since 2005, the U. S. Army Corps of Engineers (USACOE) has managed Francis E. Walter Reservoir and its tailwaters to promote and improve both in-lake and downriver recreation. This includes both whitewater rafting and trout fishing. Aside from flood control operations, water releases from the reservoir to meet whitewater and fishing needs are annually negotiated by the USACOE, the Pennsylvania Department of Conservation and Natural Resources (DCNR) and the Commission, and opportunities are provided to receive public input. Currently, reservoir releases immediately prior to the opening day of trout season are not being actively managed for either recreational fishing or whitewater activities. However, an agreement recently has been reached among the USACOE, DCNR and the Commission to provide for releases that optimize angling (known as “fishing friendly flows”) during the two weekends leading up to the opening day of trout season, except when flood control operations are required.

Francis E. Walter Reservoir and Section 06 of the Lehigh River (from the outflow downriver 9.7 miles to Sandy Run) are currently designated as approved trout waters, which prohibits angling from March 1 to the opening day of trout season. In order to take full advantage of the agreed upon fishing friendly releases prior to opening day and the popular warm/cool water fishing resources of the reservoir, staff recommend a change in designation to Approved Trout Waters Open to Year-round Fishing. This change will allow for catch and release fishing for trout from March 1 to opening day. It also will allow fishing for other game fish during this period under the Commonwealth’s inland regulations.

This proposal is supported by the USACOE and DCNR as well as by the Lehigh River Coldwater Alliance and the Lehigh River Stocking Association.

A notice of proposed designations was published at 44 Pa. B. 3469 (June 7, 2014) (Exhibit N). The Commission received three public comments supporting the proposed designation of Section 06 of the Lehigh River. 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 designate Francis E. Walter Reservoir and Section 06 of the Lehigh River from the outflow downriver 9.7 miles to Sandy Run as Approved Trout Waters Open to Year-round Fishing. If approved, the proposed designations will go into effect on January 1, 2015.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Bachman to designate Francis E. Walter Reservoir and Section 06 of the Lehigh River from the outflow downriver 9.7 miles to Sandy Run as Approved Trout Waters Open to Year-round Fishing. The designations will go into effect on January 1, 2015. Motion carried.

F. Designation of Section of Ross Run, Forest County, as Exclusive Use Fishing Area for Children under Section 65.21.

Commentary:

On March 4, 2014, the Kelletville Sportsman Club submitted an application to the Commission for the designation of a year-round exclusive use fishing area on Ross Run, a tributary to Tionesta Creek, located in Kingsley Township, Forest County. The section under consideration extends from the Ross Run Road Bridge downstream 0.5 miles to the mouth and would be for the exclusive use of children 12 years of age and younger. The property is owned by the U.S. Army Corps of Engineers (USACOE), and the exclusive use designation is supported by the USACOE.

The club has worked cooperatively for six consecutive years with the Commission's Division of Habitat Management to improve the habitat within this stream section. Planned future activities for this reach of stream include the following:

- Six stockings per year
- Opening Day Fishing Contest
- June 8<sup>th</sup> Joe Kopena Memorial Fishing Derby
- Annual habitat work day

To support these activities, the club receives over 2,000 trout from three nearby co-op hatcheries (Farnsworth, Marienville and Sheffield Sportsman Clubs) and purchases another 350 trout from Laurel Hill Hatchery.

The Bureaus of Fisheries and Law Enforcement support this designation. The Commission has not received any complaints from the public in the five years that the Club has received a temporary Exclusive Use Designation for this area by way of a special activity permit. Local Waterways Conservation Officer Shellgren notes that the project area is well used by children during club events and the club frequently performs maintenance work on the area.

Briefer:

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

Recommendation:

Staff recommend that the Commission designate Ross Run from the Ross Run Road Bridge downstream 0.5 miles to the mouth as an Exclusive Use Fishing Area for Children. If approved, the proposed designation will go into effect on January 1, 2015.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Elliott to designate Ross Run from the Ross Run Road Bridge downstream 0.5 miles to the mouth as an Exclusive Use Fishing Area for Children. The designation will go into effect on January 1, 2015. Motion carried.

G. Removal of Pymatuning Pond, Crawford County, as Exclusive Use Fishing Area for Children and Special Populations under Section 65.21.

Commentary:

Pymatuning Pond in Crawford County is owned by the Pymatuning Sportsmen's Club and is currently regulated as an exclusive use fishing area for children and special populations under §65.21. This water is available to fishing exclusively by children 12 years of age and younger and persons who have certain physical or mental impairments as defined in the regulation.

The Commission recently received a request from the Pymatuning Sportsmen's Club to remove Pymatuning Pond from the exclusive use program. If approved, access to this water will be at the discretion of the Pymatuning Sportsmen's Club.

Briefer:

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

Recommendation:

Staff recommend that the Commission remove Pymatuning Pond's designation as an Exclusive Use Fishing Area for Children and Special Populations under §65.21. If approved, the removal will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Ali to remove Pymatuning Pond's designation as an Exclusive Use Fishing Area for Children and Special Populations under §65.21. The removal will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

## HABITAT AND ENVIRONMENTAL

### A. Great Lakes Restoration Initiative Aquatic Invasive Species Grant to the Pennsylvania State University - Sea Grant.

#### Commentary:

At the April 20, 2010 Commission meeting, the Commission authorized the Executive Director to approve individual grants utilizing \$100,000 or less of Great Lakes Restoration Initiative (GLRI) pass-through monies per grantee per year for projects that implement elements of Pennsylvania's Aquatic Invasive Species (AIS) Management Plan. For grants exceeding that amount, staff are required to seek separate Commission approval after appropriate staff review.

As one of the Commission's partners in the GLRI Federal FY12 grant, the Pennsylvania State University - Sea Grant (PSU-SG) will be conducting the following activities in support of the GLRI Program and elements of Pennsylvania's AIS Management Plan. Rapid Response activities will provide training on Pennsylvania's AIS rapid response plan, and a mock rapid response exercise will provide local, state and federal agency staff an opportunity to practice their role in a response.

The purpose of the training will be to ensure that agency staff are aware of the components of the plan, understand what is included in a rapid response effort, and know the proper steps to take when potentially invasive species are detected. The purpose of the mock exercise is to ensure that Pennsylvania agency staff undertake a consistent and coordinated approach to rapid response in Pennsylvania, and to identify any gaps, needs or challenges that need to be addressed to further refine the plan. Approximately 6-10 training sessions (3-5 per year) will be conducted to raise awareness among resource professionals about the components of the rapid response plan. One mock exercise will be conducted, focusing on Asian Carp or another imminent AIS threat to the Great Lakes, and will take place within the Lake Erie watershed to incorporate the appropriate local, state and federal agencies necessary to conduct an actual response in the Lake Erie watershed. Funding will be used for staff time to develop and conduct the training sessions, plan the mock exercise, coordinate logistics, and develop/print materials for the training sessions and mock exercise.

Education and Outreach by PSU-SG will include the development, packaging, and delivering of outreach materials and trainings in collaboration with state agencies and boating, angling, and watershed and natural resource organizations. Outreach will focus on raising awareness among boaters, anglers, natural resource staff, and other recreational water users with the potential to introduce invasive species into Lake Erie and the Great Lakes and spread AIS across Pennsylvania. The outreach efforts will encourage these users to incorporate AIS prevention techniques by providing the *Stop Aquatic Hitchhikers/Clean Your Gear* message in Pennsylvania. Outreach activities will also emphasize Habitattitude messaging, updating and reprinting of the "Pennsylvania Field Guide to Aquatic Invasive Species," the development of AIS educational modules and AIS science specimen kits as part of an educational initiative to obtain and facilitate

preservation techniques for the seven aquatic and nearshore plant specimens along with associated curricula for K-12 public schools as well as non-traditional teaching locations that engage citizen scientists.

These tasks, with an estimated cost of \$272,690, are scheduled to be conducted through June 30, 2016. Because these costs exceed the authorized \$100,000 per grantee per year, staff are seeking Commission approval for these federal pass-through monies to be provided to PSU-SG for the work outlined above.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve a grant of up to \$272,690 to the Pennsylvania State University Sea Grant Program to address needs of the Great Lakes Restoration Initiative Program and implementation of Pennsylvania's Aquatic Invasive Species Management Plan as more fully described in the Commentary.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Squires to approve a grant of up to \$272,690 to the Pennsylvania State University Sea Grant Program to address needs of the Great Lakes Restoration Initiative Program and implementation of Pennsylvania's Aquatic Invasive Species Management Plan as more fully described in the Commentary. Motion carried.

B. Great Lakes Restoration Initiative Aquatic Invasive Species Grant to Pennsylvania Department of Conservation and Natural Resources.

Commentary:

At the April 20, 2010 Commission meeting, the Commission authorized the Executive Director to approve individual grants utilizing \$100,000 or less of Great Lakes Restoration Initiative (GLRI) pass-through monies per grantee per year for projects that implement elements of Pennsylvania's Aquatic Invasive Species (AIS) Management Plan. For grants exceeding that amount, staff are required to seek separate Commission approval after appropriate staff review.

As one of the Commission's partners in the GLRI Federal FY11 grant, the Pennsylvania Department of Conservation and Natural Resources (DCNR) will be conducting the following activities in support of the GLRI Program and elements of Pennsylvania's AIS Management Plan. The DCNR has been actively conducting AIS plant control and management activities in Presque Isle State Park. Through work conducted under the GLRI FY10 grant, DCNR treated 149 acres of AIS and with funding from other sources was able to treat AIS across 1500 acres.

Treatment is an ongoing effort and some areas, such as shallow, marshy habitats pose particularly difficult conditions for treatment. To assist with these efforts, DCNR has identified equipment and supplies necessary for this work. The U.S. Fish and Wildlife Service has expressed support for purchase of these items for their intended use of addressing AIS management and prevention. Specifically requested are an air boat that will be used to cut down invasive plants along the water's edge and in pond areas; a Polaris utility vehicle (UTV) to efficiently transport field crews involved with conducting AIS control and management; and a Bobcat Compact Skid Steer required for accessing wet areas of standing dead phragmites. The paths created will more easily allow re-treatment and prescribed burns to remove dead material. This light-weight vehicle with tracks should enable access to more areas. Also included is the purchase of herbicide to treat aquatic invasive plants.

These items, with an estimated cost of \$133,000, will be purchased by June 30, 2015 and used in the ongoing control of AIS. Because these costs exceed the authorized \$100,000 per grantee per year, staff are seeking Commission approval for these federal pass-through monies be provided to DCNR for the items outlined above.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve a grant of up to \$133,000 to the Pennsylvania Department of Conservation and Natural Resources to address needs of the Great Lakes Restoration Initiative Program and implementation of Pennsylvania's Aquatic Invasive Species Management Plan as more fully described in the Commentary.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Mascharka to approve a grant of up to \$133,000 to the Pennsylvania Department of Conservation and Natural Resources to address needs of the Great Lakes Restoration Initiative Program and implementation of Pennsylvania's Aquatic Invasive Species Management Plan as more fully described in the Commentary. Motion carried.

**LAW ENFORCEMENT  
FINAL RULEMAKING**

**A. Amendment to Section 63.2 (Display of Fishing License and Verification of License Purchase).**

Commentary:

In accordance with 58 Pa. Code §63.2(b), anglers required under 30 Pa. C.S. Chapter 27 (relating to fishing licenses) to purchase a license to fish in the waters of this Commonwealth or boundary waters must display the actual fishing license certificate on a hat or outer garment while fishing. In March 2014, the Commission made license buttons available for sale. Therefore, §63.2 must be amended to allow the display of license buttons as an alternative to the current display requirement. Under the proposal, a license holder will be required to carry the license certificate on his person if a license button is displayed instead of the license certificate.

A notice of proposed rulemaking was published at 44 Pa. B. 1769 (March 22, 2014) (Exhibit E). The Commission did not receive any public comments pertaining to this proposal.

In order to allow the display of license buttons as an alternative to the current display requirement, the Executive Director exercised his authority under §65.25 (relating to temporary changes to fishing regulations). The temporary modification went into effect on January 1, 2014 and will remain in effect until the Commission, by appropriate action, amends §63.2. In the absence of such action, the temporary modification will expire on December 31, 2014.

Briefer:

Colonel Corey Britcher, Director, Bureau of Law Enforcement

Recommendation:

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

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Mascharka to adopt the amendments set forth in the notice of proposed rulemaking. These amendments will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

**Other New Business**

None.

**Time and Place of September 2014 Commission Meeting**

The next meeting will be held on September 29-30, 2014 at Nemaquin Woodlands Resort located in Farmington, Fayette County.

President Gavlick thanked his fellow Commissioners for the opportunity to serve as President. He stated that he is looking forward to working with one of the most dedicated group of staff.

**Adjournment**

A motion was made by Commissioner Mascharka and seconded by Commissioner Elliott to adjourn the meeting at approximately 10:35 a.m. Motion carried.

*Guests*  
**PENNSYLVANIA FISH AND BOAT COMMISSION  
COMMISSION MEETING  
July 15, 2014  
HARRISBURG, PENNSYLVANIA**

NAME

ADDRESS  
& PHONE #

AFFILIATION

I WISH TO PROVIDE  
PUBLIC COMMENT  
(CHECK HERE!)

None

**SUNSHINE ACT MEETING NOTICES**

Thursday, June 26, 2014

If you need an accommodation due to a disability,  
please contact the ADA contact name listed below.

**PUBLIC NOTICES**

Public Hearing re: Proposed FFY 2014 Preventative Health and Health Services Block Grant Application  
Teleconference call: June 26, 2014, 9:00 AM. 625 Forster St., Rm. 1000 H&W Bldg., HBG. Time: 9am - 10am

Contact Name: Terry Walker 787-6214

RELOCATION: 2014 Commonwealth Financing Authority (CFA) Board Meeting: July 8, 2014, 10:30 AM.  
Richards Hall Recital Room, Dixon University Center, 2986 N. Second St., HBG. Meeting was previously  
scheduled at the PUC Hearing Rm. #1.

Contact Name: Alan Walker 720-1355

State Civil Service Comm. Hearings: July 10, 2014, 9:30 AM. 4th Fl., Hearing Rm., 320 Market St., HBG.  
Add'l hearings scheduled on 7/29/14 at 10am, 7/30/14 at 9:30am, 7/31/14 at 9:30am, same location as  
above.

Contact Name: Michael Sullivan 787-5343

SPECIAL: PA eHealth Partnership Authority Quarterly Board Meeting: July 11, 2014, 10:00 AM. PEMA Bldg.,  
Rm. 230, 2605 Interstate Dr., HBG. Time: 10am - 5pm. Contact Name: Mark Lapkowitz 214-2490

PA Fish & Boat Commission Meetings: July 14, 2014, 8:00 AM. 1601 Elmerton Ave., HBG. Add'l meeting  
scheduled: 7/15/14 same time and location as above.

Teresa Erdman 705-7801

State Civil Service Comm. Meeting: July 16, 2014, 10:30 AM. 4th Fl., Meeting Rm., 320 Market St., HBG.

Contact Name: Michael Sullivan 787-5343]]>

Appeared in: **Patriot-News** on Thursday, 06/26/2014

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**COMMONWEALTH OF PENNSYLVANIA  
Fish and Boat Commission  
Executive Office**

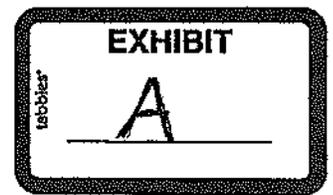
DATE: July 14, 2014  
SUBJECT: Possible Conflict of Interest  
TO: PFBC Commissioners  
FROM: Bill Worobec



Please be advised that I must abstain from discussion and voting relating to oil and gas agreements and water access issues. The reasons for this decision are as follows:

1. Concerns about business relationships between my employer and Marcellus Shale participants.
2. My spouse and I participate in oil and gas lease agreements.
3. I am a party to a pipeline lease agreement.
4. My daughter is employed by one of the companies that participate in the Marcellus Shale.

This memorandum has been delivered to Laurie Shepler, Pennsylvania Fish and Boat Commission Counsel, for appropriate filing relative to the Public Official and Employee Ethics Act.



## April - June 2014 Quarterly Report

### Strategic Plan Implementation

The following updates include the major activities or accomplishments during the quarter that further the July 2010 – June 2015 PFBC Strategic Plan. The bulleted list does not include every detail about what is being done on a particular goal, just the highlights that help to track implementation.

If there is nothing listed for a particular goal, either there was nothing major to report during the quarter, or work has yet to commence on the goal.

Overall, please also note that it is intended to be a tracking tool for the strategic plan rather than an auditing tool.

**Issue 1: Escalating costs of traditional services and increasing demands for activities require the development of alternative funding sources and methods.**

**Strategy 1: Develop alternative funding sources and methods to offset escalating costs of traditional services and better accommodate increasing demands for activities.**

**Goal 1: Actively pursue innovative, as well as traditional, funding sources, compensation for services provided to all Pennsylvanians, and funding for the completion of priority infrastructure projects.**

- A. Advocate for passage by July 2011 of alternative, secure, long-term funding (e.g., special fees or permits, General Fund, sales tax revenues, Renew Growing Greener) to compensate the Commission for services provided to all Pennsylvanians and the Commonwealth in general for lost natural resource values.
  - Promoted the idea of the agency receiving a portion of state sales tax revenue attributable to fishing and boating expenditures.
- B. Advocate for a Marcellus Shale severance tax that includes dedicated conservation funding, including support for functions performed by the Commission, until such a tax is enacted.
  - Explained the need for the agency to retain the \$1 million a year it receives under the impact fee if a severance tax is enacted. Advocated for an additional \$1 million for law enforcement needs related to natural gas development.
- C. Advocate for passage by December 2014 of sales and marketing flexibility, including, but not limited to, multi-year licenses and group or family licenses.
  -
- D. Deleted via Amendment 1

- E. Advocate for and seek capital funding to make Commission-owned high-hazard dams safe, complete state fish hatchery upgrades, and other priorities identified in the Commission's Infrastructure Plan.
- Successfully worked to secure the release of \$2 million in capital budget funding by Governor Corbett for the repair of the dam at Glade Run Lake.
- F. Advocate for passage of existing and new federal legislation to protect and expand funds available to the Commission to support our mission.
- Advocated for the reauthorization of the Sportfish Restoration and Boatung Trust Fund as part of the federal transportation bill.

**Issue 2: Current and increasing threats to our aquatic resources demand the Commission provide better resource management and protection.**

**Strategy 2: Provide better resource management and protection to reduce the impacts of current and increasing threats to our aquatic resources.**

**Goal 2: Improve protection, conservation and enhancement of aquatic resources and habitats.**

- A. By July 2010, continue implementation of the *Strategic Plan for Management of Trout Fisheries in Pennsylvania*.
- Opening day angler counts were conducted at Two Mile Run Reservoir, Poe Lake, Little Pine Lake, and Kishacoquillas Creek.
  - As part of the Special Regulation review process, new Slot Limit special regulation posters were placed along Penns Creek, Section 03. Additionally, the AFM conducted a field view of Pine Creek with DCNR staff as part of a special regulation request review. Division of Fisheries Management staff participated in a staff meeting and held a public meeting regarding the extension of the Delayed Harvest Area on Pine Creek, Lycoming County, downstream of Slate Run
  - As part of the fingerling trout evaluations fingerling Rainbow Trout were clipped prior to stocking in Quaker Lake, Lake Wallenpaupack, Lackawaxen River, and Laurel Creek Reservoir
  - Division of Fisheries Management staff participated in a meeting to refine the wild trout listing process. Provided a presentation at the May Commission meeting regarding the Flexible Flow Management Program on the Upper Delaware River.
  - Convened 5 meetings of the Habitat Improvement Prioritization Workgroup (HIPW) consisting of staff from the DHM, DFM, and IT-GIS that has been established to develop an objective approach to prioritize habitat improvement project locations for large scale projects.
  - Worked with project partners from Trout Unlimited, the Western PA Conservancy, and other conservation groups to implement a grant from the National Fish & Wildlife Foundation to improve in-stream fish habitat structures, water quality, stormwater management, riparian buffers, and existing parking lots. Over 2,000

native trees and shrubs were planted as riparian buffers to establish canopy stream shading and stabilize stream banks on three PFBC owned properties along Spring Creek and its tributaries in Centre County.

- Prepared a permit application and obtained permits from PA DEP and the USACOE for fish habitat improvements on two PFBC properties along Spring Creek in Centre County including upgrades to minimize stream sedimentation from three existing dirt and gravel parking lots, installation of new in-stream habitat structures, and maintenance to existing in-stream habitat structures at Fisherman's Paradise.
- DFM and DHM staff conducted a field review of Trindle Spring Run with DEP staff to determine feasibility of future habitat enhancement work in this water.
- Completed habitat projects on the following streams containing wild trout: Warriors Mark Run, Huntingdon Co, E Br Sugar Ck, Venango Co.
- The following dam removal projects are in various stages of implementation on wild trout streams: Taylor Run, Tioga Co.; Driftwood Br. Sinnemahoning Creek, Cameron Co.; Cacoosing Creek, Berks Co.; UNT to Frankstown Br. Juniata River, Blair Co.; Long Run, Clinton Co.; Toms Run, Cumberland Co.; Twomile Run, McKean

B. By December 2010, begin implementation of large river management plans for the Delaware, Susquehanna, and Three Rivers systems.

- The Delaware River American Shad spawning operation and spawning run evaluation was completed.
- Sampling to assist in the evaluation of the ongoing Susquehanna River Basin Smallmouth Bass disease issues occurred on the West Branch Susquehanna River, Bald Eagle Creek, Pine Creek, Chillisquaque Creek, Juniata River, Tuscarora Creek, Swatara Creek, Susquehanna River, and Loyalsock Creek.
- Met with DEP Deputy Secretary of Water Management regarding direction for upper Delaware River management and negotiations for the next Flexible Flow Management Program.

C. By December 2010, begin implementation of statewide action plans for the following species: Eastern pearlshell mussel, bog turtle, Eastern spadefoot toad, Eastern massasauga rattlesnake, and timber rattlesnake.

- *Eastern Pearlshell*-SWG inventory project initiated to assess historic distribution and gap areas in the Delaware River basin. Staff coordinated 2014 field sampling with Western Pennsylvania Conservancy contractors. Additional sites will be examined in the Little Schuylkill River watershed, Maiden Creek watershed, and the West Branch Delaware River.
- *Bog Turtle*-met with USFWS and state partners within region to assist with developing monitoring protocol used in habitat management. Assisted with implementation of monitoring protocols in PA. Coordinated reaction to turtle die-off discovered during the monitoring project. Continued effort to gather data on individual turtles marked in PA, database the information, and start to manage surveyors in distributing their time and effort among occupied sites for long term monitoring. Data is being compiled and summarized for bog turtle trapping surveys at the sites of the first year of the PDIS project, as well as across all 5 years of

trapping for the final report. Other NFWF funded bog turtle habitat restoration project activities: continue to engage bog turtle landowners for securing site access for project activities and conservation easement programs; conducted habitat assessments and presence/absence surveys, wrote habitat management plans for NRCS WRP bog turtle initiative, and aided partners (USFWS and USDA); continue conducting aerial photograph analysis resulting in potential sites identified remotely. Previously approved Tulpehocken/Quittapahilla Grant funded Bog Turtle assessment project contracting being worked on. Section 6 funded project to assess historic and gap areas across southeast PA still under contracting phase. Continued work on Cherry Valley property acquisition.

- *Eastern Spadefoot*-reviewed annual report of Berks County preserve management plan. Consulted on several development projects, some in need of conservation and mitigation.
- *Eastern Massasauga*- This first phase restoration 30 acres complete (trees, shrubs cleared and grubbed). Seeding will occur in spring 2014.
- *Timber Rattlesnake*-Continue to cooperate with Penn State monitoring study on State Forests concerning Marcellus/Utica shale development activity impact. PFBC staff along with DCNR Forestry and State Park personnel completed six gestation habitat enhancement projects in Michaux and Tuscarora State Forests and Kings Gap State Park. Additional habitat enhancement was completed by PFBC staff and PGC personnel on State Game Lands 211 in Dauphin Co. PFBC staff participated in a statewide workshop for DCNR park naturalists offering timber rattlesnake information on natural history, and safely capturing and moving timber rattlesnakes out of public use areas. Pit tagging has been completed at two control sites in the central ridge and valley area. Pit tagging by PFBC staff was performed at four Organized Snake Hunts which applied for and were issued permits by the PFBC. Put out a call for proposals for a long-term monitoring study design.

D. By July 2011 and annually thereafter, facilitate or complete population inventories and home-range assessments for 10% of the state-listed endangered, threatened or candidate species identified in the State Wildlife Action Plan.

- State Wildlife Grant projects herpetofauna data compilation (PA Amphibian and Reptile Survey-PARS) project is ongoing. Data records continue to be gathered from academic and museum collections. Approximately 160,000 records have been collected from various institutions, including PFBC files. The pilot interactive website for volunteers and project participants was launched on June 1. To date, over 805 people have contributed records and over 50,914 records have been submitted since the project has started. Over 3,900 new records have been submitted in 2014.
- The Eastern Massasauga habitat restoration and monitoring project is ongoing. Winter vegetation management occurred on a 50 acre tract in Venango County. Snakes have been outfitted with radio transmitters and are being tracked as to habitat use. We also recently learned that over 400 acres of upland foraging habitat has been restored on State Game Lands in NW PA

- Ongoing work with timber rattlesnake assessment project – focus has shifted to monitoring study sites, prioritizing sites for habitat management, assessing sites in gap areas.
- The SWG grant to compile the PA fish data, quality assurance on the data, and conduct a status assessment on the darters is ongoing. The fish data contained at PFBC in electronic format was compiled from PNDI, PFBC ARDB, and PFBC Scientific Collectors Databases (along with historic museum and academic databases). This time consuming and tedious process has involved acquiring known data sources and reformatting them into a standardized table for review. Standardized fields have been developed to facilitate review and to store information about the review for future data use. To date, upwards of 100,000 records have been entered from Scientific Collectors, 275,000 from PFBC records, and 700 from PNDI records. Duplicate records have been partially addressed, but will become more of an issue once the project moves from the data compilation stage to the record review. The initial review process has been focused the darters addressed in this grant, Bluebreast Darter, Tippecanoe Darter, Spotted Darter, and Gilt Darter. These data were then used to construct draft Documentation Forms for the delisting process. Currently the forms and summary report are being finalized. The review of species from this point forward will be in priority order based on the level of concern and status uncertainty. Meetings were held to discuss the process of data review, including the management of data and projection of geographic distribution for visual review. Obstacles were identified with file sharing between PSU and PFBC due to “cloud storage” blockage by the state. Alternative means via a FTP site were initiated. ArcReader was purchased by PSU to be used for shape file review by Mr. Criswell. Specimens at the PSU Fish Museum and at PFBC were verified and the Orangespotted Sunfish was found in old lots of fish. It has been added to the list of fishes to have occurred in PA waters.
- A SWG grant to focus on the status assessment on the endangered Eastern Pearlshell mussel, as well as a Section 6 funded project to study the Dwarf Wedgemussel in the Delaware River tributaries is underway. New Eastern Pearlshell occurrences have been reported in the Little Schuylkill River and Maiden Creek watershed
- Continued to work on numerous status assessments: Ohio Lamprey, Bowfin, Timber Rattlesnake, Redbelly turtle, Blanding’s Turtle, Blackchin Shiner, Pugnose Minnow, Longear Sunfish, Black Bullhead, and Horneyhead Chub. A small grant was submitted and accepted for SWG funding to assess known data gaps concerning PA populations of the Pugnose Minnow, Longear Sunfish, Black Bullhead, and Horneyhead Chub. It is anticipated that this grant will provide information to assess and make status decisions for these populations. Surveys were conducted in the Wheeling Creek and Kings Creek drainages to assess the distribution and abundance of Longear Sunfish
- Activities to address the congressionally required comprehensive revision of the Pennsylvania State Wildlife Action Plan (SWAP) included meetings of the joint PFBC-PGC Steering Committee, the Advisory Committee, and the Climate Change Committee. These committees, composed of partner conservation agencies and organizations, were established to guide and assist with the revision process. The

revision process is being facilitated by the PFBC Conservation Coordinator and the PGC Conservation Planning Coordinator. The comprehensive revision of the SWAP is due September 30, 2015

- E. By December 2012, develop a PFBC sampling protocol manual to ensure consistent data collection techniques for waterways.
- By September 2010, complete documentation of PFBC-approved sampling protocols for wadeable streams.
    -
  - By July 2012, complete documentation of PFBC-approved sampling protocols for large rivers.
    -
  - By December 2012, complete documentation of PFBC-approved sampling protocols for lakes.
    - The first draft of the lake sampling protocol document has been submitted and review by the Fisheries Management Division Chief has begun.
- F. By January 2013, complete the evaluation of the inclusion of additional water quality protection criteria for special protection classes of Warm Water Fishes in 25 Pa. Code Chapter 93 in collaboration with the Pennsylvania Department of Environmental Protection.
- 
- G. By January 2014, sample at least 2,500 prioritized, un-inventoried streams with the potential to support wild trout identified by PFBC staff as most at risk from the effects of human activities and pursue partnerships and funding to augment Commission sampling efforts.
- Unassessed water survey work included Clutch Run, Hadden Run, Indiancamp Run, Hickok Run, and Middle Branch Little Sandy Creek
  - A conference call between Division of Fisheries Management and NFWF was held to coordinate the submission of the 2014 grant proposals for the Unassessed Waters program.
  - Division of Fisheries Management staff attended meetings and participated in conference calls with CAI staff regarding the new Scientific Collectors website and Unassessed Waters applications.
- H. By July 2014, evaluate and improve gamefish management programs for muskellunge, walleye, channel catfish and striped bass/hybrid bass.
- Targeted trap netting for muskellunge and tiger Muskellunge occurred in Lake Arthur, Union City Reservoir, Lake Canadohta, Edinboro Lake, Glendale Lake, Lake Nockamixon, Little Buffalo Lake, Blue Marsh Lake, and Loyalhanna Lake.

- Muskellunge from Lake Canadohta and Edinboro Lake were checked for coded wire tags as part of the fall stocked fingerling versus spring stocked yearling study being conducted at these lakes.
  - Lake Canadohta Muskellunge were checked for PIT tags as part of the statewide Muskellunge management study.
  - Kyle Lake was assessed via trap netting as part of the Channel Catfish assessment program as described in the Channel Catfish Management Plan.
  - Walleye assessments as part of the evaluation of the Walleye Management Plan goals were conducted at Walker Lake, Tuscarora Lake, Struble Lake, Youghiogheny River Lake, Yellow Creek Lake, and Shawnee Lake.
- I. By June 2015, minimize the impacts of aquatic invasive species and disease on aquatic resources.
- By July 2010, begin implementation of an education and outreach program targeted at anglers and boaters as identified in the Pennsylvania Aquatic Invasive Species Management Plan and in cooperation with partners on the Governor's Invasive Species Council of Pennsylvania.
    - Represented PFBC at quarterly Pa Invasive Species Council meeting.
    - Responded to several citizen reports re: AIS sightings – all negative results
    - Reviewed several applications to PA Dept. of Ag. regarding importation of non-native species.
    - Continued development of internal PFBC AIS transport protocol
    - Proposed rulemaking to restrict the sale, possession, transportation, importation, and introduction of live crayfishes in Pennsylvania was approved by the PFBC board on May 5, 2014. The regulations will go into effect January 1, 2015 and will reduce the likelihood of additional crayfish introductions in the commonwealth.
    - Collected samples of wood frog tadpoles from vernal pools across the Commonwealth as participants in a regional study of ranavirus prevalence in seasonal pool amphibians.
    - The Commission continues to administer two GLRI Grants (FY11 and FY12). These grant funds provided by the U.S. Fish and Wildlife Service and U.S. EPA, are being used to address diverse issues associated with aquatic invasive species (AIS) in-and-around the Great Lakes. These AIS associated activities include: monitoring & research (PA-DEP, Regional Science Consortium), education and outreach as well as rapid response (Penn State-Sea Grant, Regional Science Consortium), intra and inter-state coordination (PA Department of Agriculture), control (PA-DCNR, PFBC) and tracking through iMapInvasives <http://imapinvasives.org/paimi/map/> (Western PA Conservancy). Funds from the FY11 grant are being used to support PFBC field staff and Fish Production Services implementation of biosecurity protocols through the acquisition of materials and supplies. A modification to the FY11 grant will allow Sea Lamprey control in Conneaut Creek, purchase

of a Lake Erie electrofishing boat for AIS monitoring and early detection, and support for biosecurity measure enhancement at Cooperative Nurseries in Erie County. In this reporting period, PFBC staff updated information into the Great Lakes Accountability System (GLAS), submitted the requisite semi-annual report, and provided administrative oversight of these grants.

- By July 2010, begin implementation of action plans, as necessary, for Didymo, Asian carp, water chestnut and golden algae as identified in the Pennsylvania Aquatic Invasive Species Management Plan and in cooperation with partners on the Governor's Invasive Species Council of Pennsylvania.
    -
  - By December 2010, begin implementation of an action plan, as necessary, for viral hemorrhagic septicemia as identified in the Pennsylvania Aquatic Invasive Species Management Plan and in cooperation with partners on the Governor's Invasive Species Council of Pennsylvania.
    -
  - By April 2013, amend the Commission's regulations concerning introduction, propagation and transportation of fish in Pennsylvania's waters to minimize the spread of aquatic invasive species and disease.
    - Continued to work on revisions to Chapters 71 and 73.
- J. By June 2015, improve fish passage efforts on the Susquehanna and Lehigh Rivers and small streams.
- By September 2014, collaborate with other natural resource agencies in the FERC relicensing of the four Lower Susquehanna River hydroelectric projects to ensure incorporation of provisions for timely and effective upstream and downstream fish passage consistent with American shad, river herring and American eel restoration goals and resident fish needs.
    - York Haven settlement negotiations complete; Offer of Settlement signature process ongoing. PADEP proposed Water Quality Certification for Muddy Run Pump Storage submitted for public review process (ongoing). Conowingo still in negotiations with resource agencies. FERC issued updated schedule for filing recommendations, preliminary terms and conditions, and preliminary fishway prescriptions for York Haven, Muddy Run and Conowingo to 1/31/14.
  - By June 2015, investigate the feasibility of fish passage improvements on the Lehigh River in collaboration with state and local partners.
    - A final report was completed by KCI Technologies for the Lehigh River Fish Passage Feasibility Study. PFBC is working with project partners to address follow up items associated with the public comments received.

- By June 2015, facilitate or complete at least 40 small dam removals in collaboration with state and local partners.
  - Met with DRBC and PA DEP regarding settlement of the PPL Martins Creek Fly Ash Spill by revisiting proposed dam removal projects. Settlement is still viable according to PA DEP NE Region.
  - Collaborated with project partners to remove dam on Little Cove Creek (ST), Franklin Co., bringing the total number of dams removed since 2010 to at least 53.
  - Collaborated with partners to facilitate the advancement of the following dam removal projects: Taylor Run (WT), Tioga Co.; Driftwood Br. Sinnemahoning Creek (WT/ST), Cameron Co.; Skinner Creek (WT/ST), McKean Co.; Cacoosing Creek (WT), Berks Co.; UNT to Frankstown Br. Juniata River (WT), Blair Co.; Long Run (WT), Clinton Co.; Toms Run (WT), Cumberland Co.; Twomile Run (WT), McKean Co.; Conewango Creek, Warren Co.; E Br Brandywine Creek (ST), Chester Co.; Pennypack Ck, Philadelphia Co.; Conococheague Creek, Franklin Co.; Chiques Ck (MF), Lancaster Co.; Solomons Creek, Luzerne Co.
  - DEP WQ Certificate for Muddy Run Pump Storage Project relicensing has resulted in a settlement that will provide \$50,000/year (\$800,000 total) to be deposited into a restricted account for dam removals in York and Lancaster Counties.

**Issue 3: The Commission needs to better understand recent generations' disconnectedness from the Commonwealth's aquatic resources and respond to anglers' and boaters' desires for excellent recreational fishing and boating opportunities.**

**Strategy 3: Increase the Commission's knowledge and understanding of its users to enhance recreational fishing and safe boating opportunities.**

**Goal 3: Improve the Commission's knowledge of its users in order to better direct Commission programs and services.**

A. By March 2013, conduct the first bi-annual, statewide survey of active and lapsed anglers and boaters to supplement the Commission's use of the 5-year *National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*.

•

B. By June 2015, increase youth and family participation in fishing, boating and aquatic resource education programs.

- By July 2010, continue collecting participant data for analysis of the behaviors, motivations and demographics of the users of the Commission's educational programs.
    - Continued analysis of customer data for participants 16 and older captured during the period January 1, 2011 to December 31, 2013. Analysis to be completed in 3<sup>rd</sup> quarter.
      - The PALS database was searched for presence of Customer ID for 1,200 records. Approximately 60% had no CID or record in PALS.
      - During the 3<sup>rd</sup> quarter the fishing license purchasing history and patterns will be analyzed for the 40% who did have a CID in the system.
  - By July 2013, utilize information captured from participants in the Commission's educational programs to direct future fishing and safe boating programs.
    - Used participants' e-mail contact information to promote these programs and opportunities:
      - Mentored Youth Fishing Day
      - Family Fishing Programs
      - Family Fishing Festivals
- C. By July 2010, continue efforts to amend the Commission's boating safety regulations and/or education requirements and, as needed, pursue corresponding legislative changes to further reduce the number of recreational boating accidents and fatalities.
- Presented the following regulatory amendments to the Commission which were approved as proposed rulemaking at the May 2014 quarterly meeting:
    - Amendment to Section 95.3 (Lights for Boats) to clarify and update the language of the regulation;
    - Amendment to Section 109.2 (Sailboards) to include a definition of paddleboards;
    - Amendment to Section 109.4 (Waterskiing, Aquaplaning, Kiteskiing, Etc) to prohibit the use of airborne devices;
    - Amendment to Section 111.49 (Northumberland County) to reduce the length of the slow, no wake zone on the West Branch Susquehanna River on the southeastern side of Packer's Island in Sunbury.

**Issue 4: The public continues to identify a need for access to the Commonwealth's aquatic resources.**

**Strategy 4: Increase public access to the Commonwealth's aquatic resources.**

**Goal 4: Retain and add new access to fishing and boating opportunities.**

- A. By June 2015, review existing and create new boating and fishing access programs to reflect the priorities of the Commission and its customers.
  -
- B. By June 2015, complete two watershed access plans per year delineated in the PFBC Access Strategy priority list.
  -
- C. By December 2014, improve public access to at least five lakes, ten Class A streams, ten Class B, C and D streams, and ten stocked streams with no wild trout reproduction.
  -

**Issue 5: The Commission's existing data are not well-integrated and therefore not optimally used to proactively manage the aquatic resources under our jurisdiction.**

**Strategy 5: Improve the Commission's utilization and integration of existing data to proactively manage the aquatic resources under its jurisdiction.**

**Goal 5: Optimize agency operations through integrated information systems management.**

- A. By December 2010, ensure integrity of agency data through the use of GIS.
  -
- B. By December 31, 2013, complete migration of the IT supported access applications used by the Bureau of Fisheries to a new modernized platform.
  -
- C. By January 2012, begin integration of priority agency information systems, including the current GIS environment, as identified in the *Modernization Plan for IT Infrastructure and Software Resources*.
  -

**Issue 6: Limited financial and human resources require the Commission to more effectively manage our internal resources.**

**Strategy 6: Strengthen performance and operations by managing limited financial and human resources more effectively.**

**Goal 6: Optimize agency efficiency and ensure continuity of operations through infrastructure planning and employee development.**

- A. By August 2010, improve accessibility to on-going training opportunities for all staff and Commissioners.

- By July 2010, gain a better understanding of the climate of the Commission's workforce and implement strategies for improvement.
    - Complete
  - By January 2012, continue agency-wide and bureau specific implementation of climate assessment improvement items.
    - During this quarter, praise for employees continued to be received through the Fishing Hole. This positive feedback is brought to the attention of the employees receiving the praise and a copy of the notice is placed in the employee supervisory files.
    - The internal awards program entitled Wave of Excellence has resulted in Sue Taylor, Clerk Typist from the Benner Springs facility, being named as the recipient for the next six months. The Wave of Excellence award is an opportunity for PFBC employees to nominate one of their own for extraordinary workplace contributions.
- B. By July 2012, begin implementation of a succession planning and leadership development program.
- The Office of Administration will be offering their mentoring program again, and the PFBC will have participants participate in that program in order to offer new skills and networking opportunities to future PFBC leaders.
  - Internally, the PFBC still has a need for such a program within the ranks of the agency so that we can touch even more employees with leadership opportunities. Materials are being developed.
  - An internal Accelerated Grievance Procedures training course will be conducted in August.
  - An internal Hiring Process Course is targeted to be conducted in October.
  - An internal Workplace Investigations course will be conducted in September.
  - An internal Sexual Harassment Course will be conducted in September.
- C. By January 2011, begin implementation of Supervisor Development Training.
- On a yearly basis, HR will continue to run the basic supervisory development mandatory trainings for new supervisors and/or new employees.
- D. By September 2011, conduct a full review of State Fish Hatcheries to identify strategies for promoting cost savings with the least adverse effects on services to the angling public.
- 
- E. By July 2012, begin implementation of a comprehensive multi-year Infrastructure Plan for the engineering, maintenance and development of the Commission's hatcheries, marinas, dams, accesses and administrative buildings to ensure continuity of critical operations.
-

**Issue 7: Due to the limitations of current communications systems, technologies and processes, the Commission must improve its internal and external communication methods and systems.**

**Strategy 7: Improve internal and external communications by strengthening the use of current communication technologies and processes.**

**Goal 7: Improve internal and external communications systems to develop an informed and engaged workforce and increase the public's access to and use of Commission information.**

- A. By July 2010, establish a direct line of internal and external communication with the Commission's Executive Director.
  -
- B. Deleted via Amendment I
- C. By July 2011, begin implementation of a business plan that makes the best use of the Commission's core publications and exhibits.
  - In order to comply with the agency's Spending Reduction Plan, the Commission began the reduction of its suite of print publications which will continue through fiscal year 16-17.
- D. By January 2012, annually evaluate, and modify as needed, employee communications strategies.
  -
- E. By July 2014, complete the redesign of the Commission's website.
  - Website redesign has been deferred until vacancy of IT Bureau Director is filled and further guidance received from OA IT.

## **Major Activities and/or Accomplishments not Directly Connected to Strategic Plan Implementation**

### **Bureau of Hatcheries**

- Walleye ponds are being harvested and the numbers look very good.
- Union City Water Authority and PFBC approved Land Use Agreement involving property located on the Union City SFH.
- Wild brood trap netting for adult Walleye and Muskellunge was difficult this year, in part due to the late icy conditions on lakes.
- Linesville SFH Open House took place on April 5<sup>th</sup> and was well attended.

- There were several retirements of long-term employees this quarter: Earl Myers (Coop Nursery Unit Leader), Ray Youngs (Fairview SFH Foreman), Craig Vargason (Northern Production Manager) and Sherry Lucas (Clerk Typist 3 for Fish Production Services).

**WarmCoolWater Stockings for the following Date Range:**

	<b>3/14/14</b>	<b>thru</b>	<b>6/16/14</b>
Fathead Minnow	Adult		23,000
Lake Trout	Yearling		50,000
Muskellunge	Yearling		2,155
Rainbow Trout - Steelhead	Yearling		765,890
Striped Bass	Fingerling		82,900
Tiger Muskellunge	Fingerling		60,000
Walleye	Fry		38,818,000
Walleye	Fingerling		1,551,878

**Trout Stocking (April 1 – June 17, 2014)**

<b>Species</b>	<b>Adults</b>	<b>Fingerlings</b>	<b>Provided to Coops</b>
Brook	362,538	15,000	52,550
Brown	524,129	274,000	42,600
Rainbow	765,359	191,200	100,000
Golden Rainbow	3,159	0	1,711

**Legal Office**

- In September 2011, the Commission sued Consol Energy for civil damages resulting from the 2009 pollution incident on Dunkard Creek that caused a massive fish kill spanning nearly 30 miles of stream in West Virginia and Pennsylvania. The lawsuit sought compensatory damages for dead fish, mussels and amphibians, as well as lost fishing opportunities for Pennsylvania anglers and punitive damages to deter future

pollution. The primary lawsuit was filed in West Virginia where the pollution originated. On July 12, 2013, the trial court dismissed the Commission's complaint, concluding that the Commission only has authority to bring actions for civil damages for violations of Chapter 25 of the Fish and Boat Code and has no authority to bring a cause of action under West Virginia common law. The Commission filed a notice of appeal with the West Virginia Supreme Court, and on February 20, 2014, the Court decided to hear the appeal. Oral argument before the Court took place on April 8, and on May 8, the Supreme Court reversed the trial judge finding that the PFBC does have the authority to bring the action and remanding the case back to the trial court.

- On October 16, 2013, the Commission filed an appeal of its NPDES permit for the Tylersville State Fish Hatchery with the Environmental Hearing Board (EHB). Staff from the Commission and the Department of Environmental Protection (DEP) met on two occasions to discuss possible resolution of the case, and on March 25, 2014, the EHB stayed all prehearing matters until July 15. The parties have reached a settlement agreement which, as of the date of report preparation, was being circulated for signature before filing with the EHB.
- In July 2013, the Office of Administration (OA) and counsel for the Commonwealth's insurance carrier settled a workers' compensation claim from a former hatchery worker whose estate alleged that he developed terminal cancer from exposure to chemicals at the hatchery. The estate also has a products liability claim outstanding in federal court against manufacturers of the chemicals used at the hatchery. The Commission is not a party to that lawsuit, but its records have been subpoenaed and several of its employees have been deposed.
- Christopher P. Bennett, an Ohio resident, timely applied for a nonresident Lake Erie trap net license for 2014, and Commission staff denied the application. On March 14, 2014, Bennett filed a Petition Appealing Staff Action Denying Application and Granting Renewal Licenses and a Request for Stay. The Bureau of Law Enforcement filed an Answer. On April 3, the Commission's Executive Director denied Bennett's request for a stay because Bennett did not demonstrate good cause for a stay. The Executive Director concluded that because the laws of Ohio prohibit the issuance of a commercial fishing license to a Pennsylvania resident, the Commission is therefore prohibited from issuing a commercial fishing license to an Ohio resident, such as Bennett, under section 2903(f) of the Pennsylvania Fish and Boat Code. Faced with that conclusion, Bennett has agreed to forgo his appeal.
- A waterways conservation officer grieved the denial of his request for supplemental employment as a part-time municipal police officer. The Commission denied the request for various reasons including that the employment could create a conflict of interest with his Commission duties and conflict with Commission work rules. A Joint State Committee failed to produce a settlement. The matter is now scheduled for a hearing on September 4, 2014 before an arbitrator.

- The Commission continues to work with the United States Fish and Wildlife Service (USFWS), the Pennsylvania Game Commission (PGC) and the Pennsylvania Department of Conservation and Natural Resources (DCNR) as Trustees to pursue potential claims for natural resource damages resulting from the release of hazardous substances from the Centre County Kepone Superfund Site (CCK Site) near State College. The CCK Site includes a former chemical manufacturing facility operated by the Nease Chemical Company from 1957 through 1977. Operations were eventually taken over by the Rutgers Organics Corporation. Throughout its production life, the plant produced specialty chemicals, including Kepone, an insecticide produced from 1959 to 1962, and Mirex produced in 1973 and 1974 as a fire retardant and insecticide. Releases from chemical production and storage areas have contaminated on-site soil and groundwater beneath the site, presumably to the end of production in 2003. Affected groundwater flowed into Spring Creek. Fish over the entire length of Spring Creek downstream from the site were found to contain contaminants released from the site. In September 1983, the site was placed on the United States Environmental Protection Agency's National Priorities List. From 1999 through 2011, remediation was conducted on the site that included pumping and treating contaminated groundwater, excavation and off-site disposal of contaminated soil, surface water drainage improvement, fencing, deed restrictions and monitoring. The Trustees have met to discuss recovery of natural resource damages at the site. Rutgers Organics has been notified of the potential claim and has participated in an initial meeting with the Trustees. Additional meetings with Rutgers Organics are anticipated.
- The Commission continues to work with the National Oceanic and Atmospheric Administration (NOAA), the USFWS, DEP and DCNR as Trustees to pursue potential claims for natural resource damages resulting from the release of hazardous substances from the Metal Bank Superfund Site, which is located on the western shore of the Delaware River in Philadelphia. According to available information, from 1962 to 1985, the site was used for scrap metal storage. For approximately five years, during the late 1960s and early 1970s, electrical transformer salvage operations were performed at the site. Some of the salvaged transformers contained PCBs, which were released to soils and groundwater at the site, eventually seeping into the Delaware River and contaminating river surface water and sediment. NOAA is the lead administrative trustee.

### **Bureau of Boating and Outreach**

Education Program Results, 4/1/14-6/6/14

Regional education staff processed 77 requests and coordinated 253 educational programs during the quarter. Approximately 205 of these were delivered by Education Section staff and/or PFBC staff from Bureaus of Fisheries, Law Enforcement, and PFBC volunteer instructors.

### Angler Education & Fishing Promotion

Program/activity	Number this quarter	Number of participants
Family Fishing Programs (includes 6 Festivals)	43	1,900*
Family Fly Fishing Programs	6	48*
Fishing Skills Instructor Training workshops	1	19
Fishing Tackle Loaner Sites	76	n/a
Other fishing programs: SMART Angler, other events	6	848
Visitation & tours: Linesville Visitor Center	14	17,000

\*estimates of attendance through 6/30/2014

- As a lead up to the 2014 Fish for Free Days, six Family Fishing Festivals were scheduled by PFBC education staff. These programs were on a larger scale than standard Family Fishing Program and an estimated 600 people participated in these events.

Date	PFBC Region	Location
5/3/2014	SC	Gifford Pinchot State Park
5/10/2014	SE	Nockamixon State Park
5/17/2014	SW	North Park Lake
6/7/2014	NC	Bald Eagle State Park
6/21/2014	NW	Waterworks Ponds, Presque Isle State Park
6/28/2014	NE	Lackawanna State Park

- The Linesville State Fish Hatchery held its annual open house on Saturday, April 5, 2014. An estimated 1,500-1,800 people attended the open house from 11 a.m. – 3:30 p.m. Visitors had the opportunity to see how the PFBC cultures Walleye.
- The 247 teachers participating in Trout in the Classroom (TIC) wrapped up their activities for 2013-14 school year. Based on year-end reports submitted by 80% of the teachers:
  - 26,392 students were reached in grades K-12.
  - 6,580 teaching hours were spent on TIC related topics.
  - 180 TIC classrooms took a release day field trip and 143 included a fishing activity. (PFBC staff from each of the 6 regions participated in several TIC release day/field trip activities.)
- The 31st Pennsylvania State Envirothon took place at PPL Montour Preserve on May 21, 2014. Representative teams from 64 counties participated in a series of tests. The aquatics test was developed and administered by PFBC staff. The aquatics station winner was Blue Mountain High School from Schuylkill County.
- PFBC Staff participated in the Wyoming Valley Riverfest on June 20 & 21. More than 1,000 participants visited the Riverfest. PFBC staff provided tackle and assistance for free public fishing, and staff and informational booth with free fish prints for participants.

### Boating Safety Education

Program/activity	Number this quarter	Number of participants
Boating Safety Education Certificates (BSEC) Issued	2,732	n/a
Boating and Water Safety Awareness courses scheduled	4	65
Basic Boating Courses	48	309
Certificates issued through distance learning	2,183	n/a
Certificates issued through classroom courses	545	n/a

- Printed and produced digital edition of the July/August *Pennsylvania Angler & Boater* magazine.
- Printed and produced digital edition of the Summer PLAY newsletter.
- Established guidelines for PFBC Facebook account, with assignment of Content Creator status provided to seven additional Outreach staff. PFBC region reports are now directly posted by region staff concurrent with PFBC website posting.
- Participated in the annual NASBLA Marketing & Education Committee meetings and International Boating and Water Safety Summit, serving on various committees.
- Coordinated major aspects of the Ned Smith Center/PFBC exhibition of Tom Duran's artwork and provided media support for the Center's opening reception.
- Assisted in establishing a planning strategy for an agency promotional video, in collaboration with HR Office.
- Provided handouts, flyers, and secured 55 partner organizations for on-site assistance for the rescheduled Mentored Youth Fishing Day.
- Set training schedule and provided water rescue training to PFBC WCO Strike Team:
  - Water Rescue for the First Responder (NFPA 1670 Awareness Level)
  - Water Rescue for the First Responder (NFPA 1670 Operations Level)
  - Emergency Boat Operations & Rescue (NFPA 1670 Technician Level)
- Coordinated climate-controlled storage of PFBC Water Rescue equipment, boats, and trailer at PEMA's Special Operations Center (SOC) in Harrisburg.
- Coordinated the use of vehicles, rescue and communications equipment from PEMA in addition to funding for certain travel and training costs associated with PA-HART.
- Participated in a workgroup for FEMA-NIMS Resource Typing for Rescue Boats.
- Participated in the NASBLA Swiftwater Workgroup.
- Provided boating safety and water rescue training to PGC Cadet Academy.
- Provided DCNR Ranger Block Safety training.
- Conducted PA-HART operations as part of the statewide 2014 Vigilant Guard Exercise.
- Continued logistical planning for PA-HART/PFBC/USCG/PEMA joint exercise scheduled for September 2014 in Erie, PA.
- Conducted multiple PA-HART training missions.
- Accepted the 2014 Higgins & Langley Program Development Award on behalf of PFBC's role in PA-HART.

- Participated in National Safe Boating Council/NASBLA Congressional Reception during National Safe Boating Week.
- Conducted “Wear Your Life Jacket to Work Day” employee contest.
- Participated in PA Water Trail Managers meeting and executive committee conference calls.
- Represented the Commission in the Statewide Comprehensive Outdoor Recreation Plan meetings to update the state’s current plan.
- Provided staff support and resources for the following Marketing activities:
  - Mentored Youth Day promotion/advertising
  - Rescheduled Mentored Youth Day promotion/advertising
  - “Angler Thank You” Campaign tied to statewide opening day of trout
  - Opening Day of Trout promotion/advertising
  - Harrisburg Senators game events in April and May
  - Harrisburg Senators “Outdoor Night” on June 20
  - Pocono Raceway event in June/”Show Us Yer Bass” promotion

## **Bureau of Administration**

### **PALS**

- As of June 9, 2014; the total number of 2014 fishing licenses sold and vouchers redeemed and active multi-year licenses were 693,426 which is a 1.09% increase from the same time period last year; the total number of 2014 permits sold and vouchers redeemed and active multi-year permits were 542,234 which is a 0.78% increase compared to the same period last year.

### **Boating**

- As of June 6, 2014, the Commission’s 2014 new boat registration transactions increased 9.59% to 8,240, new titling transactions increased 9.09% to 4,524 and boat renewals have decreased 1.10% to 119,619.
- As of June 9, 2014, there were 6,085 (1) Year Launch Permits and 17,067 (2) Year Launch Permits sold, which is a 26.2% increase from 2013.

### **Multi-Year Licenses**

- As of June 9, 2014, the Commission has sold 8,843 3-year multi-year licenses and 3,616 5-year multi-year licenses in the 2014 license year. The Commission has sold 7,233 3-year multi-year permits and 3,085 5-year multi-year permits in the 2014 license year. Almost 82.8% of multi-year license buyers in the 2014 license year purchased multi-year permits.

### **Annual Fishing License Button**

- As of June 9, 2014, there have been a total of 5,765 fishing license buttons sold.

### **Mentored Youth Fishing Permit and Voluntary Youth Fishing License**

- As of June 9, 2014, there have been a total of 2,384 Mentored Youth Fishing Permits and 1,600 Voluntary Youth Fishing Licenses and voucher redemptions issued.

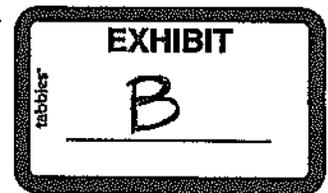
## **PALS Contract Extension**

- PFBC and PGC agreed to a two (2) year extension to the existing PALS contract with ACTIVE Network through 5/31/2016.

## **Bureau of Fisheries**

- Supported Law Enforcement's action for settlement of daily violations of EQT Pad S pollution to Rock Run. Law Enforcement is the lead on this action.
- Participated & presented at an Anadarko sponsored workshop for Marcellus companies, "Erosion & Sedimentation and the Potential Effects on Aquatic Life", Williamsport, PA.
- Attended a meeting with USFWS, EPA, and NW DEP personnel to discuss Waste Treatment Corporation's NPDES permit status and the ongoing concern of direct impacts to aquatic resources within the Allegheny River, Warren County.
- Investigated a pollution event on Potter Run, Centre County. An inadvertent herbicide was responsible for a substantial fish kill to this Class A wild trout resource.
- Participated in a one day workshop on "professional communications" that was sponsored by the PA Chapter of the American Fisheries Society.
- Along with the Strategic Initiatives and Marketing Coordinator, coordinated the "Angler Thank You Campaign" Approximately 120 PFBC staff participated.
- The Division of Habitat Management is chairing a work group tasked with the development of a process for screening potential priority waters with a first draft due July 31, 2014. Members include staff from DHM, DFM and IT
- Convened meeting of numerous NGO's and government agencies to discuss improved communication and collaboration on stream habitat projects.
- Using funding from outside augmenting revenue, the Stream Habitat Section has hired two FBA's to assist with implementing habitat projects this work season.
- Dave Keller, Habitat Section, received Governor's Award of Environmental Excellence along with the NC PA Conservancy on habitat work in NC PA
- PNDI Upgrade Presentation to PA Chamber of Business and Industry in Harrisburg
- Bureau Director attended Mid-Atlantic Fisheries Management Council meeting in Freehold, NJ, and participate in vote to recommend to NOAA a significantly reduction in the bycatch allowance for shad and river herring in the commercial fishery for Atlantic mackerel in US waters of the Atlantic Ocean.
- Bureau Director participated in two meetings of the National Fish Habitat Board.
- Sinnemahoning Grant application round – applications were received and reviewed by internal committee, and agenda items prepared for approval at July Commission meeting.

**PENNSYLVANIA FISH AND BOAT COMMISSION**  
Notational Vote



Disposition of the Frankford Arsenal Access, Philadelphia County.

Commentary:

The Commission owns a +/- 17.52-acre parcel, known as the Frankford Arsenal Access, located along the Delaware River at 5625 Tacony Street in Philadelphia. The Commission acquired the Frankford Arsenal Access in 1981 from the National Park Service (NPS) as part of a military installation closure and federal surplus property program. It includes a six-lane concrete launch ramp with floating courtesy docks and a paved parking area that accommodates nearly 180 vehicles with trailers.

Annually, the Commission expends roughly \$47,000 in routine maintenance and grounds keeping activities. In 2013, the Philadelphia Water Department began enforcing a new storm water runoff rate schedule, and by 2015, the storm water runoff fees for this property could reach or exceed \$40,000 annually. A number of existing improvements at the site are aging and in need of costly, major repair or upgrade. For example, major repairs are needed on a significant portion of the existing concrete seawall at the southern end of the property that could cost in excess of \$500,000. In addition to nearly \$100,000 in annual operating costs and growing infrastructure improvement needs, the property is subject to vandalism and crime related problems and is only open and available to the public until 10:00 P.M. on a seasonal basis.

On May 25, 2012, the Commission received a request from the City of Philadelphia (City) to consider a long-term lease of the property with an option to purchase. At its July 2013 meeting, the Board approved the requested lease.

Prior to the execution of the lease, however, the Commission received a request from the City to consider a fee simple disposition of the property. Under the terms of the disposition, the City will manage the property through its Parks and Recreation Department as a key component of the K&T Trail system where it will become a destination access point. In addition to increased recreational uses and opportunities available through City ownership, the property will be managed as public open park space, and the City will be required to continue to provide access to the boat ramp and the river for public fishing and boating.

The disposition of the property to the City will allow for better maintenance and care of the property and its resources, which will reduce the Commission's future maintenance burden and eliminate the need to invest in costly infrastructure repairs. As a condition of the property disposition, the City will agree to maintain reasonable access for the public and to support fishing and boating opportunities at the site. The City also will agree to maintain the existing boat launch ramp, repair or replace the existing concrete seawall at the southern end of the property, upgrade and provide parking areas to accommodate no less than 65 vehicles with boat trailers, and as appropriate improve or replace the

entrance road, lighting, fencing and signage at the property. The disposition is further contingent upon securing prior written approval from the NPS.

Upon acquiring the property, the City plans on exchanging +/- 8 acres of the property for similar type property located on the Delaware River to accommodate local economic development and revitalization interests. Any subsequent land exchange by the City will require approvals from the NPS and the Pennsylvania Department of Conservation and Natural Resources because the property was developed with monies from the Land and Water Conservation Fund.

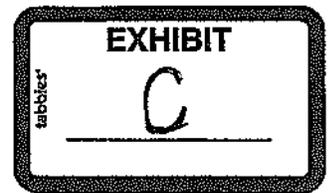
Recommendation:

Staff recommend that the Commission authorize the disposition of its Frankford Arsenal Access property in Philadelphia County to the City of Philadelphia as described in the Commentary.

Action:

On May 23, 2014, the Commission unanimously authorized the disposition of its Frankford Arsenal Access property in Philadelphia County to the City of Philadelphia as described in the Commentary.

PENNSYLVANIA FISH AND BOAT COMMISSION  
Notational Vote



Disposition of the Tacony Access, Philadelphia County

Commentary:

The Commission owns a +/- 3.7-acre parcel, known as the Tacony Access, located along the Delaware River at 7071 Rear Milnor Street in Philadelphia. The Commission acquired portions of the Tacony Access in 1979 and 2002 from the National Park Service (NPS) as part of a military installation closure and federal surplus property program. It contains a 25-foot wide launch ramp, parking for 10 vehicles, and parking for 21 vehicles with trailers.

Annually, the Commission expends roughly \$5,800 in routine maintenance and grounds keeping activities. In 2013, the Philadelphia Water Department began enforcing a new storm water runoff rate schedule, and by 2015, the storm water runoff fees for this property could reach or exceed \$6,200 annually. A number of existing improvements at the site are aging and in need of costly, major repair or upgrade that could cost in excess of \$200,000. In addition to the annual operating costs and growing infrastructure improvement needs, the property is subject to vandalism and crime related problems and is only open and available to the public until 10:00 P.M. on a seasonal basis.

On May 25, 2012, the Commission received a request from the City of Philadelphia (City) to consider a long-term lease of the property with an option to purchase. At its July 2013 meeting, the Board approved the requested lease.

Prior to the execution of the lease, however, the Commission received a request from the City to consider a fee simple disposition of the property. Under the terms of the disposition, the City will manage the property through its Parks and Recreation Department as a key component of the K&T Trail system where it will become a destination access point. In addition to increased recreational uses and opportunities available through City ownership, the property will be managed as public open park space, and the City will be required to continue to provide access to the boat ramp and the river for public fishing and boating.

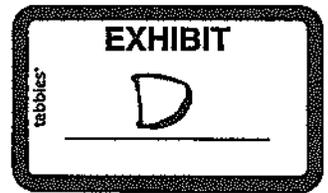
The disposition of the property to the City will allow for better maintenance and care of the property and its resources, which will reduce the Commission's future maintenance burden and eliminate the need to invest in costly infrastructure repairs. As a condition of the property disposition, the City will agree to maintain reasonable access for the public and to support fishing and boating opportunities at the site. The City also will agree to maintain the existing boat launch ramp and, as appropriate, upgrade the parking areas, entrance road and signage at the property. The disposition is further contingent upon securing prior written approval from the NPS.

Recommendation:

Staff recommend that the Commission authorize the disposition of its Tacony Access property in Philadelphia County to the City of Philadelphia as described in the Commentary.

Action:

On May 23, 2014, the Commission unanimously authorized the disposition of its Tacony Access property in Philadelphia County to the City of Philadelphia as described in the Commentary.



**PENNSYLVANIA FISH AND BOAT COMMISSION**  
Notational Vote

Acquisition of Shiloh Road, Benner Township, Centre County.

Commentary:

Under Act 55 of 2010, the Commonwealth of Pennsylvania, acting by and through the Department of General Services (DGS), conveyed land formerly controlled by the Department of Corrections in Benner Township, Centre County, to the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, The Pennsylvania State University and Benner Township (collectively, the Parties). Specifically, Benner Township received four parcels, including a parcel that includes a portion of Shiloh Road. This portion of Shiloh Road is used primarily by Commission staff to access the Benner Spring State Fish Hatchery.

At the time of the transfer, the Parties, all of which have property fronting Shiloh Road, entered into a joint maintenance agreement for the road. Subsequently, Benner Township decided that it no longer wishes to own Shiloh Road. The Township therefore requested the Commission to acquire the road for nominal consideration. The Parties recently met and agreed in principle to a new joint road maintenance agreement.

Because of restrictions placed on Benner Township stemming from Act 55 of 2010, Benner Township must transfer the parcel to the Commission before July 11, 2014. Otherwise, the parcel will revert to DGS. The acquisition of Shiloh Road by the Commission will be contingent upon the Parties entering into a new joint road maintenance agreement that is acceptable to the Commission.

Recommendation:

Staff recommend that the Commission approve the acquisition of the property rights as described in the Commentary.

Action:

On May 23, 2014, the Commission approved the acquisition of the property rights as described in the Commentary.

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 63 ]

### Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The proposed amendment to § 63.2 (relating to display of fishing license and verification of license purchase) are published under the statutory authority of section 2703 of the code (relating to possession and display of licenses). The proposed amendments to § 63.20 (relating to permits for protection and management of trout and salmon) are published under the statutory authority of section 2904 of the code (relating to permits for protection and management of particular fish).

#### D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals.

#### E. Summary of Proposals

Under § 63.2(b), anglers required under Chapter 27 of the code (relating to fishing licenses) to purchase a license to fish in the waters of this Commonwealth or boundary waters shall display the actual fishing license certificate on a hat or outer garment while fishing. Starting sometime in March 2014, the Commission will make license buttons available for sale. Therefore, § 63.2 must be amended to allow for the display of license buttons as an alternative to the current display requirement. Under the proposal, a license holder will be required to carry the license certificate on his person if a license button is displayed instead of the license certificate.

In the notice published at 43 Pa.B. 7602 (December 28, 2013), the Executive Director exercised his authority under § 65.25 (relating to temporary changes to fishing regulations) to allow the display of license buttons as an alternative to the current display requirement. The temporary modification went into effect on January 1, 2014, and will remain in effect until the Commission, by appropriate action, amends § 63.2. In the absence of action, the temporary modification will expire on December 31, 2014.

Under § 63.20(d)(3), a person who purchases a senior resident lifetime fishing license and who wishes to fish for trout or salmon is required to purchase one trout/salmon permit and is then exempt from the requirement to purchase a trout/salmon permit for subsequent years. This effectively means that those licensees may purchase one trout/salmon permit that is valid for the licensee's lifetime. About 70% of seniors purchase a trout/salmon permit, which mirrors the rate for other anglers.

Since it was instituted in 1979, the Commission has sold 463,714 senior resident lifetime fishing licenses. In 1979, that category of license sales accounted for 1.31% of total license sales (13,179 out of 1,004,003). When license sales peaked in 1990, the sale of senior resident lifetime fishing licenses also reached an all-time high of 18,645. As this Commonwealth's population has aged, so too has the percentage of senior resident lifetime fishing licenses compared to total license sales, with that category accounting for 1.97% of total sales in 2013 (17,004 out of 860,672).

Even more significantly, senior resident lifetime fishing licenses have grown to comprise nearly 50% of all senior licenses sold. Residents 65 years of age and older may purchase either a senior resident lifetime fishing license for \$50 or a senior resident annual fishing license for \$10. In 1979, senior resident lifetime licenses and senior resident annual licenses totaled 87,247, but the lifetime category only accounted for 15.11% of that total. In 2013, of the 34,790 combined senior resident lifetime and senior resident annual licenses, 48.9% were for the lifetime license. As this Commonwealth's seniors continue to account for a larger percentage of the total population (and of anglers), the relative number of anglers buying the lifetime license is expected to continue to rise.

According to the Commission's Stocked Trout Program: Cost Report (March 2009), the Commission's trout program accounts for 36% of the Fish Fund annual expenditures, and the cost of trout production continues to rise. The Commission can no longer afford to allow anyone required to purchase a senior resident lifetime fishing license to fish for trout without paying for the privilege to do so annually.

One thing that the Commission can do by regulation is to require senior resident lifetime license holders to purchase a trout/salmon permit each year that the license holder desires to fish for trout. At the same time, the Commission can establish that a senior resident lifetime license holder who purchased a trout/salmon permit before a certain date will remain exempt from the requirement to purchase a permit annually. To use a common term, those individuals will be grandfathered.

With the grandfathering clause, there will not be additional revenues generated in the first year of the proposed amendment since the licensees who purchase a permit under the regulation will presumably buy it anyway. Assuming senior resident lifetime license holders continue to make up about 50% of all senior license buyers, an estimated 8% drop in sales and associated Federal funds due to the new annual requirement; and 70% of seniors will continue to purchase a trout/salmon permit, staff estimate the generation of about \$300,000 in additional annual revenues by the fifth year that the change is in place.

Similar to § 63.20(d)(3), a person who purchases a senior resident lifetime license and fishes in Lake Erie or

its tributaries is only required to purchase one special permit which is valid for the licensee's lifetime under section 2907.2(c) of the code (relating to Lake Erie fishing permits). However, requiring those anglers to annually purchase a special permit to fish in Lake Erie and its tributaries will require an act of the General Assembly.

The Commission also noted the need for a number of housekeeping changes to § 63.20. In § 63.20(b), eliminating the list of licenses to which the requirement applies makes it clear that any license holder must possess a trout/salmon permit or a combination trout/salmon permit and Lake Erie permit to fish for trout. While section 2907.2(c) of the code already requires all anglers to have a special permit to fish in Lake Erie and its tributaries or a combination trout/salmon permit and Lake Erie permit to fish in those parts of the Lake Erie watershed, adding the combination trout/salmon permit and Lake Erie permit makes it clear that the license holder shall have a valid permit to fish for trout in other parts of the Lake Erie watershed (for example, lakes stocked with trout). Since license holders no longer need to affix a stamp to their licenses, that requirement in § 63.20(b) should be deleted. In addition, because the Commission no longer issues trout stamps, § 63.20(c) is no longer necessary and should be deleted.

The Commission proposes to amend §§ 63.2 and 63.20 to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed amendment to § 63.2 will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment to § 63.2 will not impose new costs on the private sector or the general public because the license button is purely voluntary.

The proposed amendments to § 63.20 will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments to § 63.20 will not impose new costs on the private sector or the general public except that future purchasers of a senior resident lifetime fishing license will be required to purchase a trout/salmon permit annually. The fee for a trout/salmon permit is set at \$8 by section 2715(a.1)(1) of the code (relating to license, permit and issuing agent fees).

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the 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

Fiscal Note: 48A-257. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.2. Display of fishing license and verification of license purchase.

\* \* \* \* \*

(b) *Display on [outergarment] an outer garment.* It is unlawful for a person required by Chapter 27 of the code (relating to fishing licenses) to purchase a fishing license to fish in the waters of this Commonwealth or in boundary waters unless the person displays the license certificate, a license button or other device approved by the Executive Director on a hat or outer garment while fishing. A warning will be issued for a first violation of this section if the person has a valid fishing license in his possession and about his person and shows it upon request. An institutional license issued under section 2708 of the code (relating to institutional licenses) may be displayed or maintained by the person fishing or by the person attending the person who is fishing. If a license button or other device is displayed instead of the license certificate, the person shall carry the license certificate about his person.

\* \* \* \* \*

§ 63.20. Permits for the protection and management of trout and salmon.

\* \* \* \* \*

(b) *Permit required.* It is unlawful for a person required by Chapter 27 of the code (relating to fishing licenses) to procure a [resident] fishing license[, a nonresident fishing license, a senior resident lifetime fishing license or an annual senior resident fishing license,] to fish for trout or salmon unless that person has first procured a valid trout/salmon permit [and affixed it to his fishing license] or a combination trout/salmon permit and Lake Erie permit.

[ (c) *Form.* Trout/salmon permits issued under this section shall be in the form of a stamp which shall be affixed to the person's fishing license and signed over the face of the stamp. The stamp shall bear a design as may be approved by the Commission together with the year for which it is valid.

(d) ] (c) *Exceptions.*

\* \* \* \* \*

(3) A person who purchased a senior resident lifetime fishing license and a trout/salmon permit or a combination trout/salmon permit and Lake Erie permit prior to January 1, [1991] 2015, shall be exempt from the requirements of this section. [ A person who purchases a senior resident lifetime fishing license after January 1, 1991, who desires to fish for trout or salmon shall be required to purchase one valid trout/salmon permit and affix it to his fishing license and shall be exempt from the requirements of this section for second and subsequent years. ]

\* \* \* \* \*

[ (e) ] (d) *Fish for trout or salmon.* A person fishes for trout or salmon when one of the following applies:

\* \* \* \* \*

[Pa.B. Dec. No. 14-588. Filed for public inspection March 21, 2014, 9:00 a.m.]

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held February 20, 2014

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

[ 52 PA. CODE CH. 57 ]

**Advance Notice of Proposed Rulemaking; Inspection Requirements for Automatic Splices**

Public Meeting held  
February 20, 2014

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Pamela A. Witmer; Gladys M. Brown

*Advance Notice of Proposed Rulemaking for Revision of 52 Pa. Code Chapter 57 Relating to Inspection Requirements for Automatic Splices; L-2014-2400191*

**Errata Notice**

This is to advise all parties of record that the Order entered February 20, 2014, in the previously-captioned proceeding contains an error on Page 1, first paragraph, last sentence, referencing Allegheny County.

The correct reference should be to Westmoreland County. The corrected page follows.

The Order on the PA PUC website will be corrected as previously indicated.

*(Editor's Note: The full text of the advanced notice of proposed rulemaking was published at 44 Pa.B. 1321 (March 8, 2014).)*

Commissioners Present:

Robert F. Powelson, Chairman  
John F. Coleman, Jr., Vice Chairman  
James H. Cawley  
Pamela A. Witmer  
Gladys M. Brown

Advance Notice of Proposed Rulemaking for Revision of 52 Pa. Code Chapter 57 Relating to Inspection Requirements for Automatic Splices L-2014-2400191

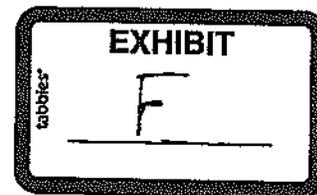
52 Pa. Code Chapter 57  
Relating to Inspection  
Requirements for Automatic Splices

**ADVANCE NOTICE OF PROPOSED RULEMAKING  
BY THE COMMISSION:**

On January 9, 2014, the Commission entered an Order at Docket No. C-2012-2307244 disposing of a joint petition filed by the Commission's Bureau of Investigation and Enforcement (I&E) and West Penn Power Company (West Penn) on February 13, 2013. The petition sought approval of a settlement entered into by I&E and West Penn to resolve an investigation undertaken by I&E relating to a fatal accident that occurred in June 2009 when West Penn's electric distribution line fell onto a tree. A woman residing on the affected property located in Westmoreland County was killed when she came into contact with the line.

As part of the non-monetary remedies in the West Penn Order, the Commission approved provisions that required West Penn to, among other things: (1) modify its training program to ensure that its linemen and line supervisors are properly trained in automatic splice installations, including preparation of the conductor, and that refresher

[Pa.B. Dec. No. 14-589. Filed for public inspection March 21, 2014, 9:00 a.m.]



## Pennsylvania Fish & Boat Commission Strategic Plan July 2014 – June 2017

### Mission

The Pennsylvania Fish and Boat Commission’s mission is *to protect, conserve and enhance the Commonwealth’s aquatic resources and provide fishing and boating opportunities*. The mission reflects our statutory responsibilities in section 321 of the Fish and Boat Code, 30 Pa. C.S. §321, relating to:

- The encouragement, promotion and development of fishery interests.
- The protection, propagation and distribution of fish.
- The management of boating and the operation of boats.
- The encouragement, promotion and development of recreational boating.

### Vision

By 2017, the Pennsylvania Fish & Boat Commission will provide high quality services to insure essential resource management and protection and improved fishing and boating recreation; engage targeted audiences in safe fishing and boating; and maintain and improve the agency’s workforce and physical infrastructure.

### Values

The Commission’s values are our guiding principles. These statements outline the behaviors that are expected of all employees, Commissioners, Boating Advisory Board members, and volunteers. Evident in our daily decision making, our values impact every aspect of our organization.

- We are committed to prudently managing the Commonwealth’s aquatic resources.
- We are committed to providing high quality public service.
- We are committed to being wise stewards of the assets entrusted to us.
- We are committed to creating a positive and cooperative work environment where staff are given the opportunity to develop their expertise and ideas are openly exchanged, acknowledged, and respected.

### Preamble

This strategic plan will guide agency operations from July 2014 through June 2017. The previous strategic plan was adopted in July 2010, amended slightly in January 2012, and intended to last from July 2010 until June 2015. Due to significant fiscal constraints driven largely by impending increases in health care and retirement costs that the agency is required to bear, the Board of Commissioners determined that the plan needed to be revised to reflect the new fiscal realities.

Mandatory personnel costs beyond the agency’s control are expected to be over \$9 million annually by fiscal year 2016-17 and constitute about 20% of annual spending. Just before the strategic planning process started in earnest, the agency began developing an internal Spending Reallocation Plan (SRP) that shifted spending to accommodate the ballooning health care and retirement costs. Absent an influx of revenue to meet the rising personnel costs, this new strategic plan is constrained by more austere fiscal realities than the past plan. In the words of the Executive Director, the agency will be doing “less for less.” The SRP limits the levels of services the agency will be able to deliver, and activities will ultimately be scaled according to available staff and financial resources.

This plan follows the SMART goal format that characterized the previous plan and that has become a fundamental part of how the agency operates. Adherence to the SMART approach means that each goal needs to meet the following five criteria:

- S – Specific
- M – Measurable
- A – Action-oriented
- R – Realistic
- T – Time-bound

Unlike the previous strategic plan that focused mainly on new initiatives, this plan is intended to capture the universe of activities that the agency will focus on from July 2014 – June 2017. To pursue the goals laid out in this plan, the agency acknowledges the need to maintain core support functions such as administration; human resources; fisheries and hatcheries; law enforcement; information technology (IT); legal; legislative and public relations; and engineering, maintenance, and other support services to operate agency facilities.

Fulfilling its mission and implementing this plan requires the agency to rededicate itself to working with partner organizations. In addition to working with others to achieve programmatic goals, the Commission will look to partners to help offer fishing and boating infrastructure since providing fishing and boating opportunities does not mean that the agency has to own or manage an area.

### **Waterways Conservation Officers**

One of the primary core functions of the agency is law enforcement. A Waterways Conservation Officer (WCO) is a specialized conservation police officer employed by the Commission’s Bureau of Law Enforcement (BLE). After successful completion of a stringent training program, WCOs may be assigned to a law enforcement district anywhere within the Commonwealth, where they are required to perform specialized law enforcement work in fisheries conservation and watercraft safety. Typical duties include patrolling by foot, vehicle, or boat to detect, pursue, and apprehend violators. WCOs issue citations or warnings, file criminal complaints, serve warrants, present evidence at hearings and court proceedings, investigate water pollution and encroachment incidents, investigate boat accidents, and stock fish. WCOs make public appearances to conduct educational classes or provide information to the public.

June 27, 2014

Additionally, WCOs coordinate the work of a corps of Deputy Waterways Conservation Officers at the district level.

WCO duties are critical to and interwoven with the conservation and recreation goals outlined below. Therefore, through 2017, the Commission will continue to maintain a vigilant corps of WCOs to enforce fishing, boating, and environmental laws and regulations; assist the Commission in meeting recreation goals; and promote public safety.

## **Funding**

### **Issue 1: Revenues are insufficient to support the Commission's current levels of programs and services and meet increasing fixed, variable, and mandatory personnel costs.**

As outlined in the preamble, the Commission is required to meet mounting health care, retirement, and other personnel obligations beyond its control while also dealing with the increasing costs of doing business that face any agency or company. To meet its obligations and maintain agency operations, the agency is reallocating spending while living within its means. Concurrent with narrowing the scope of its activities, the agency needs to maximize the funding generated from the traditional revenue streams of fishing license sales and boat registrations while also pursuing new sources of revenue to support the work it performs on behalf of aquatic resources, anglers and boaters, and individuals and businesses throughout Pennsylvania.

### **Strategy 1A: Reduce expenses and reallocate spending.**

#### **Goal 1A: Implement a Spending Reallocation Plan within which the Commission does not spend more than it generates in revenue each fiscal year and maintains agency administrative and support services necessary to deliver programs and services.**

- A. Through June 2017, implement, review, and update the Spending Reallocation Plan (SRP) to reflect evolving fiscal realities.
- B. By July 2015, present updated SRP to the Board of Commissioners.
- C. Through June 2017, work with PFBC staff and partners to identify and implement projects using restricted revenue account funds to address settlement agreement conditions and PFBC priorities.

### **Strategy 1B: Increase traditional revenue sources and secure alternative funding to deliver core programs and services to benefit anglers, boaters, and trust species; deliver select discretionary programs and services to benefit all Pennsylvanians; and meet mandatory personnel costs.**

#### **Goal 1B: Increase revenues.**

- A. Through June 2017, implement operational decisions to increase revenues.
  - 1. Continue to grow Natural Gas and Water Access programs.
  - 2. By June 2017, develop, implement, and evaluate annual marketing campaign plans designed to increase license sales (and corresponding federal reimbursements) by 10% through the end of license year 2017.
  - 3. By July 2015, secure dedicated funding to support the water rescue program.
- B. Through June 2017, advocate for legislative solutions to maintain and increase revenues.
  - 1. Identify, develop, and advocate for state legislative opportunities to maintain and increase agency revenues.

June 27, 2014

2. In cooperation with the Association of Fish and Wildlife Agencies (AFWA), advocate for federal legislation to maintain and increase agency revenues.
- C. Through June 2017, promulgate regulatory changes to increase revenues.
1. By January 2015, require senior resident lifetime license holders to purchase a trout/salmon permit annually to fish for trout.

## **Conservation**

**Issue 2: Current and increasing threats to our aquatic resources demand the Commission provide high quality services to insure essential resource management and protection and improved fishing.**

High quality fishing opportunities require healthy, functioning ecosystems comprised of diverse aquatic communities. Pennsylvania's fish, amphibians, reptiles, and other aquatic resources face a number of threats, including power generation and associated fossil fuel extraction and transmission line construction; municipal and industrial surface and ground water withdrawals; point and non-point discharges; road construction and other encroachments; and the introduction and proliferation of invasive species. Continued assessment of the quality of our Commonwealth's aquatic resources and prudent implementation of fisheries management programs assures high quality angling in the waters of the Commonwealth. The following priority actions build on past successes to protect, conserve, and enhance both game and non-game species and their habitats in support of the Commission's Resource First philosophy.

**Strategy 2: Provide high quality resource management and protection to reduce the impacts of current and increasing threats to aquatic resources.**

**Goal 2: Protect, conserve, and enhance aquatic resources and habitats.**

- A. By January 2015 complete a revision to the *Strategic Plan for Management of Trout Fisheries in Pennsylvania* to include the following:
  1. Through June 2017, continue efforts to improve Pennsylvania's tailwater trout fisheries.
  2. Immediately begin implementation of recommendations from the stocked trout efficiency study.
  3. By December 2015, design an angler survey to provide a statewide assessment of angler use, angler catch, angler opinions, and an economic contribution of trout angling on trout stocked lakes in order to make informed decisions regarding future trout stocking allocations in lakes.
  4. By December 2015, complete evaluations of all current fingerling stocking efforts and provide recommendations for future implementation of the program.
- B. Through June 2017, continue implementation of river management plans for the Delaware, Susquehanna, and Three Rivers systems.
  1. Efforts specific to all three river systems will include:
    - a. Maintenance of long-term adult and young-of-year Smallmouth Bass data sets.
    - b. Sampling requirements specific to meeting objectives outlined in the species-specific warmwater management plans for Muskellunge, Walleye, and Catfish.
  2. Efforts specific to the Susquehanna River will include:

- a. Continued participation on interagency technical committees assessing water quality of the Susquehanna River and the impacts to the Smallmouth Bass population.
  - b. With partners, implement a fish community sampling procedure to more broadly track the condition of the fishery.
  - c. By June 2017, identify a method and criteria to determine the impairment status of the river.
3. Efforts specific to the Three Rivers will include cooperation with Ohio River states to expand our knowledge regarding the expansion of Asian carp in the Ohio River system and reduce or eliminate the threat to the river's ecology.
4. Efforts specific to Delaware River will include:
  - a. Annual monitoring of American Shad populations at historic stations.
  - b. American Shad spawning activities to support restoration efforts.
- C. By January 2015, complete the 2nd edition of the Lehigh River Fisheries Management Plan.
- D. Through June 2017, implement gamefish management plans for Muskellunge, Walleye, and Catfish.
- E. By June 2017, complete the development of a strategic plan for the management of black bass in Pennsylvania.
- F. By June 2017, facilitate or complete population inventories and home range assessments for Timber Rattlesnake, Blanding's Turtle, Eastern Massasauga, Bog Turtle, Eastern Mud Salamander, Rough Green Snake, Broadhead Skink, New Jersey Chorus Frog, Southern Leopard Frog, Kirtland's Snake, Northern Cricket Frog, Eastern Redbelly Turtle, Eastern Pearlshell, Dwarf Wedgemussel, Bluebreast Darter, Tippecanoe Darter, Gilt Darter, Iowa Darter, Eastern Sand Darter, Spotted Darter, Black Bullhead, Bowfin, and Horneyhead Chub.
- G. Through June 2017, continue implementation of statewide action plans for the following species: Eastern Pearlshell Mussel, Bog Turtle, Eastern Massasauga Rattlesnake, and Timber Rattlesnake.
- H. By December 2014, research and finalize statewide action plans for the Salamander Mussel and Chesapeake Logperch. Through June 2017, implement these plans.
- I. By June 2015, work with other members of the Pennsylvania Natural Heritage Partnership to complete the upgrade to the Pennsylvania Natural Diversity Inventory environmental review tool.
- J. By June 2017, assist the Pennsylvania Department of Environmental Protection and other governmental agencies with the development of policies and reservoir operation procedures that limit alteration of natural flow regimes to levels that maintain critical species, habitats, and ecological conditions.
- K. By September 30, 2015, together with partners, complete a new State Wildlife Action Plan.
- L. Through June 2017, continue to conduct the following permit reviews: Species Impact; Scientific Collector; Threatened and Endangered Species; Nongame Special; Venomous Snake; Amphibian and Reptile Organized Hunt; Commercial Snapping Turtle; Water Obstruction and Encroachment; Triploid Grass Carp; Mining; Drawdown; Water Allocation; FERC Hydropower; 316(a) Clean Water Act Thermal Variance; 316(b) Clean Water Act Impingement and Entrainment; and select Algicide, Herbicide or Fish Control Chemical in Waters of the Commonwealth.

June 27, 2014

- M. By June 2017, sample at least 2,000 prioritized, un-inventoried streams that have been identified by Commission staff as most at risk from the effects of human activities, and continue to forge partnerships to augment Commission sampling efforts.
- N. Through June 2017, continue the development of a PFBC sampling protocol manual to ensure consistent data collection techniques for waterways.
  - 1. By December 2014, complete documentation of PFBC-approved sampling protocols for large rivers.
  - 2. By December 2015, complete documentation of PFBC-approved sampling protocols for lakes.
  - 3. By December 2016, complete documentation of PFBC-approved sampling protocols for herptiles.
- O. Through June 2017, annually address the following habitat improvement goals:
  - 1. Refine the stream and lake prioritization approaches to guide habitat improvement work. Work with partners to avoid duplication of efforts and maximize cooperation to address common goals.
  - 2. Develop and implement lake habitat improvement plans into all PFBC high-hazard dam rehabilitation efforts.
  - 3. Develop a plan to prioritize dam removals and culvert passage objectives statewide and facilitate fish passage through the removal of 25 dams, improved culvert installations, or the installation of fishways.
- P. By January 2016, simplify fishing regulations.

## **Recreation**

### **Issue 3: Other leisure and recreational activities are competing with fishing and boating for people's time.**

A large body of research exists that suggests strategies likely to engage and retain people to fish and boat by promoting it as fun, relaxing, convenient, easy, and safe. One of the most practical strategies for creating new anglers is simply for a friend or family member to take them fishing. Maintaining the most efficient use of stocked fish also continues to be a core element of providing recreational fishing opportunities.

At the same time, the Commission needs to learn more about and use customer demographics, needs, and desires to increase participation in fishing and boating. The Commission should continue to rely on national research and best practices as a foundation for its recruitment and retention goals and focus its efforts on enhancing and using basic knowledge of its customers.

### **Strategy 3A: Successfully involve youth and other target audiences in fishing and boating by addressing the following five key elements in outreach programs, with an emphasis on social support:**

- **Providing introductory experiences**
- **Providing access to equipment**
- **Providing instruction (skills)**
- **Providing access (real and perceived)**
- **Encouraging social support (apprenticeship/mentoring ensures adoption)**

### **Goal 3A: Engage in targeted education and outreach activities that address the five key elements of fishing and boating participation and engage partners to enhance the Commission's efforts through the multiplier effect at the local level.**

- A. Through June 2017, develop and implement annual plans for delivering training and instructional resources to sportsmen's clubs, conservation organizations, and outdoor recreation providers for Family Fishing, SMART Angler, women's, and other effective programs at the local level.
- B. Through June 2017, maintain Fishing Tackle Loaner Program to make equipment accessible for group or individual loan.
- C. Through June 2017, develop and implement annual plans to present fishing opportunities in appealing and convenient "packages" such as PA's Best Fishing Waters, Family Fishing Festivals, and mentored youth opportunities.
- D. Through June 2017, develop and implement annual plans for mentoring programs, with focused opportunities (e.g., different species or seasons) and increased outside partnership engagement.
  1. Increase lead-in and follow-up contacts for mentored fishing opportunities (such as promotions, partnerships, surveys, newsletters).
  2. Incorporate recruitment and retention elements into mentoring program promotions and partnerships.

3. By July 2016, assess the overall effectiveness of the Mentored Youth Fishing Day program.
- E. Through June 2017, use increased understanding of customer demographics, current research, and customer trends to enhance recruitment and retention of anglers and boaters by identifying targeted segments for outreach and education.

**Strategy 3B: Provide for safe and enjoyable participation in boating.**

**Goal 3B: Conduct outreach and informational efforts designed to reduce boating-related casualties, maintain water rescue program to provide necessary training for emergency response personnel to safely and effectively respond to water-related emergencies, and pursue new public access as resources allow.**

- A. Through June 2017, annually identify and implement specific strategies to reduce casualties of targeted user groups.
- B. By January 2015, use point-of-sale messaging to increase awareness of minimum boating safety legal requirements.
- C. Through June 2017, continue to play a leadership role in the Pennsylvania Helicopter Aquatic Rescue Team (PA-HART) program.
- D. By July 2015, establish BLE swiftwater strike team as a certified Type 1 response team.
- E. Through June 2017, annually conduct Operation Dry Water, a statewide boating safety and boating under the influence saturation detail.
- F. Through June 2017, administer the Floating Structure and Aids to Navigation program.
- G. Through June 2017, administer Lake Erie Access Program and, as resources allow, pursue other public access opportunities consistent and Pennsylvania's Fishing and Boating Access Strategy.

**Strategy 3C: Create put-and-take fisheries by stocking legal size fish and enhance fisheries by stocking fry and fingerling size fish which supplement natural populations to support sustainable fisheries.**

**Goal 3C: Ensure that fish production levels are met annually to optimize fishing opportunities.**

- A. Through at least July 2015, continue to operate all 13 state fish hatcheries.
  1. Trout Culture: Annually produce and stock up to 3.2 million adult trout or 1.9 million pounds to stock in the Commonwealth.
    - a. By July 2015, evaluate the public demand and expectations for stocked trout and provide a recommendation on how many trout should be raised.
  2. Warm/Cool Water Culture: Annually produce warm/cool water species through in house production or acquisition to meet requests to stock species requested by Fisheries Management.
  3. Cooperative Nurseries: Annually produce fish and eggs to supply the needs of the cooperative nurseries throughout the Commonwealth.

- B. Through June 2017, ensure the safe and efficient maintenance and operation of state fish hatcheries while remaining in compliance with environmental regulations and fish health guidelines.
  - 1. Annually utilize available funding for maintenance and operation of hatcheries and identify budget shortfalls which may lead to fish production decreases.
  - 2. Consistently maintain and update hatchery permits and perform water quality analysis according to permits.
  - 3. Annually perform fish health inspections, provide diagnostic services, and maintain fish transfer records.
- C. Through July 2017, maintain and promote existing cooperative nurseries.
  - 1. Through July 2017, increase the presence of cooperative nursery information in the *Pennsylvania Angler and Boater* magazine and the PFBC website.
  - 2. By December 2016, perform an analysis of existing cooperative nurseries and recommended production levels.
  - 3. By July 2016, evaluate and recommend improvements to the cooperative nursery application process.

## **Internal Resources**

**Issue 4: The Commission must consistently make investments in itself to maintain its infrastructure, staff, and programs and their respective relevance.**

The Commission's employees are its largest investment and most important resource. More than just people, the Commission's infrastructure includes a vast network of facilities and properties. To deliver its programs and services, the Commission needs to sustain strategic investments in employee development and training, information technology, and physical infrastructure and properties, which include an enormous backlog of capital improvement requirements and an extensive list of long-term maintenance needs that require a coordinated and deliberate approach for planning, funding, and implementation.

**Strategy 4: Strengthen performance and secure operations by continuing to efficiently and effectively manage limited financial and human resources and agency infrastructure.**

**Goal 4: Optimize agency efficiency through continuation of investments in information technology, employee training and development, and infrastructure planning and implementation.**

### **A. Information Technology**

2. By June 2016, redesign the Commission's website to simplify and enhance ease of navigation.
3. By June 2017, continue to plan for and support IT updates, enhancements, and maintenance of critical business applications to meet the needs and requirements of program areas.
  - a. By September 2014, identify and prioritize essential application enhancements for key business areas.
  - b. By July 2015, develop and implement annual plans for prioritized and funded application enhancements.
4. Through June 2017, continue to convert business applications to the new .NET/SQL application standard platform as necessary.
5. By July 2015, identify and begin utilizing available partnerships, infrastructure, software, data, and training to provide meaningful and useful information for managers and executive leadership to make critical programmatic, marketing, and business decisions.
6. By June 2017, develop the capability of a GIS layer containing Commission properties.
  - a. By June 2016, validate existing data, through general referencing, on Commission property holdings.
  - b. By June 2017, develop GIS layer for Commission properties.

### **B. Training and Development**

1. Through June 2017, continue to re-invest in employee development opportunities.
2. By June 2016, complete the training of a new class of WCOs.

- C. Through June 2017, continue to implement a comprehensive multi-year Infrastructure Plan for the engineering, maintenance, and development of the Commission's dams, access areas, administrative buildings, hatcheries, marinas, and bridges.
1. Through June 2017, leverage funding sources to complete high-hazard dam repairs.
  2. By March 2015, prioritize access areas that the Commission manages on behalf of the Commonwealth and begin implementing repairs on an established cycle.
  3. By December 2014, complete plan for where and how to house the Commission's Centre County-based staff.
  4. By June 2016, complete plans to optimize Commission field staff into as few locations as possible to meet identified business needs.
  5. By December 2014, complete return on investment analysis of marinas managed by the Commission.
  6. By January 2015, prioritize bridges that the Commission manages on behalf of the Commonwealth and begin implementing repairs on an established cycle.
  7. By June 2017, complete a Commission-wide energy savings analysis.
    - a. By December 2015, complete an energy savings analysis for state fish hatcheries.

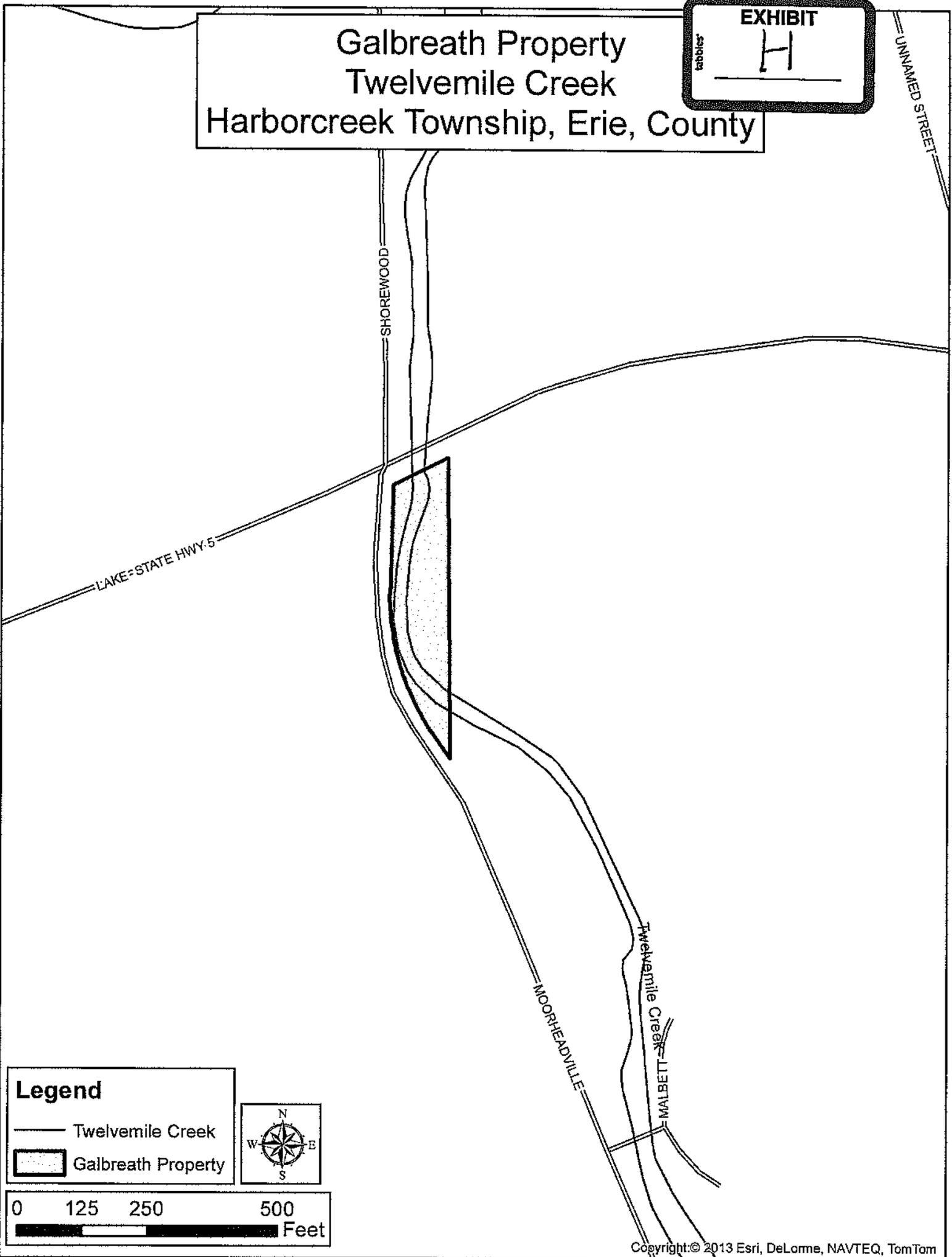
George J. Venesky Property  
Big Wapwallopen Creek  
Wright Township, Luzerne County

EXHIBIT  
tabbies  
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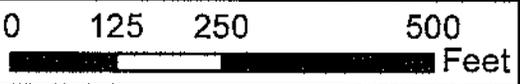
Galbreath Property  
Twelvemile Creek  
Harborcreek Township, Erie, County

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EXHIBIT  
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**Legend**

- Twelvemile Creek
- Galbreath Property





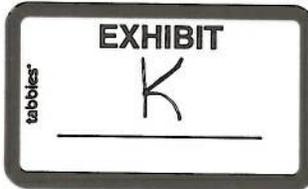
**PFBC - Stump Pond**  
**Exhibit I**

Angler use on high biomass waters being considered for Class A designation

Water Name	County	Number of 8 am Anglers/Mile	Percentile Rank	Year	Stocked Trout Efficiency Class (if wasn't listed as a destination it would be in the Class)	Population Class	Section Length (km)
Fishing Creek	Clinton	44	above 75th	2011	3 Other subgroup	Rural	2.4
Little Lehigh Creek	Lehigh	58	above 90th	2010	Destination/Class 2	Metro	7.9
Little Lehigh Creek	Lehigh	180	above 90th	2011	Class 1	Metro	3.3
Martins Creek	Northampton	27	67th	2014	Class 2	Suburban	7.6
Monocacy Creek	Northampton	190	above 90th	2011	Class 1	Metro	1.6
Monocacy Creek	Lehigh/Northampton	207	above 90th	2011	Class 1	Metro	3.4
Penns Creek	Centre	45	above 75th	2011	Destination (if wasn't listed as a destination it would be in the Class)	Rural	13.1
Pohopoco Creek	Carbon	55	above 90th	2012	3 Good Access subgroup	Suburban	3.0
Yellow Creek	Bedford	108	above 90th	2007	Class 3 Other	Rural	2.7
Yellow Creek	Bedford	Open to Year Round Fishing			Class 3 Other	Rural	1.5

Based on opening day angler counts on 341 stream sections from 2006-2014





# FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 57 ]

## Class A Wild Trout Streams

The Fish and Boat Commission (Commission) proposes to amend § 57.8a (relating to Class A wild trout streams). Although not required to publish a proposed statement of policy, the Commission is publishing the proposed amendments to § 57.8a and seeking public comments because of the heightened public interest in this issue. The Commission is publishing this proposed statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

### A. Effective Date

The proposed statement of policy, if approved, will go into effect upon publication of the final-form statement of policy in the *Pennsylvania Bulletin*.

### B. Contact Person

For further information on the proposed statement of policy, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposal is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

### C. Statutory Authority

The proposed statement of policy is published under the statutory authority of section 321 of the code (relating to administration and enforcement) that provides that the Commission shall administer and enforce the code and other laws of the Commonwealth regarding the protection, propagation and distribution of fish.

### D. Purpose and Background

In October 2009, the Commission approved the Strategic Plan for Management of Trout Fisheries in Pennsylvania 2010-2014 (plan). The plan was developed based on input provided by a work group that consisted of Commission staff, anglers affiliated with a variety of sportsmen's organizations and independent trout anglers that are not affiliated with an organized group. This plan has guided the direction of trout management for the Commission since that time.

The plan identifies opportunities for improvement of trout management in this Commonwealth, issues that affected those improvements and strategies for addressing those issues. One of the key issues addressed in the plan was the protection of Class A wild trout waters. Issue 2 of the plan states "There are a number of streams that may hold Class A biomass trout populations that have not been officially designated as Class A streams by the [Commission]. This leads to inadequate water quality protection for these waters and inconsistent application of fisheries management strategies." The identified strategy to address this specific issue is "By 2014, sample waters identified by PFBC staff as likely to support a Class A wild trout biomass and designate appropriately." It should be noted that this issue is separate from the identification of unassessed Class A waters, which the Commission has been addressing since adoption of the plan. The waters to which Issue 2 of the plan refers are waters in which historical data was present but which have not been officially designated as Class A.

To date, the Commission has identified ten potential high biomass waters per Issue 2 of the plan. The

Commission completed new inventories on these waters and each has been sampled once since 2010. A second survey is planned this year. Those that are confirmed to support Class A populations will be proposed for designation as Class A wild trout streams consistent with the plan.

Currently, each of these waters is stocked. Most of them support heavy angler use for the stocked trout component of the fishery. A recent analysis of all stocked trout waters in this Commonwealth resulted in the development of three stocked trout "efficiency classes." These classes of streams were differentiated statistically relative to the angler use resulting from the numbers of trout stocked (efficiency). High human population density or high accessibility (number of parking places per mile of stream), or both, were two of the variables that resulted in waters being classified into the highest efficiency classes. Others with high use were "so called" destination waters, which may have been more rural in nature but which traditionally have supported high angler use. The lowest efficiency class (Class 3) was primarily comprised of rural waters; there are statistical outliers in this class that also have high angler use. Of the ten stream sections identified, nine fall into the top 75th percentile of angler use for all the stocked stream sections that have been evaluated by the Commission.

### E. Summary of Proposed Revisions

To address the high angler use levels for stocked trout on these waters, the Commission proposes amendments to its Class A policy. These amendments will permit stocking to continue on Class A waters that meet certain conditions. These exceptions will be limited to those waters that had been stocked the year preceding the Class A designation and where angler use is greater than or equal to the 75th percentile of angler use (number of anglers/mile on Opening Day) for stocked trout waters in this Commonwealth. Waters designated as a Class A wild brook trout, Class A mixed wild brook and brown trout or Class A mixed wild brook and rainbow trout stream will not be considered for stocking. Prior to implementing a decision to stock a Class A water, the Executive Director will obtain the approval of the Commission's Board.

The Commission proposes to amend § 57.8a to read as set forth in Annex A.

### F. Paperwork

The proposed amendments to § 57.8a will not increase paperwork and will not create new paperwork requirements.

### G. Fiscal Impact

The proposed statement of policy will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed statement of policy will not impose new costs on the private sector or the general public.

### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed statement of policy to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 90 days after publication of this proposed statement of policy 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

Special Accounting  
Financial Reporting  
Financial Accounting

STATEMENTS OF POLICY

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

*(Editor's Note: See 48 Pa.B. 7097 (December 7, 2013) for a proposed rulemaking relating to this proposed statement of policy.)*

*Fiscal Note: 48A-255. No fiscal impact; (8) recommends adoption.*

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter A. FISHERIES POLICIES

§ 57.8a. Class A wild trout streams.

It is the policy of the Commission 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. [ These ] With rare exceptions, these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking.

\* \* \* \* \*

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

(4) Stream sections that the Commission designates as Class A wild trout streams after December 31, 2013, may remain eligible for fingerling stocking of trout or pre-season-only stocking of adult trout by the Commission or Commission-approved pre-season-only stocking of adult trout by Commission cooperative nurseries to provide additional early season angling opportunities provided the following conditions are met:

(i) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

(ii) Angler use (anglers/mile of stream) in the stream section equals or exceeds the 75th percentile, Statewide, of angler use for the opening week-end of trout season as documented by Commission staff.

(iii) The trout species to be stocked are not the same species as the primary component of the wild trout population.

(5) A stream section designated as a Class A wild brook trout, Class A mixed wild brook and brown trout or Class A mixed wild brook and rainbow trout stream will not be considered for stocking.

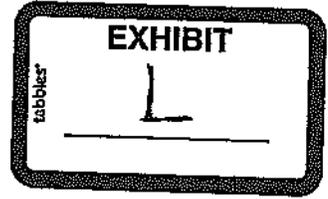
(6) Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Board.

[Pa.B. Doc. No. 13-2271. Filed for public inspection December 6, 2013, 9:00 a.m.]

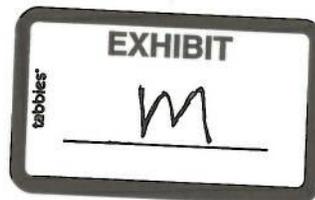
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Class A stream sections that are open to harvest after Labor Day because they are located downstream of Approved Trout Waters

Stream	County	Class A section	Approved Trout section(s)
Willow Creek	Berks	5	3
Wyomissing Creek	Berks	3	2
Clover Creek	Blair	3	2
Hickory Run	Carbon	5	3
Pine Creek	Centre	5	2
Wallace Run	Centre	4	3
Little Juniata River	Huntingdon	6	2
Little Juniata River	Blair/Huntingdon	5	2
Little Lehigh Creek	Lehigh	3	2
Lackawanna River	Luzerne (Lackawanna)	3	1
Lackawanna River	Luzerne (Lackawanna)	4	1
Lackawanna River	Luzerne (Lackawanna)	5	1
Lackawanna River	Luzerne (Lackawanna)	6	1
Lackawanna River	Luzerne (Lackawanna)	7	1
Honey Creek	Mifflin	5	2 & 3
Kishacoquillas Creek	Mifflin	6	2, 3 & 5
Appenzell Creek	Monroe	2	1
Bushkill Creek	Northampton	4	2
Bushkill Creek	Northampton	6	2 & 5
Martins Creek	Northampton	4	1 & 3
Monocacy Creek	Northampton	7	3 & 5
Saucon Creek	Northampton	5	4
Big Moores Run	Potter	3	2
East Fork Sinnemahoning Creek	Potter	3	2
Penns Creek	Snyder (Mifflin/Union)	4	2
Penns Creek	Snyder (Centre)	3	2
Rapid Run	Union	3	2
Spring Creek	Warren	3	2
Codorus Creek	York	3	2
<b>Total Streams</b>			<b>22</b>
<b>Total Sections</b>			<b>29</b>



PROPOSED RULEMAKING



7097

§ 61.4. Conowingo Reservoir.

\* \* \* \* \*

(d) The following seasons, sizes and creel limits apply to the Conowingo Reservoir, which includes the Susquehanna River from the Maryland State Line upstream to Holtwood Dam:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
[ EELS ] AMERICAN EEL	Open year-round	[ 6 ] 9 inches	25
BAIT FISH FISH BAIT, except American eel	Open year-round	No minimum	35

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter B. SPORT FISHING AND ANGLING

§ 69.12. Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters.

\* \* \* \* \*

(f) Subject to the provisions of subsections (d) and (e), the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
AMERICAN EEL	Open year-round	9 inches	25
BAIT FISH FISH BAIT, except American eel and mussels/clams	Open year-round	None	50 (combined species)

[Pa.B. Doc. No. 13-2263. Filed for public inspection December 6, 2013, 9:00 a.m.]

[ 58 PA. CODE CHS. 61 AND 65 ]

Fishing; Seasons, Sizes and Creel Limits; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapters 61 and 65 (relating to seasons, sizes and creel limits; and special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2015.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendments to § 61.1 (relating to Commonwealth inland waters) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations). The proposed amendments to

§ 65.12 (relating to the Regional Opening Day of Trout Season Program) are published under the statutory authority of section 2102(a) of the code.

D. Purpose and Background

The specific purpose and background of the proposed rulemaking is described in more detail under the summary of proposal.

E. Summary of Proposal

Under a proposed statement of policy, the Commission proposes to amend § 57.8a (relating to Class A wild trout streams). Specifically, the Commission proposes the stocking of a limited number of Class A designated streams under certain conditions. Along with this proposed change, the Commission proposes that any Class A streams that are stocked be treated the same as other wild trout streams with respect to harvest during the extended season. Specifically, wild trout streams are closed to harvest beginning 12:01 a.m. the day after Labor Day to midnight the last day of February of the following year. Under §§ 61.1 and 65.12, approved trout waters and all waters downstream of approved trout waters are open to harvest with a three fish limit. There are currently at least 22 streams comprising 29 stream

PROPOSED RULEMAKING

sections designated as Class A and that occur downstream of an approved trout water section. The proposed amendments will result in all Class A streams being regulated the same relative to harvest and consistent with other wild trout streams that are not approved trout waters. This additional level of protection is consistent with treating our best wild trout waters with a greater level of protection than streams whose trout fisheries are partially or totally provided by stocking, where put-and-take is the preferred management approach.

The Commission therefore proposes to amend §§ 61.1 and 65.12 to read as set forth in Annex A.

**F. Paperwork**

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

**G. Fiscal Impact**

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

**H. Public Comments**

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 90 days after publication of this proposed rulemaking 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

(Editor's Note: See 43 Pa.B. 7107 (December 7, 2013) for a proposed statement of policy relating to this proposed rulemaking.)

Fiscal Note: 48A-253. No fiscal impact; (8) recommends adoption.

**Annex A**  
**TITLE 58. RECREATION**  
**PART II. FISH AND BOAT COMMISSION**  
**Subpart B. FISHING**  
**CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS**

§ 61.1. Commonwealth inland waters.

\* \* \* \* \*

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday after April 11 to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))
	Extended Season: Approved trout waters and all waters downstream of approved trout waters	7 inches	3 (combined species), except Class A wild trout streams, where the daily limit is 0, and areas with special regulations (see Chapter 65)
	12:01 a.m. day after Labor Day to midnight last day of February of the following year		

\* \* \* \* \*

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

§ 65.12. Regional Opening Day of Trout Season Program.

\* \* \* \* \*

(b) It is unlawful to fish in waters designated as part of the Regional Opening Day of Trout Season Program except in compliance with the following seasons, sizes and creel limits:

SEASONS	MINIMUM SIZE	DAILY LIMIT
Regular Season: 8 a.m. first Saturday after March 28 to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))

SEASONS	MINIMUM SIZE	DAILY LIMIT
Extended Season: Approved trout waters and all waters downstream of approved trout waters 12:01 a.m. day after Labor Day to midnight last day of February of the following year	7 inches	3 (combined species) except Class A wild trout streams where the daily limit is 0, and areas with special regulations (see Chapter 65)

[Pa.B. Doc. No. 13-2264. Filed for public inspection December 6, 2013, 9:00 a.m.]

[ 58 PA. CODE CH. 65 ]

**Special Fishing Regulations; Mentored Youth Fishing Day Program**

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

**A. Effective Date**

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

**B. Contact Person**

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

**C. Statutory Authority**

Proposed § 65.20 (relating to Mentored Youth Fishing Day Program) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

**D. Purpose and Background**

Most often, parents or guardians are the source of both instruction and serve as mentors to young anglers and hunters. The role of a mentor is that of long-term development and socialization. An instructor can teach someone to fish, while a mentor helps them become an angler (Duda M.D., 2010). That is, while proper instruction is important, it alone does not guarantee adoption. This is especially true if a mentor or other social support is absent.

Benefits of mentored experiences also extend to the parents or mentors. A 2007 survey of trout anglers in this Commonwealth showed that 98% of those surveyed would go trout fishing more if asked by a child (Responsive Management, 2008). Of that number, 84% indicated that being asked by a child to take them fishing was a strong encouragement to go trout fishing more in this Commonwealth.

Mentored opportunities differ from educational programs significantly in that mentored experiences extend beyond the instructional period. Mentors plan and discuss the trip with the apprentice before, during and after. An instructor only has contact with the young angler during the presentation. It is this premise on which youth hunts and mentored hunting programs are based (DJ Case & Associates, 2007) (Responsive Management, 2011) (Responsive Management and Southwick Associates, 2012).

This premise is the supporting rationale behind the Commission's Mentored Youth Fishing Day Program.

On March 23, 2013, the Commission piloted a Mentored Youth Trout Fishing Day on 12 waters in the regional opening day zone, covering 18 southcentral and southeast counties. This day was accomplished by the Commission's Executive Director acting under the authority of § 65.25 (relating to temporary changes to fishing regulations). The temporary change was published at 43 Pa.B. 114 (January 5, 2013).

To participate, anglers 16 years of age or older (adult anglers) were required to possess a valid Pennsylvania fishing license and current trout/salmon permit and be accompanied by a youth (less than 16 years of age) who registered with the Commission. Youth anglers must have been registered with the Commission and accompanied by an adult angler to participate. During the Mentored Youth Trout Fishing Day, the minimum size limit for trout was 7 inches and the creel limit was two trout per day (combined species). Other Commonwealth inland regulations applied. It was unlawful for adult anglers to fish in waters designated under the Mentored Youth Trout Fishing Day Program without a valid fishing license and trout permit and without being accompanied by a registered youth.

A total of 5,110 youth registered to participate in the Mentored Youth Trout Fishing Day pilot, accompanied by 3,846 adult mentors. A survey of mentors conducted by the Commission showed that 90% of the registered youth participated, resulting in an estimated 7,300 youth and their mentors taking part. These anglers fished an estimated 22,000 hours and released nearly 15,000 trout while harvesting slightly more than 6,000. Public, partner and staff feedback received before, during and immediately after the pilot day was predominantly positive. The results of the 2013 pilot program support expansion of the program to create additional opportunities for parents and mentors to take the children in their lives fishing as a way to reactivate anglers of all ages.

**E. Summary of Proposal**

Under this proposed rulemaking, the Executive Director may annually designate Mentored Youth Fishing Days and, when doing so, he will identify the species, waters, dates, creel and minimum size limits and other limitations that will apply. The specific details of these mentored youth fishing opportunities will be published in the *Pennsylvania Bulletin*. Staff will also post the Mentored Youth Fishing Day Program guidelines to the Commission's web site and promote it through various media outlets.

To participate, an angler 16 years of age or older must be accompanied by a youth (less than 16 years of age) who is registered with the Commission. Youth anglers must be registered with the Commission and be accompa-



NOTICES

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Super 7s '14 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 14-1220. Filed for public inspection June 6, 2014, 9:00 a.m.]

**Public-Private Partnerships Board Meeting Cancellation**

The Public-Private Partnerships Board meeting on June 10, 2014, has been cancelled. For more information contact Kathryn Tartaglia at (717) 214-7222 or katartagli@pa.gov.

BARRY J. SCHOCH, PE,  
Secretary

[Pa.B. Doc. No. 14-1222. Filed for public inspection June 6, 2014, 9:00 a.m.]

**DEPARTMENT OF  
TRANSPORTATION**

**Proposed Disadvantaged Business Enterprise Goals for Participation in Federal Highway Administration and Federal Transit Authority Contracts for Federal Fiscal Years 2015 through 2017**

The Department of Transportation (Department) is providing notice of its proposed goals for Disadvantaged Business Enterprise (DBE) participation (expressed as a percentage of total Federal Highway Administration (FHWA) and Federal Transit Authority (FTA) funding) for Federal Fiscal Years (FFY) 2015 through 2017. These goals apply to contracts in which FHWA and FTA funding for FFY 2015 through 2017 is utilized.

- The overall goal for DBE participation in Federally-assisted highway contracts is 6.85%.
- The overall goal for DBE participation in Federally-assisted transit contracts is 4.82%.

The proposed methodologies used in determination of the goals are available for inspection during normal business hours at Department of Transportation, Bureau of Equal Opportunity, 400 North Street, 5th Floor, Harrisburg, PA 17120-0041, (717) 787-5891 or (800) 468-4201, fax (717) 772-4026.

The documents can also be viewed online at <http://www.padbegoals.org/>.

Documents will be available for inspection for 30 days from the date of this notice. The Department will also accept written comments on the methodologies and proposed goals for 45 days from the date of this notice. Comments, questions or suggestions regarding this notice may be directed in writing to Jocelyn I. Harper, Director, at the previously-listed address.

BARRY J. SCHOCH, PE,  
Secretary

[Pa.B. Doc. No. 14-1221. Filed for public inspection June 6, 2014, 9:00 a.m.]

**FISH AND BOAT  
COMMISSION**

**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 14 and 15, 2014, the Commission will consider taking the following actions with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective on January 1, 2015:

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

The Commission will consider extending the **Delayed Harvest Artificial Lures Only Area** regulated and managed under 58 Pa. Code § 65.6 on **Pine Creek**, Lycoming County, from the current downstream limit located 164 yards upstream of the confluence of Naval Run downstream 1.6 miles to Bonnell Run. If approved, the revised limits will be from the confluence of Slate Run downstream to the confluence of Bonnell Run, a distance of 2.8 miles.

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

The Commission will consider adding the following waters to its list of Approved Trout Waters Open to Year-Round Fishing regulated and managed under 58 Pa. Code § 65.19:

County	Water
Carbon and Luzerne	Francis E. Walter Reservoir
Luzerne	Lehigh River from the outflow downriver 9.7 miles to Sandy Run, a distance of 9.7 miles

At this time, the Commission is soliciting public input concerning the previous 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/reg](http://www.fishandboat.com/reg) comments. 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. 14-1223. Filed for public inspection June 6, 2014, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### National Register Nominations to be Reviewed by the Historic Preservation Board

The Historic Preservation Board (Board) will hold a meeting on June 10, 2014, at 9:45 a.m. followed by the nominations at 12:15 p.m. at the State Museum Building, Harrisburg, PA. Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact Cheri Garrett at (717) 783-9933 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. For persons who have any questions or comments, contact the National Register Office of the Bureau for Historic Preservation at (717) 783-8947.

1. William Penn Memorial Museum and State Archives Building, 300 North Street, Harrisburg, Dauphin County
2. John Berger and Son Company Tobacco Warehouse, 191 Broad Street, East Hempfield Township, Lancaster County
3. 1922 Model T Ford, 152 William Penn Highway West, Wayne Township, Mifflin County
4. Mt. Lebanon Historic District; roughly bounded by Gilkeson Road, Washington Road, Woodland Drive, Vermont Avenue, Mt. Lebanon Boulevard, the Pittsburgh Light Rail tracks, Castle Shannon Boulevard, Scott Road, Twin Hills Drive, the Mt. Lebanon municipal boundary, Pine Tree Road, Moffett Street and Cedar Boulevard, Mt. Lebanon, Allegheny County
5. Concord School, Loyalhanna Dam Road approximately 300 feet northeast of Koontz Road, Loyalhanna Township, Westmoreland County
6. Dennis Farm, Creek Road approximately 0.4 mile south of Zicks Hill Road intersection, Brooklyn Township, Susquehanna County
7. First Methodist Church of McKeesport, 1406 Cornell Street, McKeesport City, Allegheny County
8. Henry F. Ortlieb Company Bottling House, 829-51 North American Street, Philadelphia

9. Bangor Historic District, roughly bounded by 3rd Avenue, Division Street, Fairview Avenue, North 4th Street, Pennsylvania Avenue, North Main Street, SR 512, Erdman Street, Northampton Street, Kline Street, Center Street, Miller Street, South Main Street, Werner Street, Messinger Street, South 1st Street, Church Street, South 6th Street, Broadway, North 9th Street, North 8th Street and North 7th Street, Bangor, Northampton County

10. Nantmeal Area Village, an area extending from the intersection of Fairview, Nantmeal, Coventryville and Horseshoe Trail Roads, East Nantmeal Township, Chester County

JAMES M. VAUGHAN,  
*Executive Director*

[Pa.B. Doc. No. 14-1224. Filed for public inspection June 6, 2014, 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 22, 2014, and announced the following:

*Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective May 21, 2014*

Board of Coal Mine Safety #7-482: Requirements for High-Voltage Continuous Mining Machines (adds 25 Pa. Code §§ 208.81—208.93)

*Action Taken—Regulations Approved:*

Department of Labor and Industry #12-91: Prohibition of Excessive Overtime in Health Care Act Regulations (amends 34 Pa. Code by adding Chapter 225)

Pennsylvania Public Utility Commission #57-305: Amending Regulations Regarding Disclosure Statement for Residential and Small Business Customers and the Provision of Notices of Contract Expiration or Changes in Terms for Residential and Small Business Customers (amends 52 Pa. Code Chapter 54)

Pennsylvania Public Utility Commission #57-306: Amending Regulations Regarding Standards for Changing a Customer's Electricity Generation Supplier (amends 52 Pa. Code Chapter 57)

### Approval Order

Public Meeting Held  
May 22, 2014  
Order issued  
May 22, 2014

*Commissioners Voting:* John F. Mizner, Esq., Chairperson;  
George D. Bedwick, Vice Chairperson; W. Russell Faber;  
Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Department of Labor and Industry—  
Prohibition of Excessive Overtime in Health Care Act  
Regulations; Regulation No. 12-91 (#2957)*

On June 26, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regula-