



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

**MINUTES**

**113th Meeting**

**Volume 66**

**HARRISBURG, PENNSYLVANIA  
JANUARY 22, 2015**

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Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission

Minutes

The 113<sup>th</sup> Meeting of the Pennsylvania Fish and Boat Commission was held on Wednesday and Thursday, January 21 and 22, 2015, at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110.

Commission committees met on January 21 beginning at approximately 10:00 a.m. and on January 22 beginning at approximately 8:00 a.m. The public session for review of this agenda began at or about 10:30 a.m. on January 22.

**Call to Order**

The meeting was called to order by Commission President Norman R. Gavlick and followed by the Pledge of Allegiance to the Flag.

**Roll Call**

**Members Present**

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

**Review and Approval of Minutes from the September 29, 2014 Meeting**

A motion was made by Commissioner Sabatose and seconded by Commissioner Elliott to approve the September 29, 2014 minutes as written. Motion carried.

**Awards and Presentations**

The Commission presented a Recognition Award to Garrett Enders and Nick Osman of the Susquehanna Valley High School Fishing Team and their coach, Mr. Tom Prowant, for their first

place win at the 2014 National Bassmaster High School Championship this past July. The Commission is very supportive of youth involvement in fishing – whether it be recreational or competitive fishing – and commends these gentlemen on the time commitment they have made to hone their skills and achieve this national championship. The Commission presented the champions with a print to display in their school in honor of their achievement. Also, to ensure that these young anglers have many years of fishing enjoyment, the Commission presented them with inflatable life jackets to wear while on the fishing boat.

The Commission presented the “Wave of Excellence” Award to Deb Stump, Human Resource Analyst, Human Resources Office. 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 fellow employees who have gone above and beyond the call of duty in performing their work or who have provided extraordinary customer service. Deb Stump is the sixth recipient of the “Wave of Excellence” Award or the “WE” Award. Deb was nominated by a fellow co-worker and the fifth recipient of the award, Sue Taylor. Deb is known to put “we” (the Commission) above “me.” As winner of the “Wave of Excellence” Award, Deb will be permitted to keep the award for six months before passing it on.

Major Michael Girvin, Pennsylvania Army National Guard, recognized the Pennsylvania Helicopter Aquatic Rescue Team (PA-HART) and the Commission for its involvement in Operation Vigilant Guard (May 2014) and presented the Higgins and Langley Swiftwater Rescue Program Award (from June 2014) in honor of the Commission’s commitment to the highest standards of excellence in swiftwater and flood rescue training, preparedness, and innovative program development. PA-HART is “Always Leaning Forward” for man-made and natural disasters in the Commonwealth of Pennsylvania.

Colonel Corey Britcher, Director, Bureau of Law Enforcement, presented a Certificate of Recognition entitled the “Pocono Proud Community Service Award” to President Gavlick and Executive Director Arway. The award was provided on behalf of former Governor Tom Corbett, Senator Lisa Baker, Senator John Blake, Senator-elect Mario Scavello, Representative Rosemary Brown and Representative Mike Peifer. This law enforcement recognition was to acknowledge the Commission’s law enforcement officers for their efforts in assisting in the manhunt for Eric Frein who ambushed two state troopers, killing one of them, in September 2014, in Blooming Grove, Pennsylvania.

### **Executive Director’s Report**

Executive Director Arway highlighted “The PFBC Strategist” (Exhibit A) that was provided to Commissioners. His report also included two videos capturing video messaging to promote fishing and hunting. The first video was a clip that was produced by the Arizona Game and Fish Department. The second video showcased the Commission’s “Catch the Value” campaign.

### **Announcement of Notational Votes (Exhibit B)**

The Commission voted on one item by notational vote since the September 2014 meeting. The Commission approved the acquisition of the property at 595 East Rolling Ridge Drive, Bellefonte, for the Centre County Regional Office Complex.

### **Announcement of Executive Session**

Commissioner Gavlick announced that an executive session was held on January 21 at 8:30 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 Wednesday, January 21, at approximately 10:00 a.m. Agenda items were discussed. Briefings were provided on the 2014 Fishing License Issuing Agent Roundtable Initiative and the Centre County Regional Office Complex. Tim Schaeffer provided an update on the changes that were made to the Quarterly Report. Its new name is *The PFBC Strategist* and it offers quarterly highlights of the Commission's work to implement its strategic plan. A presentation was provided by Brian Barner and Steve Kralik on the *Catch the Value!* marketing initiative.

#### **Boating (Commissioner Ketterer) –**

The Boating Committee met on Thursday, January 22, at approximately 9:40 a.m. Discussion items included the Recreational Boating Safety Performance Report and the Annual Recreational Boating Accident Analysis, and a water rescue update was provided. The next Boating Advisory Board meeting is scheduled for February 12, 2015 with a back-up date of February 18, 2015.

#### **Fisheries (Commissioner Mascharka) –**

The Fisheries Committee met on Wednesday, January 21, at approximately 2:30 p.m. and on Thursday, January 22, at approximately 8:00 a.m. Comments were provided by the general public. A presentation was provided by Commissioner Robert A. Bachman on the Spruce Creek study. Dr. Bob Carline provided a presentation entitled Hooking Mortality Study: Bald Eagle Creek Trout Tournament. Commission staff provided updates on hatcheries and Striped Bass regulations on the Delaware River and River Estuary. Agenda items were discussed.

#### **Habitat and Environmental (Commissioner Elliott) –**

The Habitat and Environmental Committee met on Wednesday, January 21, at approximately 1:00 p.m. One agenda item was discussed. Renee' Carey from the Northcentral Pennsylvania Conservancy and Jason Fellon from the Pennsylvania Department of Environmental Protection provided a presentation on northcentral stream restoration projects. Staff provided presentations on the Cowanesque Lake Project, the Commission's role in reviewing applications for Chapter 105 Obstruction and Encroachment Permits, and the Hunters Station Replacement Project. Mark Hartle provided a report on triclosan.

**Law Enforcement (Commissioner Squires) –**

The Law Enforcement Committee met on Thursday, January 22, at approximately 8:45 a.m. Updates were given on the Fish Kill hotline, Marcellus shale enforcement efforts, statewide pollution investigations, and the waterways conservation officer class and vacancies. One agenda item was discussed.

The Committee also acted upon proposed revocations. The Committee revoked the fishing privileges of one individual for a period of two years. The Committee revoked the boating privileges of two individuals for three years and eight individuals for two years and directed all to successfully complete a classroom boating safety education course. The Committee revoked the venomous snake permit of one individual for one year.

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

The Legislation and Public Outreach Committee met on Wednesday, January 21, at approximately 11:50 a.m. A state legislative update was provided. The Annual Report to the House Game and Fisheries Committee has not yet been scheduled. Laurel Anders provided an update on the 2015 Mentored Youth Trout Day.

**Public Comment to Commissioners and Staff**

There were no comments or questions from the public.

## EXECUTIVE AND ADMINISTRATIVE

### A. Easement Acquisition, Smith Property, Piatt Township, Lycoming County.

#### Commentary:

The Commission has been working with private landowners, the Army Corp of Engineers and Anadarko Marcellus Midstream L.L.C on a gas exploration related stream and wetland mitigation project to improve habitat and public fishing access on Larry's Creek located in the Lower West Branch Susquehanna Watershed.

The Commission has been offered a public fishing access and conservation easement at no cost over +/-12.26 acres including stream frontage along both sides of Larry's Creek as it flows through the Smith property. The easement area is located along Route 287 in Piatt Township, Lycoming County. A map depicting the subject parcel is attached as Exhibit C. A portion of the easement area will be for public fishing, boating and fisheries management and will include the stream corridor and extend 35 feet back from the top of the bank to the extent of the ownership of the seller. Another portion of the easement area will be a five-foot wide trail to provide access to Larry's Creek. A third portion of the easement area will be a conservation area that includes wetlands.

The Lower West Branch Susquehanna Watershed ranks 14<sup>th</sup> in *Pennsylvania's Fishing and Boating Access Strategy*. The Strategy identifies portions of Larry's Creek as needing additional public access. Larry's Creek receives trout stockings in this area, and the acquisition of the subject rights will ensure public access to these fishing opportunities.

Prior to closing, staff will perform the necessary due diligence. The Commission's acquisition of the easement will be contingent upon meeting due diligence requirements. The Commission may, at its sole discretion, pay any necessary costs to obtain and record a subordination of lien for the property.

#### 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 property rights along Larry's Creek in Piatt Township, Lycoming County, as more particularly described in the Commentary.

#### Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Mascharka to authorize the acquisition of property rights along Larry's Creek in Piatt Township, Lycoming County, as more particularly described in the Commentary. Motion carried.

B. Easement Acquisition, Kurtz Irrevocable Grantor Trust, Piatt Township, Lycoming County.

Commentary:

The Commission has been working with private landowners, the Army Corp of Engineers and Anadarko Marcellus Midstream L.L.C. on a gas exploration related stream and wetland mitigation project to improve habitat and public fishing access on Larry's Creek located in the Lower West Branch Susquehanna Watershed.

The Commission has been offered a public fishing access and conservation easement at no cost over .673 acre including stream frontage along one side of Larry's Creek as it flows through the Kurtz property. The easement area is located along Route 287 in Piatt Township, Lycoming County. A map depicting the subject parcel is attached as Exhibit C. A portion of the easement area will be for public fishing, boating and fisheries management and will include the stream corridor and extend 35 feet back from the top of the bank to the extent of the ownership of the seller. Another portion of the easement area will be a conservation area that includes wetlands.

The Lower West Branch Susquehanna Watershed ranks 14<sup>th</sup> in *Pennsylvania's Fishing and Boating Access Strategy*. The Strategy identifies portions of Larry's Creek as needing additional public access. Larry's Creek receives trout stockings in this area, and the acquisition of the subject rights will ensure public access to these fishing opportunities.

Prior to closing, staff will perform the necessary due diligence. The Commission's acquisition of the easement will be contingent upon meeting due diligence requirements. The Commission may, at its sole discretion, pay any necessary costs to obtain and record a subordination of lien for the property.

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 property rights along Larry's Creek in Piatt Township, Lycoming County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Mascharka to authorize the acquisition of property rights along Larry's Creek in Piatt Township, Lycoming County, as more particularly described in the Commentary. Motion carried.

C. Property Acquisition on the West Branch Susquehanna River, Union Township, Union County.

Commentary:

The Pennsylvania Department of Transportation (PennDOT) is in the final design phase of the Central Susquehanna Valley Transportation project that consists of a new four-lane, limited access highway, running 13 miles from the Selinsgrove Bypass (US Routes 11/15) in Snyder County to the State Route 147/State Route 45 interchange in Northumberland County. The new highway will cross the West Branch Susquehanna River three miles north of its confluence with the North Branch Susquehanna River. Due to the potential impact to recreational use of the river by the placement of new bridge piers, PennDOT has offered the Commission a +/- 2-acre parcel of land (Access Area) north of the proposed bridge superstructure on the west shore of the river as mitigation. Additionally, PennDOT will construct a boat launch and parking lot on the Access Area. Commission engineering staff were consulted on the design and layout.

The Access Area is on the uppermost section of Lake Augusta, a 3,060-acre impoundment that extends from the town of Sunbury several miles up both the West Branch and North Branch Susquehanna River. The Access Area will allow anglers access to the northern portion of the lake, leaving the southern access points of the lake to recreational boaters. The lake has an exceptional bass and walleye fishery. A map depicting the subject property is attached as Exhibit D.

PennDOT has offered to enter into an interagency land transfer agreement with the Commission for the Access Area. The agreement will transfer jurisdiction and control to the Commission after construction is complete. PennDOT will retain a +/- 0.5-acre aerial easement on the southeasterly portion of the Access Area. With the transfer, the Commission will assume responsibility for the operation, maintenance and repair of the Access Area. The acquisition will be contingent upon staff performing the necessary due diligence and addressing any issues that arise from that process.

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 acquisition of the +/-2-acre parcel along the West Branch Susquehanna River, Union Township, Union 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 +/-2-acre parcel along the West Branch Susquehanna River, Union Township, Union County, as more particularly described in the Commentary. Motion carried.

## **FISHERIES**

### **FINAL RULEMAKING**

A. 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 put in their boats at an access area within a special regulation area. The Commission proposed amending these sections to address this omission.

A notice of proposed rulemaking was published at 44 Pa. B. 5972 (September 20, 2014) (Exhibit E). The Commission did not receive any public comments concerning this proposal.

Briefer:

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

Recommendation:

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

Action:

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

## PROPOSED RULEMAKING

### B. Amendment to Section 65.6 (Delayed Harvest Artificial Lures Only Areas).

#### Commentary:

The Delayed Harvest Artificial Lures Only (DHALO) Program was established in 1983. As a first-of-its-kind regulation in the country, Delayed Harvest management was designed to provide for an extended period of catch and release angling for stocked trout. As angler interest for stocked trout fishing declined on these waters and stream conditions became less favorable for stocked hatchery trout survival (due to decreased flow and elevated water temperatures) later in the year, harvest using a low creel limit was permitted. The harvest season was designed to allow for harvest of stocked trout before they were lost to natural mortality. Since the program's inception it has been one of the Commission's most popular programs.

In the 31 years since the program began, angler attitudes, preferences and interest in stocked trout fishing have changed as evidenced by on-the-water angler interviews conducted by Commission biologists as well as data from contracted statewide trout angler telephone surveys conducted in 1991 and 2008. Furthermore, Commission biologists have a better understanding of the performance of this regulation through evaluations of the biology and water temperatures of the streams that are managed in the program. Through these observations, staff have determined that modifications to the DHALO Program can be made that will simplify the regulation, increase angler success for stocked trout, allow for a more efficient use of expensive hatchery raised trout and encourage use by more anglers.

The specific modifications to the DHALO Program along with the rationale for the proposed changes follow:

- Move the start of the trout harvest period from June 15 to the Saturday before Memorial Day.

Rationale: Moving the start of the trout harvest period from June 15 to late May coincides with a period of time when anglers are still most interested in fishing for stocked trout and water conditions are more conducive to trout feeding activity. This proposed change is intended to increase angler participation, increase angling success and improve utilization of stocked trout prior to their loss to natural mortality. The anticipated results of this proposed change are increased angler use and increased return on the investment of stocked trout.

- Allow the use of bait by all anglers during the trout harvest period.

Rationale: This proposed change will generate additional angling opportunities for a segment of the angling population that is currently unable to fish in a DHALO area utilizing their preferred method of angling. The anticipated results of this proposed change are increased angler use during the harvest period, increased harvest of

stocked trout prior to their loss to natural mortality and increased return on the investment of stocked trout. Additionally, Pennsylvania is the only state among the nine eastern states that have Delayed Harvest regulations for stocked trout that does not allow bait to be used in a Delayed Harvest area during the harvest period. Allowing bait during the harvest period in Pennsylvania could result in increased use of these waters by out-of-state anglers that enjoy the Delayed Harvest program in neighboring states.

- Allow youth anglers under the age of 16 to use bait year-round in DHALO areas.

Rationale: This proposed change will generate additional angling opportunities for a segment of the angling population that may not have mastered the use of flies or lures, especially youth and families. With this proposed change, a mentor will be able to fish in Delayed Harvest waters with flies and lures while the youth utilize bait. This approach is consistent with the Commission's commitment to secure Pennsylvania's angling heritage by introducing more opportunities to engage youth in angling (Commission Strategic Plan Strategy 3A). The anticipated results of this proposed change are increased angler use by both adults and youth in waters managed with Delayed Harvest regulations and increased return on the investment of stocked trout.

- Change the minimum length limit from 9 inches to 7 inches.

Rationale: This proposed change will simplify regulations by reducing the number of different trout length limit requirements that Pennsylvania anglers need to remember. The length limit change will be the same as the statewide minimum length limit. Because the length of stocked trout exceeds 10 inches, a change in the length limit from 9 inches to 7 inches will have no effect on the harvest of these fish.

In summary, staff propose the following amendments to § 65.6:

§ 65.6. Delayed harvest [**artificial lures only areas**].

(a) The Executive Director, with the approval of the Commission, may designate waters as delayed harvest[, **artificial lures only areas**]. The designation of waters as delayed harvest[, **artificial lures only areas**] shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in **areas** designated and posted delayed harvest[, **artificial lures only areas**] except in compliance with the following requirements:

(1) [**Fishing may be done with artificial lures only constructed of metal, plastic, rubber or wood or with flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear.**] The catch and release period for trout shall be the day after Labor Day to the Friday before Memorial Day. During the catch and release period, anglers 16 years of age and

**older may fish with artificial lures only constructed of metal, plastic, rubber or wood or with flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited. For anglers less than 16 years of age, all tackle is permitted. The daily creel limit for trout for all anglers is zero.**

(2) [The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.] **The harvest period for trout shall be the Saturday before Memorial Day to Labor Day. During the harvest period, all tackle is permitted. The daily creel limit for trout is three combined species. The minimum size for trout is 7 inches.**

(3) [Minimum size is: 9 inches, caught on, or in possession on, the waters under regulation.

(4) The daily creel limit is: three combined species except during the period after Labor Day and before June 15 when the daily limit shall be zero trout combined species, caught on or in possession on the waters under regulation.] **Open to fishing year-round.**

[(5) (4) Taking of baitfish or fishbait is prohibited.

[(6) (5) A current trout/salmon permit is required.

\* \* \*

Briefer:

R. Thomas Greene, Coldwater Unit Leader, 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 and seek public comments for 60 days. If adopted on final rulemaking, the amendments will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Mascharka to approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary and seek public comments for 60 days. If adopted on final rulemaking, the amendments will go into effect on January 1, 2016. Motion carried.

## DESIGNATIONS

### C. Removal of Designation of Pine Creek, Lycoming County, as a Delayed Harvest Artificial Lures Only Area and Re-designation as a Catch and Release All-Tackle Area.

#### 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.

In March 2014, the Commission was approached by the Lower Pine Creek Brown Trout Club with a request for 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 was to 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 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.

After an opportunity had been given for public comment that included a public session on June 5, 2014 at the Pennsylvania Department of Natural Resources' Tiadaghton State Park Office, the Commission approved an extension of the DHALO area of 1.6 miles at its July 2014 meeting. Because there were numerous public comments on the proposed changes, the Commission also directed staff to explore other regulatory options and make a recommendation to the Board at the fall 2014 meeting. During the fall 2014 meeting, the Fisheries Committee recommended that the Commission seek public comment for a period of 60 days on a proposal to remove the designation of Pine Creek, from the confluence of Slate Run downstream to the confluence of Bonnell Run, as a DHALO Area and designate it as a Catch and Release All-tackle Area, effective upon publication in the *Pennsylvania Bulletin*. At the Commission meeting, the Board adopted the Fisheries Committee's recommendation.

A notice of proposed re-designation was published at 44 Pa. B. 6886 (October 25, 2014) (Exhibit F). As of January 5, 2015, the Commission received 353 public comments regarding the proposed re-designation of Pine Creek. 309 public comments support the imposition of catch and release all-tackle regulations on Pine Creek; 44 public comments oppose it. 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 remove the designation of Pine Creek, from the confluence of Slate Run downstream to the confluence of Bonnell Run, as a DHALO Area under §65.6 and designate it as a Catch and Release All-tackle Area under §65.15. If approved, the re-designation will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Hussar to remove the designation of Pine Creek, from the confluence of Slate Run downstream to the confluence of Bonnell Run, as a DHALO Area under §65.6 and designate it as a Catch and Release All-tackle Area under §65.15. The re-designation will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

D. Designation of Marshall Lake, Allegheny County, as a “Big Bass Special Regulations” Water.

Commentary:

Marshall Lake is a 14.3-acre impoundment on the North Fork Pine Creek in McCandless Township, Allegheny County, a few miles northwest of downtown Pittsburgh. The lake is located in North Park, which is part of the Allegheny County Parks system, approximately 0.6 miles upstream of North Park Lake. Like North Park Lake, Marshall Lake is a very popular impoundment for fishing in an urban area.

An initial survey of Marshall Lake was performed in May 2013. Results from the survey indicated a good bass population with catch rates exceeding Big Bass guidelines, and bass growth was average in this small, turbid impoundment. Heavy angler use does not appear to be affecting the Largemouth Bass population in this impoundment; however, to increase the number of larger Largemouth Bass and to exert additional predation on the Gizzard Shad and small panfish, staff recommend Big Bass regulations at Marshall Lake. This designation will also allow for synchronization of regulations for bass between Marshall Lake and the adjacent North Park Lake, thereby reducing regulatory complexity.

A notice of proposed designation was published at 44 Pa. B. 7801 (December 13, 2014) (Exhibit G). The Commission did not receive any public comments concerning the proposed designation.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the designation of Marshall Lake, Allegheny County, as a “Big Bass Special Regulations” water under §65.9. If approved, this designation will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Elliott to approve the designation of Marshall Lake, Allegheny County, as a “Big Bass Special Regulations” water under §65.9. This designation will go into effect on January 1, 2016. Motion carried.

E. Designation of Reservoir Number Two, Washington County, as a “Big Bass Special Regulations” Water and “Panfish Enhancement Special Regulation” Water for Crappie.

Commentary:

Reservoir Number Two (Peters Lake Reservoir No. 2) is a 40.4-acre fertile, suburban impoundment located in Peters and North Strabane Townships, Washington County, four miles east of Canonsburg. Peters Township purchased the impoundment and surrounding property and developed Peters Township Park in the summer of 1996 and opened the impoundment for public fishing. Reservoir Number Two is managed for warmwater fish populations that include Largemouth Bass, Black Crappie, White Crappie and Bluegill. Statewide regulations were recommended to manage the bass and panfish populations after the initial survey in 1999.

Staff surveyed the lake using trap nets and night electrofishing in May 2010 to assess the warmwater gamefish and panfish populations and to update management plans for Reservoir Number Two. A recent unwanted introduction of Gizzard Shad has complicated fisheries management at this lake. Night electrofishing revealed a dense Largemouth Bass population but with poor size structure. The majority of the fish were stockpiled in the 200 to 274 mm size range. Staff therefore recommend Big Bass Special Regulations to allow more bass to reach larger sizes, which can then utilize the larger gizzard shad as forage.

Crappie populations have declined since the previous survey in 1999. Quality catch rate indices did not exceed the Panfish Enhancement guidelines in 2010. Angler harvest and competition with Gizzard Shad are likely impacting the crappie population. Staff therefore recommend application of Panfish Enhancement Special Regulation for Crappie to allow individuals to grow to a larger size before they are able to be harvested; this will also give larger crappie the opportunity to utilize small gizzard shad as a food resource. Bluegill exhibit average to slightly below average growth, and catch rate quality indices approached the Panfish Enhancement guidelines. Relative weights of Bluegill were poor indicating competition for food resources with Gizzard Shad. Staff therefore recommend statewide regulations at this time for Bluegill as growth rates and condition likely will decline with the recent introduction of Gizzard Shad.

A notice of proposed designation was published at 44 Pa. B. 7801 (December 13, 2014) (Exhibit G). The Commission did not receive any public comments concerning the proposed designations.

Briefer:

Leroy M. Young, Jr., Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission approve the designation of Reservoir Number Two, Washington County, as a “Big Bass Special Regulations” water under §65.9 and a “Panfish Enhancement Special Regulation” water under §65.11 for Crappie. If approved, the designations will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Mascharka to approve the designation of Reservoir Number Two, Washington County, as a “Big Bass Special Regulations” water under §65.9 and a “Panfish Enhancement Special Regulation” water under §65.11 for Crappie. The designations will go into effect on January 1, 2016. Motion carried.

F. Designation of Indian Lake, Westmoreland County, as a “Big Bass Special Regulations” Water and “Panfish Enhancement Special Regulation” Water for Crappie and Sunfish.

Commentary:

Indian Lake is a 4.94-acre pond located in North Huntingdon Township, Westmoreland County. The lake is the centerpiece of Indian Lake Park, a 16.2-acre park owned by the North Huntingdon Township’s Department of Parks and Recreation since 1995. The park is located in a suburban area and is heavily used. It is stocked with catchable trout and managed for warmwater fish populations which include Largemouth Bass, Bluegill and White Crappie. Indian Lake has been managed with a miscellaneous special regulation under §65.24 for bass and panfish since 1995. These regulations include a 15-inch minimum size limit and 2 per day creel limit for bass and a combined panfish creel limit of 10 per day. This was the best fish management fit for this small lake at the time.

Biologists surveyed Indian Lake in 2010. The Largemouth Bass population was good, and catches exceeded all quality indices outlined in the Big Bass guidelines. The 15-inch minimum length limit for bass has maintained a desirable size structure in Indian Lake and should continue. This can be done by removing the miscellaneous special regulation and placing the water in the Big Bass Special Regulations program. Under Big Bass Special Regulations, the creel limit will increase from the current 2 fish per day to 4 fish per day. The removal of the miscellaneous special regulation is addressed under Law Enforcement, A.

The 2010 survey also revealed low catch rates of primarily sub-quality size Bluegill and White Crappie. Staff believe angler harvest may be truncating the panfish size structure. Staff therefore recommend application of Panfish Enhancement Special Regulation for Sunfish and Crappie to allow these fish to grow to a quality size and improve the fishery.

A notice of proposed designation was published at 44 Pa. B. 7801 (December 13, 2014) (Exhibit G). The Commission did not receive any public comments concerning the proposed designations.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the designation of Indian Lake, as a “Big Bass Special Regulations” water under §65.9 and a “Panfish Enhancement Special Regulation” water under §65.11 for Crappie and Sunfish. If approved, the designations will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Mascharka to approve the designation of Indian Lake, as a “Big Bass Special Regulations” water under §65.9 and a “Panfish Enhancement Special Regulation” water under §65.11 for Crappie and Sunfish. The designations will go into effect on January 1, 2016. Motion carried.

G. Designation of Bridgeport Reservoir, Westmoreland County, as “Panfish Enhancement Special Regulation” Water for Crappie and Sunfish.

Commentary:

Bridgeport Reservoir is a 70-acre impoundment on Jacobs Creek located approximately one mile southeast of Mt. Pleasant, Westmoreland County. The lake is owned by the Westmoreland County Bureau of Parks and Recreation and is managed by the Commission for recreational fishing and boating. The dam was renovated, and the lake was refilled to its current pool of 70 acres in 1992. This lake has been managed for a warmwater and coolwater fishery to include Largemouth Bass, White Crappie, Bluegill, and Yellow Perch. Big Bass Regulations were implemented in 2002 to manage the Black Bass population, while statewide regulations have been used to manage all other species.

Biologists surveyed Bridgeport Reservoir in April 2012. Results from the survey indicated that the Largemouth Bass population had improved in number and size structure. Staff therefore recommend that Big Bass Regulations remain in place at Bridgeport Reservoir.

The sunfish and crappie populations at Bridgeport Reservoir are dense with poor size structure and high total annual mortality. A combination of factors such as environmental conditions more suitable for coolwater species, inter/intraspecific competition, and angler harvest may be impacting the warmwater panfish populations. To improve warmwater panfish fishing opportunities, staff recommend placing Panfish Enhancement Special Regulation on Bridgeport Reservoir for Sunfish and Crappie. A few yellow perch were present and growth rates were good, but a substantial yellow perch fishery has not yet developed after stocking in 2003 and 2004. In addition, staff plan to stock Walleye fingerlings and Channel Catfish fingerlings at Bridgeport Reservoir. Added predation by these species is also anticipated to contribute to enhancement of panfish size structure.

A notice of proposed designation was published at 44 Pa. B. 7801 (December 13, 2014) (Exhibit G). The Commission did not receive any public comments concerning the proposed designation.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the designation of Bridgeport Reservoir, Westmoreland County, as a “Panfish Enhancement Special Regulation” water under §65.11 for Crappie and Sunfish. If approved, the designation will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Mascharka to approve the designation of Bridgeport Reservoir, Westmoreland County, as a “Panfish Enhancement Special Regulation” water under §65.11 for Crappie and Sunfish. The designation will go into effect on January 1, 2016. Motion carried.

## H. Removal of Designation of High Point Lake, Somerset County, as “Panfish Enhancement Special Regulation” Water for Yellow Perch.

### Commentary:

High Point Lake is a 136.8-hectare (338-acre) impoundment on Glade Run located approximately seven miles southeast of Confluence in Somerset County. The lake is owned and managed by the Commission for recreational fishing and boating. This lake has been managed for a warmwater and coolwater fishery to include Largemouth Bass, Smallmouth Bass, Walleye, Northern Pike, Black Crappie, Bluegill, Pumpkinseed, Brown Bullhead and Yellow Perch. Panfish Enhancement regulations for Yellow Perch were implemented in 2000 to improve the size structure and increase the quality component of perch over 9 inches in the fishery, while statewide regulations have been used to manage for all other species.

Biologists from the Area 8 Fisheries Management Office surveyed High Point Lake with Pennsylvania trap nets in April or May of 1996, 1998, 2003, 2005 and 2007 for pre- and post-treatment analysis of Panfish Enhancement regulations implemented in 2000 for perch. Results from the surveys indicated that the Walleye population had declined substantially in number and quality sizes from previous surveys. In contrast, the black bass population has improved in number and quality sizes from previous surveys. The Black Crappie, Pumpkinseed and Bluegill populations varied and were generally of low density with some quality sized fish present.

Results from the post-treatment surveys for Yellow Perch have indicated that the overall size structure of the population has declined since the implementation of Panfish Enhancement regulations. In fact, it appears that with these regulations, abundances of legal-sized ( $\geq 225$  mm; 9 inches) Yellow Perch at High Point Lake have actually declined instead of proliferated. Although a similar trend was observed at a control lake (Kahle Lake) not managed by Panfish Enhancement regulations, management goals and Pennsylvania Panfish Guidelines related to High Point Lake's exploitable yellow perch stock have not been met. Kahle Lake was considered to have maintained adequate numbers of quality-sized fish, whereas High Point Lake did not.

Exploitation may have previously altered the size structure of Yellow Perch at High Point Lake. In an angler use, harvest, and opinion survey conducted during April through June, 1996 (before Panfish Enhancement regulations) at High Point Lake, Yellow Perch were second only to Bluegill in the number of fish harvested. The mean length of the Yellow Perch harvested that spring was 219 mm, close to the current legal size (225 mm). The abundance of legal perch ( $> 225$  mm) has declined since implementation of Panfish Enhancement regulations whereas overall abundance of Yellow Perch, particularly fish in the 100 mm size group has increased substantially. In addition, growth rates of perch ages 1 to 5 slowed considerably following implementation of Panfish Enhancement regulations. Therefore, combinations of factors such as inter/intraspecific competition and reduced angler harvest are likely impacting the Yellow Perch population. To improve coolwater panfish fishing opportunities, by allowing increased angler harvest on

the stunted perch population, staff recommend removing Panfish Enhancement regulations on High Point Lake for Yellow Perch.

A notice of proposed re-designation was published at 44 Pa. B. 7801 (December 13, 2014) (Exhibit G). The Commission did not receive any public comments concerning the proposed designation.

Briefer:

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

Recommendation:

Staff recommend that the Commission remove the designation of High Point Lake, Somerset County, as a “Panfish Enhancement Special Regulation” water for Yellow Perch. If approved, the removal will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Lichvar to remove the designation of High Point Lake, Somerset County, as a “Panfish Enhancement Special Regulation” water for Yellow Perch. The removal will go into effect on January 1, 2016. Motion carried.

## I. Removal of Exclusive Use Fishing Area for Children Designation from Deep Creek, Schuylkill County.

### Commentary:

Deep Creek, a tributary to Pine Creek, is located in northwestern Schuylkill County. Deep Creek is divided into 4 stream sections by the Commission for fisheries management purposes. Sections 3 and 4 of Deep Creek are included in the Commission's Approved Trout Waters Program, and these sections receive an annual allocation of adult trout. Section 4 extends from Church Road (T478) downstream to the mouth, which is near the village of Sacramento.

A 450-foot portion of Deep Creek, Section 4, is designated as an Exclusive Use Fishing Area for Children under §65.21. The Children's Area extends from County Bridge #111 on Creek Road to a point 450 feet downstream of the bridge. The property owner of the portion of Deep Creek where the Children's Area is located has requested that the Children's Area designation be removed, although he is willing to allow the property to remain open to public fishing and will permit the Commission to continue stocking the creek with trout. According to the district waterways conservation officer, who supports the removal of the Children's Area designation, this area receives limited use and no fishing derbies or special events for children will be impacted by the removal of this designation. Because the property owner no longer wishes to have the Exclusive Use Fishing Area designation applied to this portion of Deep Creek, the Exclusive Use Fishing Area for Children designation should be removed.

### Briefer:

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

### Recommendation:

Staff recommend that the Commission remove the designation of an Exclusive Use Fishing Area for Children under § 65.21 from the portion of Deep Creek described in the Commentary. If approved, the change will go into effect upon publication in the *Pennsylvania Bulletin*.

### Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Elliott to remove the designation of an Exclusive Use Fishing Area for Children under § 65.21 from the portion of Deep Creek described in the Commentary. The change will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried.

J. Additions to List of Class A Wild Trout Streams under Section 57.8a.

Commentary:

Pursuant to 58 Pa. Code §57.8a (relating to Class A wild trout streams), it is the Commission's policy to recognize self-sustaining Class A wild trout populations as a renewable natural resource meriting special consideration in the development of fisheries management plans and water quality/habitat protection. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout populations. Criteria developed for Class A Wild Trout populations are species specific. Wild Trout Abundance Class Criteria include provisions for wild Brook Trout, wild Brown Trout, mixed wild Brook and Brown Trout, wild Rainbow Trout, mixed wild Brook and Rainbow Trout and mixed wild Brown and Rainbow Trout populations.

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."

To date, Commission staff have identified 10 high biomass waters per Issue 2 of the plan. 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 a Class A population and staff recommend the addition of these 10 stream sections to the list of Class A wild trout streams.

A notice of proposed designation was published at 44 Pa. B. 7306 (November 15, 2014) (Exhibit H). The Commission did not receive any public comments concerning the proposed designations during the formal comment period. After the formal comment period, the Commission received one comment supporting the proposed designations and three comments opposing the proposed designations of Little Lehigh Creek, Monocacy Creek, Pohopoco Creek and Martins Creek because of potential stocking implications. 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 add 10 stream sections to the Commission's Class A wild trout streams list as described in the Commentary. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Ali to add 10 stream sections to the Commission's Class A wild trout streams list as described in the Commentary. These additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.

## OTHER MATTERS

### K. Proposal to Continue Stocking Class A Wild Trout Streams under Section 57.8a.

#### Commentary:

The Commission recently adopted changes to its statement of policy relating to Class A wild trout streams. Effective January 1, 2015, the policy provides in relevant part:

§ 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. However, there may be circumstances that justify stocking a Class A wild trout stream. Prior to granting permission to stock a Class A wild trout stream under §71.4 (relating to stocking of designated waters), the Executive Director will obtain the approval of the Commission.

In a separate agenda item, staff are recommending the addition of 10 stream sections to the Commission's Class A wild trout streams list. These waters and relevant statistics are identified in Exhibit I.

All of these waters were stocked in 2014, the year preceding the proposed Class A designation. They all support high levels of angler use for the stocked trout component of the fishery. Of the 10 stream sections, 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. Martins Creek, which had the lowest relative use of those that were surveyed by staff, still fell within the 67<sup>th</sup> percentile based on a 2014 Opening Day angler count. 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. The trout species to be stocked in each of these streams will not be the same species as the primary component of the wild trout population. None of these stream sections are 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.

A notice of proposed designation was published at 44 Pa. B. 7306 (November 15, 2014) (Exhibit H). This notice primarily sought public comments with respect to the proposed designation of these stream sections as Class A wild trout streams but also sought comments regarding whether to allow these waters that are currently stocked to continue to be stocked. As of January 20, 2015, the Commission received a total of 317 public comments. Five comments support stocking the 10 waters. Two comments support stocking all Class A waters, two comments specifically support stocking Pohopoco Creek and two comments specifically support stocking Yellow Creek. 175 comments oppose

stocking any Class A waters, and 127 comments urge the Commission to adopt defined criteria in its statement of policy if any stocking of Class A waters is to occur. One comment urges the Commission to limit wild trout stream stocking, and three copies oppose eliminating stocking on several of these 10 streams. Copies of all public comments have been provided to the Commissioners.

It should be noted that when the Commission sought public comments regarding proposed changes to its statement of policy to allow stocking of Class A wild trout streams if certain criteria were met, the Commission received 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 this proposal as Class A. There were 21 comments in opposition to stocking in Class A waters in general. One commenter recommended reducing stocking gradually over a three year period.

Briefer:

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

Recommendation:

If the Commission adds the 10 stream sections to its list of Class A wild trout streams in the agenda item under Fisheries, J, staff recommend their continued stocking with hatchery trout due to their high current angler use levels while also maintaining high biomass Class A wild trout fisheries. Staff recommend that the Commission act on each of the following stream sections separately:

- (1) Fishing Creek, Section 13, Clinton County, from the confluence of Cedar Run downstream to Axe Factory Hollow Run;
- (2) Little Lehigh Creek, Section 04, Lehigh County, from the confluence of Spring Creek downstream to Wild Cherry Lane (T-476) Bridge;
- (3) Little Lehigh Creek, Section 07, from 0.4 km upstream Country Club Road (T-473 Bridge) downstream to the upstream face of Fish Hatchery Road (SR 2010) Bridge;
- (4) Martins Creek, Section 01, Northampton County, from the confluence of East and West Branches Martins Creek downstream to the discharge of the Bangor Sewage Treatment Plant near an Unnamed Tributary;
- (5) Monocacy Creek, Section 08, Northampton County, from Illicks Mill Dam downstream to Schoenersville Road (SR 3017) Bridge;
- (6) Monocacy Creek, Section 09, Lehigh/Northampton counties, from Schoenersville Road (SR 3017) Bridge downstream to the confluence with Lehigh River;
- (7) Penns Creek, Section 02, Centre County, from SR 0045 downstream to the confluence with Elk Creek;
- (8) Pohopoco Creek, Section 04, Carbon County, from Outlet of Beltzville Lake downstream to Hideaway H&F Club cable across creek;
- (9) Yellow Creek, Section 04, Bedford County, from Beaver Creek Confluence downstream to Red Bank Hill; and

(10) Yellow Creek, Section 05, Bedford County, from Red Bank Hill downstream to the Mouth of Maple Run.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Ali to continue stocking the 10 stream sections listed above with hatchery trout due to their high current angler use levels while also maintaining high biomass Class A wild trout fisheries.

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

Commissioner Ali	Yes
Commissioner Bachman	No
Commissioner Elliott	Yes
Commissioner Gavlick	Yes
Commissioner Hussar	Yes
Commissioner Ketterer	Yes
Commissioner Lichvar	No
Commissioner Mascharka	Yes
Commissioner Sabatose	Yes
Commissioner Squires	Yes

There were eight (8) yes votes. Motion carried.

## **HABITAT AND ENVIRONMENTAL**

### **A. Fish Passage and Habitat Restoration Grant to American Rivers, Inc. for the Removal of Downing Ridge Dam on East Branch Brandywine Creek, Chester County.**

#### Commentary:

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

The Commission will receive \$318,000 from the Pennsylvania Department of Transportation to fulfill compensatory mitigation requirements for a highway improvement project on State Route 0322, Section 100. The Department is providing the funds to the Commission to coordinate the removal of Downing Ridge Dam, East Branch Brandywine Creek, Chester County, that will partially fulfill permitting expectations associated with the highway improvement project. Downing Ridge Homeowners Association and Chester County, owners of Downing Ridge Dam, have agreed to pursue removal of their dam.

Staff propose to provide a pass-through grant of up to \$274,000 to American Rivers, Inc. to administer and manage the removal of Downing Ridge Dam. Of the remaining funds, approximately \$29,000 will be provided to Downingtown Borough to implement management practices to improve water quality in ponds owned by Downingtown Borough that were historically fed by a mill race from the dam. Approximately \$15,000 will compensate the Commission for staff time associated with the coordination necessary to advance the project. Division of Habitat Management staff will administer the funds on behalf of the Commission and will continue to provide technical assistance and coordination of the overall project.

#### Briefer:

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

#### Recommendation:

Staff recommend that the Commission approve a grant of up to \$274,000 to American Rivers, Inc. for the removal of Downing Ridge Dam as more fully described in the Commentary.

#### Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Squires to approve a grant of up to \$274,000 to American Rivers, Inc. for the removal of Downing Ridge Dam as more fully described in the Commentary. Motion carried.

## **LAW ENFORCEMENT PROPOSED RULEMAKING**

### A. Amendments to Chapters 61, 63, 65 and 79 to Simplify and Consolidate Fishing Regulations.

#### Commentary:

It has long been a concern that the complexity and number of the Commission's fishing regulations may be a deterrent to people fishing. In response to those concerns, several Commissioners expressed an interest in regulation simplification and consolidation, and Director Arway directed his staff to review existing fishing regulations. A workgroup comprised of staff across bureau and office lines was formed in 2013. Workgroup meetings were held and drafts were circulated throughout 2013 and 2014. At the September 2014 Commission meeting, a preliminary draft with proposed regulatory amendments was shared with the Law Enforcement Committee.

As part of the regulation simplification and consolidation process, staff propose a number of housekeeping changes. These housekeeping changes are to §§61.2 (relating to Delaware River, West Branch Delaware River and River Estuary), 61.8 (relating to Lehigh River, Schuylkill River and tributaries), 65.4a (relating to all-tackle trophy trout), 65.5 (relating to catch and release areas), 65.7 (relating to Trophy Trout Program), 65.9 (relating big bass special regulations), 65.11 (relating to panfish enhancement special regulation), 65.12 (relating to Regional Opening Day of Trout Season Program), 65.14 (relating to catch and release fly-fishing only areas), 65.15 (relating to catch and release all-tackle areas), 65.16 (relating to Musky Enhancement Program), 65.17 (relating to Catch and Release Lakes Program), 65.18 (relating to Brood Stock Lakes Program), 65.19 (relating to approved trout waters open to year-round fishing) and 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas).

As part of the regulation simplification and consolidation process, staff also propose a number of substantive changes to the following sections:

- Because note 3 in §61.1 (relating to Commonwealth inland waters) is not applicable to gizzard shad, staff propose that the reference to it (three asterisks after gizzard shad) be removed. Staff also propose that because § 65.10 (relating to Early Season Trout Stocked Waters Program) was previously eliminated, any references to this section and the program in note 2 of §61.1 be removed.
- In §61.7 (relating to Susquehanna River and tributaries), staff propose that the note be removed because the harvest of baitfish in this note is applicable only to landlocked alewife harvested from inland lakes, ponds and reservoirs and does not apply to this section.
- In § 63.3 (relating to fishing in approved trout waters), the current definition of approved trout waters is “designated waters that contain significant portions that are open to public fishing and are stocked with trout.” The term, however, suggests a much broader category of trout waters, including both stocked and

wild, and may cause confusion among the public. Therefore, staff propose that the term “stocked trout waters” be used to more accurately describe the category of trout waters at issue and that the term be defined as “waters that are stocked with adult trout by the Commission.” Staff also propose that other sections in Chapters 61, 63, 65 and 79 using the term “approved trout waters” be amended.

- In §63.48 (relating to permit for the use of cast nets or throw nets), staff propose that the restriction limiting baitfish to eight inches in length be removed because there is no biological reason for the restriction.
- In §§65. 5 (relating to catch and release areas) and 65.7 (relating to Trophy Trout Program), staff propose deleting the list of prohibited lures and substances in favor of naming the permitted items only to eliminate confusion and having to name or describe all prohibited lures and substances.
- In §65.11 (relating to panfish enhancement special regulation), staff propose changes making the language consistent with the Summary Book and with the intent of the regulation when it went into effect.
- Staff propose eliminating § 65.13 (relating to wild brook trout enhancement) in its entirety because based on peer reviewed and published scientific research on the waters within this program, staff have determined that this regulation is ineffective. If the program is eliminated, waters currently in the program will be distributed to other programs.
- In § 65.14 (relating to catch and release fly-fishing only areas), staff propose that the reference to single hooks be removed to clarify that multiple hooks are permitted. Staff also propose that the reference to “fly line with a maximum of 18 feet in leader material or monofilament line attached” be removed to eliminate a gray area regarding center-pinning techniques, which is becoming a popular technique to fish nymphs and utilizes a much longer leader. To eliminate confusion and having to name or describe all prohibited lures and substances, staff further propose deleting the list of prohibited items in favor of naming the permitted lures and substances only.
- In §65.24 (relating to miscellaneous special regulations), staff propose that
  - The miscellaneous special regulation on Elk Creek (Big Elk Creek), Chester County, be eliminated because the harvest of alewife and blueback herring is not allowed in the Susquehanna system.
  - The miscellaneous special regulation on Opossum Lake, Cumberland County, be removed as of June 18, 2016 because it specifically provides that it will remain in effect until that date.
  - The miscellaneous special regulation on the West Branch, Clarion River, Elk County, be eliminated because wading is now permitted.
  - The miscellaneous special regulation on Lake Scranton, Lackawanna County, be removed because the origin of this requirement was a lease

agreement among Pennsylvania Gas and Water Company (now Pennsylvania American Water Company), Allied Services and the Commission, and the water company recently advised the Commission that it wishes to terminate the agreement. In addition, both Pennsylvania American Water Company and Allied Services have requested that the miscellaneous special regulation be removed.

- The miscellaneous special regulation on Leaser Lake, Lehigh County, be removed as of June 18, 2016 because it specifically provides that it will remain in effect until that date.
- The miscellaneous special regulation on the West Branch Delaware River, Wayne County, be changed to be consistent with other changes throughout this chapter related to the use of prohibited lures and substances in artificial lures only areas.
- The miscellaneous special regulation on Indian Lake, Westmoreland County, be eliminated because the Division of Fisheries Management has data to support designating this lake as big bass and panfish enhancement and has proposed these designations under a separate agenda item.
- The miscellaneous special regulation on Lake Winola, Wyoming County, be eliminated because there is no biological support for this regulation.

All of the proposed changes are further described on Exhibit J.

In addition to the proposed amendments in Exhibit J, staff will likely be recommending other changes in the future following implementation of the Musky and Black Bass management plans. Staff will continue to look for ways to simplify and consolidate fishing regulations.

Briefer:

Laurie E. Shepler, Chief Counsel

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the proposed amendments described in the Commentary. If adopted on final rulemaking, the amendments will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Squires to approve the publication of a notice of proposed rulemaking containing the proposed amendments described in the Commentary and seek public comments for a period of 60 days. If adopted on final rulemaking, the amendments will go into effect on January 1, 2016. Motion carried.

**Other New Business**

Commissioner Lichvar asked that we keep former Commissioner Worobec in our thoughts and prayers. President Gavlick welcomed Commissioner Hussar to the Board.

**Time and Place of May 2015 Commission Meeting**

The next meeting will be held on May 4-5, 2015 in northeastern Pennsylvania.

**Adjournment**

A motion was made by Commissioner Squires and seconded by Commissioner Elliott to adjourn the meeting at approximately 11:45 a.m. Motion carried.

*Guests*  
**PENNSYLVANIA FISH AND BOAT COMMISSION**  
**COMMISSION MEETING**  
**January 22, 2015**  
**HARRISBURG, PENNSYLVANIA**

NAME

ADDRESS  
& PHONE #

AFFILIATION

I WISH TO PROVIDE  
PUBLIC COMMENT  
(CHECK HERE!)

None



## PUBLIC NOTICES

### SUNSHINE ACT MEETING NOTICES

Thursday, January 8, 2015

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

Health, Bureau of Communicable Disease, Division of HIV/AIDS, HIV Planning  
Group (HPG) Meetings: January 14, 2015, Park Inn Radisson, Harrisburg West,  
5401 Carlisle Pike, Mechanicsburg 1-888-253-1628. Time: 9 AM - 4 PM. Also  
scheduled on 1/15/15, same time and location as above.

Contact Name: Kenneth McGarvey 800-922-9384

State Armory Board Meeting: January 14, 2015, 11:00 AM. DMVA Main Conf. Rm.,  
Bldg. 0-47, Fort Indiantown Gap, Annville.

Contact Name: Mark Austin 861-2915

Council of Higher Education/Council of Basic Education Meeting:

January 14, 2015, 11:00 AM. Honors Suite, 1st Fl., 333 Market St., HBG.

State Board for Vocational Education/State Board of Education meeting  
scheduled at 1:30 PM, same date and location as above.

Contact Name: Ann Szwajkowski 787-4431

CANCELLED: State Board of Optometry Meeting: January 15, 2015, 9:00 AM.

2601 N. Third St., HBG.

Fish & Boat Commission Meetings: January 21, 2015, 8:00 AM. 1601 Elmerton Ave.

HBG. Also scheduled: 1/22/15, same time and location as above.

Contact Name: Teresa Erdman 705-7801

Dept. of Education, Teacher Tenure Appeal No. 02-14, Appeal of Alonzo DeIulius v.

Pittsburgh Board of Education: January 28, 2015, 2:00 PM. Office of Chief Counsel,  
333 Market St., 9th Fl., HBG.

Contact Name: Eunicejean Patrice 783-6945

PA Invasive Species Council Meeting: January 29, 2015, 10:00 AM. Dept. of

Agriculture, Rm. 309, 2301 N. Cameron St., HBG.

Contact Name: Leo Donovall 772-5225

# The PFBC Strategist

Strategic Plan Quarterly Report for the Pennsylvania Fish & Boat Commission

January 2015

## Catch the Value!

*Goal 1B.A.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.*

For the first time in its history, the Commission took action in September to reduce the price of annual fishing licenses for the 2015 season, a promotional move intended to highlight the sport's affordability to families and younger audiences and to persuade lapsed anglers to return.

The price cut is intended to catch the attention of people who have not fished in a few years, or who have wanted to try fishing but mistakenly thought that prices have increased like they have for other products and activities.

The Commission is actively promoting the specially priced licenses under the theme of *Catch the Value!*, which highlights both the value of the license and the value of the excellent fishing opportunities throughout Pennsylvania.

Beginning Dec. 1, 2014, prices were reduced by \$1 for resident and non-resident annual licenses and gift vouchers purchased throughout the year. Anglers who bought 3-year and 5-year licenses in December saw a reduction of \$3 and \$5, respectively. The discounts also applied to annual and multi-year gift vouchers purchased in December.

## Susquehanna River

*Goal 2B: Through June 2017, continue implementation of river management plans for the Delaware, Susquehanna, and Three Rivers systems.*

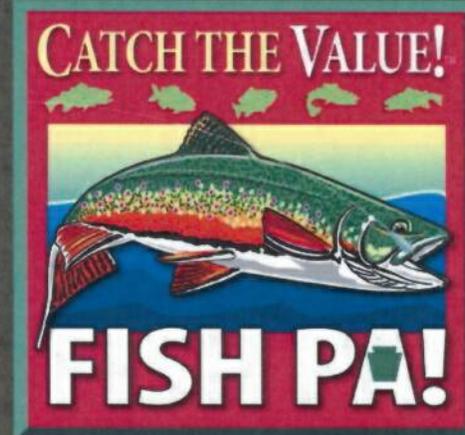
In October, the Commission, state Department of Environmental Protection (DEP), and U.S. Environmental Protection Agency (EPA) began the Causal Analysis/Diagnosis Decision Information System (CADDIS) process to help identify causes of health issues with young-of-year (YOY) Smallmouth Bass in the Susquehanna River and its tributaries. A workgroup including representatives from the Commission, DEP, EPA, Susquehanna River Basin Commission, U.S. Fish and Wildlife Service, U.S Geological Survey, Lycoming College, and Susquehanna University was formed to assist with the analysis. This will be a more formal approach to what the group has been doing as part of an interagency technical committee that has worked together in recent years.

The CADDIS process will culminate in September 2015 with a collaborative report of the group's findings on causative factors associated with the reduction in recruitment and abundance of adult Smallmouth Bass in the middle Susquehanna River and lower Juniata River. This report can then be used to provide direction and support for factors for DEP to include in their Integrated Water Quality Monitoring and Assessment Report (305b) in January 2016. Project leaders from EPA are facilitating the process and providing support with statistical analysis.

## Musky Summit

*Goal 2D: Through June 2017, implement gamefish management plans for Muskellunge, Walleye, and Catfish.*

In October, the Commission hosted a special meeting – known as the Musky Summit – at Cabela's in Hamburg. The summit was designed to improve communication with angling groups and focused on a range of topics, including the progress made on the statewide musky management plan released in October 2012, presentations on hatchery culture of musky, current results from Commission tagging studies, and projects performed by musky clubs. The meeting also included structured discussion and questions and answers from anglers regarding musky management in Pennsylvania.



## WCO Body Cameras

*Goal: 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.*

Thanks to HB 2178 (Act 202 of 2014), sponsored by Representative Dan Moul, Waterways Conservation Officers are now legally permitted to wear body cameras in the performance of their official duties.

Prior to Act 202 of 2014 only municipal and state law enforcement officers were legally permitted to use body cameras. Act 202 increased officer safety and surveillance by amending Title 30 (Fish & Boat Code) and Title 34 (Game Code) to include Waterways and Wildlife Conservation Officers under the definition of "law enforcement officers" within the Wiretapping and Electronic Surveillance Control Act.

This amendment allows for officers to utilize body cameras in the performance of their duties after completing a training course approved by the Pennsylvania State Police.

*The Strategist offers quarterly highlights of the PFBC's work to implement its strategic plan for July 2014-July 2017. To view the full plan, visit [www.fishandboat.com](http://www.fishandboat.com).*

## Family Fishing Programs

*Goal 3A.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.*

Responsive Management released the results of a nationwide survey that analyzed the effectiveness of hunting, shooting, and fishing recruitment and retention programs. The results suggested that Pennsylvania is a model for other states.

Of 69 programs studied nationwide, the PFBC's Family Fishing Program ranked in the top five in 10 different categories that measured increased interest in fishing, knowledge of where to fish and fishing opportunities, knowledge of the PFBC, participation in fishing, likelihood of purchasing a fishing license, and likelihood of purchasing fishing equipment.

## Expanded Mentored Youth Trout in 2015

*Goal 3A.E: 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.*

Mentored Youth Trout Day opportunities will be expanded to all Approved Trout Waters in 2015. On March 28 in the southeast and April 11 in the rest of the state (one week before the two respective opening days), anglers will be able to take children fishing on any Approved Trout Water they choose.

Many of the waters will receive an allotment of trout by the scheduled youth dates. As always, anglers will be able to consult [www.fishandboat.com](http://www.fishandboat.com) to see which waters have been stocked before they hit the stream or lake.

Expanding this opportunity to all Approved Trout Waters will make it more accessible to more people, help to guard against potential weather-related problems (e.g., iced over lakes), and reduce crowding at popular sites. This unprecedented action reinforces the Commission's seriousness in finding new ways to recruit and retain youth anglers and their families.

## Cowanesque Lake

*Goal 2O.1: Through June 2017, 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.*

In late September, over 2,000 tons of rock rubble fish habitat was added to the waters of Cowanesque Lake, Tioga County. The effort was the largest rock rubble habitat project ever completed in a Pennsylvania reservoir. The Commission teamed up with the Army Corps of Engineers to accomplish the project. The Army Corps supplied the rock rubble and contracted a unique rock barge. The Commission contributed heavy equipment and operators for loading and technical guidance on rock reef placement.

The outcome of this project is a significant increase in rock type cover for several aquatic species in an area that was virtually devoid of habitat. The reefs will colonize with diatoms, algae, and macroinvertebrates and become feeding grounds for juvenile and adult game fish. The rock will also serve as cover for juvenile black bass, panfish, and walleye. The anglers who fish Cowanesque Lake will also benefit from the newly added habitat. The reefs create fishing hot spots on the lake that can be located on a habitat improvement map found at <http://fishandboat.com/lakeplans.htm>.

## Reynoldsdale

*Goal 3C.A: Through at least July 2015, continue to operate all 13 state fish hatcheries.*

The Commission has initiated renovations of the Reynoldsdale State Fish Hatchery in Bedford County. The hatchery is undergoing major changes as it is transformed from an older earthen pond rearing system to a modern raceway system. These changes are needed due to the deterioration of the old facility, inefficient use of space, and antiquated waste treatment options. The new hatchery complex will contain modern concrete raceways, oxygenation systems, and an improved waste treatment system.

Work at the site started in the summer of 2014 and completion is expected in early 2016. Trout will continue to be raised at Reynoldsdale while the construction is in progress.

## Centre County Office

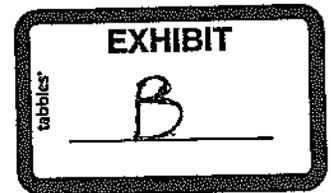
*Goal 4C.3: By December 2014, complete plan for where and how to house the Commission's Centre County-based staff.*

In December, the Commission completed the sale on a vacant warehouse and office building that will allow for the consolidation of 14 operations and buildings into a single facility, thereby increasing efficiency.

As an existing facility, the property's purchase price and post-acquisition upgrades amount to approximately one-third of the cost to construct a new building, and comparable facilities at attractive pricing are rarely available within this area. The property will allow for expansion in the future within the warehouse and office areas and will provide indoor and outdoor storage for vehicles and boats along with capacity for doing indoor maintenance.

It also has loading docks for proper delivery access and will provide the Northcentral Regional Law Enforcement Office with an accessible front office presence in which to do business with the public.

**PENNSYLVANIA FISH AND BOAT COMMISSION**  
Notational Vote



Centre County Regional Office Complex.

Commentary:

Goals 4.C.3 and 4 of the agency's Strategic Plan are:

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.

In furtherance of these strategic plan goals, Commission staff were exploring options for housing Centre County-based staff when they became aware of a commercial property for sale in Spring Township, Centre County. This property, which previously housed Woodcraft Industries, Inc., is located at 595 East Rolling Ridge Drive, Bellefonte, not far from the current Pleasant Gap offices and hatchery and in close proximity to the Bellefonte Interchange of I-99. The property consists of a 104,000-square foot building on 11.96 acres. The main portion of the building, which was constructed in 1996, is comprised of 52,000 square feet, of which roughly 20,000 square feet is currently suitable for office space. The warehouse portion of the building was expanded in 2000 by 12,000 square feet and again in 2003 by 40,000 square feet.

The property was listed for sale at \$4,250,000, and Commission staff negotiated a purchase price of \$3,995,000. Under the agreement of sale, the sale of the property is subject to (1) the seller providing good and marketable title to the property, free and clear of all liens, encumbrances and easements, except deed restrictions and easements of record and (2) approval by the Commission's Board. If these contingencies are not met, the Commission has the absolute right to terminate the agreement. The agreement of sale also provides that the parties will close on the property by December 30, 2014. The date of closing may be extended by the parties by letter of agreement.

As part of their due diligence efforts, Commission staff secured a Phase 1 Environmental Site Assessment (ESA) of the property. The Phase 1 ESA revealed no recognized environmental conditions in connection with the site. It also found that based on site reconnaissance, interview results and review of reasonably ascertainable regulatory and historical documents, no additional investigation appears to be warranted with respect to the property at this time.

Commission staff also secured an appraisal of the property. The property appraised at \$4,000,000.

In addition, Commission staff undertook a comprehensive inspection of the building. The in-depth site inspection yielded an overall "good condition" rating for all aspects of the building. No serious deficiencies, safety concerns that cannot be addressed or significant adverse conditions were identified. A full inventory of existing facilities and systems, along with a baseline assessment of each, were documented.

The Commission previously secured capital budget authorization for this project in the amounts of \$1.1 million and \$6.5 million through Act 83 of 2006 and Act 41 of 2008, respectively. Both acts provide that this project may be financed by the incurring of debt or by the current revenues of the Fish and Boat Funds. In addition to the property's acquisition cost, staff estimate that the Commission will incur between \$1,000,000 and \$2,000,000 in post-acquisition upgrades.

The reasons for purchasing and relocating to this property are numerous. Commission staff and operations are currently housed in a number of antiquated buildings scattered throughout the Pleasant Gap and Bellefonte areas in Centre County. The purchase of this property will allow the Commission to consolidate 14 operations/buildings into a single facility, thereby increasing efficiency. Department of General Services engineering staff and Commission engineering staff agree that the property's purchase price and post-acquisition upgrades are about one third of what it would cost to construct a new building, and comparable facilities at attractive pricing are rarely available within this area. The property will allow for expansion in the future within the warehouse and office areas and will provide indoor and outdoor storage for vehicles and boats along with capacity for doing indoor maintenance. It also has loading docks for proper delivery access and will provide the Northcentral Regional Law Enforcement Office with an accessible front office presence in which to do business with the public.

Recommendation:

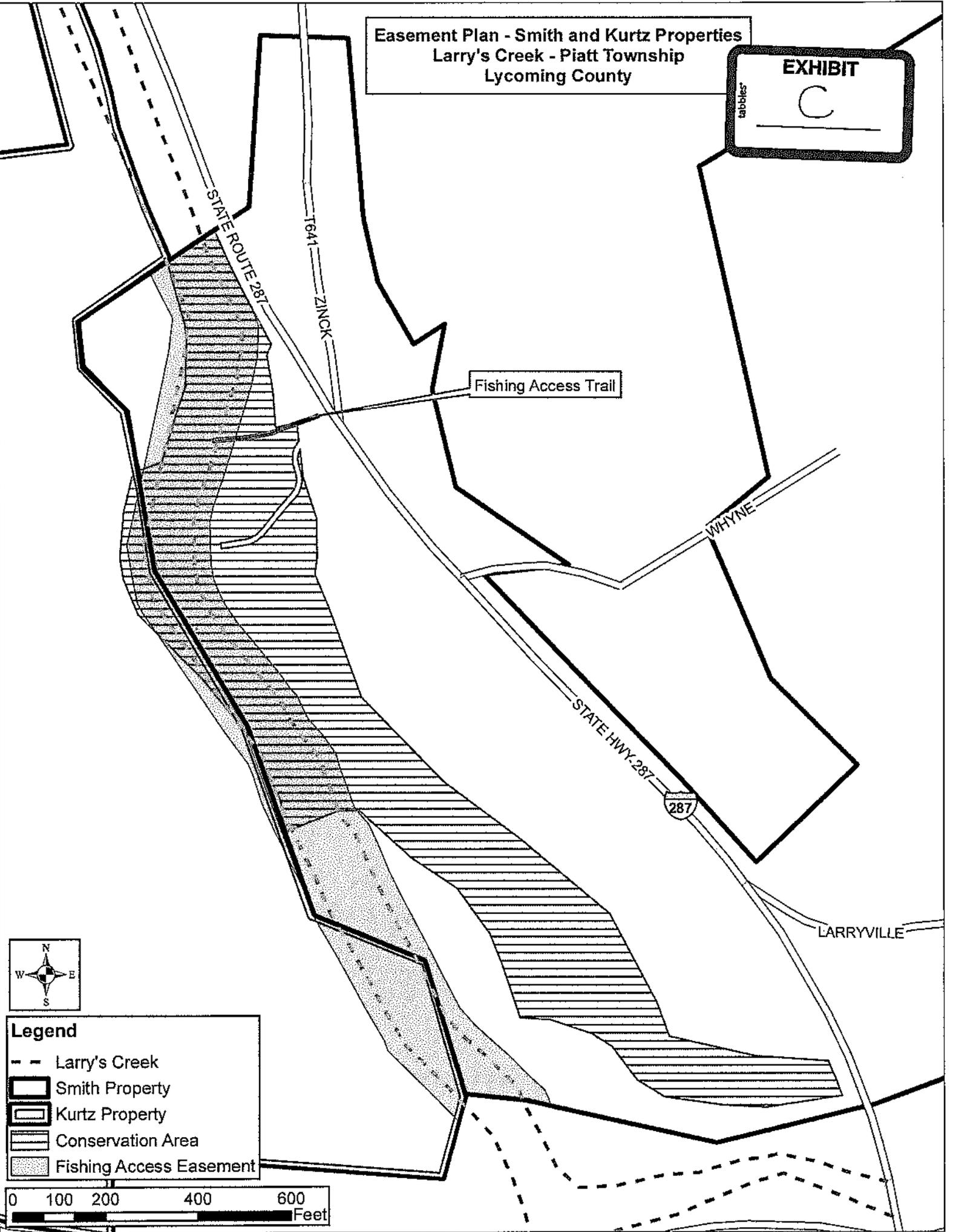
Staff recommend that the Commission approve the acquisition of the property at 595 East Rolling Ridge Drive, Bellefonte, as more fully described in the Commentary.

Action:

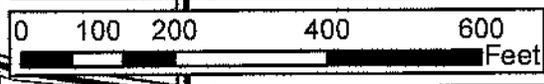
On December 12, 2014, the Commission approved the acquisition of the property at 595 East Rolling Ridge Drive, Bellefonte, as more fully described in the Commentary.

Easement Plan - Smith and Kurtz Properties  
Larry's Creek - Piatt Township  
Lycoming County

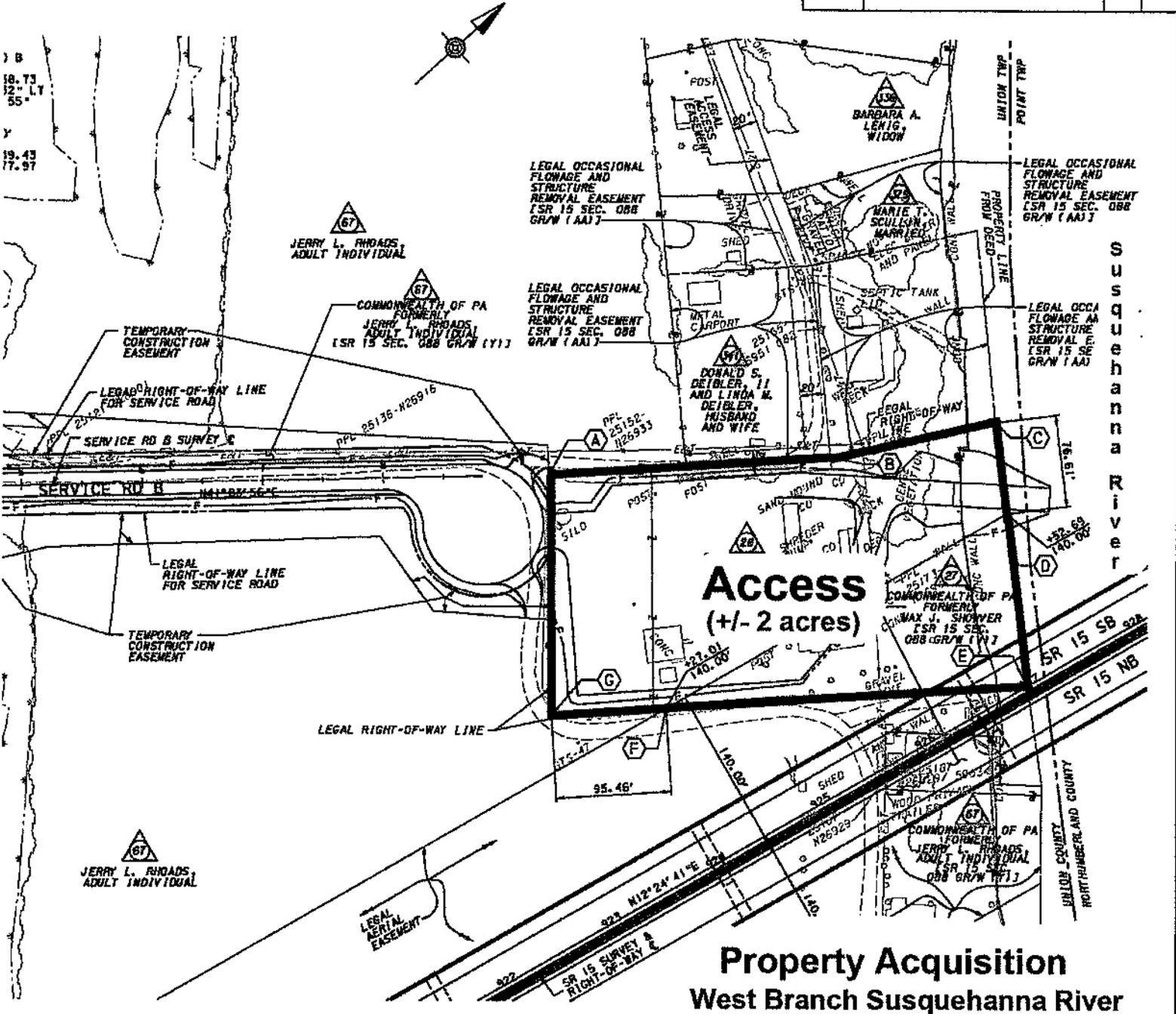
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**EXHIBIT**  
C



- Legend**
- - Larry's Creek
  - ▭ Smith Property
  - ▭ Kurtz Property
  - ▨ Conservation Area
  - ▩ Fishing Access Easement



DISTRICT	COUNTY	ROUTE	SECTION	SHEET
3-0	UNION	15	88N	1 OF 1
UNION TOWNSHIP				
REVISION NUMBER	REVISIONS	DATE	BY	



**Property Acquisition  
West Branch Susquehanna River  
Union Township, Union County**

**EXHIBIT D**

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 65 ]

### Fishing; Special Fishing Regulations

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 the Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon 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 amendments to §§ 65.4a, 65.5—65.7, 65.14, 65.15 and 65.20 are published under the statutory authority of section 2102 of the code (related to rules and regulations).

#### 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 proposal.

#### E. Summary of Proposal

A number of existing special regulation areas for trout occur on waters that may be large enough to permit boating. Sections 65.5—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 (relating to all-tackle trophy trout; catch and release all-tackle areas; and Mentored Youth Fishing Day Program) 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, the Commission proposes to amend §§ 65.4a, 65.5—65.7, 65.14, 65.15 and 65.20 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 amendments will not have adverse fiscal impact on the Commonwealth or its political subdivisions.

The proposed amendments 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 30 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/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*

**Fiscal Note:** 48A-259. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 65. SPECIAL FISHING REGULATIONS

#### § 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, sizes and creel limits in effect for the water from which 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, sizes and creel limits in effect for the water from which 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, sizes and creel limits in effect for the water from which 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, sizes and creel limits in effect for the water from which 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, sizes and creel limits in effect for the water from which 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, sizes and creel limits in effect for the water from which 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, sizes and creel limits in effect for the water from which 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.

[Pa.B. Doc. No. 14-1859. Filed for public inspection September 19, 2014, 9:00 a.m.]

15. *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 Secret Santa '14 or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 14-2214. Filed for public inspection October 24, 2014, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### West Pike Run Township Municipal Authority v. DEP; EHB Doc. No. 2014-141-R

The West Pike Run Township Municipal Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to West Pike Run Township Municipal Authority for the West Pike Run Township Municipal Authority STP in West Pike Run Township, Washington County.

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

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

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

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 14-2215. Filed for public inspection October 24, 2014, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved the addition of one stream section to its list of Class A Wild Trout Streams as set forth at 44 Pa.B. 5155 (July 26, 2014).

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource and to conserve that resource and the angling that it provides. Class A wild trout popula-

tions represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 14-2216. Filed for public inspection October 24, 2014, 9:00 a.m.]

### Classification of Wild Trout Streams; Additions and Adjustments

The Fish and Boat Commission (Commission) has approved the addition of eight new waters to its list of wild trout streams and the adjustment of the section limits of two waters on the list as published at 44 Pa.B. 5154 (July 26, 2014).

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at [http://www.fish.state.pa.us/trout\\_repro.htm](http://www.fish.state.pa.us/trout_repro.htm).

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 14-2217. Filed for public inspection October 24, 2014, 9:00 a.m.]

### Proposed Special Regulation Redesignation; Pine Creek, Lycoming County

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 January 21 and 22, 2015, the Commission will consider a proposal to remove the designation of Pine Creek, Lycoming County, from the confluence of Slate Run downstream to the confluence of Bonnell Run, as a Delayed Harvest Artificial Lures Only Area under 58 Pa. Code § 65.6 (relating to delayed harvest artificial lures only areas) and designate it as a Catch and Release All-tackle Area under 58 Pa. Code § 65.15 (relating to catch and release all-tackle areas), effective upon publication in the *Pennsylvania Bulletin*.

At this time, the Commission is soliciting public input concerning this redesignation. Persons with comments, objections or suggestions concerning the redesignation are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 60 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. 14-2218. Filed for public inspection October 24, 2014, 9:00 a.m.]

## GAME COMMISSION

### Temporary Closure of Hunting and Trapping Seasons Within Affected Portions of Wildlife Management Unit 3D and Temporary Closure of Affected Portions of State Game Lands 180, 183 and 221

#### Addendum Order #1

*Whereas*, On October 1, 2014, the Commission authorized: 1) the temporary closure of all hunting and trapping seasons within affected portions of Wildlife Management Unit 3D; and 2) the temporary closure of all public access to affected portions of State Game Lands 180, 183 and 221 in an effort to reduce or eliminate possible safety risks to hunters, trappers and to the general public in connection with the ongoing manhunt for the fugitive Eric Matthew Frein; and

*Whereas*, The Commission has since determined, in consultation with Pennsylvania State Police, that: 1) the closure of all hunting and trapping seasons within Lehman and portions of Blooming Grove and Porter Townships, Pike County can now be lifted; and 2) the closure of portions of State Game Land 180 located within Blooming Grove Township, Pike County can also be lifted; and

*Whereas*, Section 322 of the Game and Wildlife Code (34 Pa.C.S. § 322) authorizes the Commission to reduce or close any hunting or trapping season and otherwise take any necessary action to accomplish and assure the purposes of the Game and Wildlife Code, including assuring the health and safety of persons who hunt or take game or wildlife; and

*Whereas*, Section 135.41 (relating to state game lands) of Title 58 of the *Pennsylvania Code* (58 Pa. Code § 135.41) authorizes the Executive Director to close State Game Lands or portions thereof, when certain specified uses may conflict with the Commission's management or administration of State Game Lands.

*Now Therefore*, it is hereby ordered that:

1. Subject to the requirements of paragraph 6 below, the October 1, 2014 closure of all hunting and trapping seasons within affected portions of Pike County is rescinded as follows:

- a. Lehman Township—In its entirety;
  - b. Blooming Grove Township—Starting from its northern border of US Route 6 and thence moving in a southerly and westerly direction, those portions east of State Route 739, south of US Route 84 and east of State Route 402; and
  - c. Porter Township—Those portions east of State Route 402.
2. The October 1, 2014 closure of all hunting and trapping seasons within Pike County shall remain in full force and effect as follows:
- a. Greene Township—In its entirety;
  - b. Blooming Grove Township—Starting from its northern border of US Route 6 and thence moving in a southerly and westerly direction, those portions west of State Route 739, north of US Route 84 and west of State Route 402; and
  - c. Porter Township—Those portions west of State Route 402.
3. The October 1, 2014 closure of all hunting and trapping seasons within Price, Barrett and Paradise Townships, Monroe County shall remain in full force and effect.
4. The October 1, 2014 closure of those portions of State Game Lands 180 located within Blooming Grove Township, Pike County is rescinded in all portions east of State Route 739.
5. The October 1, 2014 closure of those portions of State Game Land 180 located west of State Route 739, State Game Land 183 located within Blooming Grove Township, Pike County and State Game Land 221 located within Barrett and Paradise Townships, Monroe County shall remain in full force and effect.

6. All persons participating in any hunting or trapping season within the open portions of Blooming Grove, Porter and Lehman Townships, Pike County shall wear a minimum of 250 square inches of daylight fluorescent orange-colored material on the head, chest and back combined so that it is visible in a 360° arc at all times while hunting or trapping or going to or from hunting or trapping locations.

7. The requirements of paragraph 6 shall not apply to any person lawfully participating in any waterfowl season while in a stationary hunting position. The requirements of paragraph 6 shall continue to apply in full force and effect to any person lawfully participating in any waterfowl season while in motion or going to or from hunting locations.

8. The requirements of paragraph 6 are solely intended to raise the minimum protective material requirements for all affected seasons. As such, the requirements of paragraph 6 shall not be construed in any manner to reduce any greater protective material requirements established for any given season as set forth in 58 Pa. Code § 141.20.

9. This Order is effective immediately and shall remain in full force and effect until rescinded or modified by subsequent order.

Given under my hand and seal of the Pennsylvania Game Commission on this 10th day of October 2014.

R. MATTHEW HOUGH,  
*Executive Director*

## DEPARTMENT OF TRANSPORTATION

## Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on November 20, 2014, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' maximum length-each).
5. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
SR 4011 (Main Street)	From SR 209 to SR 125	Schuylkill	2.2

Questions should be directed to Matthew Hedge at (717) 772-5462.

BARRY J. SCHOCH, PE,  
Secretary

[Pa.B. Doc. No. 14-2592. Filed for public inspection December 12, 2014, 9:00 a.m.]

## FISH AND BOAT COMMISSION

## Proposed Special Regulation Designations and Redesignations

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 or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations 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 January 21 and 22, 2015, 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, 2016:

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

The Commission will consider adding the following waters to its list of "Big Bass Regulation" waters regulated and managed under 58 Pa. Code § 65.9:

<i>County</i>	<i>Water</i>
Allegheny	Marshall Lake
Washington	Reservoir Number Two
Westmoreland	Indian Lake

*58 Pa. Code § 65.11. Panfish Enhancement Special Regulation*

The Commission will consider adding the following waters to its list of "Panfish Enhancement Special Regulation" waters regulated and managed under 58 Pa. Code § 65.11:

<i>County</i>	<i>Water</i>	<i>Species</i>
Washington	Reservoir Number Two	Crappie
Westmoreland	Bridgeport Reservoir	Crappie and Sunfish
Westmoreland	Indian Lake	Crappie and Sunfish

The Commission also will consider removing the following water from its list of "Panfish Enhancement Special Regulation" waters:

<i>County</i>	<i>Water</i>	<i>Species</i>
Somerset	High Point Lake	Yellow Perch

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

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

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 14-2593. Filed for public inspection December 12, 2014, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 26, 2014, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for Workers' Compensation insurance. This filing was made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The Bureau requests an overall 7.1% increase in collectible loss costs, effective April 1, 2015, on a new and renewal basis. Additionally, the Bureau has calculated the Employer Assessment Factor effective April 1, 2015, to be 1.65%, as compared to the currently approved provision of 1.96%.

The entire April 1, 2015, loss cost filing is available for review on the Bureau's web site at [www.cmcrbpa.com](http://www.cmcrbpa.com) under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2594. Filed for public inspection December 12, 2014, 9:00 a.m.]

### Independence Blue Cross; Rate Increase Filing for Several LTC Forms

Independence Blue Cross is requesting approval to increase the premium 12% on 1,860 policyholders with the following individual LTC policy form numbers: 5019, 5025, 5313, 5024, 5018 and 5311.

Unless formal administrative action is taken prior to February 26, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find..." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 14-2595. Filed for public inspection December 12, 2014, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Proper Service of FCC Section 63.71 Applications to the Pennsylvania Public Utility Commission; Notification to all Regulated Telecommunications Utility Companies

Under section 214(a) of the Communications Act of 1934, as amended, and the rules of the Federal Communications Commission (FCC) in 47 CFR 63.71 (relating to procedures for discontinuance, reduction or impairment of service by domestic carriers), certain telecommunications utility companies operating within this Commonwealth and under the jurisdiction of the Pennsylvania Public Utility Commission (Commission) are filing their Section 63.71 Applications with the FCC.

At the time of filing with the FCC, each company is obligated to also serve a copy of its 63.71 Application with a Certificate of Service providing proof that a copy of the 63.71 Application was served on the Office of the Governor and on the Commission overseeing the company's regulated activities in each state that is affected by the filing of the 63.71 Application.

However, it has come to the attention of the Commission that proper service is not being correctly provided by telecommunications utility companies when serving a copy of their respective Section 63.71 Applications. Although copies of the applications are being served on the Office of Governor Tom Corbett, proper service of the application is not being made on the Secretary of the Commission.

Therefore, it is necessary to remind all telecommunications utility companies regulated in this Commonwealth of their obligation under 52 Pa. Code § 1.4 (relating to filing generally) that all submittals, pleadings and other documents filed with the Commission must be made with

# FISH AND BOAT COMMISSION

## Classification of Wild Trout Streams; Correction

By notice published at 44 Pa.B. 6886 (October 25, 2014), the Fish and Boat Commission approved the addition of eight new waters to its list of wild trout streams as published at 44 Pa.B. 5154 (July 26, 2014). Included was the addition of Rodges Run, a tributary to the Delaware River, from the headwaters to the mouth. The notice erroneously identified Rodges Run as being in Berks County. The notice should have read Bucks County.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 14-2401. Filed for public inspection November 14, 2014, 9:00 a.m.]

## Proposed Changes to List of Class A Wild Trout Waters

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

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

### (i) *Wild Brook Trout Fisheries*

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

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

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

### (ii) *Wild Brown Trout Fisheries*

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

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

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

### (iii) *Mixed Wild Brook and Brown Trout Fisheries*

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

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

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

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

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

### (iv) *Wild Rainbow Trout Fisheries*

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

### (v) *Mixed Wild Brook and Rainbow Trout Fisheries*

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

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

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

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

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

### (vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

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

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

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

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on January 21 and 22, 2015. In addition, per a recent change to the Commission's policy at 58 Pa. Code § 57.8a, which goes into effect on January 1, 2015, the Commission will consider whether to allow each of these waters that are currently stocked with trout to continue to be stocked due to their high current angler use levels while also maintaining high biomass Class A wild trout fisheries. Under the revised policy, the Executive Director will obtain the approval of the Commission prior to granting permission to stock a Class A wild trout stream under 58 Pa. Code § 71.4 (relating to stocking of designated waters).

## NOTICES

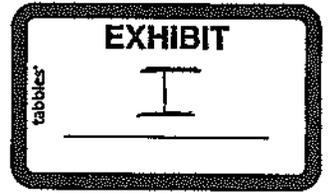
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County	Stream	Section	Limits	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Clinton	Fishing Creek	13	Confluence of Cedar Run downstream to Axe Factory Hollow Run	0.24	88.77		1.50	2013
Lehigh	Little Lehigh Creek	04	Confluence of Spring Creek downstream to Wild Cherry Lane (T-476) Bridge		96.99	0.18	4.89	2014
Lehigh	Little Lehigh Creek	07	0.4 km upstream Country Club Road (T-473 Bridge) downstream to the upstream face of Fish Hatchery Road (SR 2010) Bridge		97.12		2.06	2014
Northampton	Martins Creek	01	Confluence of East and West Branches Martins Creek downstream to the discharge of the Bangor Sewage Treatment Plant near an Unnamed Tributary	0.04	75.20		4.72	2014
Northampton	Monocacy Creek	08	Illicks Mill Dam downstream to Schoenersville Road (SR 3017) Bridge		142.17		0.99	2014
Lehigh/ Northampton	Monocacy Creek	09	Schoenersville Road (SR 3017) Bridge downstream to the confluence with Lehigh River		113.99		2.11	2014
Centre	Penns Creek	02	SR 0045 downstream to the confluence with Elk Creek	0.08	95.08	0.16	7.49	2013
Carbon	Pohopoco Creek	04	Outlet of Beltzville Lake downstream to Hideaway H&F Club cable across creek	0.62	75.94	0.45	1.88	2014
Bedford	Yellow Creek	04	Beaver Creek Confluence downstream to Red Bank Hill		183.01		1.67	2013
Bedford	Yellow Creek	05	Red Bank Hill downstream to the Mouth of Maple Run		145.84		0.93	2013

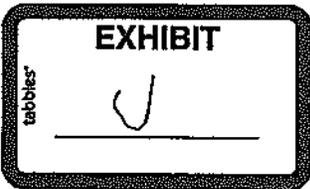
Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 14-2402. Filed for public inspection November 14, 2014, 9:00 a.m.]



Stream	Section	County	Limits	Brown Trout (kg/ha)	Number of 8am anglers/mile	Angler Use (Percentile)	Length (miles)
Fishing Creek	13	Clinton	Confluence of Cedar Run downstream to Axe Factory Hollow Run	125.3	44	83rd	1.49
Little Lehigh Creek	04	Lehigh	Confluence of Spring Creek downstream to Wild Cherry Lane (T-476) Bridge	112.2	58	91st	4.89
Little Lehigh Creek	07	Lehigh	0.4 km upstream Country Club Road (T-473 Bridge) downstream to the upstream face of Fish Hatchery Road (SR 2010) Bridge	97.1	180	99th	2.06
Martins Creek	01	Northampton	Confluence of East and West Branches Martins Creek downstream to the discharge of the Bangor Sewage Treatment Plant near an Unnamed Tributary	96.4	27	67 <sup>th</sup>	4.72
Monocacy Creek	08	Northampton	Illicks Mill Dam downstream to Schoenersville Road (SR 3017) Bridge	208.0	190	99th	0.99
Monocacy Creek	09	Lehigh/Northampton	Schoenersville Road (SR 3017) Bridge downstream to the confluence with Lehigh River	114.0	207	99th	2.11
Penns Creek	02	Centre	SR 0045 downstream to the confluence with Elk Creek	102.2	45	84th	8.10
Pohopoco Creek	04	Carbon	Outlet of Beltzville Lake downstream to Hideaway H&F Club cable across creek	120.2	55	90th	2.90
Yellow Creek	04	Bedford	Beaver Creek Confluence downstream to Red Bank Hill	183.0	108	97th	1.67
Yellow Creek	05	Bedford	Red Bank Hill downstream to the Mouth of Maple Run	145.8	Open to year Round fishing		0.93



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
	Extended Season: [Approved] stocked trout waters and all waters downstream of [approved] stocked 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 areas with special regulations
***	***	***	***
GIZZARD SHAD[***]	Open year-round	No minimum	50
***	***	***	***

\*For purposes of this subsection, power dam pools and recreational dam pools on the Susquehanna River and navigational dam pools in the Ohio drainage are “rivers.”

\*\*Note: [Approved] Stocked trout waters are closed to all fishing from March 1 to the first Saturday after April 11 unless included in the [Early Season Trout Stocked Waters Program (see § 65.10 (relating to Early Season Trout Stocked Waters Program)) or in the] Regional Opening Day of Trout Season Program (see § 65.12 (relating to Regional Opening Day of Trout Season Program)). [Waters included in the Early Season Trout Stocked Waters Program are closed to all fishing from April 1 to the first Saturday after April 11.] Waters included in the Regional Opening Day of Trout Season Program are closed to all fishing from March 1 to the first Saturday after March 28.

\*\*\* Note: Unlawful to take, catch or kill American shad, hickory shad and river herring (alewife and blueback herring) in Susquehanna River and its tributaries. See §§ 61.4 and 61.7.

*Rationale for proposed changes:*

- *With regard to changing the term “approved trout water” to “stocked trout water,” see explanation under §63.3.*
- *Because note 3 is not applicable to gizzard shad, the reference to it (three asterisks after gizzard shad) has been removed.*
- *Because § 65.10 (relating to Early Season Trout Stocked Waters Program) was previously eliminated, any references to this section and the program in note 2 have been removed.*

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

\* \* \*

(d) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
***	***	***	***
RIVER HERRING (alewife and blueback herring)	Closed [(no open season)] <u>year-round</u>	[Closed]	0
***	***	***	***

\* \* \*

*Rationale for proposed changes: Housekeeping change.*

§ 61.7. Susquehanna River and tributaries.

\* \* \*

(d) The following seasons, sizes and creel limits apply to the Susquehanna River and its tributaries, including the Juniata River, the West Branch, “North Branch” and other tributaries within the Susquehanna River Basin except the Conowingo Reservoir—see § 61.4 (relating to Conowingo Reservoir) and except for waters subject to special regulations (see Chapter 65 (relating to special fishing regulations)):

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
AMERICAN and HICKORY SHAD and RIVER HERRING (alewife and blueback herring)[*]	Closed (no open season)	Closed	0
***		***	

**[\*Note: Landlocked alewife taken from inland ponds, lakes or reservoirs that are collected by legal means and measure less than 8 inches in length may be harvested for use as baitfish.]**

*Rationale for proposed changes: Because the harvest of baitfish in this note is applicable only to landlocked alewife harvested from inland lakes, ponds and reservoirs and does not apply to this section, this note has been removed.*

§ 61.8. Lehigh River, Schuylkill River and tributaries.

\* \* \*

(d) The following seasons, sizes and creel limits apply to the Lehigh River upstream of the first dam in Easton, Pennsylvania and its tributaries and the Schuylkill River upstream of the I-95 Bridge and its tributaries:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
AMERICAN SHAD	Open year-round	No Minimum	Catch and Release Only
RIVER HERRING (alewife and blueback herring)	Closed (no open season)	Closed	0
OTHER SPECIES	Inland seasons, size and creel limits apply except for waters under special regulations ( <u>See Chapter 65</u> ). See § 61.1 (relating to Commonwealth inland waters).		

*Rationale for proposed changes: Housekeeping change.*

## CHAPTER 63. GENERAL FISHING REGULATIONS

### § 63.3. Fishing in **[approved] stocked** trout waters.

It is unlawful to fish in **[approved] stocked** trout waters regulated under § 61.1 (relating to Commonwealth inland waters) from 12:01 a.m. on March 1 to 8 a.m. on the first Saturday after April 11 and in **[approved] stocked** trout waters regulated under § 65.12 (relating to Regional Opening Day of Trout Season Program) from 12:01 a.m. on March 1 to 8 a.m. on the first Saturday after March 28. As used in this subpart, the term “**[approved] stocked** trout waters” means **[designated] waters that [contain significant portions that are open to public fishing and] are stocked with adult trout by the Commission.** A listing of **[approved] stocked** trout waters is published in the Commission’s “Summary of Fishing Regulations and Laws,” which is available from the Commission at Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000. The Executive Director or a designee may, from time to time, supplement or modify the list of **[approved] stocked** trout waters, and additions or deletions will be published in the *Pennsylvania Bulletin*.

*Rationale for proposed changes: The current definition of approved trout waters is “designated waters that contain significant portions that are open to public fishing and are stocked with trout.” The term, however, suggests a much broader category of trout waters, including both stocked and wild, and may cause confusion among the public. Therefore, it is proposed that the term “stocked trout waters” be used to more accurately describe the category of trout waters at issue. It is also proposed that the definition be changed to clarify that “stocked trout waters” are waters that are stocked with adult trout by the Commission.*

### § 63.8. Long bows, crossbows, spears and gigs.

\* \* \*

(c) *Restrictions.* Spears or gigs may not be mechanically propelled, may not have more than five barbed points, and may not be used in **[approved] stocked** trout waters.

*Rationale for proposed change: With regard to changing the term "approved trout water" to "stocked trout water," see explanation under §63.3.*

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

\* \* \*

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

\* \* \*

(2) The person fishes in streams or rivers that are **[approved] stocked** trout waters as defined in § 63.3 (relating to fishing in **[approved] stocked** trout waters) or their tributaries during the period from 12:01 a.m. on March 1 until midnight May 31.

\* \* \*

*Rationale for proposed changes: With regard to changing the term "approved trout water" to "stocked trout water," see explanation under §63.3.*

§ 63.48. Permit for the use of cast nets or throw nets.

(a) The Executive Director or a designee may issue permits for the use of cast nets or throw nets for the taking of gizzard shad **[8 inches or less in length]** and alewife only in waters to be determined by the Executive Director. A separate permit will be required for each body of water.

\* \* \*

*Rationale: Because there is no biological reason to limit baitfish to 8 inches in length, it is proposed that this restriction be removed.*

## CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.4a. All-tackle trophy trout.

(a) The Executive Director, with the approval of the Commission, may designate waters as all-tackle trophy trout **[areas]**. The designation of waters as all-tackle trophy trout **[areas]** shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted all-tackle trophy trout areas except in compliance with the following requirements:

(1) **[The program is open] Open** to fishing year-round**[; there is no closed season]**.

(2) **There are no tackle restrictions.**

(3) Minimum size is 14 inches, caught on, or in possession on, the waters under regulation.

[(3)] (4) The daily creel limit is two trout-combined species [- from 8 a.m. on the first Saturday after April 11 until midnight Labor Day, except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under regulation] except for the period from the day after Labor Day to 8 a.m. of the first Saturday after April 11 of the following year, when no trout may be killed or had in possession.

[(4)] (5) A current trout/salmon permit is required.

\* \* \*

*Rationale for proposed changes: Various housekeeping changes.*

§ 65.5. Catch and release [areas] artificial lures only.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release [areas]. The designation of waters as catch and release [areas] shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in areas designated and posted catch and release [areas] except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only constructed of metal, plastic, rubber or wood or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited.

(2) [The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(3)] No trout may be killed or had in possession.

[(4) The program is open ] (3) Open to fishing year-round [there is no closed season].

[(5)] (4) Wading is permitted unless otherwise posted.

[(6)] (5) Taking of baitfish or fishbait is prohibited.

[(7)] (6) A current trout/salmon permit is required.

\* \* \*

*Rationale for proposed changes:*

- *Various housekeeping changes.*
- *To eliminate confusion and having to name or describe all prohibited lures and substances, it is proposed that the prohibited items be deleted in favor of naming the permitted lures and substances only.*

§ 65.7. Trophy [~~Trout Program~~] trout artificial lures only.

(a) The Executive Director, with the approval of the Commission, may designate waters as trophy trout [~~areas~~] artificial lures only. The designation of waters as trophy trout [~~areas~~] artificial lures only shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in areas designated and posted trophy trout [~~areas~~] artificial lures only except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. [~~Anything other than these items is prohibited.~~] Use or possession of any other lures or substances is prohibited.

(2) [~~The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.~~

(3) ~~The program is open~~] Open to fishing year-round[; ~~there is no closed season~~].

[(4)] (3) The minimum size is 14 inches, caught on or in possession on the waters under regulation.

[(5)] (4) The daily creel limit is two trout—combined species—except during the period from the day after Labor Day to 8 a.m. of the first Saturday after April 11 of the following year, when no trout may be killed or had in possession on the waters under regulation.

[(6)] (5) Taking of baitfish or fishbait is prohibited.

[(7)] (6) A current trout/salmon permit is required.

\* \* \*

*Rationale for proposed changes:*

- *Various housekeeping changes.*
- *To eliminate confusion and having to name or describe all prohibited lures and substances, it is proposed that the prohibited items be deleted in favor of naming the permitted lures and substances only.*

§ 65.9. Big bass [~~special regulations~~].

(a) The Executive Director, with the approval of the Commission, may designate waters as “[~~Big Bass Regulation~~] big bass” waters. The designation shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to take, catch, kill or possess a largemouth, smallmouth or spotted bass on or in designated “[~~Big Bass Regulation~~] big bass” waters except in compliance with the following seasons and size and creel limits. It is not a violation of this section if the bass is immediately returned unharmed to the waters from which it is taken.

<i>Seasons</i>	<i>Size (in)</i>	<i>Creel Limit</i>
<i>Lakes:</i> January 1 to midnight the day before the first Saturday after April 11 and 12:01 a.m. the first Saturday after June 11 to midnight December 31	15	4 (combined species)
12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only [(No Tournaments Permitted) ]	
<i>Rivers and Streams:</i> January 1 to midnight the day before the first Saturday after April 11 and October 1 to midnight December 31	18	2 (combined species)
12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only [(No Tournaments Permitted)]	
12:01 a.m. the first Saturday after June 11 to midnight September 30	15	4 (combined species)

*Note:* For purposes of this section, power dam pools and recreational dam pools on the Susquehanna River and navigational dam pools in the Ohio drainage are “rivers.”

(c) Other Commonwealth inland fishing regulations apply to designated “[Big Bass Regulation] big bass” waters.

**(d) Tournaments are permitted only during the designated harvest periods.**

*Rationale for proposed changes: Various housekeeping changes.*

§ 65.11. Panfish enhancement [**special regulation**].

(a) The Executive Director, with the approval of the Commission, may designate waters as “[Panfish Enhancement Special Regulation] **panfish enhancement**” waters. The designation may be limited to one, two or all three of the panfish species listed in subsection (b). The designation shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted “[Panfish Enhancement Special Regulation] **panfish enhancement**” waters except in compliance with the following seasons and size and creel limits:

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
Sunfish (bluegill, pumpkinseed and redear)	Open year-round	7 inches	20 [(combined species)]*
Crappie (black and white)		9 inches	<b>20 *</b>
Yellow perch		9 inches	<b>20 *</b>
Other species—inland seasons and size and creel limits apply.			

\* [Anglers may catch and possess up to 30 (combined species) of catfish, rock bass, suckers, carp and white bass in addition to the daily limit of 20 (combined species) of sunfish, crappies and yellow

**perch.] When panfish enhancement regulations apply to more than one species in the same waterway, the creel limit is 20 for each species with the total creel not to exceed 50 panfish combined. For purposes of this section, panfish include catfish, rock bass, suckers, carp and white bass.**

*Rationale for proposed changes:*

- *Various housekeeping changes.*
- *To make the language consistent with the Summary Book and with the intent of the regulation when it went into effect, the language in the note has been amended.*

**§ 65.12. [Regional Opening Day of Trout Season Program] Regional opening day of trout season.**

(a) The Executive Director, with the approval of the Commission, may designate waters in certain regions as part of the **[Regional Opening Day of Trout Season Program] regional opening day of trout season**. The designation of waters as part of the **[Regional Opening Day of Trout Season Program] regional opening day of trout season** shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

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

<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
Regular Season: 8 a.m. first Saturday after March 28 to midnight Labor Day	7 inches	5 (combined species)
Extended Season:  [Approved] <b><u>Stocked</u></b> trout waters and all waters downstream of [approved] <b><u>stocked</u></b> 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)

\* \* \*

*Rationale for proposed changes:*

- *Various housekeeping changes.*
- *With regard to changing the term “approved trout water” to “stocked trout water,” see explanation under §63.3.*

**[§ 65.13. Wild brook trout enhancement.**

(a) The Executive Director, with the approval of the Commission, may designate waters as “Wild Brook Trout Enhancement Regulations” waters. The designation shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

**(b) It is unlawful to fish in designated “Wild Brook Trout Enhancement Regulations” waters except in compliance with the following requirements:**

**(1) Brook trout may not be killed or had in possession.**

**(2) There is no closed season for brook trout.**

**(3) There are no tackle restrictions.**

**(4) Other trout species shall be subject to Statewide regulations (including seasons, sizes and creel limits).**

**(5) A current trout/salmon permit is required.]**

*Rationale for proposed changes: Based on peer reviewed and published scientific research on the waters within this program, staff have determined that this regulation is ineffective and therefore propose eliminating it. If the program is eliminated, waters currently in the program will be distributed to other programs.*

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

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release fly-fishing only [areas]. The designation of waters as catch and release fly-fishing only [areas] shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in **waters** designated and posted **as** catch and release fly-fishing only [areas] except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion [on a single hook] with components wound on or about the hook **or hooks**. **[Anything other than these items is prohibited.] Use or possession of any other lures or substances is prohibited.**

(2) Fishing shall be done with tackle which is limited to fly rods[,] **and** fly reels [**and fly line with a maximum of 18 feet in leader material or monofilament line attached**]. Spinning, spincast and casting rods and reels are prohibited.

(3) **[The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.**

(4) No trout may be killed or had in possession.

**[(5) The program is open] (4) Open to fishing year-round[; there is no closed season].**

**[(6) (5) Taking of baitfish or fishbait is prohibited.**

**[(7) (6) Wading is permitted unless otherwise posted.**

**[(8) (7) A current trout/salmon permit is required.**

\* \* \*

*Rationale for proposed changes:*

- *Various housekeeping changes.*
- *To clarify that multiple hooks are permitted, the reference to single hooks has been removed.*
- *To eliminate a gray area regarding center-pinning techniques, which is becoming a popular technique to fish nymphs and utilizes a much longer leader, the reference to "fly line with a maximum of 18 feet in leader material or monofilament line attached" has been removed.*
- *To eliminate confusion and having to name or describe all prohibited lures and substances, it is proposed that the prohibited items be deleted in favor of naming the permitted lures and substances only.*

§ 65.15. Catch and release all-tackle **[areas]**.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release all-tackle **[areas]**. The designation of waters as catch and release all-tackle **[areas]** shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated and posted catch and release all-tackle **[areas]** except in compliance with the following requirements:

(1) **There are no tackle restrictions.**

(2) No trout may be killed or had in possession.

(2) (3) **[The program is open] Open** to fishing year round; there is no closed season.

(3) (4) A current trout/salmon permit is required.

\* \* \*

*Rationale for proposed changes: Various housekeeping changes.*

§ 65.16. Musky **[Enhancement Program] enhancement**.

(a) The Executive Director, with the approval of the Commission, may designate waters as **[part of the Musky Enhancement Program] musky enhancement**. The designation of waters as **[part of the Musky Enhancement Program] musky enhancement** will be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to take, catch, kill or possess muskellunge or muskellunge hybrids on or in waters designated as **[part of the Musky Enhancement Program] musky enhancement** except in compliance with the following season and size and creel limits: Open-year round, minimum size of 45 inches and

daily limit of 1. It is not a violation of this section if the muskellunge or muskellunge hybrid is immediately returned unharmed to the waters from which it is taken.

*Rationale for proposed changes: Various housekeeping changes.*

§ 65.17. Catch and [Release Lakes Program] release lakes.

(a) The Executive Director, with the approval of the Commission, may designate lakes as [part of the Catch and Release Lakes Program] catch and release lakes. The designation of lakes as [part of the Catch and Release Lakes Program] catch and release lakes will be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in the lakes designated as [part of the Catch and Release Lakes Program] catch and release lakes except in compliance with the following requirements:

(1) Fishing for all species is permitted on a catch and release/no harvest basis only.

(2) It is unlawful to take, kill or possess any fish taken from lakes designated under this [program] section.

(3) Fish caught shall be immediately returned unharmed to the lake from which taken.

*Rationale for proposed changes: Various housekeeping changes.*

§ 65.18. Brood [Stock Lakes Program] stock lakes.

(a) The Executive Director, with the approval of the Commission, may designate lakes as [part of the Brood Stock Lakes Program] brood stock lakes. The designation of lakes as [part of the Brood Stock Lakes Program] brood stock lakes will be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in the lakes designated as except in compliance with the following requirements:

(1) From 12:01 a.m. April 1 to midnight May 31, fishing for muskellunge and muskellunge hybrids, northern pike and pickerel is permitted on a catch and release/no harvest basis only.

(2) From 12:01 a.m. April 1 to midnight May 31, it is unlawful to take, kill or possess any muskellunge and muskellunge hybrids, northern pike and pickerel taken from lakes designated under this [program] section.

(3) From 12:01 a.m. April 1 to midnight May 31, all muskellunge and muskellunge hybrids, northern pike and pickerel caught shall be immediately returned unharmed to the lake from which taken.

*Rationale for proposed changes: Various housekeeping changes.*

§ 65.19. [Approved] Stocked trout waters open to year-round fishing.

(a) The Executive Director, with the approval of the Commission, may designate waters as [approved] stocked trout waters open to year-round fishing. The designation of waters as [approved] stocked trout waters open to year-round fishing shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as [approved] stocked trout waters open to year-round fishing except in compliance with the following seasons and size and creel limits. It is not a violation of this section if a trout is immediately returned unharmed to the waters from which it is taken.

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday after April 11 (or the first Saturday after March 28 for waters [in the <b>Regional Opening Day of Trout Season Program</b> ] <u>designated as part of the regional opening day of trout season</u> ) to midnight Labor Day	7 inches	5 (combined species)
	Extended Season: 12:01 a.m. day after Labor Day to midnight last day of February of the following year.	7 inches	3 (combined species)
	12:01 first day of March to first Saturday after April 11 (or the first Saturday after March 28 for waters [in the <b>Regional Opening Day of Trout Season Program</b> ] <u>designated as part of the regional opening day of trout season</u> )		NO HARVEST —Catch and immediate release only

(c) It is unlawful to fish in rivers and streams designated as [approved] stocked trout waters open to year-round fishing without a current trout/salmon permit. A trout/salmon permit is not required to fish in lakes and ponds that have been designated as [approved] stocked trout waters open to year-round fishing unless the person takes, kills or possesses, while in the act of fishing, a trout or salmon on or in these waters.

*Rationale for proposed changes:*

- Various housekeeping changes.
- With regard to changing the term "approved trout water" to "stocked trout water," see explanation under §63.3.

§ 65.21. Waters limited to specific purposes—exclusive use fishing areas.

\* \* \*

**[(i) Sponsors of all areas currently designated as being for the exclusive use of children or special populations, or both, shall reapply for designation by December 31, 2003.]**

*Rationale for proposed change: Housekeeping change.*

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
***	***	***
[Chester]	[Elk Creek (Big Elk Creek)]	[The maximum size limit for alewife and blueback herring is 8 inches. It is unlawful to take, catch, kill or possess, while in the act of fishing, blueback herring or alewife 8 inches or more in length.]
***	***	***
[Cumberland]	[Opossum Lake]	[All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—Inland regulations apply. See § 61.1 (relating to Commonwealth inland waters). This miscellaneous special regulation will remain in effect until June 18, 2016. ]
***	***	***
[Elk]	[West Branch, Clarion River]	[The following additional restrictions apply to the “Catch and Release, Fly-Fishing Only” area located on a 1/2-mile stream section from the intersection of S. R. 219 and S. R. 4003, upstream to the Texas Gulf Sulphur Property: Wading prohibited. Fishing permitted from east shore only.]
[Lackawanna]	[Lake Scranton]	[It is unlawful for a person to fish from the fishing pier designated for use by persons with disabilities unless the person is: totally blind; or so severely disabled that the person is unable to cast or retrieve a line or bait hooks or remove fish without assistance; or deprived of the use of both legs; or participating in a special fishing event for persons with disabilities under conditions approved by the owner of the lake. The person may fish with only one legal device and shall be within 10 feet of the device being used. A person authorized to fish from the fishing pier under this section may be attended by another individual who may assist the person with the disability in using the fishing device.]
[Lehigh]	[Leaser Lake]	[All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout shall be immediately returned unharmed. Trout—Inland regulations apply. See § 61.1 (relating to Commonwealth inland waters). This miscellaneous special regulation will remain in effect until June 18, 2016.]
***	***	***

Wayne	West Branch Delaware River	Trout: From the Pennsylvania/New York border downstream to the confluence with the East River Branch of the Delaware River: no-harvest artificial lures only season on trout from October 16 until midnight of the Friday before the first Saturday after April 11. During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. <b><u>Use or possession of any other lures or substances is prohibited.</u></b> 2. [The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited. 3. ]The daily creel limit for trout is 0.
[Westmoreland]	[Indian Lake]	[The following size and creel limits apply: Bass—15 inch minimum size limit; 2 bass per day creel limit (combined species). Panfish: 10 fish per day creel limit (combined species). Other species—Inland regulations apply.]
[Wyoming]	[Lake Winola]	[Bass—It is unlawful to take, catch, kill or possess bass that are 12 to 18 inches in length. The daily creel limit for bass less than 12 inches in length and greater than 18 inches in length is 6, only one of which may exceed 18 inches in length. Closed to all fishing from 12:01 a.m. March 1 to 8 a.m. the first Saturday after April 11. ]

*Rationale for proposed changes:*

- *The miscellaneous special regulation on Elk Creek (Big Elk Creek), Chester County, has been eliminated because the harvest of alewife and blueback herring is not allowed in the Susquehanna system.*
- *The miscellaneous special regulation on Opossum Lake, Cumberland County, will be removed as of June 18, 2016 because it specifically provides that it will remain in effect until that date.*
- *The miscellaneous special regulation on the West Branch, Clarion River, Elk County, has been eliminated because wading is now permitted.*
- *The miscellaneous special regulation on Lake Scranton, Lackawanna County, has been removed because the origin of this requirement was a lease agreement among Pennsylvania Gas and Water Company (now Pennsylvania American Water Company), Allied Services and the Commission, and the water company recently advised the Commission that it wishes to terminate the agreement. In addition, both Pennsylvania American Water Company and Allied Services have requested that the miscellaneous special regulation be removed.*
- *The miscellaneous special regulation on Leaser Lake, Lehigh County, will be removed as of June 18, 2016 because it specifically provides that it will remain in effect until that date.*
- *The miscellaneous special regulation on the West Branch Delaware River, Wayne County, has been changed to be consistent with other changes throughout this chapter related to the use of prohibited lures and substances in artificial lures only areas.*
- *The miscellaneous special regulation on Indian Lake, Westmoreland County, has been eliminated because the Division of Fisheries Management has data to support*

*designating this lake as big bass and panfish enhancement and will be proposing these designations at a future meeting.*

- *The miscellaneous special regulation on Lake Winola, Wyoming County, has been eliminated because there is no biological support for this regulation.*

§ 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] stocked** trout waters and all waters downstream of **[approved] stocked** trout waters. A creel limit of three trout per day and a minimum size limit of 7 inches apply during this season except Class A wild trout streams where the creel limit is 0 and areas with special regulations.

(b) *Waters not [approved] stocked trout waters.* The Executive Director may grant a permit to apply extended trout regulations to waters that are not **[approved] stocked** trout waters upon written application of the owner or lessee of the lands on which the waters are located. Applications will be reviewed to ensure that applying extended trout season regulations to the waters in question is consistent with the best appropriate fisheries management of the waters in question, and to ensure that approval of the application will have no adverse effect on the preservation and expansion of public fishing opportunities within this Commonwealth. Approval or disapproval of applications shall be subject to review under Chapter 51 Subchapter E (relating to permit procedures). Permits for extended trout season on waters other than **[approved] stocked** trout waters will be valid until the last day of February of the 6th year after the year in which they are issued. For example, a permit issued in June 1984 will expire on February 28, 1990.

*Rationale for proposed changes: With regard to changing the term "approved trout water" to "stocked trout water," see explanation under §63.3.*

## CHAPTER 79. REPTILES AND AMPHIBIANS

§ 79.2. Taking reptiles or amphibians.

\* \* \*

(c) *Frogs.*

(1) Frogs may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs. Spears or gigs may not be mechanically propelled, may not have more than five barbed points and may not be used in **[approved] stocked** trout waters.

(2) It is unlawful to take, catch or kill a frog by use of artificial light at night.

*Rationale for proposed change: With regard to changing the term "approved trout water" to "stocked trout water," see explanation under §63.3.*

*(File Name: 0115 Regulation Simplification Exhibit Final 1 7 15)*