



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

**MINUTES**

**116th Meeting**

**Volume 66**

**ERIE, PENNSYLVANIA  
SEPTEMBER 29, 2015**

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Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission

Minutes

The 116<sup>th</sup> Meeting of the Pennsylvania Fish and Boat Commission was held on Monday and Tuesday, September 28 and 29, 2015, at the Manufacturer & Business Association Conference Center, 2171 West 38<sup>th</sup> Street, Erie, PA 16508-1925.

Commission committees met on September 28 beginning at approximately 11:15 a.m. and on September 29 beginning at approximately 8:25 a.m. The public session for review of this agenda began at or about 9:45 a.m. on September 29.

**Call to Order**

The meeting was called to order by Commission President Edward P. Mascharka III and followed by the Pledge of Allegiance to the Flag.

**Roll Call**

**Members Present**

**Edward P. Mascharka III, President**  
**Rocco S. Ali**  
**G. Warren Elliott**  
**Norman R. Gavlick**  
**Eric C. Hussar**  
**Leonard L. Lichvar**  
**William J. Sabatose**

**Members Not Present**

**Steven M. Ketterer**  
**Glade E. Squires, Vice-President**

**Review and Approval of Minutes from the July 14, 2015 Meeting**

A motion was made by Commissioner Elliott and seconded by Commissioner Sabatose to approve the July 14, 2015 minutes as written. Motion carried.

### **Awards and Presentations**

The National Association of State Boating Law Administrators (NASBLA) 2015 Butch Pott's Boating Officer of the Year Award was presented to Waterways Conservation Officer (WCO) Michael Johnson. Each year, NASBLA recognizes officers from around the country for their efforts in keeping our waterways and the boaters that use them safe. Each state selects its individual award winner who then competes within the three regions for regional recognition. Those three officers selected at the regional level then move to the national level for selection as the National Boating Officer of the Year. Pennsylvania is in the Northern Caucus comprised of 21 states from Michigan to Maine. WCO Michael Johnson was selected as the Pennsylvania and the Northern Caucus Boating Officer of the Year. WCO Johnson has been assigned to the central Allegheny County district for the last year and a half, and he served previously in the Southeast Region. Due to his superior performance, he was nominated for not only the Boating Officer of the Year but also as the Southwest Region's Top Gun and North East Conservation Law Enforcement Chiefs Association (NECLECA) Officer of the Year. Michael was a top performer in the Southwest Region leading the region in on-the-water boat patrol days. He excelled in boat law enforcement and has excellent boating under the influence (BUI) detection skills. This was evidenced by his seven BUI arrests and two assists in 2014. He has also developed a strong education and public outreach program in his district. In 2014, he facilitated two safe boating courses and presented eight additional boating safety programs. He also actively participates in the Pittsburgh Safe Boating Council on behalf of the Commission. WCO Johnson has an excellent working relationship with our boating safety partners, including the U.S. Army Corps of Engineers, the U.S. Coast Guard and the Pittsburgh Police River Rescue. This relationship has enabled the Commission to ensure safe boating on the busy Three Rivers, especially during the many marine events that take place in Pittsburgh annually. WCO Johnson is a team player and a true asset to the Commission's Bureau of Law Enforcement. It is a pleasure to award WCO Michael Johnson with the NASBLA Butch Pott's Boating Officer of the Year Award.

The NASBLA 2015 Boating Educator of the Year Award for Pennsylvania was presented to Jim Delesandro, a Seasonal Educator for the Commission in the Southwest Region. The "Boating Educator of the Year Award" was launched by NASBLA in 2011 to recognize those who excel at engaging students and boaters, raise awareness and make boating education initiatives relevant, thorough and exciting. Jim began working with the Commission in 1998 as a volunteer Fishing Skills Instructor. In 2004, Jim was certified as a Basic Boating Instructor and began teaching Basic Boating Courses as a Commission volunteer. After retiring from his career as Manager of Customer Service with GTE, Jim was hired by the Commission as a seasonal educator in 2008. Jim's duties include delivering boating safety and angler education programs in the Southwest Region of the state. Since 2004, Jim has taught 122 Boating Education Courses to more than 2,300 adults and youth. In addition to the Basic Boating Course, Jim also teaches the Commission's Boating and Water Safety Awareness (BWSA) Course. The BWSA Course is focused on educating school students about water safety and includes both classroom and in-water sessions. The BWSA Course also qualifies students to receive their Pennsylvania Boating Safety Certificate. Jim has a great passion for educating others about boating safety. Class participants often remark at Jim's enthusiasm and ability to make an 8-hour classroom course both interesting and engaging. The knowledge and stories Jim shares with his students are captivating, yet extremely effective, in relaying crucial information - information that may

someday save a life. Jim's love of the outdoors and aspiration to educate others is evident, both personally and professionally. Jim is a former President of the Pennsylvania Chapter of the BASS Federation and continues to remain an active member of his local club. He also volunteers as president of the Friends of Keystone State Park, where he and his wife, Pat, assist with and organize a variety of activities and events throughout the year. The Commission congratulates James Delesandro as Boating Educator of the Year for Pennsylvania.

The Commission's Resource First Award was presented to the S.O.N.S. (Save Our Native Species) of Lake Erie Fishing Club. The S.O.N.S. is an active organization of more than 3,000 members. Established in 1981, the S.O.N.S. champions efforts to protect, conserve and enhance the fisheries of Lake Erie and the recreational fishing that make Erie the fishing capital of Pennsylvania. This organization has supported the Commission in developing regulations that protect the health of the Lake Erie fishery. S.O.N.S. is an important member of the Commission's Cooperative Nursery Program and has created a fish hatchery that annually produces approximately one million Walleye and two million Yellow Perch. These fish species are stocked in Presque Isle Bay in addition to Steelhead and Brown Trout. This hatchery supplements wild species to fulfill the conservation needs of the angling public. The S.O.N.S. also participates in the Commission's Stream Habitat Improvement Program and is active in the clean-up and stocking of Cascade Creek, a previously polluted stream. S.O.N.S. has annually built and placed fish habitat structures in the waters of Presque Isle Bay in conjunction with the Commission's Lake Habitat Improvement Program to enhance the bay's fishery. The S.O.N.S. continues to be a great leader in its support of free public access to the waters of Presque Isle Bay and Lake Erie. As a result of the organization's efforts, the City of Erie passed ordinances and regulations that provide free public access in all new developments on Presque Isle Bay. It is with this award that the Commission recognizes the S.O.N.S. of Lake Erie Fishing Club as an organization that realizes that great recreational fishing and boating rely on placing the Resource First.

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

Executive Director Arway highlighted the "July – September 2015 Quarterly Report" (Exhibit A) that was provided to Commissioners. A video presentation entitled "Conservation Success Story" followed.

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

The Commission voted on one item by notational vote since the July 2015 meeting. The Commission approved the reorganization of the agency's structure, which included repositioning the boating functions and housing them within the Bureau of Law Enforcement and renaming the Bureau of Boating and Outreach to the Bureau of Outreach, Education and Marketing.

### **Announcement of Executive Session**

Commissioner Mascharka announced that an executive session was held on September 28 at 8:00 a.m. to discuss personnel, real estate and litigation matters.

## **Reports of Commissioner Committees**

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

The Executive and Administrative Committee met on Monday, September 28, at approximately 11:15 a.m. Agenda items were discussed. A license sales report, Gaun estate update, and fiscal briefing were provided. Thomas Allen, Vice-President of Research for Southwick Associates, provided a report and an evaluation of 2015 selected fishing license offerings.

### **Boating (Commissioner Gavlick) –**

The Boating Committee met on Tuesday, September 29, at approximately 8:35 a.m. Agenda items were discussed.

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

The Fisheries Committee met on Monday, September 28, at approximately 3:30 p.m. Agenda items were discussed. A hatchery update provided by staff included the Reynoldsdale State Fish Hatchery, steelhead culture, fish health and Emerald Shiners. Leroy Young reported on the Keystone Select Stocked Trout Waters Program, which will begin in 2016; the selected streams were announced and the logo was unveiled. Jason Detar reported on the Bass Plan and the proposed special regulation designations for January 2016. Those designations include Upper Kettle Creek drainage to Catch and Release All-tackle and Lake Winola as a stocked trout water open to year-round fishing. Following guidance from the Great Lakes Fish Health Committee, the Fisheries Committee recommended that the Commission maintain its regulations that are currently in effect regarding intrastate transportation of VHS-susceptible fish and only allow live fish to be imported into Pennsylvania from other Great Lakes states if they have been tested for VHS. The Fisheries Committee also decided to defer discussion on the 2015 Trout Plan until the January 2016 Commission meeting.

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

The Habitat and Environmental Committee met on Monday, September 28, at approximately 2:20 p.m. Agenda items were discussed.

### **Law Enforcement (Commissioner Ali) –**

The Law Enforcement Committee met on Tuesday, September 29, at approximately 8:25 a.m. Updates were given on the Fish Kill hotline and the 21<sup>st</sup> Waterways Conservation Officer class.

The Committee also acted upon proposed revocations. The Committee revoked the fishing privileges of two individuals for a period of one year.

### **Legislation and Public Outreach (Commissioner Elliott) –**

The Legislation and Public Outreach Committee met on Monday, September 28, at approximately 1:35 p.m. A legislative update was provided by Tim Schaeffer and included the following items: Legislative and Budget Finance Committee triennial audit, winter district events, severance tax, and Senator Brewster's co-sponsor memorandum. Public outreach items, which were covered by Steve Kralik, included kayak fishing programs and Labor Day mentored youth fishing opportunities.

**Public Comment to Commissioners and Staff**

There were no comments or questions from the public.

## EXECUTIVE AND ADMINISTRATIVE

### A. Dates for Commission Meetings in 2016.

#### Commentary:

At the fall meeting each year, the Commission historically has established a schedule for regular meetings for the following year. Under the Fish and Boat Code, the Commission is required to have two meetings each year, one in January and the other in July. These meetings must be held in the Harrisburg area. Traditionally, the Commission has held two additional meetings each year in April or May and September or October.

Staff have reviewed the available dates and possible conflicts for scheduling regular Commission meetings for 2016. This review included a look at holiday, hunting and fishing seasons and other conflicting events. The review also considered the Commission's upcoming 150<sup>th</sup> anniversary in 2016.

Based upon this review, the following dates are proposed for regular Commission meetings in 2016:

January 20-21, 2016 (Wednesday and Thursday)

March 30-31, 2016 (Wednesday and Thursday)

July 11-12, 2016 (Monday and Tuesday)

September 26-27, 2016 (Monday and Tuesday)

The January and July 2016 meetings will be held at the Harrisburg headquarters. The March and September 2016 meetings will be held at locations designated by the Commission for the transaction of business.

#### Briefer:

John A. Arway, Executive Director

#### Recommendation:

Staff recommend that the Commission approve the dates for the regular meetings of the Commission for 2016 as set forth in the Commentary.

#### Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Ali to approve the dates for the regular meetings of the Commission for 2016 as set forth in the Commentary. Motion carried.

## B. Review and Support of the 2016-17 Budget Request.

### Commentary:

Under Commonwealth government budget procedures and in accordance with sections 522 and 532 of the Fish and Boat Code (30 Pa. C.S. §§522, 532), the Commission annually submits to the Governor's Budget Office the proposed Commission budget for the following fiscal year. The Commission's submission for 2016-17 is due at the Budget Office in the early part of October.

Staff have prepared preliminary draft budget documents for submission to the Budget Office. According to the Budget Office, these documents are confidential. After the Executive Director submits the budget request, the Governor's Budget Office may make changes to the spending authority requested by the Commission. These changes are generally a result of changes in the calculations for personnel and other costs. The Governor will announce the details of the 2016-17 budget in February or March of 2016.

### Briefer:

Brian P. Barner, Deputy Director, Office of Administration

### Recommendation:

Staff recommend that the Commission support the Executive Director's submission of a request to the Governor's Budget Office for its 2016-17 spending authority as more fully described in staff's preliminary draft budget documents.

### Action:

A motion was made by Commissioner Ali and seconded by Commissioner Gavlick to support the Executive Director's submission of a request to the Governor's Budget Office for its 2016-17 spending authority as more fully described in staff's preliminary draft budget documents. Motion carried.

C. Easement Acquisition, Borough of Conneautville, Crawford County.

Commentary:

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

The Commission has been offered an easement on 1,600 linear feet along Conneaut Creek as it flows across a parcel of property owned by the Borough of Conneautville for \$25,000. The easement will be for public fishing, boating, and riparian and fishery management and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. In addition, the Borough of Conneautville has agreed to grant the Commission easements for parking and a footpath to provide access to Conneaut Creek. The easement area is located north of Route 198 in Conneautville. A map depicting the subject parcel is attached as Exhibit C.

Conneaut Creek provides significant steelhead fishing opportunities in the area. *Pennsylvania’s Fishing and Boating Access Strategy* indicates a need for more access on this section of Conneaut Creek. The Commission’s regional Law Enforcement and Fisheries staff have recommended that this easement be acquired.

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

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 an easement along Conneaut Creek in Conneautville Borough, Crawford County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Hussar to authorize the acquisition of an easement along Conneaut Creek in Conneautville Borough, Crawford County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

D. Property Disposition at the Commission's Hereford Manor Property, Beaver County.

Commentary:

The Commission owns a +/- 448.5-acre property in Franklin Township, Beaver County, known as Hereford Manor, as shown on Exhibit D 1 of 2. The property was acquired in 1973 from a private landowner at a total cost of \$341,400. When acquired, the property contained two lakes with manmade dams. The lakes were highly popular fishing and boating destinations. However, the manmade dams were subsequently classified as high-hazard, unsafe structures and were removed in 2012. Since that time, the property has remained open for public recreation, which generally consists of hunting, hiking and wildlife viewing activities.

Approximately 53 acres of the property reside to the southwest of State Route 288 and south of Lake Road and are separated by the roads from the remaining 396.5 acres. The 53-acre area is not actively used by the Commission, and its disposition will not adversely impact the Commission, its operations or future plans to utilize or further develop the property for public fishing and boating.

Abarta Oil & Gas Company, Inc. (Abarta) has offered to purchase +/- 16 acres of land located southwest of State Route 288 as shown on Exhibit D 2 of 2. According to an appraisal report dated July 8, 2015, the appraised value of the property is \$3,668 per acre for a total appraised value of approximately \$58,688. Abarta has offered the Commission \$200,000 for the property or about \$12,500 per acre. Abarta also will be responsible for all costs associated with the conveyance, including subdivision and recording costs. In addition, any real estate and transfer taxes that are normally shared between the buyer and the seller will be paid by Abarta. The Commission will retain all oil, gas, coal, mineral and timber rights on the acres being conveyed.

Under the agreement of sale, closing on the disposition is subject to a number of contingencies: (1) Commission Board approval to dispose of the property, (2) subdivision approval, (3) Abarta obtaining title insurance, (4) an adjacent landowner consenting to the termination of his agreement with the Commission to farm this property and (5) Commission Board approval to grant Abarta two successive options to extend the primary term of the existing Non-Surface Use Oil and Gas Cooperative Agreement between the Commission and Abarta. This agreement, which covers the Commission's entire Hereford Manor property, has a primary term of three years. That means that the agreement will expire on November 4, 2016, unless Abarta produces oil or gas in paying quantities from the property or lands pooled or unitized with it. Anticipating that it may need additional time to produce gas under the agreement, Abarta has requested that the Commission grant it two successive options to extend the primary term for a period of 12 months each in exchange for the payment of \$100,000 for the exercise of each option to extend. In each case, the applicable extension payment will only become due and payable if Abarta elects to exercise the particular option to extend the term.

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 disposition of property at Hereford Manor to Abarta Oil & Gas Company, Inc. as described in the Commentary. Staff further recommend that the Commission approve the option to extend the primary term of the Non-Surface Use Oil and Gas Cooperative Agreement as described in the Commentary.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Elliott to authorize the disposition of property at Hereford Manor to Abarta Oil & Gas Company, Inc. and to approve the option to extend the primary term of the Non-Surface Use Oil and Gas Cooperative Agreement as described in the Commentary. Motion carried.

E. Property Disposition at the Commission's Hereford Manor Property, Beaver County.

Commentary:

The Commission owns a +/- 448.5-acre property in Franklin Township, Beaver County, known as Hereford Manor, as shown on Exhibit E 1 of 2. The property was acquired in 1973 from a private landowner at a total cost of \$341,400. When acquired, the property contained two lakes with manmade dams. The lakes were highly popular fishing and boating destinations. However, the manmade dams were subsequently classified as high-hazard, unsafe structures and were removed in 2012. Since that time, the property has remained open for public recreation, which generally consists of hunting, hiking and wildlife viewing activities.

Approximately 53 acres of the property reside to the southwest of State Route 288 and south of Lake Road and are separated by the roads from the remaining 396.5 acres. The 53-acre area is not actively used by the Commission, and its disposition will not adversely impact the Commission, its operations or future plans to utilize or further develop the property for public fishing and boating.

The Zelenople Airport Authority has offered to purchase +/- 37 acres of land located southwest of State Route 288 and south of Lake Road as shown on Exhibit E 2 of 2. The new southerly boundary lines of the remaining 396.5 acres will be the centerline of the existing and proposed realigned State Route 288 and Lake Road. An approved subdivision plan will determine the final acreage and boundary location.

According to an appraisal report dated July 8, 2015, the appraised value of the property is \$3,668 per acre. The Authority has offered the Commission +/- \$4,000 per acre for a total purchase price of approximately \$148,000. The Authority also will be responsible for all costs associated with the conveyance, including subdivision and recording costs. In addition, any real estate and transfer taxes that are normally shared between the buyer and the seller will be paid by the Authority. The Commission will retain all oil, gas, coal, mineral and timber rights on the property being conveyed.

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 disposition of property at Hereford Manor to the Zelenople Airport Authority as described in the Commentary.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Ali to authorize the disposition of property at Hereford Manor to the Zelenople Airport Authority as described in the Commentary. Motion carried.

## **BOATING** **FINAL RULEMAKING**

A. Amendments to Sections 97.1 (Personal Flotation Devices), 109.3 (Personal Watercraft), 109.4 (Waterskiing, Aquaplaning, Kiteskiing and Similar Activities) and 115.11 (Personal Flotation Devices).

### Commentary:

On September 22, 2014 the United States Coast Guard (USCG) issued a final rule to remove references to type codes in its regulations on the carriage and labeling of USCG approved personal flotation devices (PFDs). Removing these type codes from USCG regulations will facilitate future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information. It is also a step toward harmonization of our nation's regulations with PFD requirements in Canada and other countries. The final rule went into effect on October 22, 2014.

The final rule removes references to type codes in USCG regulations on the carriage and labeling of USCG approved PFDs. This final rule removes type code language from USCG carriage requirements and from USCG regulations for labeling of new PFDs, but it does not make any changes to the number of wearable or throwable PFDs required. It also does not require any changes to any existing approved PFDs already purchased and in use. In the final rule, the USCG acknowledges that PFDs are typically carried on boats for several years and reaffirms that approved PFDs marked with type codes will still meet carriage requirements as wearable or throwable PFDs, as appropriate, as long as they remain in serviceable condition.

The Commission therefore proposes amending § 97.1 to more closely reflect the definitions in the USCG's final rule and to remove the PFD type code references from § 97.1, 109.3, 109.4 and 115.11. A notice of proposed rulemaking was published at 45 Pa. B. 3844 (July 18, 2015) (Exhibit F). The Commission did not receive any public comments concerning this proposal.

### Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

### Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect on January 1, 2016.

### Action:

A motion was made by Commissioner Ali and seconded by Commissioner Lichvar to adopt the amendments as set forth in the notice of proposed rulemaking. These amendments will go into effect on January 1, 2016. Motion carried.

B. Amendment to Section 109.3 (Personal Watercraft).

Commentary:

Currently, Pennsylvania boating regulations require that a personal watercraft (PWC) must have a passenger capacity of three or more to be utilized in any waterskiing/towing activity and that the PWC must have a competent observer onboard in addition to its operator. Additionally, no more than one person may be towed behind any PWC (regardless of whether the towed implement may be capable of holding multiple individuals). At the time that these regulations were adopted, it is likely that the largest PWCs manufactured and on the market had a maximum passenger capacity of three.

Since 1999, major manufacturers have produced larger, four-person PWCs that are on average 12 feet long by four to five feet wide, weighing about 800 pounds. The power and stability of these larger PWCs is comparable to open motorboats that are also used for towed watersports. Commission regulations do not, however, limit the number of persons that may legally be towed behind boats other than PWCs, except that the boat's maximum passenger capacity may not be exceeded.

In 2005, the National Association of State Boating Law Administrators (NASBLA) revised and adopted model acts for Personal Watercraft and Maximum Loading and Horsepower Capacity Compliance. These acts are intended to establish requirements for the safe operation of PWCs and prohibit the operation of recreational vessels when they exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the Code of Federal Regulations. In 2007, NASBLA revised and adopted a model act for Safe Practices for Boat-Towed Watersports providing best practices for water skiing, wake surfing and tubing activities and consistent language for states' adoption. These model acts do not limit the number of individuals to be towed by a PWC as long as the vessel's passenger capacity is not exceeded by the total number of persons operating, observing and being towed.

As defined in § 91.2 (relating to definitions), individuals being towed behind a boat (e.g., conventional waterskiing, tubing, kneeboarding, parasailing, etc.) are considered to be passengers of the vessel and must be counted in regard to the boat's maximum passenger capacity. According to the Commission's regulations contained in § 105.4 (relating to overloading and improper loading), a boat may not be operated when it is loaded with passengers or cargo beyond its safe carrying capacity.

The Commission therefore proposes eliminating the PWC towing regulation in § 109.3(f) since passenger carrying capacity is addressed in other sections of the Commission's regulations. For all boats, the total number of persons being towed, when added to the occupants onboard the boat (i.e., the operator, observer and any other passengers), cannot exceed the maximum passenger capacity of the boat.

A notice of proposed rulemaking was published at 45 Pa. B. 3844 (July 18, 2015) (Exhibit F). The Commission did not receive any public comments concerning this proposal.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Gavlick and seconded by Commissioner Elliott to adopt the amendments as set forth in the notice of proposed rulemaking. These amendments will go into effect on January 1, 2016. Motion carried.

C. Amendments to Section 111.4 (Beaver County).

Commentary:

The Little Beaver Creek originates in Ohio and there are two short sections that cross the border into western Beaver County, Pennsylvania. The uppermost section of the creek in Pennsylvania is less than 200 feet wide and shallow. The lower section of the creek in Pennsylvania, from the state line to the creek's mouth on the Ohio River, flows through the borough of Ohioville and varies in width. Some portions of this lower section are more than 200 feet wide and boats are not restricted to operating at slow, no wake speed. This lower section is used mostly for fishing, paddling, and accessing the Ohio River by use of the Ohioville Borough access area. Since it is difficult for boaters to determine the width of this lower section and whether they may operate at greater than slow, no wake speed, the Commission proposes designating the lower section (from the mouth upstream to the state line) as a slow, no wake zone in § 111.4(d) to minimize conflicts between the various user groups.

The Commission also proposes including a provision in § 111.4(b) that the operation of boats powered by internal combustion motors is prohibited on Bradys Run Lake to conform to county regulations. Bradys Run Lake is a 28-acre lake in the center of the county, owned and operated by the Beaver County Recreation and Tourism Department.

A notice of proposed rulemaking was published at 45 Pa. B. 3844 (July 18, 2015) (Exhibit F). The Commission did not receive any public comments concerning this proposal.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Gavlick and seconded by Commissioner Lichvar to adopt the amendments as set forth in the notice of proposed rulemaking. These amendments will go into effect on January 1, 2016. Motion carried.

D. Amendment to Section 111.9 (Bucks County).

Commentary:

The current wording in subsection (b) (relating to Neshaminy Creek) is confusing since there is no landmark or distinguishing characteristic (other than buoys during the boating season) to delineate the upstream boundary of the slow, no wake zone. The remainder of the stream is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. The Commission proposes simplifying § 111.9(b) by stating that the entire creek, from its headwaters to its confluence with the Delaware River, is a slow, no wake zone. This proposed amendment is a simplification of language and is not an expansion of the current slow, no wake restrictions.

A notice of proposed rulemaking was published at 45 Pa. B. 3844 (July 18, 2015) (Exhibit F). The Commission received one public comment prior to and one public comment during the official comment period concerning this proposal. Copies of all public comments have been provided to the Commissioners.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, this amendment will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Gavlick to adopt the amendment as set forth in the notice of proposed rulemaking. This amendment will go into effect on January 1, 2016. Motion carried.

E. Amendment to Section 111.21 (Cumberland County).

Commentary:

Currently, Commission regulations allow waterskiing on the Conodoguinet Creek in the vicinity of the Power Company Dam at Cave Hill. The measured stream width throughout a considerable portion of the current skiing area is approximately 200 feet and sometimes less at seasonal summer flow. Numerous staff who have patrolled this area over the years have expressed safety concerns as this area is not conducive to safe skiing activity. Therefore, the Commission proposes eliminating the water skiing zone. The Commission also proposes deleting the paragraph relating to swim zone areas since the Commission does not typically regulate these areas. Additionally, with the elimination of the water ski zone, boats will be prohibited from operating at greater than slow, no wake speed on the channel behind the island since it is less than 200 feet in width. The Commission proposes deleting paragraph (5) since it will be redundant.

A notice of proposed rulemaking was published at 45 Pa. B. 3844 (July 18, 2015) (Exhibit F). The Commission received a total of 23 public comments concerning this proposal – 18 before, four during and one after the formal comment period. All of the comments generally oppose the proposal. Copies of all public comments have been provided to the Commissioners.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Lichvar and seconded by Commissioner Gavlick to adopt the amendments as set forth in the notice of proposed rulemaking. These amendments will go into effect on January 1, 2016. Motion carried.

F. Amendment to Section 111.23 (Delaware County).

Commentary:

Darby Creek is a tributary of the Delaware River in Delaware County, southwest of the city of Philadelphia. Darby Creek is currently posted by buoys and signage as a slow, no wake area under an existing Commission Permit to Install Floating Structures and Private Aids to Navigation. The permit includes slow, no wake buoys being placed at the mouth of Darby Creek with the designation continuing upstream to include a lagoon area in front of the Ridley Township Marina and another lagoon area at the mouth of Long Hook Creek. The Commission is responsible for installation and maintenance of the buoys which are in place from Memorial Day through October of each year. The area upstream of Long Hook Creek is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. Approximately 1 ½ miles upstream of Long Hook Creek is the refuge waters of the John Heinz National Wildlife Refuge at Tinicum. The refuge waters are tidal and navigable only within two hours before and after high tide.

The section of Darby Creek between the mouth and the lagoons is barely wider than 200 feet and can be congested with boat traffic from the Ridley Township Marina. Additionally, there are four sets of bridge piers in the water in this section (i.e., railroad, drawbridge, Route 291 and I-95). The Commission therefore proposes that § 111.23(b) be amended to be consistent with the area delineated in the Permit to Install Floating Structures and Private Aids to Navigation and that the entire length of Darby Creek be designated as slow, no wake. This clarification does not significantly extend the current slow, no wake restrictions.

A notice of proposed rulemaking was published at 45 Pa. B. 3844 (July 18, 2015) (Exhibit F). The Commission did not receive any public comments concerning this proposal.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, this amendment will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Hussar to adopt the amendment as set forth in the notice of proposed rulemaking. This amendment will go into effect on January 1, 2016. Motion carried.

G. Amendment to Section 111.39 (Lehigh County).

Commentary:

The Commission's regulations currently prohibit water skiing on the Lehigh River at the Allentown Pool. This pool is between the Tilghman Street Bridge and the Hamilton Street Dam in Allentown. The City of Allentown owns and operates Bucky Boyle Park on the west shore of the river in this area. At one time the park had a swim beach, and safety concerns for the swimmers led to the restriction of water skiing in this area. The swim beach has since been eliminated from the park.

The Commission proposes elimination of the water skiing prohibition at § 111.39 (b) for the Lehigh River Allentown Pool-East since it unnecessarily restricts boating activity. A notice of proposed rulemaking was published at 45 Pa. B. 3844 (July 18, 2015) (Exhibit F). The Commission did not receive any public comments concerning this proposal.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, this amendment will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Gavlick and seconded by Commissioner Hussar to adopt the amendment as set forth in the notice of proposed rulemaking. This amendment will go into effect on January 1, 2016. Motion carried.

## H. Amendments to Chapter 111 (Special Regulations Counties).

### Commentary:

Under section 741 of the Fish and Boat Code (relating to control of property), the Commission may promulgate rules and regulations for the use and protection of all lands or waters owned, leased or otherwise controlled by the Commission. Accordingly, the Commission adopted 58 Pa. Code § 53.8 (relating to boats) that, among other things, prohibits the use of internal combustion engines to propel a boat on Commission lakes. In 58 Pa. Code § 107.2 (relating to electric motors), electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted and the operation of internal combustion engines is specifically prohibited, except as otherwise specified in Chapter 111 (relating to special regulation counties).

The Commission's interpretation of § 107.2 is that exceptions to the prohibition shall be listed in Chapter 111, but it is redundant to list specific waters where internal combustion engines (sometimes simply referred to as "motors") are prohibited on Commission owned or controlled lakes and on State Park lakes in Chapter 111. Therefore, in an effort to simplify Commission boating regulations, the Commission proposes deleting redundant provisions from Chapter 111. Commission owned or controlled lakes where internal combustion engines are prohibited are posted as such on site and listed on the Commission's website.

Additionally, some State Park lakes where internal combustion engines are permitted and horsepower restrictions exist or where boating is prohibited are currently not included in Chapter 111. The Commission proposes that these lakes be added as part of the other amendments to this chapter.

A notice of proposed rulemaking was published at 45 Pa. B. 3844 (July 18, 2015) (Exhibit F). The Commission did not receive any public comments concerning this proposal.

### Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

### Recommendation:

Staff recommend that the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect on January 1, 2016.

### Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Gavlick to adopt the amendments as set forth in the notice of proposed rulemaking. These amendments will go into effect on January 1, 2016. Motion carried.

## PROPOSED RULEMAKING

### I. Amendment to Section 53.8 (Boats).

#### Commentary:

Earlier this year, the Commission was contacted by numerous boaters and an outfitter regarding its regulation at section 53.8 that prohibits the use of single-chambered inflatable boats on its lakes. The Department of Conservation and Natural Resources has a similar regulation that prohibits the use of these boats on state park lakes. These regulations were promulgated prior to the manufacture and widespread availability of high-quality, durable inflatable canoes, kayaks and stand-up paddleboards.

The use of other inflatable devices is addressed in other sections of Chapter 53 as well. Section 53.16(c) prohibits launching or retrieving swimming aids such as inner tubes from Commission-owned or –controlled access areas. Float tubes on Commission-owned or –controlled lakes are addressed in section 53.19. Specifically, they must have a secondary bladder for additional emergency flotation and the user must wear a Coast Guard approved personal flotation device.

Thirty-three states responded to a survey administered by the National Association of State Boating Law Administrators (NASBLA) regarding special regulations relating to the use of inflatable boats. One of the respondents indicated that single-chambered air-inflated devices do not meet that state’s definition of vessel. Another respondent indicated that single-chambered inflatable vessels are prohibited from use statewide. There were no other responses regarding special regulations for recreational use of single-chambered inflatable boats. Additionally, NASBLA does not have a model act regarding inflatable vessels. Therefore, states may deal with specific issues as they see fit.

A review of Pennsylvania’s recreational boating accident statistics reveals that there are no reportable accidents regarding loss of inflation for any incidents involving inflatable boats since 1985. With the recent advent of high-quality, durable inflatable boats with less than two separate buoyancy chambers, such as inflatable standup paddleboards, staff believe that the current regulation is overly restrictive and may be eliminated.

Staff therefore propose the following amendment to §53.8:

§ 53.8. Boats.

\* \* \*

**(f) [Inflatable boats used on Commission lakes shall be at least 7 feet in length, made of durable reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.**

**(g)]**

\* \* \*

On July 31, 2015, the Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the proposed amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

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

J. Amendment to Section 105.4 (Overloading and Improper Loading).

Commentary:

Staff wish to clarify the Commission's regulations relating to overloading and improper loading by adopting language recommended by the National Association of State Boating Law Administrators Model Act for Maximum Loading and Horsepower Capacity Compliance. The model act prohibits the operation of certain recreational vessels when those vessels exceed their loading or powering capacities or exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the Code of Federal Regulations.

Staff therefore propose the following changes to §105.4:

§ 105.4. Overloading and improper loading.

(a) A person may not operate a boat when the boat is loaded with passengers or cargo beyond its safe carrying capacity[, **taking into consideration weather and other existing operating conditions**] **as determined by the boat's:**

**(1) Maximum weight capacity; or**

**(2) Maximum persons capacity; or**

**(3) Maximum horsepower; or**

**(4) Capacity limits as identified on the boat's capacity label or through calculations provided by the U.S. Coast Guard through the Commission.**

(b) A person may not operate a boat loaded in a manner that adversely affects its trim or stability, **taking into consideration weather and other existing operating conditions.**

On July 31, 2015, the Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendments.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the proposed amendments described in the Commentary. If adopted on final rulemaking, these amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

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

K. Amendment to Section 111.40 (Luzerne County).

Commentary:

Lily Lake is a 160-acre impoundment situated on a 376-acre parcel owned by the Commission in southeastern Luzerne County. The Commission acquired Lily Lake in 1968. When the Commission initially acquired Lily Lake, there was controversy over what uses of the lake should be allowed. Cottage owners insisted on water skiing and high-speed motorboat operation. Staff were opposed to high-powered motorboat activity on the lake primarily because of the size of the lake (approximately 90 acres of boatable water) and concern that allowing water skiing and internal combustion motors would create a safety hazard. The Lily Lake Property Owners' Association retained legal counsel and sent the Commission a letter on June 29, 1970 detailing its request for a 60 horsepower limitation and other proposals. However, before negotiations with the property owners concluded, the Commission adopted regulations at its May 3, 1971 meeting prohibiting internal combustion engines on Commission lakes. The minutes from that meeting state that "the regulations adopted for all wholly owned Fish Commission lakes [are to] be applied to Lily Lake." The property owners association again submitted a proposal in 1972 that they believed would allow for compatible, multiple uses of boats for fishing and other activities, including water skiing.

On April 6, 1973, the Commission's Executive Director provided a report on the situation to the Commissioners and referred the matter to the Boating Advisory Board (BAB) for study. On May 16, 1973, members of the BAB met with the property owners association to develop a consensus proposal. As a result, they mutually agreed to a high-speed operating zone where all ski operations would occur and that would be buoyed by the Commission. The high-speed operating zone was proposed as being 2,000 feet long and 650 feet wide and approximately 75 feet from the northern shore which was uninhabited.

In addition, the property owners association proposed a limit of 60 horsepower and maximum of 18 feet in length for all boats on the lake, as initially recommended by their attorney in 1970. The rationale provided at the time was "the 60 HP limitation will make it unattractive to the hard core water skier but would still permit the several cottage owners who own 60 HP boats now to continue to use them." Also expressed was a concern of attracting a large number of boats from outside the area, but it was believed that the horsepower limitation would minimize that.

During discussion of the consensus proposal at a BAB meeting on August 20, 1973, a Commissioner noted that the main reason for the Commission's allowing the use of only electric motors on its lakes was to "prevent noise and pollution." He further stated that since these elements were already present on Lily Lake when the Commission acquired it in 1968, this rationale had to be discounted at this lake.

The consensus proposal was advanced from the BAB to the Commission, and upon approval at its October 20, 1973 meeting, the Commission published a notice of proposed rulemaking on December 15, 1973 to prohibit the use of boats with greater than 60 horsepower engines or greater than 18 feet in length on Lily Lake. Additionally, boats

were limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset from the Saturday preceding Memorial Day to September 30. No public comments were received. The regulation went into effect upon publication in the *Pennsylvania Bulletin* on January 26, 1974.

The regulations for Lily Lake have seen minor amendments since 1973; however, there have been no changes to the horsepower or boat length limitations since their adoption. The current Permit to Install Floating Structures and Private Aids to Navigation indicates the high-speed zone as 1,500 feet by 600 feet, mid-lake along the opposite shoreline from the boat launch and homes.

The Commission maintains a surfaced launch ramp and parking at Lily Lake that can accommodate 18 vehicle-trailer combinations and more than 25 cars. To date, there are no reportable recreational boating accidents recorded for Lily Lake.

On May 18, 2015, Commission representatives met with members of the Lily Lake Property Owners' Association. The purpose of the meeting was to discuss a request from the property owners association to increase the maximum allowable horsepower to 90 and boat length to 25 feet.

The Commission owns four lakes with horsepower or speed restrictions and the Pennsylvania Department of Conservation and Natural Resources owns ten. A comparison of lake acreage to horsepower or mile-per-hour restrictions on these lakes indicates that Lily Lake is currently the second smallest lake but has the highest horsepower allowance. (See chart below.)

Pymatuning Reservoir	Crawford	DCNR	17,088	20 hp
Lake Arthur	Butler	DCNR	3,225	20 hp
Foster Joseph Sayers Lake	Centre	DCNR	1,730	45 mph
Lake Wilhelm	Mercer	DCNR	1,680	20 hp
Glendale Lake	Cambria	DCNR	1,635	20 hp
East Branch Clarion River Lake	Elk	DCNR	1,554	45 mph
Nockamixon Lake	Bucks	DCNR	1,450	20 hp
Lake Marburg	York	DCNR	1,275	20 hp
Beltzville Lake	Carbon	DCNR	949	45 mph
Yellow Creek Lake	Indiana	DCNR	720	20 hp
Harveys Lake	Luzerne	PFBC	658	45 mph
Lake Canadohta	Crawford	PFBC	169	10 hp
Lily Lake	Luzerne	PFBC	160	60 hp
Sugar Lake	Crawford	PFBC	90	6 hp

The Commission's local law enforcement staff recommend a change to allow boats up to 20 feet in length but that we maintain the horsepower limitation at 60 due to the small size of the impoundment. Boat registration records reveal that such an increase in length will potentially allow for an additional 1,672 actively registered motorboats in Luzerne and the seven surrounding counties to operate on Lily Lake. It is predicted that the increased length allowance will enhance boating opportunities for the lake residents and northeast region without having a significant impact on user conflicts or safety on this small impoundment.

Staff therefore propose the following amendment to §111.40:

§ 111.40. Luzerne County.

\* \* \*

(c) *Lily Lake*.

(1) Boats with greater than 60 horsepower engines or greater than [18] 20 feet in length are prohibited.

(2) Boats are limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset between the Saturday preceding Memorial Day and September 30.

\* \* \*

On July 31, 2015, the BAB considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

Briefer:

Colonel Corey L. Britcher, Director, Bureau of Law Enforcement

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the proposed amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

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

## **FISHERIES** **FINAL RULEMAKING**

A. Amendment to Section 61.2 (Delaware River, West Branch Delaware River and River Estuary) to Address Striped Bass Fishery.

Commentary:

The management plan for Striped Bass of the Atlantic States Marine Fisheries Commission (ASMFC) calls for management actions when the coastwide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 127 million pounds, and the current SSB is just above this at 128 million pounds. At the current fishing mortality rates, there is concern that the SSB will fall below the threshold in the near future. In addition to these concerns, recruitment of young fish has been relatively low in many of the years since 2004. In response to these concerns, the ASMFC Striped Bass Management Board, which includes the Commonwealth as a member, has directed all coastal states to reduce fishing mortality rates by 25% beginning in 2015.

ASMFC has directed that the reduction in harvest be implemented prior to the 2015 fishing season. In Pennsylvania, the Striped Bass fishery in the Delaware River and Estuary typically begins in early March. In order to meet this deadline, the Executive Director, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), took immediate action to amend § 61.2. Specifically, the Executive Director amended this section to decrease the creel limit for Striped Bass in the River Estuary (from the Pennsylvania line upstream to Calhoun Street Bridge) during the periods, January 1 through March 31 and June 1 through December 31, to one fish and to change the slot limit during the period, April 1 through May 31, to 21 to 25 inches. The Executive Director also amended the section to decrease the creel limit for Striped Bass in the Delaware River (from the Calhoun Street Bridge upstream) to one fish. The temporary changes went into effect on March 1, 2015 and will remain in effect until the Commission, by appropriate action, amends § 61.2.

A notice of proposed rulemaking containing the proposed changes was published at 45 Pa. B. 3854 (July 18, 2015) (Exhibit G). The Commission received one public comment regarding the proposal. Copies of all public comments have been provided to the Commissioners.

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 on January 1, 2016.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Hussar to adopt the amendments as set forth in the notice of proposed rulemaking. The amendments will go into effect on January 1, 2016. Motion carried.

PROPOSED RULEMAKING

B. Amendment to Section 65.24 (Miscellaneous Special Regulations): Opossum Lake (7B), Cumberland County.

Commentary:

Opossum Lake, a 47-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lower Frankford Township, Cumberland County, approximately six miles west-northwest of the Borough of Carlisle. The dam impounds Opossum Creek at river-mile 0.5. This lake was completely dewatered in October 2008 to make dam and spillway repairs and modifications per dam safety standards of the Pennsylvania Department of Environmental Protection. Following completion of the dam and spillway repairs and modifications as well as construction of numerous habitat enhancement devices, the impoundment was refilled and the Commission resumed annual adult trout stocking during spring 2013 to provide angling opportunities for stocked trout. Additionally, the Commission began to re-establish a high quality warm- and cool-water fishery through fingerling plants of select fish species beginning in summer 2013. This process remains on-going.

Immediately upon refilling of the lake, the Commission opened the lake to fishing under a miscellaneous special regulation that allows for the harvest of trout under Commonwealth inland seasons, sizes, and creel limits but allows catch and release fishing only for all other fish species. The Commission took this approach to allow a balanced fishery to develop under protective regulations while offering acceptable levels of recreational angling opportunities. This regulation will remain in effect until June 18, 2016.

Based on a recent staff assessment of the fish community, the fishery continues to develop; however, the fishery has not progressed to levels where staff believe that regulations should be relaxed at this time. Therefore, staff recommend that the current miscellaneous special regulation be extended until such time as deemed appropriate for its removal. Staff will continue to monitor the fish populations as they develop and make the necessary adjustments to the species being stocked and the regulations governing the fishery to continually provide high quality recreational angling opportunities at Opossum Lake. Once the warmwater fishery has been re-established, the lake will be recommended for removal from the miscellaneous special regulation and inclusion in one of the Commission’s existing warmwater regulation programs.

Staff propose that §65.25 be amended as follows:

§ 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>
***	***	***
<b><u>Cumberland</u></b>	<b><u>Opossum Lake</u></b>	<b><u>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).</u></b>
***	***	***

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, the amendment will go into effect on June 19, 2016.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Elliott to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, the amendment will go into effect on June 19, 2016. Motion carried.

C. Amendment to Section 65.24 (Miscellaneous Special Regulations): Leaser Lake (3B), Lehigh County.

Commentary:

Leaser Lake, a 117-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lynn Township, Lehigh County, approximately 20 miles west-northwest of Allentown. The dam impounds an unnamed tributary to Ontelaunee Creek. This lake was completely dewatered in 2008-2009 to make dam and spillway repairs and modifications per dam safety standards of the Pennsylvania Department of Environmental Protection. Following completion of the dam and spillway repairs and modifications as well as construction of numerous habitat enhancement devices, the impoundment was nearly refilled by spring 2013, then partially drained by 20 feet in late summer 2014 for additional repairs and fully refilled in 2015. The Commission resumed annual adult trout stocking during spring 2013 to provide angling opportunities for stocked trout. Additionally, the Commission began to re-establish a high quality warm- and cool-water fishery through fingerling plants of select fish species beginning in 2013. This process remains on-going albeit with some cancellations, such as walleye fingerlings, required in 2014 due to the partial drawdown.

Immediately upon refilling of the lake, the Commission opened the lake to fishing under a miscellaneous special regulation that allowed for the harvest of trout under Commonwealth inland seasons, sizes, and creel limits but allowed catch and release fishing only for all other fish species. The Commission took this approach to permit balanced fish populations to develop under protective regulations while offering acceptable levels of recreational angling opportunities. This regulation will remain in effect until June 18, 2016.

Based on the stocking delay that occurred, a recent fisheries management assessment of the fish community and information from staff and anglers regarding their catches, the growth and abundances of warmwater/coolwater fish populations have not progressed to levels where staff believe that regulations should be relaxed at this time. Therefore, staff recommend that the current miscellaneous special regulation be extended until such time as deemed appropriate for its removal. Staff will continue to monitor the fish populations as they mature, make necessary adjustments to the species and numbers being stocked, and select regulations governing the fisheries with the goal of providing high quality recreational angling opportunities at Leaser Lake. Once the warmwater/coolwater fish populations have been re-established, the lake will be recommended for removal from the miscellaneous special regulation and inclusion in one of the Commission's existing warmwater regulation programs.

Staff propose that § 65.25 be amended as follows:

§ 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>
***	***	***
<b><u>Lehigh</u></b>	<b><u>Leaser Lake</u></b>	<b><u>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).</u></b>
***	***	***

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, the amendment will go into effect on June 19, 2016.

Action:

A motion was made by Commissioner Gavlick and seconded by Commissioner Lichvar to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, the amendment will go into effect on June 19, 2016. Motion carried.

## DESIGNATIONS

### D. Classification of Wild Trout Streams: Proposed Additions, Revisions and Removals.

#### Commentary:

The Department of Environmental Protection's regulations at 25 Pa. Code § 105.1 define the term "wild trout stream" as "a stream identified as supporting naturally reproducing trout populations by the Fish and Boat Commission under 58 Pa. Code § 57.11 (relating to listing of wild trout streams)." This term has regulatory significance because wetlands that are located in or along the floodplain of the reach of a wild trout stream and the floodplain of streams tributary thereto are considered "exceptional value" and are thus entitled to the highest level of protection.

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

Staff recommend the addition of 102 new waters to the Commission's list of wild trout streams, revisions to the section limits of four waters, and the removal of one water from the list. These changes are the result of recent surveys conducted on these waters. Exhibit H provides information on the locations and a data summary for each of these waters. Surveying unassessed waters and documenting wild trout populations are consistent with the Commission's Strategic Plan for Management of Trout Fisheries in Pennsylvania, the statewide Strategic Plan and the agency's Resource First philosophy.

A notice of proposed designations was published at 45 Pa. B. 3941 (July 18, 2015) (Exhibit I). The Commission received a total of 35 public comments regarding the proposed designations – 31 during and four after the official comment period. There is overwhelming support for the designations. Copies of all public comments have been provided to the Commissioners.

#### Briefer:

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

#### Recommendation:

Staff recommend that the Commission add 102 new waters to the Commission's list of wild trout streams, revise the section limits of four waters and remove one water from the list as described in the Commentary. If approved, these additions, revisions and removal will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

#### Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Lichvar to add 102 new waters to the Commission's list of wild trout streams, revise the section limits of four waters and remove one water from the list as described in the Commentary. These additions, revisions and removal will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.

E. Proposed Additions to List of Class A Wild Trout Streams.

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 and 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 Biomass 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.

Staff recommend the addition of 40 stream sections to the Commission's list of Class A wild trout streams. These changes are the result of recent surveys conducted on these waters. Exhibit J provides information on the locations and a data summary for each of these waters.

A notice of proposed designation was published at 45 Pa. B. 3946 (July 18, 2015) (Exhibit K). The Commission received a total of 22 public comments regarding the proposed designations – 21 during and one after the official comment period. There is overwhelming support for the designations. Copies of all public comments have been provided to the Commissioners.

Briefer:

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

Recommendation:

Staff recommend that the Commission add 40 stream sections to its 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 Lichvar and seconded by Commissioner Hussar to add 40 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.

F. Designation of Colyer Lake, Centre County; Speedwell Forge Lake, Lancaster County; Lake Jean, Luzerne and Sullivan Counties; Lower Owl Creek Reservoir, Schuylkill County; and Lake Nessmuk, Tioga County, as Catch and Release Lakes under Section 65.17.

Commentary:

Currently, there are four lakes with fisheries managed by the Commission that are in the process of repair and one on which the repairs were completed in 2013. They are as follows:

(1) Colyer Lake is a 77-acre impoundment owned by the Commonwealth and managed by the Commission that is located in Potter Township, Centre County. This lake was completely dewatered during September 2014 to complete dam and spillway repairs and modifications per dam safety standards of the Pennsylvania Department of Environmental Protection (DEP). The earth-fill dam impounds Sinking Creek and offered angling opportunities for multiple warm and coolwater fish species. Dam and spillway repairs as well as numerous habitat improvements will be completed by the end of 2015, and the reservoir will begin refilling at that time.

(2) Speedwell Forge Lake is a 106-acre impoundment owned by the Commonwealth and managed by the Commission that is located in Elizabeth Township, Lancaster County, approximately 13 miles north of Lancaster. The dam impounds Hammer Creek, a wild trout stream immediately upstream from the lake and a stocked trout stream immediately downstream from the lake. The lake was completely dewatered in November 2011 following a high-hazard condition discovered after the passage of Hurricane Sandy. Once funding was secured, dam and spillway repairs and modifications began per DEP dam safety standards. Following the dam and spillway repairs and modifications, completion of which are anticipated in late 2015, the impoundment will be refilled in late winter and spring 2016.

(3) Lake Jean is a 245-acre impoundment in Ricketts Glen State Park owned by the Commonwealth and managed by the Pennsylvania Department of Conservation and Natural Resources that is located in Luzerne and Sullivan Counties. The lake was dewatered in April 2015 to replace its control tower per DEP dam safety standards. The earth-fill dam offered angling opportunities for multiple fish species. Barring unforeseen circumstances, construction will be complete in fall 2015 and refilling will begin at that time.

(4) Lower Owl Creek Reservoir is a 26-acre impoundment located in the greater Borough of Tamaqua, Schuylkill County, and owned by the Borough. Dam repairs occurred during the late 2011-2013 period following approximately 10 years of existence in a drawn down condition. The dam impounds the very infertile Owl Creek starting approximately 200 meters downstream from the 67-acre Upper Owl Creek Reservoir's spillway. The impoundment is bordered to the south by mountainous terrain and is surrounded by woodlands. At present, fish habitat includes inundated boulders, shrubs and small trees. Stocking by the Commission began in 2014 and 2015 with Largemouth Bass fingerlings, Smallmouth Bass fingerlings and Spottfin Shiners.

(5) Lake Nessmuk is a 60-acre impoundment owned by the Commonwealth and managed by the Commission that is located near Wellsboro in Tioga County. This lake was completely dewatered during March 2014 to complete dam and spillway repairs and modifications per DEP dam safety standards. The earth-fill dam impounds Morris Run and offered angling opportunities for multiple warm and coolwater fish species. Dam and spillway repairs as

well as numerous habitat improvements were completed during summer 2015, and the reservoir began refilling at that time.

Commission staff do not intend to manage Colyer Lake, Speedwell Forge Lake, Lake Jean and Lake Nessmuk as Catch and Release Lakes on a permanent basis. Upon completion of repairs, staff plan to stock each lake and establish a high quality warm and coolwater fishery through fingerling plants of select species. Upon refilling of each lake, the lakes will be opened to catch and release fishing for all fish species under the Catch and Release Lakes Program. This approach will allow a balanced warmwater and coolwater fish community to rapidly develop while offering acceptable levels of recreational angling opportunities.

Consistent with the successful and popular management of the nearby Upper Owl Creek Reservoir since 2003 and consistent with the lake's infertile conditions/anticipated slow fish growth rates, staff from the Bureau of Fisheries' Fisheries Management Division and the Bureau of Law Enforcement plan to manage Lower Owl Creek Reservoir's warmwater fishery with catch and release regulations for the foreseeable future. This management is favored by the Borough of Tamaqua as well.

Staff will monitor fish populations in each of the five lakes while they develop and make the necessary adjustments to the species being stocked and recommend appropriate regulations governing the fisheries, where applicable, to continually provide high quality recreational angling opportunities at these lakes.

A notice of proposed designation was published at 45 Pa. B. 4989 (August 22, 2015) (Exhibit L). The Commission received a total of two comments, one supporting and one opposing the proposed designations. Copies of all public comments have been provided to the Commissioners.

Briefer:

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

Recommendation:

Staff recommend that the Commission approve the designation of Colyer Lake, Speedwell Forge Lake, Lake Jean, Lower Owl Creek Reservoir and Lake Nessmuk as Catch and Release Lakes under § 65.17 as described in the Commentary. If approved, the designations will go into effect on January 1, 2016.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Hussar to approve the designation of Colyer Lake, Speedwell Forge Lake, Lake Jean, Lower Owl Creek Reservoir and Lake Nessmuk as Catch and Release Lakes under § 65.17 as described in the Commentary. The designations will go into effect on January 1, 2016. Motion carried.

## **HABITAT AND ENVIRONMENTAL PROPOSED RULEMAKING**

A. Amendment to Section 75.1 (Endangered Species) to Add Hornyhead Chub; Amendment to Section 75.2 (Threatened Species) to Remove the Mountain Brook Lamprey and Amendments to Section 75.3 (Candidate Species) to Remove the Hornyhead Chub, Ohio Lamprey, Bowfin and Timber Rattlesnake.

Commentary:

(1) Hornyhead Chub (*Nocomis biguttatus*): The Hornyhead Chub is a medium sized minnow with a robust body. Adult length is typically 4 to 6 inches. Breeding males have a distinct bright red spot behind the eye. It is a nest building minnow, constructing large pebble mounds by transporting gravel with its mouth. It inhabits clear, small to medium-sized streams with clean gravel, rubble and sandy substrates. In general, the Hornyhead Chub is highly intolerant of increased siltation and intermittent flows.

The Hornyhead Chub occurs in North America from the Mohawk River system in New York, west to the Red River system in Manitoba and North Dakota, and south to the Ohio River drainage. It also occurs in the Ozark drainages in Missouri and Arkansas and in an isolated section of West Virginia.

In Pennsylvania, it was historically reported from two locations in Cussewago Creek in Crawford County and a number of locations in the Shenango River drainage in Crawford, Lawrence and Mercer counties. It was also reported in collections from the Shenango system as well as Conneaut Creek in Crawford and Erie counties. Recent intensive field work that included surveys of historic sites as well as additional sites presenting suitable habitat in these historic drainages has demonstrated a precipitous decline in Hornyhead Chub populations in Pennsylvania. This species is now apparently confined to approximately 12 miles of Neshannock Creek in Lawrence and Mercer counties and two miles of Conneaut Creek in Crawford County.

The Hornyhead Chub was initially listed as a candidate species in 1999. The current status of this species was reviewed using the Commission's documentation and objective listing/delisting process. Using the "Extent of Occupancy" criterion (B.3) within the Commission's listing process, the Hornyhead Chub's linear occupied stream distance exceeds the cutoff of 10 miles for endangered status by only four miles; however, significant threats to its continued existence remain, particularly in Conneaut Creek. In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S1 – meaning it is critically imperiled in the Commonwealth with a high to very high risk of extirpation due to its limited range and/or few populations or occurrences. The Fishes Technical Committee of the Pennsylvania Biological Survey (PABS) reviewed this documentation and rank assignment and recommended that the Hornyhead Chub be listed as endangered. Enough information is available to make the determination that it is endangered in the Commonwealth at present and to justify its addition to Pennsylvania's list of endangered fishes. Therefore, the Commission proposes that the Hornyhead Chub be removed from the Pennsylvania list of candidate species under § 75.3 and added to the list of endangered species under § 75.1.

(2) Mountain Brook Lamprey (*Ichthyomyzon greeleyi*). The Mountain Brook Lamprey is a small, non-parasitic lamprey. Adult sizes are small, generally 4 to 6 inches total length. Body color is dark olive on back and sides, often mottled, transitioning abruptly to a white belly, giving a bi-colored appearance. It is easily confused with the parasitic Ohio Lamprey (*Ichthyomyzon bdellium*), which is generally larger with a proportionally larger oral disc and has coloration that fades gradually toward the belly (not strongly bi-colored).

The Mountain Brook Lamprey prefers clear, small-medium sized creeks but can be occasionally found in larger waters. In Pennsylvania, it frequently occurs in stocked trout streams but is seldom found in colder streams containing wild Brook Trout (*Salvelinus fontinalis*). Larvae, known as ammocoetes, generally prefer sluggish areas with deposits of mud, muck, silt, sand, detritus and coarse woody debris.

This species occurs in North America from the Ohio River drainage in southwestern New York to northern Alabama and Georgia, where it is highly localized. In Pennsylvania, it occurs throughout the Allegheny River drainage, including the Loyalhanna Creek, French Creek and Clarion River drainages, and the upper Allegheny River. A small portion of Neshannock Creek in the Beaver River drainage is also occupied.

In 1999, the Mountain Brook Lamprey was listed as a threatened species. Since then, nearly all of this species' historic range in Pennsylvania has been resurveyed and no retraction of its range was noted. In fact, extensions of its known range have been documented, which now includes the Clarion River, Loyalhanna Creek and North Fork Redbank Creek.

The current status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criterion A.1 (Population Reduction) in that there has been no reduction in historic distribution. Since the Mountain Brook Lamprey occupies more than 150 river miles of waterway, it significantly exceeds Criterion B.3 (Extent of Occupancy). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S4 – meaning it is secure in the Commonwealth with a very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of the PABS reviewed this documentation and rank assignment and recommended that the Mountain Brook Lamprey be delisted. Enough information is available to make the determination that it is secure in the Commonwealth at present and to justify its removal from Pennsylvania's list of threatened fishes. Therefore, the Commission proposes that the Mountain Brook Lamprey be removed from the Pennsylvania list of threatened species under § 75.2.

(3) Ohio Lamprey (*Ichthyomyzon bdellium*). The Ohio Lamprey is a medium sized parasitic lamprey with a single dorsal fin and well developed teeth. Adult size is generally 5 to 10 inches total length. Body color is slate-gray to yellowish-gray, fading to a lighter belly.

The Ohio Lamprey occurs in large streams to large rivers during parasitic phase but enters smaller streams to spawn. Adults are generally found in riffles and runs over gravel, cobble and rubble. Ammocoetes generally prefer sluggish sections of small-medium sized streams with significant deposits of mud, muck, silt, sand, detritus and coarse woody debris. Ammocoetes generally burrow in substrate and filter feed on bacteria, protozoa and decaying phytoplankton and plant material. Host fishes include Paddlefish, Common Carp, carpsuckers, redhorses, black basses, larger catfishes, madtoms, Walleye and darters. There

is no evidence to support the belief of some that Ohio Lampreys negatively impact game fish populations.

This species occurs in North America from the Ohio River basin from New York to Illinois, and south to northern Georgia. In Pennsylvania, it occurs in the Ohio River, Conewango Creek, Mahoning Creek, Potato Creek, Oswayo Creek and the Allegheny River and the following streams and their tributaries: French Creek, Oil Creek, Sandy Creek and Brokenstraw Creek.

In 1999, the Ohio Lamprey status was changed from threatened to candidate. Current data indicate little if any range reduction has occurred when historic and recent records are compared. It is evident that the Ohio Lamprey remains well-distributed in the Ohio River drainage and may have expanded somewhat, with its known range including nine counties - Allegheny, Armstrong, Crawford, Erie, Forest, McKean, Potter, Venango and Warren. Of the 150 records reviewed, 52 are post-1999. The Ohio Lamprey likely maintains a continuous distribution throughout the Allegheny River.

The current status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criterion A.1 (Population Reduction) in that there has been no reduction in historic distribution. Since the Ohio Lamprey occupies more than 150 river miles of waterway, it also significantly exceeds Criterion B.3 (Extent of Occupancy). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S4 – meaning it is secure in the Commonwealth with a very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of PABS reviewed this documentation and rank assignment and recommended that the Ohio Lamprey be delisted. Enough information is available to make the determination that it is secure in the Commonwealth at present and to justify its removal from Pennsylvania's list of candidate fishes. Therefore, the Commission proposes that the Ohio Lamprey be removed from the Pennsylvania list of candidate species under § 75.3.

(4) Bowfin (*Amia calva*). The Bowfin is a large, stout-bodied fish, with an extended ribbon-like dorsal fin and rounded, caudal fin. The Bowfin is noted for its voracious feeding habits usually consuming other fishes. It is capable of breathing atmospheric oxygen, an important adaptation to life in swamps and marshes, where low dissolved oxygen levels, high water temperatures and low water conditions occur frequently. The Bowfin inhabits swamps, marshes, ditches, ponds and lakes, and sluggish sections of rivers and creeks, where it prefers areas with submerged vegetation, undercut banks and coarse woody debris.

This species occurs in North America from Quebec to northern Minnesota in the St. Lawrence River-Great Lakes and Mississippi River basins south to the Gulf of Mexico and on the Atlantic and Gulf Coastal Plain from Susquehanna River drainage, Pennsylvania, to the Colorado River, Texas. It has been introduced elsewhere. In Pennsylvania, it is native to the Lake Erie and Ohio River drainages and introduced in the Susquehanna and Delaware River systems.

The Bowfin was listed as a Pennsylvania candidate species in 1991. It has persisted throughout the collection record in the Lake Erie drainage. It was reported from the Pittsburgh area prior to 1882 but was probably extirpated from the Ohio River drainage in

Pennsylvania by 1900. There are no historic records from the Pymatuning Lake region or the French Creek drainage in Crawford and Erie counties, but it was apparently introduced into these systems in the 1980's or 1990's. Those populations have significantly expanded since 2000, and it is now well established in suitable habitat there. The Bowfin is currently common to abundant in Presque Isle Bay, Erie County, and may now be taken regularly in Pymatuning Lake. It also occurs in French Creek and several tributaries, including Conneauttee Creek, Muddy Creek and Cussewago Creek; it is common to abundant in Conneaut Lake and Conneaut Marsh. In addition, it is now widely distributed in the Allegheny River below Kinzua Dam, and it has recently been found in the Ohio and Monongahela rivers as well. Populations were known to have been stocked by the Commission in Buhl Lake, Mercer County; Lake Somerset, Somerset County; Glendale Lake, Cambria County; and Black Moshannon Lake, Centre County. As a result of this expansion, staff consider the Bowfin to be recovered in the Ohio River system. This recovery, along with the stable population in the Lake Erie drainage, justifies removing the Bowfin from the Commission's list of candidate species.

The current status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criterion A.1 (Population Reduction) in that there has been no reduction in historic distribution, and Criterion B.3 (Extent of Occupancy), because it occupies more than 150 river miles of waterway. In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S4 – meaning it is secure in the Commonwealth with a very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of the PABS reviewed this documentation and rank assignment and recommended that the Bowfin be delisted. Enough information is available to make the determination that it is secure in the Commonwealth at present and to justify its removal from Pennsylvania's list of candidate fishes. Therefore, the Commission proposes that the Bowfin be removed from the Pennsylvania list of candidate species under § 75.3.

(5) Timber Rattlesnake (*Crotalus horridus*): The Timber Rattlesnake is a large, heavy bodied, venomous snake of the pit viper family (Viperidae). They typically have transverse "V" shaped dark bands on black or brown body color. The tail is black with a rattle and the head color distinguishes the color phase of the snake – black or yellow. Timber Rattlesnakes inhabit the forested, mountainous regions of Pennsylvania. They prefer upland forested areas where they forage for small mammals. Talus and/or scree slopes, rocky ledges, outcrops and boulder fields generally with southerly exposures contain the entrances to over-wintering dens.

The current national range of the Timber Rattlesnake encompasses 31 states from Vermont and New Hampshire south to northern Florida, west to eastern Texas and then north through eastern Oklahoma, Kansas and Nebraska, through Iowa into southeastern Minnesota. From southwestern Wisconsin the range retreats south, away from the Great Lakes, through western and southern Illinois and southern Indiana and Ohio.

Prior to European settlement, the range of the Timber Rattlesnake is thought to have spanned most of Pennsylvania. Today, Timber Rattlesnakes occur in 50 of 67 Pennsylvania counties, within forested, mountainous regions with strongholds mainly within the southwest, central and northeast region of Pennsylvania (e.g., Ridge and Valley Province, Laurel Highlands, Allegheny Plateau and the Pocono Plateau).

Historically, overhunting and habitat loss have been major threats to Timber Rattlesnake populations. The conversion of forest to agricultural land during the settlement of Pennsylvania by Europeans was likely responsible for the early extirpation of Timber Rattlesnakes from many portions of the Commonwealth (Surface 1906). Significant declines in Timber Rattlesnake populations were noted in the 1960-70's, primarily due to overhunting. Many counties maintained bounties on Timber Rattlesnakes and held "round ups," where hundreds of animals were harvested at these events.

In 1978, the Commission listed the Timber Rattlesnake as a candidate species due to reported population declines from overhunting and habitat loss. Protective measures and regulations by the Commission gradually increased, including permitting of organized hunts (1982), bag limits (1982, then reduced further in 1993), hunting season shortened to protect gravid females (1993), minimum size limit and prohibiting take of females (2007). These regulations were designed to discourage harvest of Timber Rattlesnakes, especially gravid females and immature snakes. Also, oversight of organized hunts by Commission personnel and law enforcement has increased, and education and protection measures by the Commission and other state land-holding agencies (Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Game Commission) have also improved.

For the past 20 years, the Commission has reviewed development projects throughout the state for their potential to impact Timber Rattlesnake habitat. Recommendations to adjust alignments or modify project areas to avoid dens and gestation areas, seasonal work restrictions or having Timber Rattlesnake monitors on site during construction to move snakes out of harm's way have avoided and minimized direct and indirect impacts to Timber Rattlesnakes and their sensitive habitats.

In the past decade, encroachment by oil and gas development into Timber Rattlesnake strongholds has increased significantly with the relatively new shale gas industry in Pennsylvania. The northcentral portions of the range, once considered the core undisturbed populations, have been subject to high volume of exploration, well pad construction, pipeline construction and associated roads and infrastructure. However, anecdotal evidence thus far shows that while there are increasing threats to Timber Rattlesnakes through exposure to human disturbance, some of the habitat alteration (e.g., pipeline development) can provide important additional basking habitat in areas where canopy closure has posed problems for available basking and gestating habitat. Additionally, most of the well pads thus far are on the top of slopes and plateaus and do not interfere directly with den habitat (Commission observations).

In the last 25 years, Commission biologists began compiling more refined locational information from amateur and professional herpetologists concerned with the conservation of Pennsylvania's Timber Rattlesnake. Over 600 historic rattlesnake "dens" (without field checking, many were suspected to be basking areas) were mapped in Pennsylvania. Then, in 2003, the Commission allocated State Wildlife Grant funding to begin a statewide assessment of these historic Timber Rattlesnake sites, including determining habitat type, ranking the site quality and assessing threats for each site. Phase 1 of the project (2003-2006) resulted in visits to 467 historic sites, with 39% (182) confirmed to harbor Timber Rattlesnake. More than 80% of these confirmed sites were ranked as moderate to good quality in terms of viability and habitat.

During Phase 2 of the project (2005-2011), 1,087 sites (both historic and previously unassessed) were assessed and 71% (770) was found to be occupied by Timber Rattlesnakes. An occupied site averaged six snakes observed during the assessment, with a range of one to 75 per site. The status of the assessed sites was as follows: 39.2 % of the sites were ranked as above high to medium quality, 35.2 % of the sites were ranked as lower quality sites, 25.3% of the sites were considered historic sites, and 0.3% of the sites were classified as extirpated. Additionally, 65% of the occupied sites surveyed during the site assessment project documented the presence of gravid females, neonates or juvenile timber rattlesnakes, and an additional 20% of occupied sites had snakes that were not examined for their reproductive status. Site assessments have continued annually as part of Phase 3 of the project (2011-present). To date, 1,742 sites have been assessed for the project (2003-2014), resulting in 35.8% of the sites considered high to medium quality sites, 35.5% of the sites represent lower quality sites, and 28.4% of the sites were rated as historic or unoccupied at the time of the surveys (1241 (71%) of assessed sites were occupied). Large portions (estimated 50%) of the Timber Rattlesnake range remain unassessed due to lack of landowner permissions or access difficulty.

A Species Action (recovery) Plan was developed for the Timber Rattlesnake in June 2011 (<http://fishandboat.com/water/amprep/species-plan-timber-rattlesnake.pdf>). Commission staff have been working with its conservation partners to implement actions towards the recovery of the species. Protection of the Timber Rattlesnake will continue, warranting no changes to the take regulations or venomous snake hunt program. Additionally, an external workgroup comprised of representatives from the state and federal landholding agencies and experts in Timber Rattlesnake natural history was convened in order to review current conservation practices for the Timber Rattlesnake as well as develop and enhance best management practices for the Timber Rattlesnake on state lands, public education programs promoting protection of Timber Rattlesnakes, and cooperative agreements with industry likely to encounter critical Timber Rattlesnake habitat. Finally, the Commission is working with East Stroudsburg University to develop a robust long-term population monitoring program of the statewide population in order to track changes in the population and continue our understanding of the conservation status of the Timber Rattlesnake in the Commonwealth.

The Amphibian and Reptile Committee of PABS reviewed the Heritage rank of the Timber Rattlesnake and found it be “vulnerable-apparently secure” (S3S4) status - uncommon but not rare, and usually widespread in the state. On June 22, 2015, the PABS Committee recommended “delisting” status based on the aforementioned data and apparent commonality of the species in Pennsylvania.

The Timber Rattlesnake was listed in 1978 as a Pennsylvania candidate species, based on limited knowledge of populations and reported declines due to overhunting and habitat alteration. After a 12-year statewide assessment project was conducted, current data indicate the rattlesnake retains an extensive distribution across the Commonwealth, with large populations remaining in many areas, thus eliminating it from listing consideration based on criteria B (Extent of Occurrence), C (Population Estimates and Decline), D (Small Population Size) or E (Probability of Extinction). The threat of overhunting has been significantly reduced through regulations and permit programs. Threats to habitat are ever-changing but may be managed through education and management of the species on public lands. Threats are not quantifiable enough to meet criteria A2 (Projected Population Reduction). The

Timber Rattlesnake exceeds minimum requirements needed for listing as candidate, threatened or endangered status. The Timber Rattlesnake currently appears secure within the state, which justifies removal from Pennsylvania's list of candidate species. Therefore, the Commission proposes that the Timber Rattlesnake be removed from the Pennsylvania list of candidate species under § 75.3.

Briefer:

Chris Urban, Chief, Natural Diversity Section

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the proposed amendments described in the Commentary. If adopted on final rulemaking, these amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

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

## OTHER MATTERS

### B. Fish Passage and Habitat Restoration Grant to Eastern Pennsylvania Coalition for Abandoned Mine Reclamation for the Removal of Solomon Creek Dam on Solomon Creek, Luzerne County.

#### Commentary:

At the October 2004 Commission meeting, the Board approved the establishment of 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 remove dams, provide fish passage, and restore habitat at their dams. The Commission authorized the Executive Director to approve individual pass-through grants of up to and including \$100,000 to each dam owner and their designees for these purposes. For individual pass-through grants in excess of \$100,000, staff will seek separate Commission approval.

The Commission will receive \$135,000 from the Pennsylvania Department of Transportation (PennDOT) to fulfill compensatory mitigation requirements for a highway improvement project on State Route 3046, Section 301 – South Valley Parkway Project. PennDOT is providing the funds to the Commission to coordinate the removal of Solomon Creek Dam, Solomon Creek, Luzerne County, that will partially fulfill permitting expectations associated with the highway improvement project. Ashley Borough, owner of Solomon Creek Dam, has agreed to pursue removal of its dam.

Staff propose to provide a pass-through grant of up to \$130,000 to Eastern Pennsylvania Coalition for Abandoned Mine Reclamation or other appropriate partner organization to administer and manage the removal of Solomon Creek Dam. The Commission will retain \$5,000 to compensate 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 provide technical assistance and coordination of the overall project.

#### Briefer:

Mark A. Hartle, Chief, Division of Environmental Services

#### Recommendation:

Staff recommend that the Commission approve a grant of up to \$130,000 to Eastern Pennsylvania Coalition for Abandoned Mine Reclamation or other appropriate partner organization for the removal of Solomon Creek Dam as described in the Commentary.

#### Action:

A motion was made by Commissioner Gavlick and seconded by Commissioner Lichvar to approve a grant of up to \$130,000 to Eastern Pennsylvania Coalition for Abandoned Mine Reclamation or other appropriate partner organization for the removal of Solomon Creek Dam as described in the Commentary. Motion carried.

C. Adoption of 2012-2025 Pennsylvania Wildlife Action Plan.

Commentary:

Since its approval in 2006 by the U.S. Fish and Wildlife Service (USFWS), the 2005 Pennsylvania Wildlife Action Plan has been a foundational document for guiding management and research of fish and wildlife in the Commonwealth. Without it, many species would not be receiving the crucial management attention they need.

For nearly three years, Pennsylvania Fish and Boat Commission and Pennsylvania Game Commission staff, with assistance from numerous conservation partners, have revised the 2005 Pennsylvania Wildlife Action Plan, which has been an important blueprint for conservation action. To keep the plan current and maintain eligibility for State and Tribal Wildlife Grants Program funding, the USFWS requires each state to revise its State Wildlife Action Plan no less than every 10 years.

As a comprehensive plan for Pennsylvania, the 2015 Pennsylvania Wildlife Action Plan includes all major taxonomic animal groups. A total of 664 species of greatest conservation need have been identified in the Plan, of which Fish and Boat Commission jurisdictional species include 65 fishes, 18 amphibians, 22 reptiles, 50 mussels and 175 other aquatic invertebrates. Species under Game Commission authority include 90 birds and 19 mammals.

This 2015 Pennsylvania Wildlife Action Plan revision updates the species of greatest conservation need, condition and extent of associated habitat, threats to species and habitats, needed conservation actions, and monitoring considerations to gauge progress. The revised Plan is due to the USFWS by October 1, 2015.

Briefer:

Diana Day, Conservation Coordinator, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission adopt the 2015 Pennsylvania Wildlife Action Plan as approved by the Executive Director.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Elliott to adopt the 2015 Pennsylvania Wildlife Action Plan as approved by the Executive Director. Motion carried.

**Other New Business**

None.

**Time and Place of January 2016 Commission Meeting**

The next meeting will be held on January 20-21, 2016 in Harrisburg.

**Adjournment**

A motion was made by Commissioner Sabatose and seconded by Commissioner Elliott to adjourn the meeting at approximately 11:00 a.m. Motion carried.

*Guests*  
**PENNSYLVANIA FISH AND BOAT COMMISSION**  
**COMMISSION MEETING**  
**September 29, 2015**  
**ERIE, PENNSYLVANIA**

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#### THE Pennsylvania Fish and

THE Pennsylvania Fish and Boat Commission will meet on September 28 at 8:00 a.m. and on September 29, 2015 at 8:00 a.m. at the Manufacturer & Business Association Conference Center, 2171 West 38th Street, Erie, PA. The public is invited to attend. ADA Contact: Agency (717-705-7801). (9-158769-NT-11)

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Debra McGraw, being duly sworn, deposes and says that: (1) he/she is a designated agent of the Times Publishing Company (TPC) to execute Proofs of Publication on behalf of the TPC; (2) the TPC, whose principal place of business is at 205 W. 12th Street, Erie, Pennsylvania, owns and publishes the Erie Times-News, established October 2, 2000, a daily newspaper of general circulation, and published at Erie, Erie County Pennsylvania; (3) the subject notice or advertisement, a true and correct copy of which is attached, was published in the regular edition(s) of said newspaper on the date(s) referred to below. Affiant further deposes that he/she is duly authorized by the TPC, owner and publisher of the Erie Times-News, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

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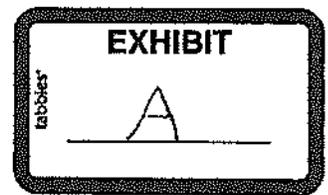
THE Pennsylvania Fish and Boat Commission will meet on September 28 at 8:00 a.m. and on September 29, 2015 at 8:00 a.m. at the Manufacturer & Business Association Conference Center, 2171 West 38th Street, Erie, PA. The public is invited to attend. ADA Contact: Agency (717-705-7801).  
(9-158769-NT-11)

Sworn to and subscribed before me this 11<sup>th</sup> day of September 2015

Affiant: Debra McGraw

NOTARY: Barbara J Moore

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Barbara J. Moore, Notary Public  
City of Erie, Erie County  
My Commission Expires March 23, 2016  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES



## July - September 2015 Quarterly Report

### Strategic Plan Implementation

The following updates include the major activities or accomplishments during the quarter that further the July 2014 – June 2017 PFBC Strategic Plan. The bulleted list does not include every detail about what is being done on a particular goal, just the highlights that help to track implementation.

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

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

### Funding

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

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

### Goal 1B: Increase revenues.

- A. Through June 2017, implement operational decisions to increase revenues.
  - 1. Continue to grow Natural Gas and Water Access programs.
  - 2. By June 2017, develop, implement, and evaluate annual marketing campaign plans designed to increase license sales (and corresponding federal reimbursements) by 10% through the end of license year 2017.
    - o *Marketing/advertising activities to promote the "Catch the Value" campaign for 2015 were undertaken in an attempt to drive sales in advance of the mentored youth opportunities for Labor Day, and fall fishing opportunities throughout the Commonwealth.*
    - o *Entries to the "Catch The Value" Kayak Package Giveaway were collected on-line during July and August, and during the Windows 10 400 weekend at Pocono Raceway from July 31 to August 2. More than 4,500 entries were collected and the giveaway winner will be announced shortly.*
  - 3. By July 2015, secure dedicated funding to support the water rescue program.

- B. Through June 2017, advocate for legislative solutions to maintain and increase revenues.
  - 1. Identify, develop, and advocate for state legislative opportunities to maintain and increase agency revenues.
    - *Staff worked with Senator Brewster on a proposal for the first fishing license fee increase since 2005, which features an initial increase followed by five incremental steps to keep up with inflation. Senator Brewster circulated a memorandum seeking co-sponsors for the bill, and staff have begun meeting with legislators, legislative staff, and stakeholders to build support for the proposal, with the goal of having the bill pass the senate this fall.*
  - 2. In cooperation with the Association of Fish and Wildlife Agencies (AFWA), advocate for federal legislation to maintain and increase agency revenues.
- C. Through June 2017, promulgate regulatory changes to increase revenues.
  - 1. By January 2015, require senior resident lifetime license holders to purchase a trout/salmon permit annually to fish for trout.

## Conservation

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

- A. By January 2015 complete a revision to the *Strategic Plan for Management of Trout Fisheries in Pennsylvania* to include the following:
1. Through June 2017, continue efforts to improve Pennsylvania's tailwater trout fisheries.
  2. Immediately begin implementation of recommendations from the stocked trout efficiency study.
  3. By December 2015, design an angler survey to provide a statewide assessment of angler use, angler catch, angler opinions, and an economic contribution of trout angling on trout stocked lakes in order to make informed decisions regarding future trout stocking allocations in lakes.
  4. By December 2015, complete evaluations of all current fingerling stocking efforts and provide recommendations for future implementation of the program.
    - *A draft revision of the state trout plan has been prepared. A meeting was held of the Trout Workgroup on Aug 15 to review the plan. The Trout Workgroup is comprised of representatives of various sportsmen's groups as well as unaffiliated anglers interested in trout fishing. The next step will be release of the draft plan on the PFBC website for public comment.*
    - *Staff conducted a re-inventory of Big Spring Creek (07B), Sections 01 and 02, to evaluate the response of the fishery to large scale habitat enhancement projects constructed during 2010 and 2013. Reach-wide, preliminary results indicate continued increased abundance of Brook Trout while Rainbow Trout abundance remained steady or continued to decline following an initial proliferation of that species in 2011. Two years following the completion of the 2013 project, site-specific Brook Trout biomass has increased from approximately 2 kg/ha to 32 kg/ha, and based on 2015 estimates, reach-wide Brook Trout account for greater than 50 percent of the total salmonid biomass for the first time post-completion of the projects.*
- B. Through June 2017, continue implementation of river management plans for the Delaware, Susquehanna, and Three Rivers systems.
1. Efforts specific to all three river systems will include:
    - a. Maintenance of long-term adult and young-of-year Smallmouth Bass data sets.
    - b. Sampling requirements specific to meeting objectives outlined in the species-specific warmwater management plans for Muskellunge, Walleye, and Catfish.
  2. Efforts specific to the Susquehanna River will include:
    - a. Continued participation on interagency technical committees assessing water quality of the Susquehanna River and the impacts to the Smallmouth Bass population.

- *Staff reviewed the first draft of the CADDIS report and met with DEP to discuss. Revisions were made and a second draft was circulated to the PFBC and numerous peer reviewers.*
  - b. With partners, implement a fish community sampling procedure to more broadly track the condition of the fishery.
    - *Staff prepared a report on the first ever census of catfish populations in the North Branch Susquehanna River during the summer of 2014. Hoop nets were set at 32 locations in the river for a distance of 87 miles and captured 4,488 Channel Catfish and 19 Flathead Catfish. Length, weight and otolith samples were collected for continued evaluation of the catfish population in the North Branch Susquehanna River.*
  - c. By June 2017, identify a method and criteria to determine the impairment status of the river.
- 3. Efforts specific to the Three Rivers will include cooperation with Ohio River states to expand our knowledge regarding the expansion of Asian carp in the Ohio River system and reduce or eliminate the threat to the river's ecology.
- 4. Efforts specific to Delaware River will include:
  - a. Annual monitoring of American Shad populations at historic stations.
  - b. American Shad spawning activities to support restoration efforts.
- C. By January 2015, complete the 2nd edition of the Lehigh River Fisheries Management Plan.
- D. Through June 2017, implement gamefish management plans for Muskellunge, Walleye, and Catfish.
- E. By June 2017, complete the development of a strategic plan for the management of black bass in Pennsylvania.
- F. By June 2017, facilitate or complete population inventories and home range assessments for Timber Rattlesnake, Blanding's Turtle, Eastern Massasauga, Bog Turtle, Eastern Mud Salamander, Rough Green Snake, Broadhead Skink, New Jersey Chorus Frog, Southern Leopard Frog, Kirtland's Snake, Northern Cricket Frog, Eastern Redbelly Turtle, Eastern Pearlshell, Dwarf Wedgemussel, Bluebreast Darter, Tippecanoe Darter, Gilt Darter, Iowa Darter, Eastern Sand Darter, Spotted Darter, Black Bullhead, Bowfin, and Horneyhead Chub.
  - *The delisting of the Bluebreast Darter, Tippecanoe Darter, Gilt Darter, and Spotted Darter went into effect on July 18, 2015, when the final rulemaking was published in the PA Bulletin.*
  - *The background research, data compilation, status assessment, and documentation forms were completed for status changes of the Horneyhead Chub, Ohio Lamprey, Mountain Brook Lamprey, Bowfin, and Timber Rattlesnake in the previous quarter. PABS Fishes Technical Committee and Amphibian and Reptile Technical Committees reviewed and approved the status changes. Agenda items were developed and commentaries for proposed rulemakings were drafted and reviewed for the September 28-29, 2015 Commission meeting.*
- G. Through June 2017, continue implementation of statewide action plans for the following species: Eastern Pearlshell Mussel, Bog Turtle, Eastern Massasauga Rattlesnake, and Timber Rattlesnake.

- *Surveys for the Eastern Pearlshell are continuing, and new occurrences of the mussels at two locations in Schuylkill County have been documented.*
- *Contractors continue to write management plans and conduct habitat restoration on private lands, make contact with private landowners regarding bog turtle conservation, and compile bog turtle data for a regional database. Two management plans were finalized and sent to USFWS.*
- *The USFWS National Competitive State Wildlife Grant Program awarded the grant titled "Multistate Recovery Actions for the Bog Turtle and Associated Headwater Wetland Species of Greatest Conservation Need" to Pennsylvania and its partners in June. This is a regional grant that includes five northeast state fish and wildlife resource agencies and five non-government partner organizations. The project covers a variety of conservation actions for the bog turtle, including regional database development, eDNA testing, habitat restoration work, species surveys, and population monitoring in five of the northeastern states that fall within the range of the northern population of the bog turtle. Implementation is expected to begin in the fall of 2015. The first organizational conference call for the cooperating states was hosted by PFBC in August. Project partners are going through the process of activating the federal grant and developing contracts with project partners and contractors.*
- *The Timber Rattlesnake monitoring strategy project (contract) with East Stroudsburg University was finalized and the project has started.*
- H. By December 2014, research and finalize statewide action plans for the Salamander Mussel and Chesapeake Logperch. Through June 2017, implement these plans.
  - *Annual workplans have been developed for the Salamander Mussel and Chesapeake Logperch Species Action Plans.*
- I. By June 2015, work with other members of the Pennsylvania Natural Heritage Partnership to complete the upgrade to the Pennsylvania Natural Diversity Inventory environmental review tool.
  - *DCNR and contractors have continued to update and involve PFBC staff in ongoing development of the PNDI tool upgrade. Beta version of the upgraded PNDI tool was demonstrated to the Division of Environmental Services staff in July. Several staff are actively reviewing and testing the new tool and providing feedback to the developers. Natural Diversity Section staff have drafted updates to the decision matrix that drives the PNDI tool for fish, mussels, herps, and aquatic invertebrates.*
- J. By June 2017, assist the Pennsylvania Department of Environmental Protection and other governmental agencies with the development of policies and reservoir operation procedures that limit alteration of natural flow regimes to levels that maintain critical species, habitats, and ecological conditions.
  - *In August 2015, staff worked with PA DEP and NY DEC Division of Fish, Wildlife and Marine Resources on an Upper Delaware Thermal relief request to maintain the tailwater trout fishery. The request was not approved, but PA DEP requested development of a thermal release protocol that will be coordinated with New York State.*
- K. By September 30, 2015, together with partners, complete a new State Wildlife Action Plan.
  - *As a step toward a completed 2015 Pennsylvania Wildlife Action Plan, from August 12-September 11 a draft plan was provided for public comment (a USFWS requirement). A completed plan is expected to be submitted to the USFWS by September 30, 2015.*

- L. Through June 2017, continue to conduct the following permit reviews: Species Impact; Scientific Collector; Threatened and Endangered Species; Nongame Special; Venomous Snake; Amphibian and Reptile Organized Hunt; Commercial Snapping Turtle; Water Obstruction and Encroachment; Triploid Grass Carp; Mining; Drawdown; Water Allocation; FERC Hydropower; 316(a) Clean Water Act Thermal Variance; 316(b) Clean Water Act Impingement and Entrainment; and select Algicide, Herbicide or Fish Control Chemical in Waters of the Commonwealth.
- M. By June 2017, sample at least 2,000 prioritized, un-inventoried streams that have been identified by Commission staff as most at risk from the effects of human activities, and continue to forge partnerships to augment Commission sampling efforts.
  - *Based on results from the unassessed waters effort, 102 waters will be proposed for addition to the Wild Trout list, and 40 waters will be proposed for the Class A Wild Trout streams list at the September 28-29 Commission meeting.*
- N. Through June 2017, continue the development of a PFBC sampling protocol manual to ensure consistent data collection techniques for waterways.
  1. By December 2014, complete documentation of PFBC-approved sampling protocols for large rivers.
  2. By December 2015, complete documentation of PFBC-approved sampling protocols for lakes.
  3. By December 2016, complete documentation of PFBC-approved sampling protocols for herptiles.
- O. Through June 2017, annually address the following habitat improvement goals:
  1. Refine the stream and lake prioritization approaches to guide habitat improvement work. Work with partners to avoid duplication of efforts and maximize cooperation to address common goals.
  2. Develop and implement lake habitat improvement plans into all PFBC high-hazard dam rehabilitation efforts.
    - *Staff worked with Lancaster County Bassmasters and the Save Speedwell group on the Speedwell Forge Lake Habitat Project which involves 245 rock and wood habitat structures being placed in September. More than \$20,000 was raised by the partner organizations for materials and machine rental for the project.*
    - *Staff worked with Glade Run Lake Conservancy which received a \$20,000 grant from Reservoir Fisheries Habitat Partnership for 250 rock and wood habitat structures habitat structures to be constructed in September.*
  3. Develop a plan to prioritize dam removals and culvert passage objectives statewide and facilitate fish passage through the removal of 25 dams, improved culvert installations, or the installation of fishways.
- P. By January 2016, simplify fishing regulations.

## Recreation

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

- A. Through June 2017, develop and implement annual plans for delivering training and instructional resources to sportsmen's clubs, conservation organizations, and outdoor recreation providers for Family Fishing, SMART Angler, women's, and other effective programs at the local level.
  - *Commission staff and trained instructors scheduled 45 Family Fishing Programs during the quarter with an estimated 750 participants.*
- B. Through June 2017, maintain Fishing Tackle Loaner Program to make equipment accessible for group or individual loan.
  - *At the end of the quarter, there were 75 active Fishing Tackle Loaner Program sites.*
- C. Through June 2017, develop and implement annual plans to present fishing opportunities in appealing and convenient "packages" such as PA's Best Fishing Waters, Family Fishing Festivals, and mentored youth opportunities.
- D. Through June 2017, develop and implement annual plans for mentoring programs, with focused opportunities (e.g., different species or seasons) and increased outside partnership engagement.
  - 1. Increase lead-in and follow-up contacts for mentored fishing opportunities (such as promotions, partnerships, surveys, newsletters).
    - *Established Mentored Youth fishing opportunities for panfish and trout on Labor Day and a week-long Mentored Youth Photo Contest. Implemented a corresponding communication and outreach plan that included distribution of nearly 1,000 promotional fliers at events and electronic distribution to more than 300 teachers.*
    - *Created a web landing page for Mentored Youth and Labor Day fishing promotions. Established rules and web navigation for Mentored Youth Photo Contest.*
    - *Distributed more than 500 vouchers for Voluntary Youth Fishing Licenses in the month preceding the Labor Day fishing opportunities.*
  - 2. Incorporate recruitment and retention elements into mentoring program promotions and partnerships.
  - 3. By July 2016, assess the overall effectiveness of the Mentored Youth Fishing Day program.
- E. Through June 2017, use increased understanding of customer demographics, current research, and customer trends to enhance recruitment and retention of anglers and boaters by identifying targeted segments for outreach and education.
  - *Commission staff and guest speakers conducted two 4-hour Kayak Fishing Programs that provided hands-on training and experience in fishing from a kayak. Program participants rated the program as highly informative and effective in preparing them for this quickly growing segment of angling/boating.*

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

- A. Through June 2017, annually identify and implement specific strategies to reduce casualties of targeted user groups.
  - *Conducted a meeting of the Boating Advisory Board and identified three regulatory amendments to advance to the Commission as proposed rulemaking at the September 2015 quarterly Commission meeting.*
  - *Prepared eight regulatory amendments as final rulemaking for the September 2015 quarterly Commission meeting.*
- B. By January 2015, use point-of-sale messaging to increase awareness of minimum boating safety legal requirements.
- C. Through June 2017, continue to play a leadership role in the Pennsylvania Helicopter Aquatic Rescue Team (PA-HART) program.
  - *PA-HART continues to train monthly and took part in Operation Iron Response which was a joint training mission with several other entities including the BLE SWERT team to prepare for the World Meeting of the Families in Philadelphia to be held the last weekend in September.*
  - *Staff met with PEMA and other key players in the emergency response field to further the PA-HART/SWERT recognition/role.*
- D. By July 2015, establish BLE swiftwater strike team as a certified Type 1 response team.
  - *The SWERT team has completed training and successfully completed the Pro-Board qualifications for EMAC requests.*
- E. Through June 2017, annually conduct Operation Dry Water, a statewide boating safety and boating under the influence saturation detail.
  - *2015 was the third year of participation in Operation Dry Water.*
- F. Through June 2017, administer the Floating Structure and Aids to Navigation program.
  - *Approximately 1,000 ATON reviews have been conducted and permits issued in 2015.*
- G. Through June 2017, administer Lake Erie Access Program and, as resources allow, pursue other public access opportunities consistent with Pennsylvania's Fishing and Boating Access Strategy.
  - *Received Commission approval to enter into a 25-year lease for Somerset Lake to remain open for fishing and boating free of charge, ensure fishing and boating will take precedence over other recreational activities, and allow Somerset County to provide expanded opportunities for public recreation at the site.*

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

- A. Through at least July 2015, continue to operate all 13 state fish hatcheries.
  - I. Trout Culture: Annually produce and stock up to 3.2 million adult trout or 1.9 million pounds to stock in the Commonwealth.

- *From July 1 to September 20, 2015, the Commission stocked a total of 3,600 adult trout and 147,255 fingerling trout produced by eight PFBC hatcheries.*
  - a. By July 2015, evaluate the public demand and expectations for stocked trout and provide a recommendation on how many trout should be raised.
- 2. Warm/Cool Water Culture: Annually produce warm/cool water species through in house production or acquisition to meet requests to stock species requested by Fisheries Management.
  - *From July 1 to September 30, 2015, the Commission produced and stocked 2,770 Northern Pike fingerlings; 1,800 Largemouth Bass fingerlings; 3,000 Black Crappie fingerlings; 14,500 Tiger Muskellunge fingerlings; and 57,200 Striped Bass fingerlings.*
- 3. Cooperative Nurseries: Annually produce fish and eggs to supply the needs of the cooperative nurseries throughout the Commonwealth.
  - *Fish were delivered to cooperative nurseries on schedule.*
- B. Through June 2017, ensure the safe and efficient maintenance and operation of state fish hatcheries while remaining in compliance with environmental regulations and fish health guidelines.
  1. Annually utilize available funding for maintenance and operation of hatcheries and identify budget shortfalls which may lead to fish production decreases.
    - *A chemical containment station and peristaltic pump were installed at the Tionesta State Fish Hatchery to reduce the handling of chemicals.*
    - *66 tons of 2RC stone was applied to the Tionesta State Fish Hatchery roads around pond embankments and hatchery raceways.*
    - *A voltage regulator and circuit transfer switch were replaced on the back-up generator at Oswayo State Fish Hatchery.*
    - *Two 5-horsepower 6-inch vertical shaft pumps have been removed and are currently being serviced due to pumping failure at the Oswayo State Fish Hatchery.*
    - *Corry State Fish Hatchery staff are currently enclosing A and B raceways lines to isolate the Lake Erie Brown Trout production from other production raceways that have recirculated water to reduce the threat of IPN.*
    - *Renovations at Reynoldsdale State Fish Hatchery are approximately 75% complete.*
  2. Consistently maintain and update hatchery permits and perform water quality analysis according to permits.
  3. Annually perform fish health inspections, provide diagnostic services, and maintain fish transfer records.
    - *During the quarter, staff performed 14 full or partial fish health inspections, conducted 50 diagnostic cases and reviewed 22 fish transfers.*
- C. Through July 2017, maintain and promote existing cooperative nurseries.
  1. Through July 2017, increase the presence of cooperative nursery information in the *Pennsylvania Angler and Boater* magazine and the PFBC website.
    - *Articles for the magazine's "Currents" feature are regularly submitted.*
  2. By December 2016, perform an analysis of existing cooperative nurseries and recommended production levels.

3. By July 2016, evaluate and recommend improvements to the cooperative nursery application process.

## Internal Resources

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

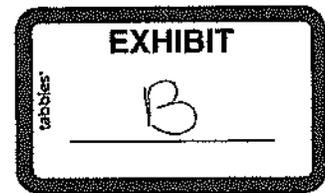
### A. Information Technology

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

### B. Training and Development

1. Through June 2017, continue to re-invest in employee development opportunities.
  - o *In keeping with Executive Director Arway's desire to explore opportunities to further advance the PFBC's marketing efforts and develop new revenue sources, the Human Resource Office created a reorganization packet and received interim approval for the plan from the Office of Administration. Work is ongoing with the ultimate goal being Executive Board approval and finalization of the reorganization plan.*
  - o *The Commission recruited and hired 20 Waterways Conservation Officer Cadets. Training for the new officers is currently underway.*
  - o *A firearms instructor workshop was held and defensive tactics instructors completed updated training and certification in a Krav Maga LE Instructors course.*
2. By June 2016, complete the training of a new class of WCOs.
  - o *The 20 Cadets making up the 21<sup>st</sup> WCO Class continue with their ACT 120 training at the PSP Northwest Training Center and are due to complete that stage of training on December 4, 2015.*

- C. Through June 2017, continue to implement a comprehensive multi-year Infrastructure Plan for the engineering, maintenance, and development of the Commission's dams, access areas, administrative buildings, hatcheries, marinas, and bridges.
1. Through June 2017, leverage funding sources to complete high-hazard dam repairs.
  2. By March 2015, prioritize access areas that the Commission manages on behalf of the Commonwealth and begin implementing repairs on an established cycle.
  3. By December 2014, complete plan for where and how to house the Commission's Centre County-based staff.
  4. By June 2016, complete plans to optimize Commission field staff into as few locations as possible to meet identified business needs.
  5. By December 2014, complete return on investment analysis of marinas managed by the Commission.
  6. By January 2015, prioritize bridges that the Commission manages on behalf of the Commonwealth and begin implementing repairs on an established cycle.
  7. By June 2017, complete a Commission-wide energy savings analysis.
    - a. By December 2015, complete an energy savings analysis for state fish hatcheries.
      - *A listing of each hatchery's energy savings accomplishments and ongoing changes have been completed and incorporated into an Energy Savings Report. Future projects will be completed as budgeting and manpower allow.*
      - *Hatchery energy report findings from PennTAP (Pennsylvania Technical Assistance Program) are complete.*
      - *A presentation on solar energy is scheduled at the Oswayo State Fish Hatchery for September 10<sup>th</sup> to see if it may be an option for use at one or more Commission facilities.*
      - *A final report listing the findings by the workgroup is near completion and is scheduled to be finished by the end of 2015.*



PENNSYLVANIA FISH AND BOAT COMMISSION  
Notational Vote

Approval of Commission Reorganization.

Commentary:

The Commission's mission is to protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities. In doing so, one of our top priorities is to emphasize outreach, education and marketing. Additional emphasis must be placed upon informing citizens about the benefits offered to them by the Commission. By reaching more members of the public, including lapsed anglers and individuals who previously have not purchased a fishing license, one of our goals is to recruit and retain dedicated anglers who will allocate funds to our agency on a consistent basis year after year. Further, we must develop creative ways to invigorate and grow Commission programs in order to provide the level of service that our customers expect. Additional emphasis must be placed on outreach efforts in schools, creating a more robust social media presence, and tapping into existing and emerging news outlets.

A reorganization is being proposed in order to:

- (1) Reposition the boating functions and house them within the Bureau of Law Enforcement, which will allow better coordination of boating law and boating safety. There will be no change to the Bureau of Law Enforcement's name.
  
- (2) Rename the Bureau of Boating and Outreach to the Bureau of Outreach, Education and Marketing. The intent is to expand upon our current marketing efforts, develop new programs to attract a wider customer base, and educate the public about the many benefits of fishing in Pennsylvania. This will be done through public interest stories pertaining to fishing and boating activities, social media enhancements, and a team effort between Law Enforcement Officers and Education and Outreach staff to reach more students through the private and public educational systems. The Bureau of Outreach, Education and Marketing will remain within the Deputate of Field Operations.

Briefer:

John A. Arway, Executive Director

Recommendation:

Staff recommend that the Commission approve the reorganization of the Commission as proposed in the Commentary.

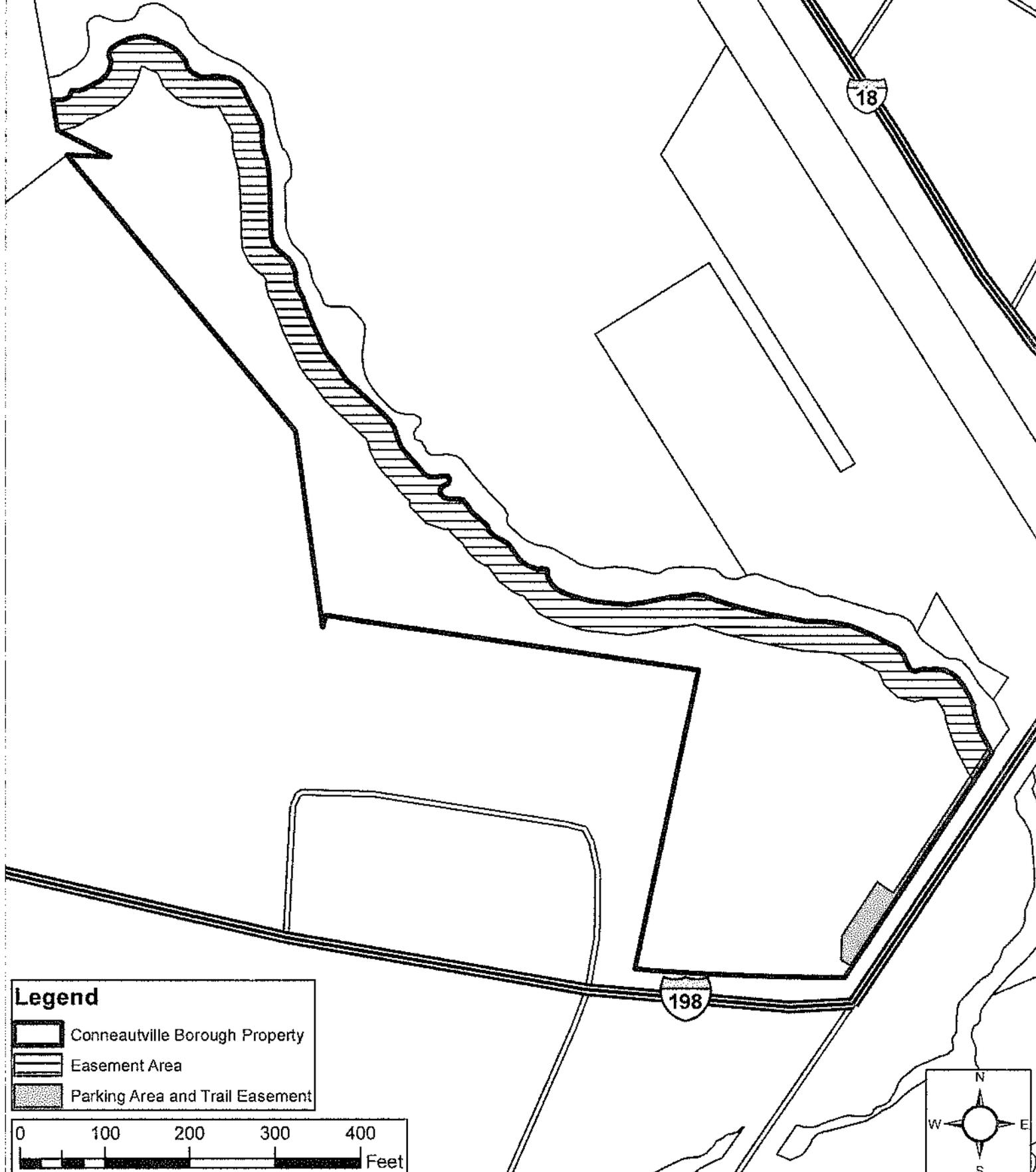
Action:

On August 7, 2015, the Commission approved the reorganization of the Commission as described in the Commentary. The votes were as follows:

Edward P. Mascharka III, President - yes  
Glade E. Squires, Vice-President - yes  
Rocco S. Ali - yes  
Norman R. Gavlick - yes  
Eric C. Hussar - yes  
Steven M. Ketterer - yes  
Leonard L. Lichvar - yes  
William J. Sabatose - yes  
(G. Warren Elliott did not participate)

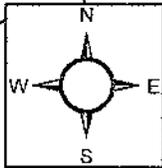
Conneautville Borough Property  
Easement Plan  
Conneaut Creek - Crawford County

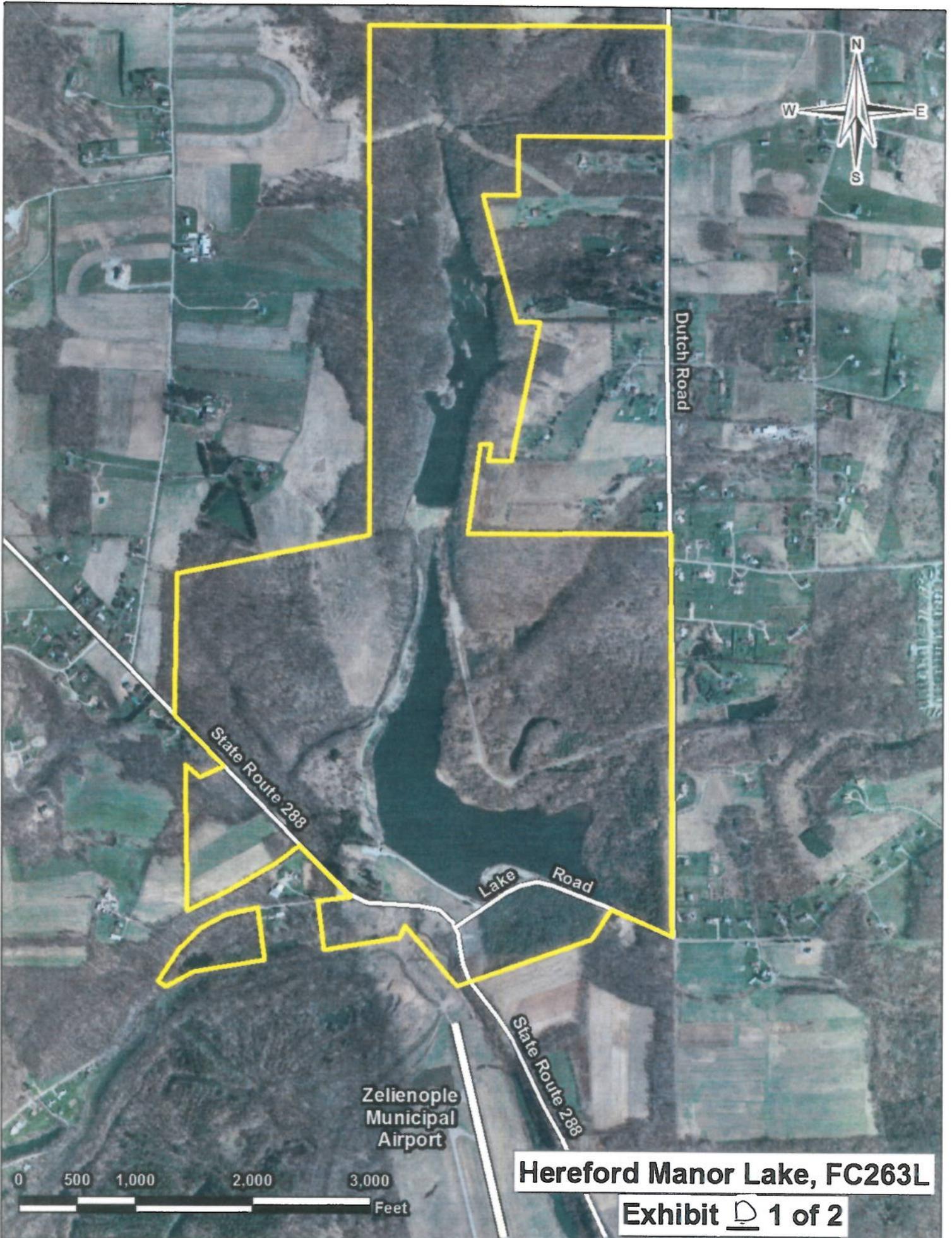
EXHIBIT  
C



- Legend**
- Conneautville Borough Property
  - Easement Area
  - Parking Area and Trail Easement

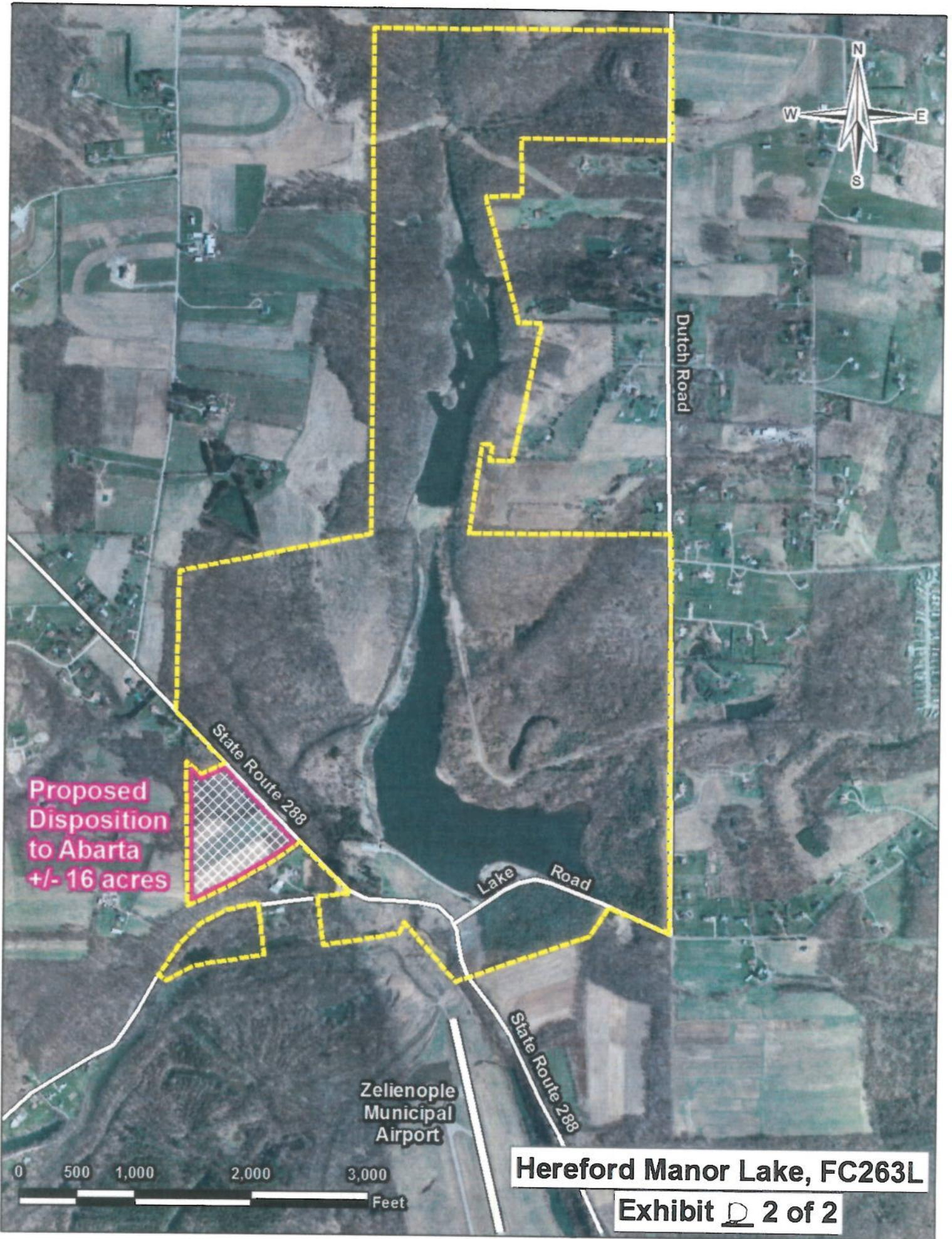
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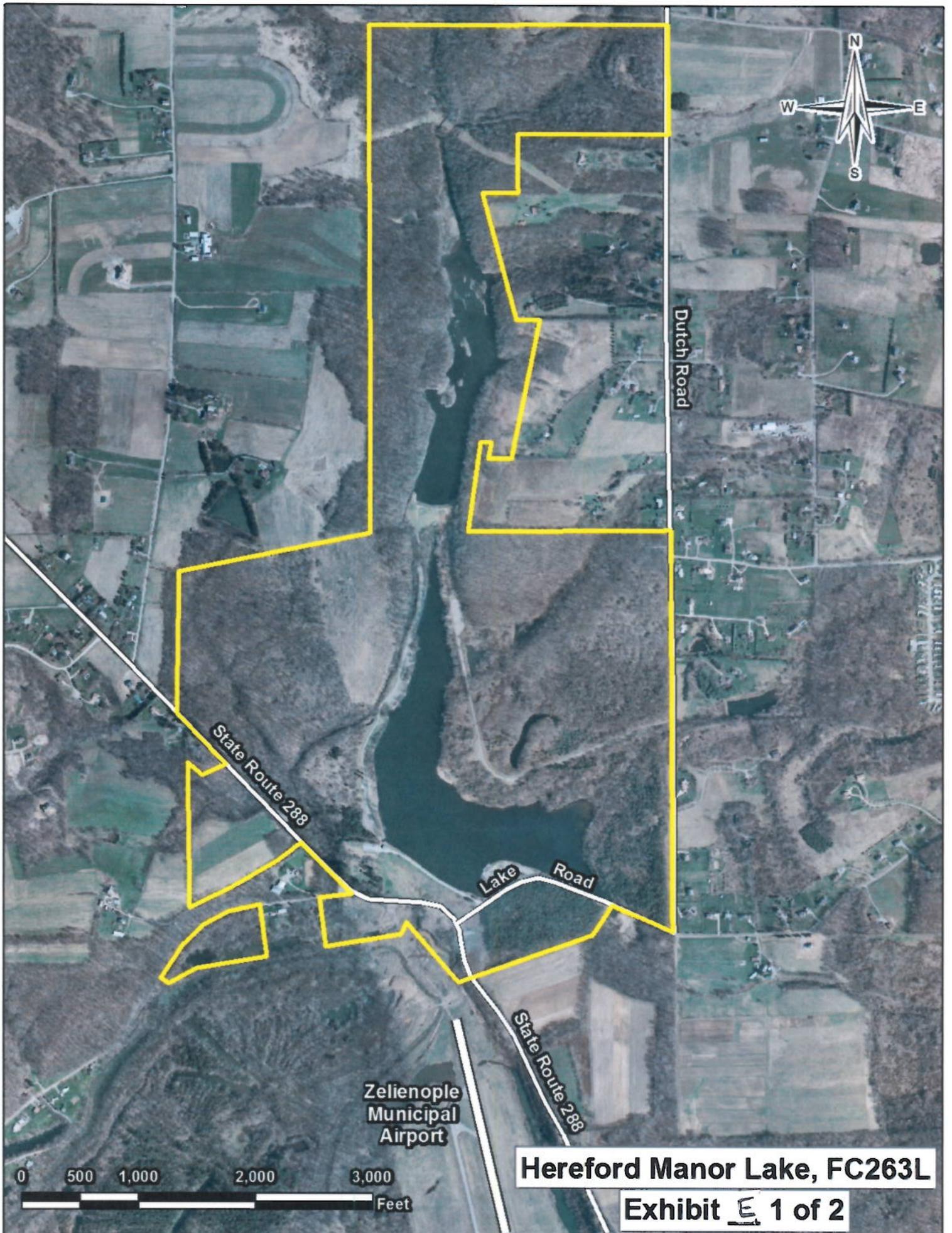
**Hereford Manor Lake, FC263L**

**Exhibit D 1 of 2**



Hereford Manor Lake, FC263L

Exhibit D 2 of 2



Dutch Road

State Route 288

Lake Road

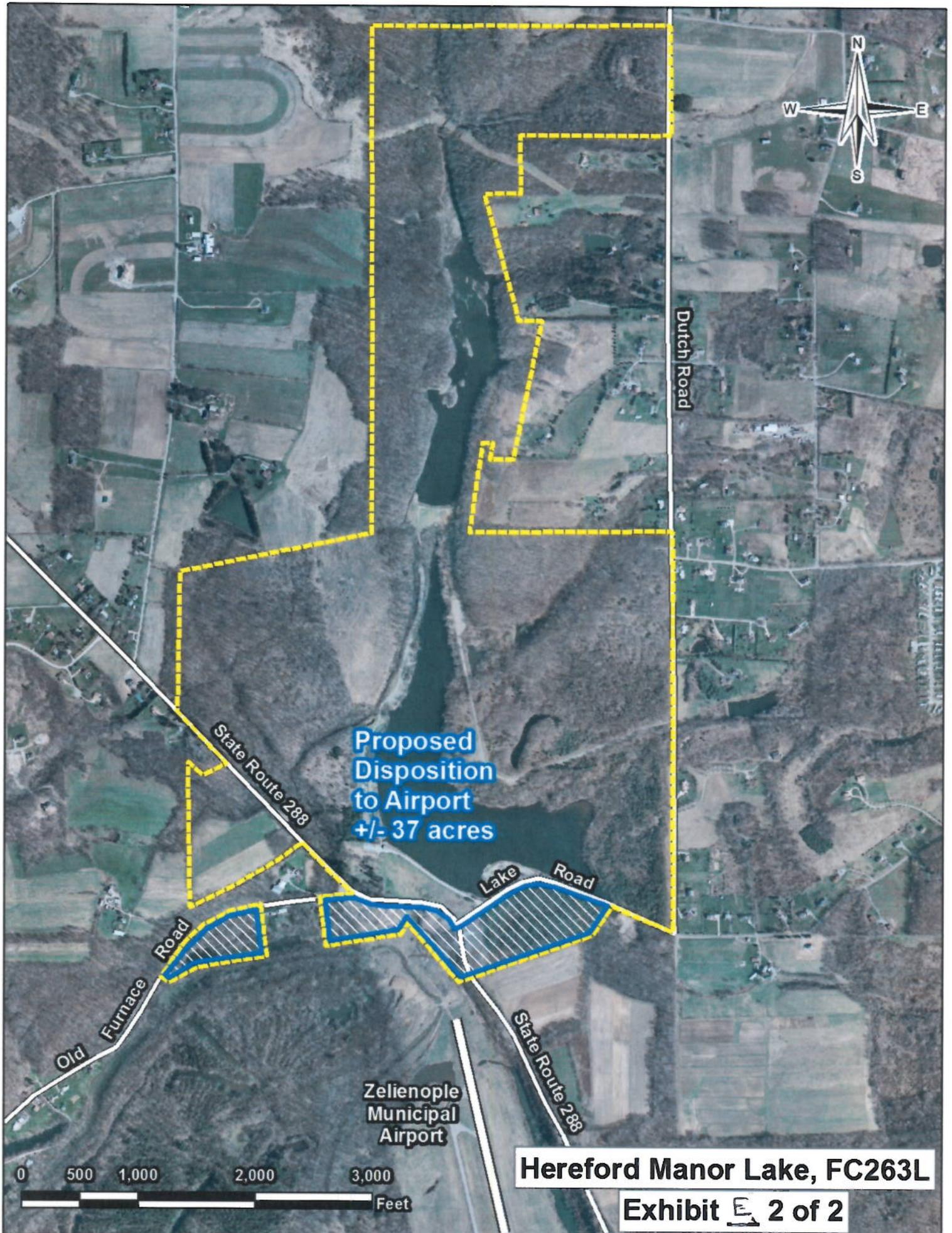
State Route 288

Zelenople  
Municipal  
Airport

0 500 1,000 2,000 3,000  
Feet

Hereford Manor Lake, FC263L

Exhibit 1 of 2



**Proposed  
Disposition  
to Airport  
+/- 37 acres**

Dutch Road

State Route 288

Old Furnace Road

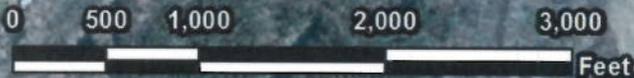
Lake Road

State Route 288

Zelenople  
Municipal  
Airport

**Hereford Manor Lake, FC263L**

**Exhibit  2 of 2**



# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 97, 109, 111 AND 115 ]

### Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 97, 109, 111 and 115. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2016.

#### B. Contact Person

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

#### C. Statutory Authority

The proposed amendments to §§ 97.1, 109.3, 109.4 and 115.11 are published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendments to Chapter 111 (relating to special regulations counties) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. Purpose and Background

The proposed rulemaking is designed to simplify and improve the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals. On February 12, 2015, the Boating Advisory Board considered these proposals and recommended that the Commission approve the publication of a proposed rulemaking containing the amendments.

#### E. Summary of Proposals

(1) On September 22, 2014, the United States Coast Guard (USCG) issued a final rule to delete references to type codes in its regulations on the carriage and labeling of USCG-approved personal flotation devices (PFD). Removing these type codes from USCG regulations facilitates future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information. It is also a step toward harmonization of the regulations of the United States with PFD requirements in Canada and other countries. The final rule went into effect on October 22, 2014.

The USCG final rule deleted references to type codes in USCG regulations on the carriage and labeling of USCG-approved PFDs. This final rule deleted type code language from USCG carriage requirements and from USCG regulations for labeling of new PFDs; but it did not make changes to the number of wearable or throwable PFDs required. It also did not require changes to existing approved PFDs already purchased and in use. In the final rule, the USCG acknowledged that PFDs are typically carried on boats for several years and reaffirms that approved PFDs marked with type codes will still meet

carriage requirements as wearable or throwable PFDs, as appropriate, as long as they remain in serviceable condition.

The Commission therefore proposes to amend §§ 97.1, 109.3, 109.4 and 115.11 to read as set forth in Annex A.

(2) Currently, the Commonwealth's boating regulations require that a personal watercraft (PWC) must have a passenger capacity of three or more to be utilized in waterskiing/towing activities and that the PWC must have a competent observer onboard in addition to its operator. Additionally, no more than one person may be towed behind a PWC (regardless of whether the towed implement may be capable of holding multiple individuals). At the time that these regulations were adopted, it is likely that the largest PWCs manufactured and on the market had a maximum passenger capacity of three.

Since 1999, major manufacturers have produced larger four-person PWCs that are on average 12 feet long by 4 feet to 5 feet wide, weighing about 800 pounds. The power and stability of these larger PWCs is comparable to open motorboats that are also used for towed watersports. Commission regulations do not limit the number of persons that may legally be towed behind boats other than PWCs, except that the boat's maximum passenger capacity may not be exceeded.

In 2005, the National Association of State Boating Law Administrators (NASBLA) revised and adopted model acts for personal watercraft and maximum loading and horsepower capacity compliance. The model acts are intended to establish requirements for the safe operation of PWCs and prohibit the operation of recreational vessels when they exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the *Code of Federal Regulations*. In 2007, NASBLA revised and adopted a model act for safe practices for boat-towed watersports providing best practices for water skiing, wake surfing and tubing activities, and consistent language for adoption. The model acts do not limit the number of individuals to be towed by a PWC as long as the vessel's passenger capacity is not exceeded by the total number of persons operating, observing and being towed.

As defined in § 91.2 (relating to definitions), individuals being towed behind a boat (for example, conventional waterskiing, tubing, kneeboarding, parasailing, and the like) are considered to be passengers of the vessel and must be counted in regard to the boat's maximum passenger capacity. Under § 105.4 (relating to overloading and improper loading), a boat may not be operated when it is loaded with passengers or cargo beyond its safe carrying capacity.

The Commission therefore proposes eliminating the PWC towing regulation since passenger carrying capacity is addressed in other sections of the Commission's regulations. For all boats, the total number of persons being towed, when added to the occupants onboard the boat (that is, the operator, observer and other passengers), cannot exceed the maximum passenger capacity of the boat. The Commission proposes to delete § 109.3(f) (relating to personal watercraft) and renumber the remaining subsection to read as set forth in Annex A.

(3) The Little Beaver Creek originates in Ohio and there are two short sections that cross the border into western Beaver County. The uppermost section of the

creek in this Commonwealth is less than 200 feet wide and shallow. The lower section of the creek in this Commonwealth, from the State line to the creek's mouth on the Ohio River, flows through the Borough of Ohioville and varies in width. Some portions of this lower section are more than 200 feet wide and boats are not restricted to operating at slow, no wake speed. This lower section is used mostly for fishing, paddling and accessing the Ohio River by use of the Ohioville Borough access area. Since it is difficult for boaters to determine the width of this lower section and whether they may operate at greater than slow, no wake speed, the Commission proposes designating the lower section (from the mouth upstream to the State line) as a slow, no wake zone to minimize conflicts among the various user groups.

The Commission also proposes adding a provision in § 111.4 (relating to Beaver County) that the operation of boats powered by internal combustion motors is prohibited on Bradys Run Lake to conform with county regulations. Bradys Run Lake is a 28-acre lake in the center of the county, owned and operated by the Beaver County Recreation and Tourism Department.

The Commission proposes to amend § 111.4 to read as set forth in Annex A.

(4) Current § 111.9(b) (relating to Bucks County) is confusing since there is not a landmark or distinguishing characteristic (other than buoys during the boating season) to delineate the upstream boundary of the slow, no wake zone. The remainder of the stream is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. The Commission proposes simplifying the regulation by stating that the entire creek, from its headwaters to its confluence with the Delaware River, is a slow, no wake zone. This proposed amendment is a simplification of language and is not an expansion of the current slow, no wake restrictions.

The Commission proposes to amend § 111.9 to read as set forth in Annex A.

(5) Currently, § 111.21 (relating to Cumberland County) allows waterskiing on the Conodoguinet Creek in the vicinity of the Power Company Dam at Cave Hill. The measured stream width throughout a considerable portion of the current skiing area is approximately 200 feet and sometimes less at seasonal summer flow. Numerous staff who have patrolled this area over the years have expressed safety concerns as this area is not conducive to safe skiing activity. Therefore, the Commission proposes eliminating the water skiing zone. The Commission also proposes deleting the paragraph relating to swim zone areas since the Commission does not typically regulate these areas. Additionally, with the elimination of the water ski zone, boats will be prohibited from operating at greater than slow, no wake speed on the channel behind the island since it is less than 200 feet in width. The Commission proposes deleting paragraph (5) since it will be redundant.

The Commission proposes to amend § 111.21 to read as set forth in Annex A.

(6) Darby Creek is a tributary of the Delaware River in Delaware County, southwest of the City of Philadelphia. Darby Creek is currently posted by buoys and signage as a slow, no wake area under an existing Commission Permit to Install Floating Structures and Private Aids to Navigation. The permit includes slow, no wake buoys being placed at the mouth of Darby Creek with the designation continuing upstream to include a lagoon area

in front of the Ridley Township Marina and another lagoon area at the mouth of Long Hook Creek. The Commission is responsible for installation and maintenance of the buoys which are in place from Memorial Day through October of each year. The area upstream of Long Hook Creek is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. Approximately 1.5 miles upstream of Long Hook Creek is the refuge waters of the John Heinz National Wildlife Refuge at Tinicum. The refuge waters are tidal and navigable only within 2 hours before and after high tide.

The section of Darby Creek between the mouth and the lagoons is barely wider than 200 feet and can be congested with boat traffic from the Ridley Township Marina. Additionally, there are four sets of bridge piers in the water in this section (that is, railroad, drawbridge, Route 291 and I-95). The Commission therefore proposes that § 111.23(b) (relating to Delaware County) be amended to be consistent with the area delineated in the Permit to Install Floating Structures and Private Aids to Navigation and that the entire length of Darby Creek be designated as slow, no wake. This clarification does not significantly extend the current slow, no wake restrictions. Commission staff preliminarily consulted with the refuge manager at John Heinz National Wildlife Refuge at Tinicum who has indicated support for the slow, no wake designation on Darby Creek.

The Commission therefore proposes to amend § 111.23 to read as set forth in Annex A.

(7) Section 111.39 (relating to Lehigh County) currently prohibits water skiing on the Lehigh River at the Allentown Pool. This pool is between the Tilghman Street Bridge and the Hamilton Street Dam in Allentown. The City of Allentown owns and operates Bucky Boyle Park on the west shore of the river in this area. At one time the park had a swim beach, and safety concerns for the swimmers led to the restriction of water skiing in this area. The swim beach has since been eliminated from the park.

The Commission proposes elimination of the water skiing prohibition in this area since it unnecessarily restricts boating activity. The Commission therefore proposes to amend § 111.39 to read as set forth in Annex A.

(8) Under section 741 of the code (relating to control of property), the Commission may promulgate rules and regulations for the use and protection of all lands or waters owned, leased or otherwise controlled by the Commission. Accordingly, the Commission adopted § 53.8 (relating to boats) to, among other things, prohibit the use of internal combustion engines to propel a boat on Commission lakes. In § 107.2 (relating to electric motors), electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted and the operation of internal combustion engines is specifically prohibited, except as otherwise specified in Chapter 111.

The Commission's interpretation of § 107.2 is that exceptions to the prohibition shall be listed in Chapter 111, but it is redundant to list specific waters where internal combustion engines (sometimes simply referred to as "motors") are prohibited on Commission owned or controlled lakes and on State Park lakes in Chapter 111. Therefore, in an effort to simplify its boating regulations, the Commission proposes deleting redundant provisions from Chapter 111. Commission owned or controlled lakes where internal combustion engines are prohibited are posted onsite and listed on the Commission's web site.

Additionally, some State Park lakes where internal combustion engines are permitted and horsepower restrictions exist or where boating is prohibited are currently not included in Chapter 111. The Commission proposes that these lakes be added as part of the other amendments to this chapter.

The Commission therefore proposes that various sections in Chapter 111 be amended to read as set forth in Annex A.

#### F. Paperwork

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

#### G. Fiscal Impact

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

#### H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication 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-265. No fiscal impact; (8) recommends adoption.

### Annex A

## TITLE 58. RECREATION

### PART II. FISH AND BOAT COMMISSION

#### Subpart C. BOATING

#### CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

##### § 97.1. Personal flotation devices.

[ (a) A person may not use a boat unless at least one personal flotation device (PFD) of the following types is on board for each person:

- (1) Type I.
- (2) Type II.
- (3) Type III.

(b) A person may not use a boat 16 or more feet in length unless one Type IV PFD is on board in addition to the total number of PFDs required in subsection (a). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD.

(c) A Type V PFD may be carried in lieu of a PFD required under subsection (a) if:

(1) The approval label on the Type V PFD indicates the device is approved for one of the following:

- (i) The activity in which the vessel is being used.
- (ii) As a substitute for a PFD of the type required on the vessel in use.
- (2) The PFD is used in accordance with requirements of the approval label.
- (3) The PFD is used in accordance with requirements in its owners manual, if the label makes reference to the manual. ]

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

*Immediately available*—A PFD that is within arm's reach of the operator or passenger while the boat is being operated. A PFD that is stored in a protective covering or sealed in its original packaging is not immediately available.

*PFD—Personal flotation device*—A life preserver that is approved by the Commandant of the United States Coast Guard under 46 CFR Part 160 (relating to lifesaving equipment).

*Readily accessible*—A PFD that is stowed where it can be easily reached or is out in the open ready for wear. A PFD that is stored in a protective covering or sealed in its original packaging is not readily accessible.

*Serviceable*—When a PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable.

*Throwable PFD*—A PFD that is intended to be thrown to a person in the water. A PFD marked as throwable, Type IV, or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

*Wearable PFD*—A PFD that is intended to be worn or otherwise attached to a person's body. A PFD marked as wearable, Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

(b) A person may not use a boat unless at least one wearable PFD is on board for each person and the PFD is used in accordance with requirements of the approval label.

(c) A person may not use a boat 16 feet or more in length unless one throwable PFD is on board in addition to the total number of PFDs required in subsection (b). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional throwable PFD.

(d) Required PFDs shall be in good, serviceable condition, legibly marked showing the Coast Guard approval number and [ whether it is a Type I, II, III, IV or V ] displaying the PFD's intended or approved use. They shall be of an appropriate size, child or adult, for the person for whom it is intended.

(e) [ Types I, II and III ] When not worn, wearable PFDs shall be stowed so as to be readily accessible. [ Type IV, buoyant cushion and ring buoy designed for throwing or grasping rather than wearing, ] Throwable PFDs shall be immediately available.

[ (1) "Readily accessible" means that PFDs are stowed where they can be easily reached, or are out in the open ready for wear. A PFD that is sealed in its original packaging is not readily accessible.

(2) "Immediately available" means that the PFD cannot be in a protective covering and shall be within arm's reach of the operator or passenger while the boat is being operated.

(3) A PFD that is sealed in its original packaging is neither immediately available nor readily accessible. ]

(f) This section does not apply to racing shells, rowing sculls and racing kayaks, such as manually propelled boats recognized by National racing associations for use in competitive racing, where the occupants row, scull or paddle with the exception of the coxswain, if one is provided, and which are not designed to carry and do not carry equipment not solely for competitive racing.

(g) Coast Guard approved PFDs shall be acceptable as long as they are in good, serviceable condition with the approval clearly legible[ , even though the type number may not be contained in the marking because they are earlier approved lifesaving devices ]. [ "Serviceable" means the PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable. ]

(h) Children 12 years of age and younger shall wear an approved [ Type I, II, III or V ] wearable PFD while underway on any boat 20 feet or less in length and all canoes and kayaks. The operator of the watercraft violates this subsection if he does not cause a child 12 years of age or younger to wear a PFD as required by this subsection.

(i) Beginning November 1 until midnight April 30 of the following year, a person shall wear a Coast Guard approved [ Type I, II, III or V ] wearable PFD while underway or at anchor on boats less than 16 feet in length or any canoe or kayak.

CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.3. Personal watercraft.

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(b) It is unlawful for a person to operate, or be a passenger onboard, a personal watercraft on the waters of this Commonwealth unless the person is wearing a [ Type I, II, III or V ] United States Coast Guard approved wearable personal flotation device in accordance with § 97.1 (relating to personal flotation devices). Inflatable personal flotation devices may not be used to meet this requirement.

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[ (f) The operator of a personal watercraft with a capacity of two or less persons as determined by the manufacturer, may not tow waterskiers or engage in waterskiing or similar activities while operating a personal watercraft. Other personal watercraft may tow no more than one skier.

(g) [ (f) Except as otherwise provided in this subpart, a person may not operate a personal watercraft on the waters of this Commonwealth unless the person has

obtained a Boating Safety Education Certificate as defined in § 91.6 (relating to Boating Safety Education Certificates).

§ 109.4. Waterskiing, aquaplaning, kiteskiing and similar activities.

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(f) PFDs. It is unlawful for a person to operate a boat on the waters of this Commonwealth for:

(1) Waterskiing unless each person being towed is wearing a [ Type I, II, III or V ] United States Coast Guard-approved wearable PFD in accordance with § 97.1 (relating to personal flotation devices). Inflatable PFDs may not be used to meet this requirement.

(2) Wake surfing unless the wake surfer is wearing a [ Type I, II, III or V ] United States Coast Guard-approved wearable PFD in accordance with § 97.1 or water ski wetsuit as defined in subsection (g). Inflatable PFDs may not be used to meet this requirement.

(g) Water ski wetsuits. A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, or wake surfing may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast [ Guard approved ] Guard-approved wearable PFD required in § 97.1 [ (relating to personal flotation devices) ]. A United States Coast [ Guard approved PDF of a type ] Guard-approved wearable PDF described in § 97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

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CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.4. Beaver County.

(a) Beaver River. Boats are limited to slow, no wake speed from the mouth upstream to Mile 2.3.

[ (b) Hereford Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Raccoon Lake—Raccoon Creek State Park. The operation of boats powered by internal combustion motors is prohibited. ]

(b) Bradys Run Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Little Beaver Creek (Ohioville Area). Boats are limited to slow, no wake speed from the mouth upstream to the State line.

§ 111.5. [ Bedford County ] (Reserved).

[ Shawnee Lake. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.6. Berks County.

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[ (b) Hopewell Lake—French Creek State Park. The operation of boats powered by internal combustion motors is prohibited.

(c) Kaercher's Creek Lake. The operation of boats powered by internal combustion motors is prohibited.

(d) *Scotts Run Lake—French Creek State Park.* The operation of boats powered by internal combustion motors is prohibited.

(e) ] (b) *Schuylkill River; Kernsville Pool.* Boats are limited to slow, no wake speed.

§ 111.7. [ Blair County ] (Reserved).

[ *Canoe Creek.* The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.8. [ Bradford County ] (Reserved).

[ *Stephen Foster Lake—Mt. Pisgah State Park.* The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.9. Bucks County.

[ (a) *Levittown Lake.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Neshaminy Creek.* Boats are limited to slow, no wake speed from the mouth of Neshaminy Creek to a point approximately 200 yards upstream from the Route 13 Bridge, a distance of approximately 1.5 miles. ]

(a) *Lake Nockamixon.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(b) *Neshaminy Creek.* Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

(c) *Tyler State Park.* The operation of boats powered by internal combustion motors is prohibited.

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§ 111.10. Butler County.

[ *Glade Run Lake.* The operation of boats powered by internal combustion motors is prohibited. ]

*Lake Arthur—Moraine State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.11. Cambria County.

[ *Duman Lake.* The operation of boats powered by internal combustion motors is prohibited. ]

*Glendale Lake—Prince Gallitzin State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.12. [ Cameron County ] (Reserved).

[ *George B. Stevenson Dam—Sinnemahoning State Park.* The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.13. Carbon County.

(a) *Beltzville Lake—Beltzville State Park.*

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph.

[ (1) ] (2) Boats are limited to slow, no wake speed at Pine Run, Wild Creek and Pohopoco Creek Bays.

[ (2) ] (3) Waterskiing is prohibited except between sunrise and sunset in the designated ski zone. Boats in this zoned area shall operate in a counter-clockwise direction. Boats not engaged in waterskiing shall remain outside the ski zone area while waterskiing is in progress. A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

[ (3) ] (4) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

[ (4) ] (5) Kite skiing and parasailing are prohibited at all times.

[ (5) The speed of boats is limited to 45 mph.

(b) *Mauch Chunk Lake.* The operation of boats powered by internal combustion motors is prohibited.

(c) ] (b) *Francis E. Walter Dam.* The use of motors in excess of 10 horsepower is prohibited.

§ 111.14. Centre County.

[ (a) *Black Moshanon Lake—Black Moshanon State Park.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Colyer Lake.* The operation of boats powered by internal combustion motors is prohibited.

(c) *Poe Valley Lake—Poe Valley State Park.* The operation of boats powered by internal combustion motors is prohibited.

(d) *Foster Joseph Sayers Lake—Bald Eagle State Park.*

(1) Boats are limited to slow, no wake speed in the following areas:

(i) Hunters Run Cove inlet.

(ii) The southern end of Hunters Run Cove in the vicinity of boat launching areas.

(iii) The northern end of Hunters Run Cove from the inlet to the dam.

(iv) Within 100 feet of either side of the Route 26 highway bridge.

(v) From approximately 2,000 feet west of the Upper Greens Run launch ramp through the backwaters of the lake.

(2) Waterskiing is prohibited in Hunters Run Cove.

(3) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

(4) The speed of boats is limited to 45 mph. ]

*Foster Joseph Sayers Lake—Bald Eagle State Park.*

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph.

(2) Boats are limited to slow, no wake speed in the following areas:

(i) Hunters Run Cove inlet.

(ii) The southern end of Hunters Run Cove in the vicinity of boat launching areas.

(iii) The northern end of Hunters Run Cove from the inlet to the dam.

(iv) Within 100 feet of either side of the Route 26 highway bridge.

(v) From approximately 2,000 feet west of the Upper Greens Run launch ramp through the backwaters of the lake.

(3) Waterskiing is prohibited in Hunters Run Cove.

(4) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

§ 111.15. [ Chester County ] (Reserved).

[ (a) *Marsh Creek Lake—Marsh Creek State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Struble Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.17. Clearfield County.

[ (a) *Parker Lake—Parker Dam State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] (a) *Treasure Lake*.

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[ (c) ] (b) *Bimini Lake*. The use of motors in excess of 10 horsepower is prohibited.

[ (d) ] (c) *Curwensville Lake*. Boats are limited to slow, no wake speeds in the following areas:

(1) Upriver of the cliff at Ferguson.

(2) Between the old viaduct pillars.

§ 111.18. [ Clinton County ] (Reserved).

[ *Alvin R. Bush Dam—Kettle Creek State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.19. [ Columbia County ] (Reserved).

[ *Briar Creek Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.20. Crawford County.

(a) *Canadohta Lake*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(b) *Conneaut Lake*. The anchoring of boats is prohibited in the area along the western shoreline of the lake commonly referred to as the "sand bar." The no anchor zone will extend along the shoreline to a line of buoys.

(c) *Pymatuning Reservoir—Pymatuning State Park*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

[ (c) ] (d) *Sugar Lake*. The use of motors in excess of 10 horsepower is prohibited.

[ (d) *Tamarack Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

(e) *Woodcock Creek Lake*.

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§ 111.21. Cumberland County.

[ (a) *Laurel Lake—Pine Grove Furnace State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Opossum Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) *Power Company Dam (Cove Hill) Conodoguinet Creek*.

(1) Water skiing is permitted from 10 a.m. to 1 hour before sunset in a zoned area 500 feet below Pikes Pond on the east to Sandy Bottom on the west. Water skiing is prohibited at other times or in other areas.

(2) This zoned ski area is open for fishing and cruising during the skiing period. Fishing and cruising rafts or boats may not be more than 50 feet from the south shore if any skiers are operating during the ski period.

(3) Persons operating vessels in this ski area during the water skiing period shall operate in a counterclockwise fashion, insofar as it is reasonably possible, so as to pass a meeting boat on his own left side. Crisscrossing is forbidden.

(4) Permission is granted to establish swim zone areas in the water ski zone area of the creek, in accordance with Chapter 113 (relating to aids to navigation and obstructions to navigation) out to 50 feet from the north shore. Permission is granted to establish swim zone areas in the dam areas, in accordance with Chapter 105 out to 75 feet from shore.

(5) Boats are limited to slow, no wake speed in the channel behind the island from the breast of the dam to the inlet. ]

*Fuller Lake—Pine Grove Furnace State Park*. Boating is prohibited.

§ 111.23. Delaware County.

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(b) [ *Tinicum Lagoons* ] *Darby Creek*. Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

§ 111.24. Elk County.

*East Branch Clarion River Lake—Elk State Park*.

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph. It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

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[ (3) The speed of boats is limited to 45 mph.

(4) ] (3) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.26. Fayette County.

[ (a) *Dunlap Creek Reservoir*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Virgin Run Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) *Youghiogheny River Lake*. Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.29. [ *Fulton County* ] (Reserved).

[ (a) *Meadow Grounds Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Cowan's Gap Lake—Cowan's Gap State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.30. *Greene County*.

[ (a) *Ronald J. Duke Lake—Ryerson Station State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Ten Mile Creek*. It is unlawful to operate a boat in excess of slow, no wake speed.

§ 111.31. *Huntingdon County*.

(a) *Greenwood Lake—Greenwood Furnace State Park*. It is unlawful to operate a boat powered by a motor.

[ (a) ] (b) *Lake Raystown*.

\* \* \* \* \*

[ (b) *Whipple Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

(c) *Perez Lake*. The operation of boats powered by internal combustion motors is prohibited.

§ 111.32. *Indiana County*.

[ (a) *Hemlock Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] (a) *Conemaugh River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

(b) *Yellow Creek Lake—Yellow Creek State Park*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.33. [ *Jefferson County* ] (Reserved).

[ (a) *Kyle Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Cloe Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.35. [ *Lackawanna County* ] (Reserved).

[ (a) *Lackawanna Lake—Lackawanna State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Ford's Pond*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.36. *Lancaster County*.

\* \* \* \* \*

[ (b) *Speedwell Forge Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) ] (b) *Susquehanna River*. Boats are limited to slow, no wake speed for both of the following:

\* \* \* \* \*

§ 111.37. [ *Lawrence County* ] (Reserved).

[ *Bessemer Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.38. *Lebanon County*.

[ (a) *Memorial Lake—Memorial Lake State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Stoever's Dam*. The operation of boats powered by internal combustion motors is prohibited.

§ 111.39. [ *Lehigh County* ] (Reserved).

[ (a) *Leaser Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Lehigh River Allentown Pool—East*. Water skiing is prohibited. ]

§ 111.40. *Luzerne County*.

[ (a) *Frances Slocum Lake—Francis Slocum State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Lake Jean—Ricketts Glen State Park*. The operation of boats powered by internal combustion motors is prohibited.

(c) ] (a) *Lily Lake*.

(1) Boats with greater than 60 horsepower engines or greater than 18 feet in length are prohibited.

(2) Boats are limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset between the Saturday preceding Memorial Day and September 30.

[ (d) *Mountain Spring Lake*. The operation of boats powered by internal combustion motors is prohibited.

(e) ] (b) *Francis E. Walter Dam*. The use of motors in excess of 10 horsepower is prohibited.

[ (f) ] (c) *Harveys Lake*.

(1) The operation of boats powered by internal combustion motors is permitted.

[ (1) ] (2) The speed of boats is limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day through Labor Day.

[ (2) ] (3) The speed of boats is limited to slow, no wake speed between sunset and sunrise.

§ 111.41. *Lycoming County*.

[ (a) *Little Pine Dam—Little Pine State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Rose Valley Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) [ (a) *Susquehanna River*. Boats are limited to slow, no wake speed between Swimmers Island and the south shore of the Susquehanna River.

[ (d) ] (b) *Pine Creek*. Only boats powered by motors of 10 horsepower or less are permitted from the county line downstream to the Route 220 bridge. After January 1, 1995, the operation of internal combustion engines is prohibited.

§ 111.43. Mercer County.

\* \* \* \* \*

(b) [ *Lake Wilhelm*. The operation of boats powered by internal combustion motors is prohibited ] *Lake Wilhelm—Maurice Goddard State Park*. The operation of boats powered by internal combustion motors is permitted except from a point approximately 200 yards north of the Interstate 79 causeway over Lake Wilhelm upstream to the Game Commission Propagation Area above the Sheakleyville Causeway (State Route 1018, Milledgeville Road).

§ 111.45. Monroe County.

[ (a) *Gouldsboro Lake—Gouldsboro State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Tobyhanna Lake—Tobyhanna State Park*. The operation of boats powered by internal combustion motors is prohibited.

(c) *Brady's Lake*. The operation of boats powered by internal combustion motors is prohibited.

(d) [ *Delaware River*. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area.

§ 111.48. Northampton County.

[ (a) *East Bangor Dam*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Minsi Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) [ (a) *Delaware River*. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area (upstream from mile 209.5).

[ (d) ] (b) *Lehigh River*. Boats are limited to slow, no wake speed in the main channel 150 feet upstream and 150 feet downstream from the Route 33 access ramp.

§ 111.50. [ Perry County ] (Reserved).

[ *Little Buffalo—Little Buffalo State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.52. Pike County.

[ (a) *Bruce Lake*. Motors are prohibited.

(b) *Twin Lakes*. Motors are prohibited.

(c) *Lake Wallenpaupack*.

(1) Water skiing is prohibited on weekends and holidays at the western end of the lake between a line about 200 yards east of Cairn's Island, as marked by buoys, and the Ledge-dale Recreation Area.

(2) Kite skiing and parasailing are prohibited on weekends and holidays at all locations. Kite skiing and parasailing are prohibited between the Ledge-dale Campsite and the Kipp Island/Wallenpaupack Lake Estates cement boat launch ramp.

(3) The area extending 100 feet out from the shoreline shall be considered a special anchorage area. Boats anchored or moored within this area shall be exempt from showing the all-around anchor light between sunset and sunrise, but shall be lighted sufficiently by a shore light to warn an approaching boat of their presence. Boats anchored within this special anchorage area not so lighted from the shore, and boats anchored outside this special anchorage area shall comply with § 97.4 (relating to signals to attract attention) and show the required light from sunset to sunrise. Shore lights shall be screened so that the operator of an approaching boat is not blinded.

(4) Boats are limited to slow, no wake speed in the following areas:

(i) On Wallenpaupack Creek.

(ii) From the Ledge-dale Bridge to a point approximately 1,000 feet downstream.

(iii) From the dam to a point approximately 600 feet south.

(iv) Between Cairn's Island and the Pike County shore line.

(5) Boats are limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day to Labor Day.

(6) Boats are limited to 25 miles per hour between sunset and sunrise.

(d) *Lower Lake/Upper Lake—Promised Land State Park*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Shohola Lake*. The operation of boats powered by internal combustion motors is prohibited.

(f) *White Deer Lake*. The operation of boats powered by internal combustion motors is prohibited.

(g) *Lake Minisink*. The operation of boats powered by internal combustion motors is prohibited.

(h) *Pecks Pond*. The operation of boats powered by internal combustion motors is prohibited.

(i) *Fairview Lake*. Boats are limited to slow, no wake speed from the Commission boat launch to the head of the cove.

(j) *Delaware River*. The operation of personal watercraft is prohibited in the following areas:

(1) Upper Delaware Scenic and Recreational River (upstream from mile 258.4).

(2) The Delaware Water Gap National Recreation Area (downstream from mile 250). ]

(a) *Twin Lakes*. It is unlawful to operate a boat powered by a motor.

(b) *Lake Wallenpaupack*.

(1) Water skiing is prohibited on weekends and holidays at the western end of the lake between a line about 200 yards east of Cairn's Island, as marked by buoys, and the Ledge-dale Recreation Area.

(2) Kite skiing and parasailing are prohibited on weekends and holidays at all locations. Kite skiing and parasailing are prohibited between the Ledgesdale Campsite and the Kipp Island/Wallenpaupack Lake Estates cement boat launch ramp.

(3) The area extending 100 feet out from the shoreline shall be considered a special anchorage area. Boats anchored or moored within this area shall be exempt from showing the all-around anchor light between sunset and sunrise, but shall be lighted sufficiently by a shore light to warn an approaching boat of their presence. Boats anchored within this special anchorage area not so lighted from the shore, and boats anchored outside this special anchorage area shall comply with § 97.4 (relating to signals to attract attention) and show the required light from sunset to sunrise. Shore lights shall be screened so that the operator of an approaching boat is not blinded.

(4) Boats are limited to slow, no wake speed in the following areas:

(i) On Wallenpaupack Creek.

(ii) From the Ledgesdale Bridge to a point approximately 1,000 feet downstream.

(iii) From the dam to a point approximately 600 feet south.

(iv) Between Cairn's Island and the Pike County shore line.

(5) Boats are limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day to Labor Day.

(6) Boats are limited to 25 miles per hour between sunset and sunrise.

(c) *Fairview Lake*. Boats are limited to slow, no wake speed from the Commission boat launch to the head of the cove.

(d) *Delaware River*. The operation of personal watercraft is prohibited in the following areas:

(1) Upper Delaware Scenic and Recreational River (upstream from mile 258.4).

(2) The Delaware Water Gap National Recreation Area (downstream from mile 250).

§ 111.53. [Potter County] (Reserved).

[*Lyman Lake—Lyman Run State Park*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.54. [Schuylkill County] (Reserved).

(a) *Locust Lake—Locust Lake State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Tuscarora Lake—Tuscarora Lake State Park*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.55. [Snyder County] (Reserved).

[*Walker Lake*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.56. Somerset County.

(a) *Laurel Hill Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Youghiogeny River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) Boats are limited to slow, no wake speed within the following areas:

(i) *Wilkins Hollow Cove*.

(ii) *Tub Run Cove*. From a line extending in a southwesterly direction between the outermost points of land on each side of the cove as marked.

(iii) *Somerfield Recreation Area*. As marked in the vicinity of the boat launch ramp and marina.

(iv) *Fall Run Cove*.

(v) *Hall Run Cove*.

(vi) *Braddocks Run Cove*.

(vii) *Reason Run Cove*.

(viii) *Off Somerfield Hill*.

(c) *Lake Somerset*. The operation of boats powered by internal combustion motors is prohibited.

(d) *High Point Lake*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Cranberry Glade Lake*. The operation of boats powered by internal combustion motors is prohibited.]

*Youghiogeny River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) Boats are limited to slow, no wake speed within the following areas:

(i) *Wilkins Hollow Cove*.

(ii) *Tub Run Cove* from a line extending in a southwesterly direction between the outermost points of land on each side of the cove as marked.

(iii) *Somerfield Recreation Area* as marked in the vicinity of the boat launch ramp and marina.

(iv) *Fall Run Cove*.

(v) *Hall Run Cove*.

(vi) *Braddocks Run Cove*.

(vii) *Reason Run Cove*.

(viii) *Off Somerfield Hill*.

§ 111.57. [Sullivan County] (Reserved).

[*Hunters Lake*. The operation of boats powered by internal combustion motors is prohibited.]

§ 111.58. Susquehanna County.

\* \* \* \* \*

(g) *Stump Pond*. The operation of boats powered by internal combustion motors is prohibited.

(h) ] (g) *Tripp Lake*. The operation of boats powered by internal combustion motors is prohibited.

[ (i) *Upper Lake, New Milford Township*. Motors are prohibited. ]

(h) *Upper Lake, New Milford Township*. It is unlawful to operate a boat powered by a motor.

§ 111.59. Tioga County.

[ (a) *Beechwood Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] (a) *Cowanesque Lake*. Boats are limited to slow, no wake speed in the following areas:

- (1) Mapes Creek Cove.
- (2) Baldwins Creek Cove.
- (3) Between the buoy lines across the lake in the vicinity of East and West Boat Launch areas.
- (4) From the buoy line west of the South Shore Use Area upstream to the headwaters of the lake.

[ (c) ] (b) *Hammond Lake*. Boats are limited to slow, no wake speed from a buoy line across the lake in the vicinity of Ives Run to the extreme backwaters of the lake.

[ (d) *Hills Creek Lake—Hills Creek State Park*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Nessmuk Lake*. The operation of boats powered by internal combustion motors is prohibited.

(f) ] (c) *Tioga Lake*. Boats are limited to slow, no wake speed in the following areas:

- (1) Between the [ route ] Route 15 bridge and the extreme backwaters of the Mill Creek Arm.
- (2) From the vicinity of Big Rift Creek to the extreme backwaters of the lake.

[ (g) ] (d) *Pine Creek*. Only boats powered by motors of 10 horsepower or less are permitted from the county line downstream to the Route 220 bridge. After January 1, 1995, the operation of internal combustion engines is prohibited.

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 111.60. Union County.

*Halfway Lake—R.B. Winter State Park*. Boating is prohibited.

§ 111.61. Venango County.

[ (a) *Kahle Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Two Mile Run County Park*.

- (1) The operation of boats powered by internal combustion motors is prohibited.
- (2) Sailboats greater than 14 feet in length and multihull sailboats are prohibited.
- (3) Inflatable boats shall be greater than 7 feet in length, made of tough, reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.

§ 111.62. Warren County.

[ (a) ] *Allegheny River Reservoir (Kinzua Dam)*.

\* \* \* \* \*

[ (b) *Chapman Lake—Chapman State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.63. Washington County.

[ (a) *Canonsburg Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Dutch Fork Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) ] *Cross Creek Lake*. The use of motors in excess of 10 horsepower is prohibited.

§ 111.64. Wayne County.

[ (a) *Belmont Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Duck Harbor Pond*.

(1) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(2) The speed of boats is limited to slow, no wake speed between the hours of 6 p.m. and 10 a.m.

(c) *Long Pond*.

(1) Water skiing is permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed from sunset until sunrise.

(d) *Lower Woods Pond*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Millers Pond*. The operation of boats powered by internal combustion motors is prohibited.

(f) *Prompton Lake*. The use of motors in excess of 10 horsepower is prohibited.

(g) *Upper Woods Pond*. The operation of boats powered by internal combustion motors is prohibited.

(h) *Lake Wallenpaupack*. Pike County special regulations applicable to Lake Wallenpaupack at § 111.52(c) (relating to Pike County) also apply to the Wayne County portion of Lake Wallenpaupack.

(i) *White Oak Pond*. The operation of boats powered by internal combustion motors is prohibited.

(j) *Delaware River*. The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River. ]

(a) *Duck Harbor Pond*.

(1) The operation of boats powered by internal combustion motors is permitted.

(2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed between the hours of 6 p.m. and 10 a.m.

(b) *Long Pond.*

(1) The operation of boats powered by internal combustion motors is permitted.

(2) Water skiing is permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(3) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(4) The speed of boats is limited to slow, no wake speed from sunset until sunrise.

(c) *Prompton Lake—Prompton State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(d) *Lake Wallenpaupack.* Pike County special regulations applicable to Lake Wallenpaupack at § 111.52(b) (relating to Pike County) also apply to the Wayne County portion of Lake Wallenpaupack.

(e) *Delaware River.* The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River.

§ 111.65. Westmoreland County.

[ (a) *Lake Donegal.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Keystone Lake—Keystone State Park.* The operation of boats powered by internal combustion motors is prohibited.

(c) ] (a) *Conemaugh River Lake.*

(1) Persons shall wear a Coast Guard approved, personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

[ (d) ] (b) *Loyalhanna River Lake.* All persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.66. Wyoming County.

[ (a) *Stevens Lake.* The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Lake Winola.*

(1) The operation of boats powered by internal combustion motors is permitted.

[ (1) ] (2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

[ (2) ] (3) The speed of boats is limited to slow, no wake speed from sunset to sunrise, 7 days a week, year-round, and from sunrise to 11 a.m. on Sundays from the day before Memorial Day until Labor Day.

[ (3) ] (4) The speed of boats is limited to 35 mph from sunrise to sunset on weekends and holidays.

§ 111.67. York County.

(a) [ *Pinchot Lake (Conewago Lake)—Gifford Pinchot State Park.* The operation of boats powered by

internal combustion motors is prohibited.] *Lake Marburg—Codus State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

\* \* \* \* \*

CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.11. Personal flotation devices.

It is unlawful to operate a boat carrying passengers for hire unless it carries sufficient, serviceable [ Type I, II, III or V ] United States Coast Guard-approved wearable personal flotation devices in accordance with § 97.1 (relating to personal flotation devices) to provide one for the maximum number of passengers and crew members indicated on the certificate. It is unlawful to operate a boat carrying passengers for hire unless it carries an additional number of personal flotation devices suitable for children equal to at least 10% of the maximum capacity of the boat. If more than 10% of the passengers are children, additional personal flotation devices sized for children are required.

[Pa.B. Doc. No. 15-1320. Filed for public inspection July 17, 2015, 9:00 a.m.]

[ 58 PA. CODE CH. 61 ]

Fishing; Seasons, Sizes and Creel Limits

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

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2016.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102 of the code (relating 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 amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

The management plan for Striped Bass of the Atlantic States Marine Fisheries Commission (ASMFC) calls for management actions when the coastwide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 127 million pounds. The current SSB is just above this at



(3) The speed of boats is limited to slow, no wake speed between the hours of 6 p.m. and 10 a.m.

(b) *Long Pond*.

(1) The operation of boats powered by internal combustion motors is permitted.

(2) Water skiing is permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(3) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(4) The speed of boats is limited to slow, no wake speed from sunset until sunrise.

(c) *Prompton Lake—Prompton State Park*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(d) *Lake Wallenpaupack*. Pike County special regulations applicable to Lake Wallenpaupack at § 111.52(b) (relating to Pike County) also apply to the Wayne County portion of Lake Wallenpaupack.

(e) *Delaware River*. The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River.

#### § 111.65. Westmoreland County.

[ (a) *Lake Donegal*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Keystone Lake—Keystone State Park*. The operation of boats powered by internal combustion motors is prohibited.

(c) ] (a) *Conemaugh River Lake*.

(1) Persons shall wear a Coast Guard approved, personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

[ (d) ] (b) *Loyalhanna River Lake*. All persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

#### § 111.66. Wyoming County.

[ (a) *Stevens Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Lake Winola*.

(1) The operation of boats powered by internal combustion motors is permitted.

[ (1) ] (2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

[ (2) ] (3) The speed of boats is limited to slow, no wake speed from sunset to sunrise, 7 days a week, year-round, and from sunrise to 11 a.m. on Sundays from the day before Memorial Day until Labor Day.

[ (3) ] (4) The speed of boats is limited to 35 mph from sunrise to sunset on weekends and holidays.

#### § 111.67. York County.

(a) [ *Pinchot Lake (Conewago Lake)—Gifford Pinchot State Park*. The operation of boats powered by

internal combustion motors is prohibited.] *Lake Marburg—Codorus State Park*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

\* \* \* \* \*

### CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

#### § 115.11. Personal flotation devices.

It is unlawful to operate a boat carrying passengers for hire unless it carries sufficient, serviceable [ Type I, II, III or V ] United States Coast Guard-approved wearable personal flotation devices in accordance with § 97.1 (relating to personal flotation devices) to provide one for the maximum number of passengers and crew members indicated on the certificate. It is unlawful to operate a boat carrying passengers for hire unless it carries an additional number of personal flotation devices suitable for children equal to at least 10% of the maximum capacity of the boat. If more than 10% of the passengers are children, additional personal flotation devices sized for children are required.

[Pa.B. Doc. No. 16-1320. Filed for public inspection July 17, 2016, 9:00 a.m.]

### [ 58 PA. CODE CH. 61 ]

#### Fishing; Seasons, Sizes and Creel Limits

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

##### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2016.

##### B. Contact Person

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

##### C. Statutory Authority

The proposed amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102 of the code (relating 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 amendment is described in more detail under the summary of proposal.

##### E. Summary of Proposal

The management plan for Striped Bass of the Atlantic States Marine Fisheries Commission (ASMFC) calls for management actions when the coastwide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 127 million pounds. The current SSB is just above this at

128 million pounds. At the current fishing mortality rates, there is concern that the SSB will fall below the threshold in the near future. In addition to these concerns, recruitment of young fish has been relatively low in many of the years since 2004. In response to these concerns, the ASMFC Striped Bass Management Board, which includes the Commonwealth as a member, has directed coastal states to reduce fishing mortality rates by 25% beginning in 2015.

ASMFC has directed that the reduction in harvest be implemented prior to the 2015 fishing season. In this Commonwealth, the Striped Bass fishery in the Delaware River and Estuary typically begins in early March. To meet this deadline, the Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), took immediate action to amend § 61.2. Specifically, the Executive Director amended this section to decrease the creel limit for Striped Bass in the River Estuary (from the Pennsylvania line upstream to Calhoun Street Bridge) during the periods January 1 through March 31 and June 1 through December 31 to one fish and to change the slot limit during the period April 1 through May 31 to 21 to 25 inches. The Executive Director also amended the section to decrease the creel limit for Striped Bass in the Delaware River (from the Calhoun Street Bridge upstream) to one fish. The temporary changes went into effect on March 1, 2015, and will remain in effect until the Commission, by appropriate action, amends § 61.2.

The Commission proposes to amend § 61.2 to read as set forth in Annex A.

**F. Paperwork**

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

**G. Fiscal Impact**

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

**H. Public Comments**

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000 within 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-266. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS**

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

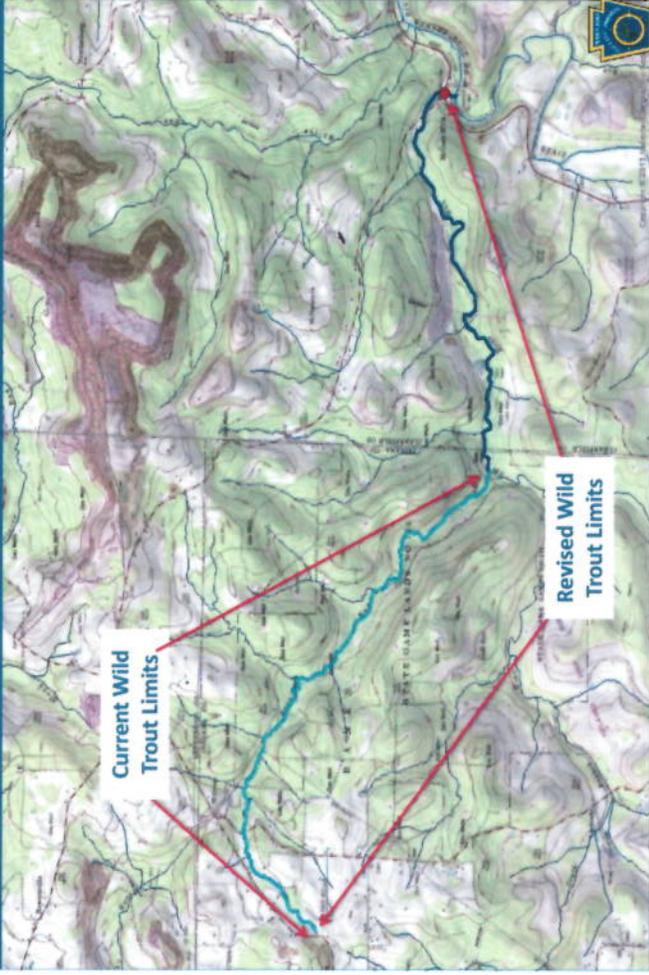
\* \* \* \* \*

(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:

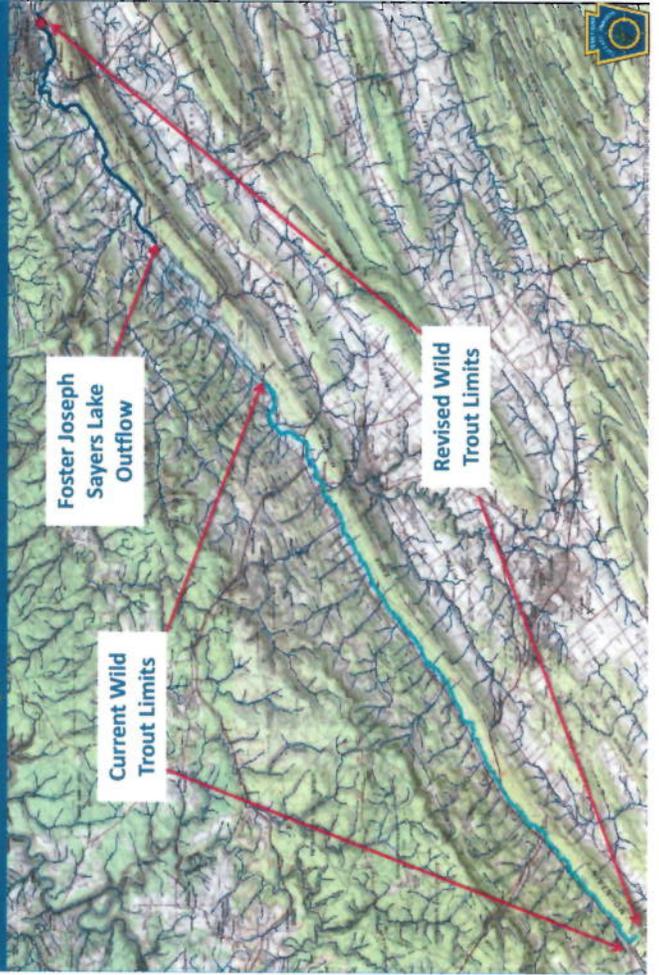
<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * * * *		
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31 [ . ]	28 inches	1
	April 1 through May 31	[ 20 to 26 ] 21 to 25 inches	2
	From Calhoun Street Bridge upstream: open year-round	28 inches	1
	* * * * *		

[Pa.B. Doc. No 15-1321. Filed for public inspection July 17, 2015, 9:00 a.m.]

# Bear Run WT limit extension



# Bald Eagle Creek WT limit extension



# Wild Trout Extensions

tabbles\*

**EXHIBIT**

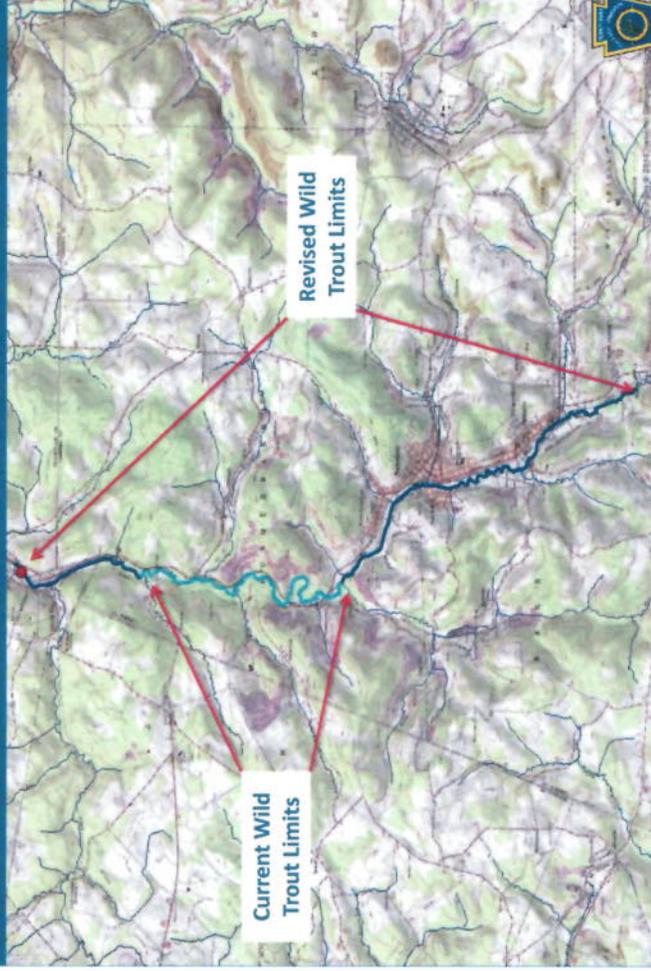
**H**

# Proposed Wild Trout Stream Section Adjustments

County of Mouth	Stream Name	Tributary To	Current Wild Trout Limits	Revised Wild Trout Limits	Trout Species	Catch	Length (inches)
Clearfield	Bear Run	West Branch Susquehanna River	Headwaters to South Branch Bear Run	Headwaters to mouth	Brook	6	3-9
Clinton	Bald Eagle Creek	West Branch Susquehanna River	Headwaters to Inlet Foster Joseph Sayers Lake	Headwaters to Harveys Run	Brown	3	9-11
Northumberland	West Branch Susquehanna River	Susquehanna River	Moss Creek to Peg Run	Outfall of AMD Treatment Facility at RM 234.09 to Shryoek Run	Brook	1	7
Somerset	South Fork Bens Creek	Bens Creek	Conemaugh Township Reservoir to Mouth	Headwaters to mouth	Brook	125	1-8

# Wild Trout Removals

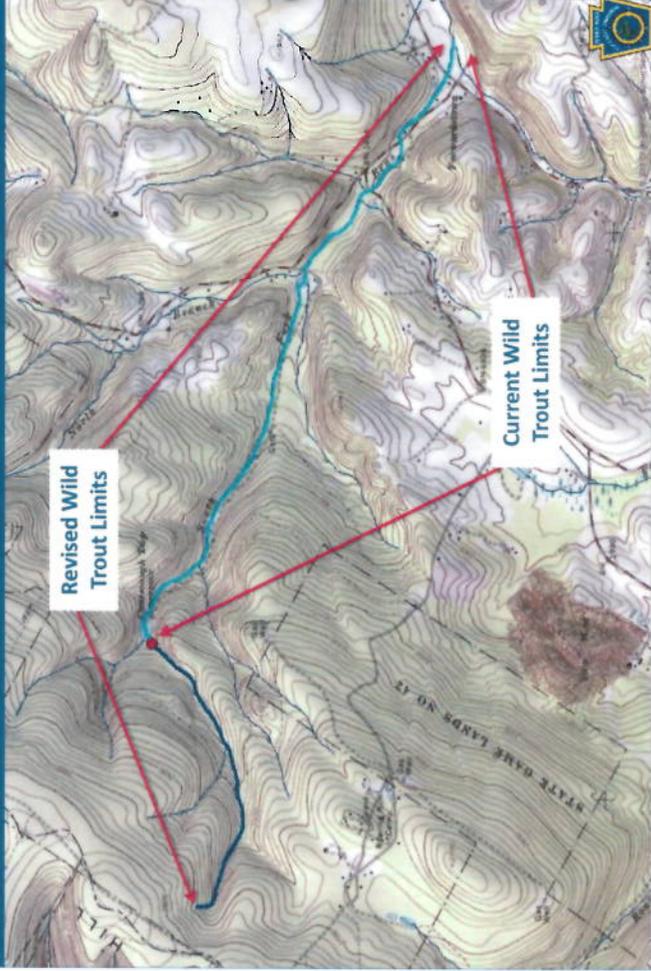
West Branch Susquehanna River WT limit extension



Teats Run WT removal



South Fork Bens Creek WT limit extension

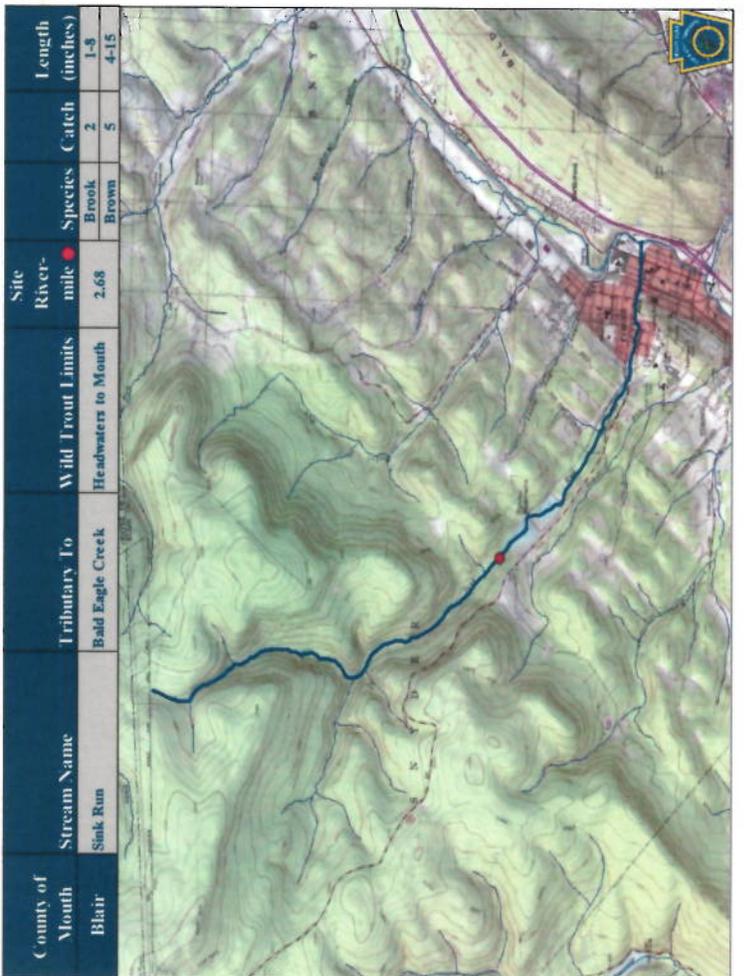
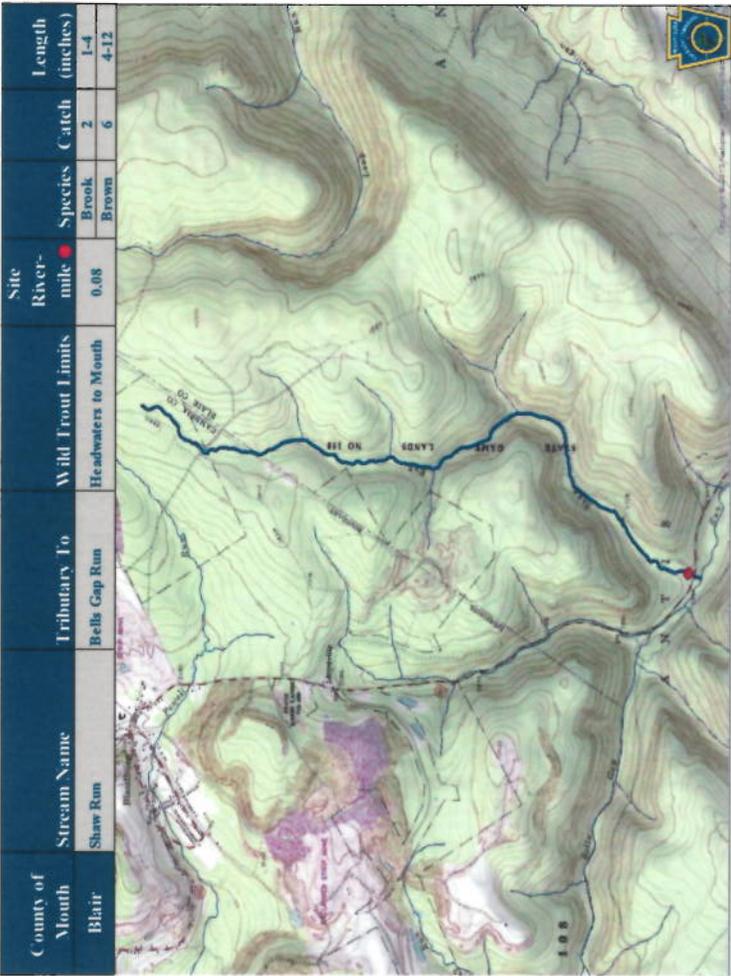
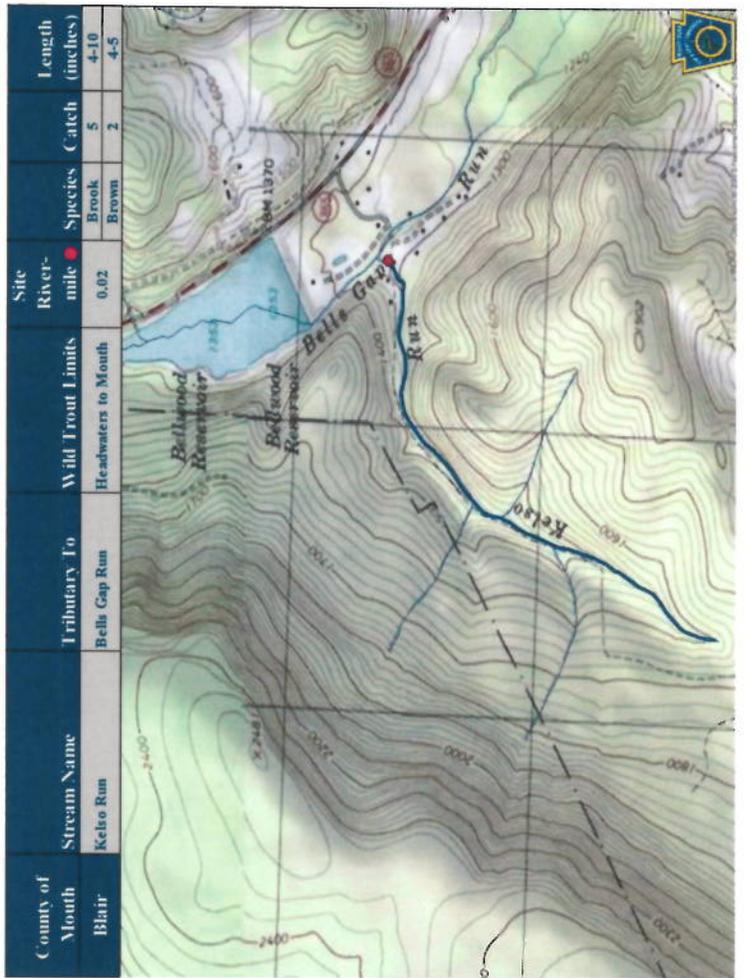
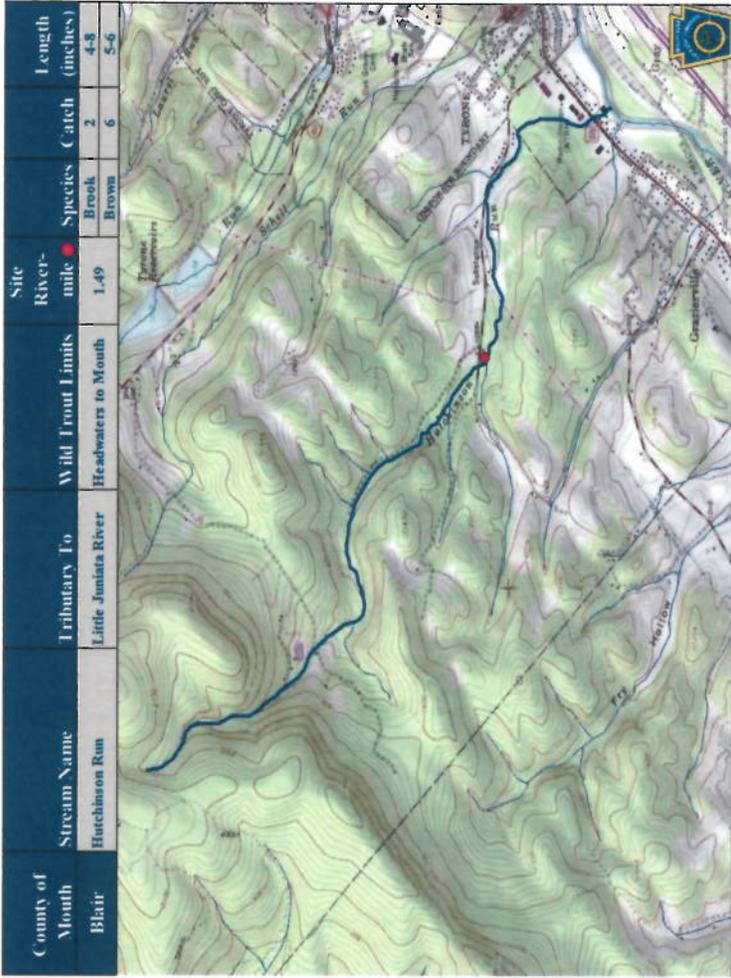


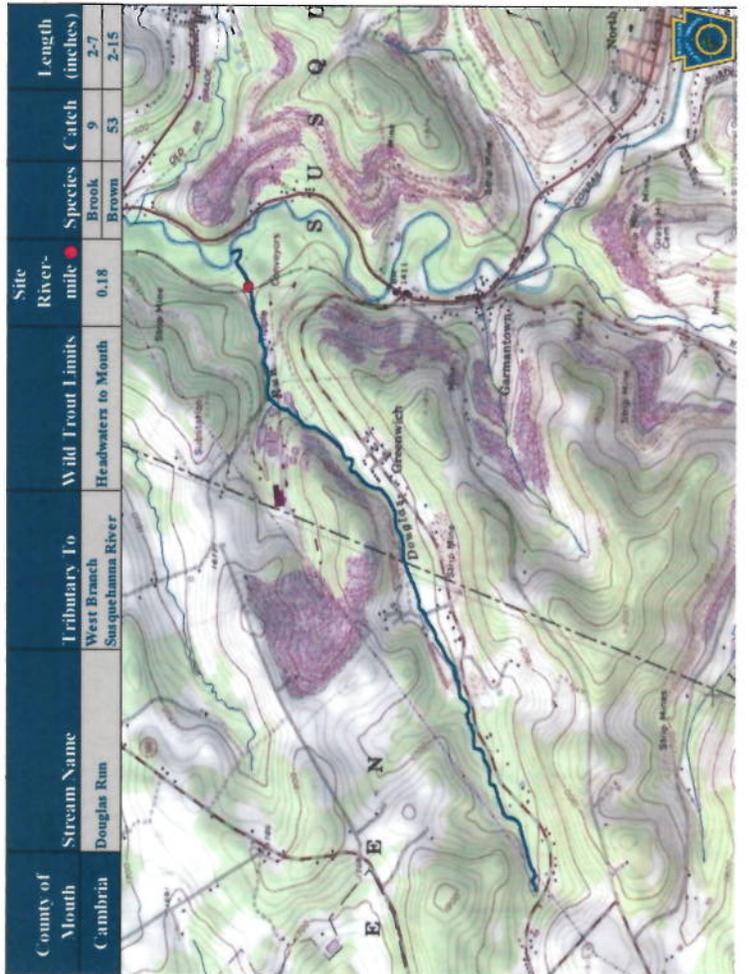
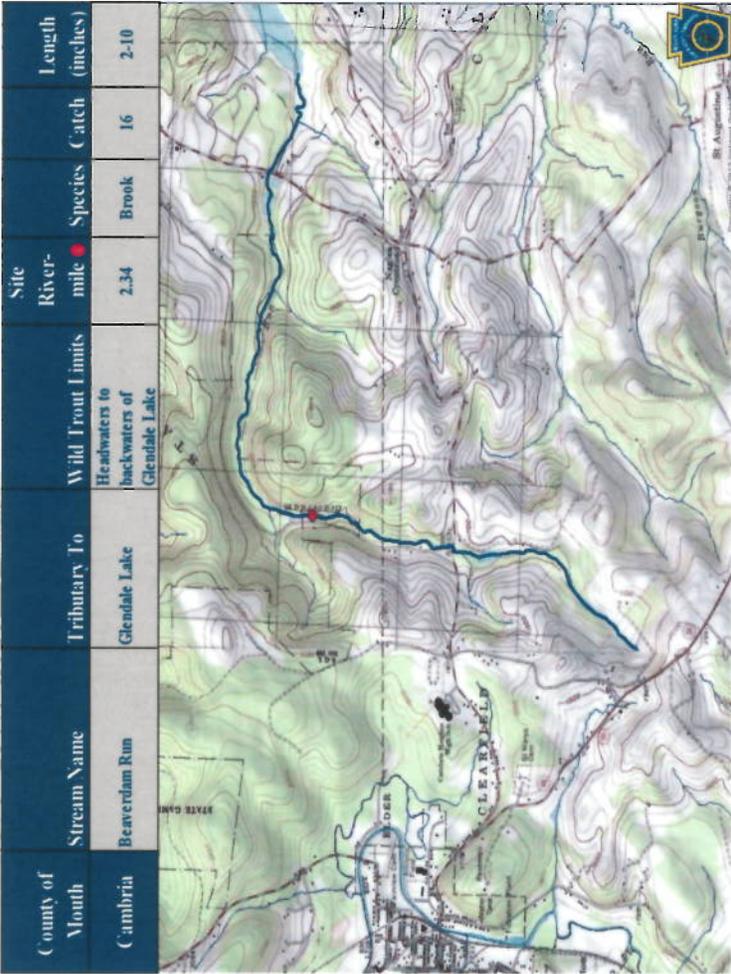
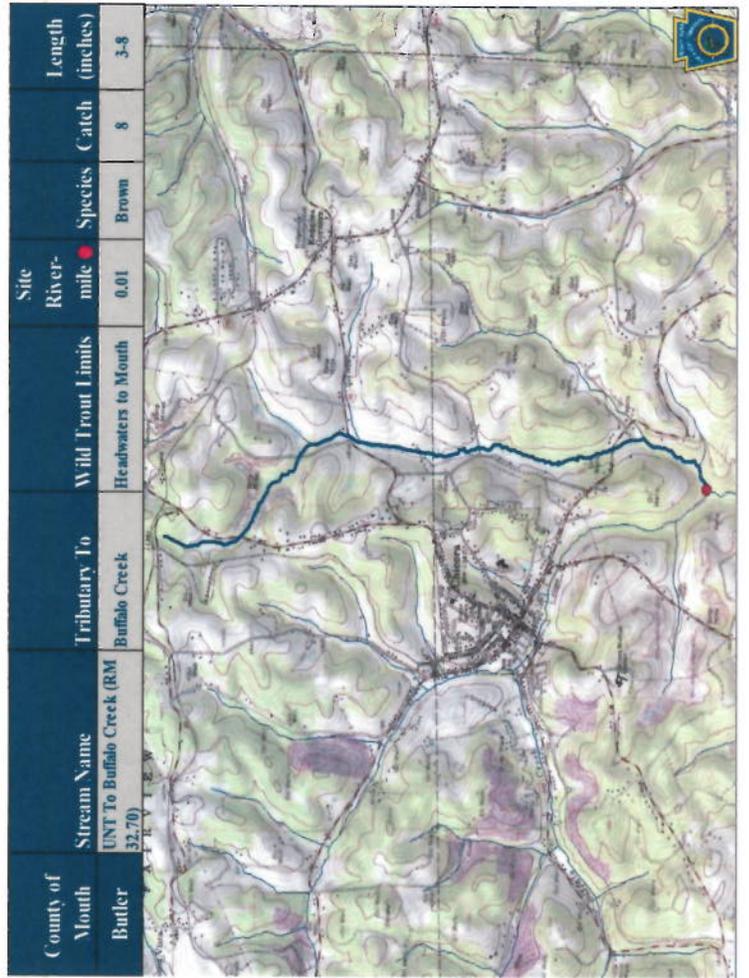
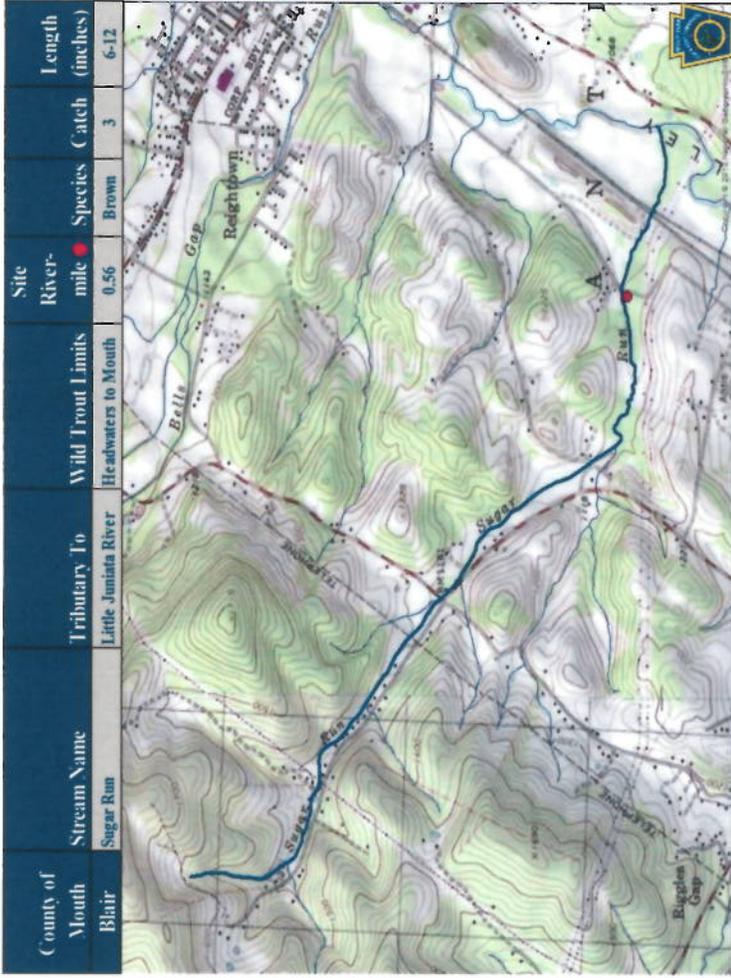
# Wild Trout Additions

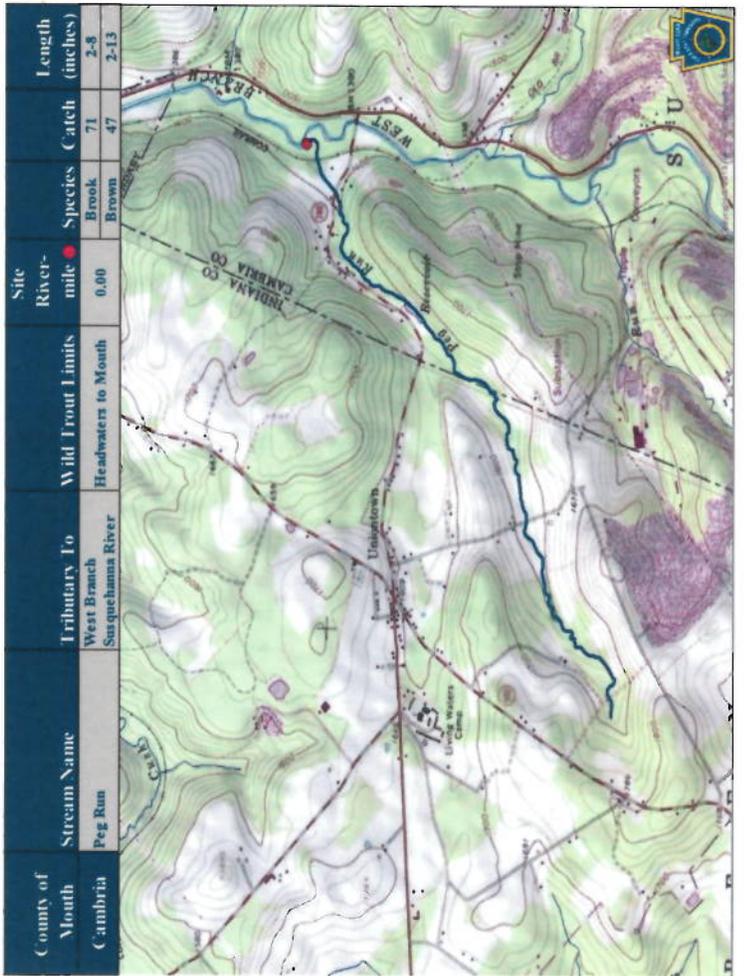
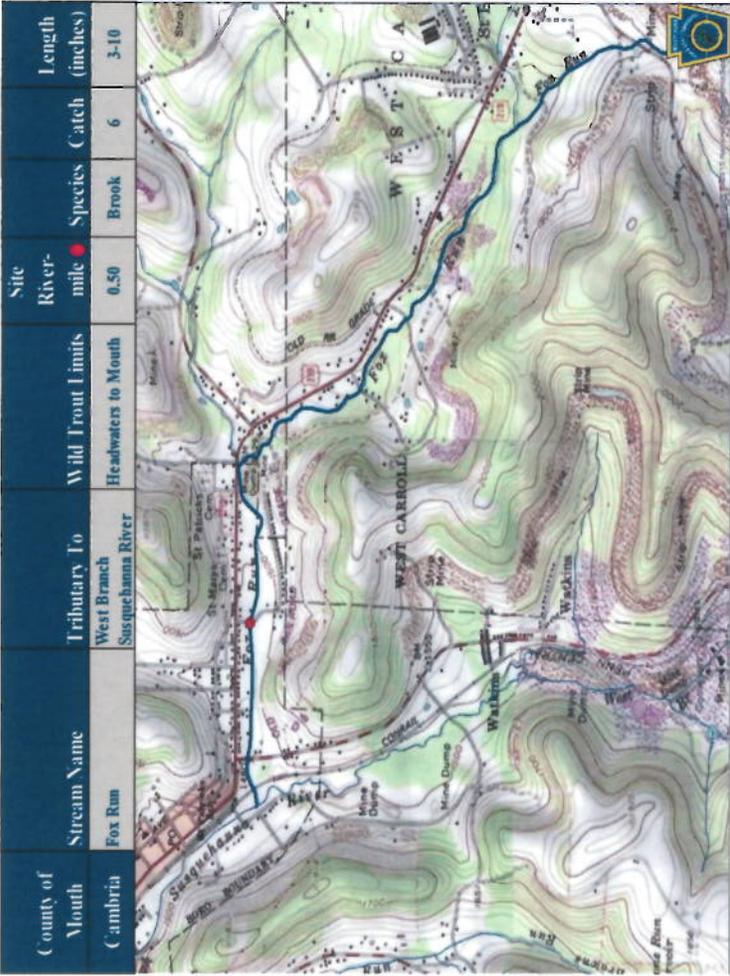
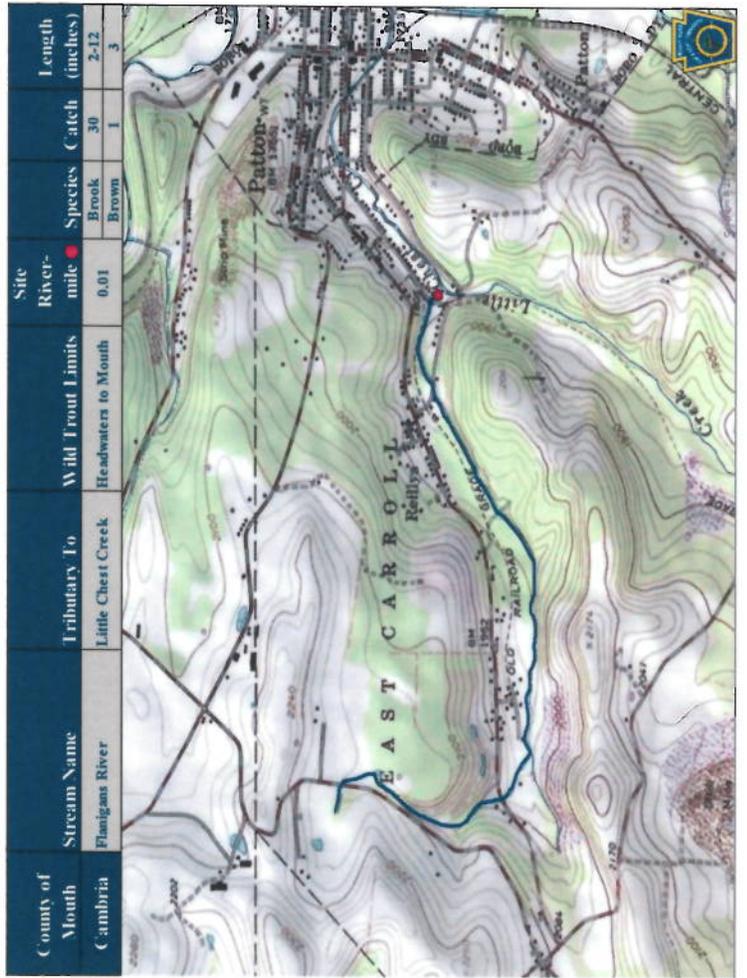
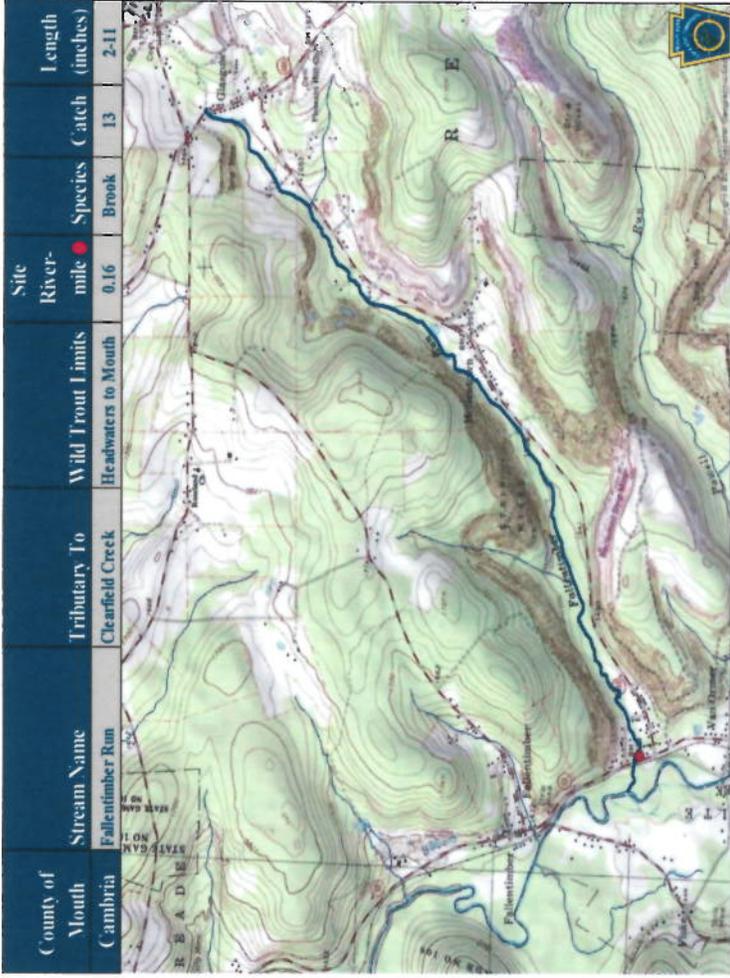
County of Mouth	Stream Name	Tributary To	Wild Trout Limits Headwaters to Mouth	Site River-mile	Species	Catch	Length (inches)
Blair	Decker Run	Bald Eagle Creek		0.49	Brown	5	4-6

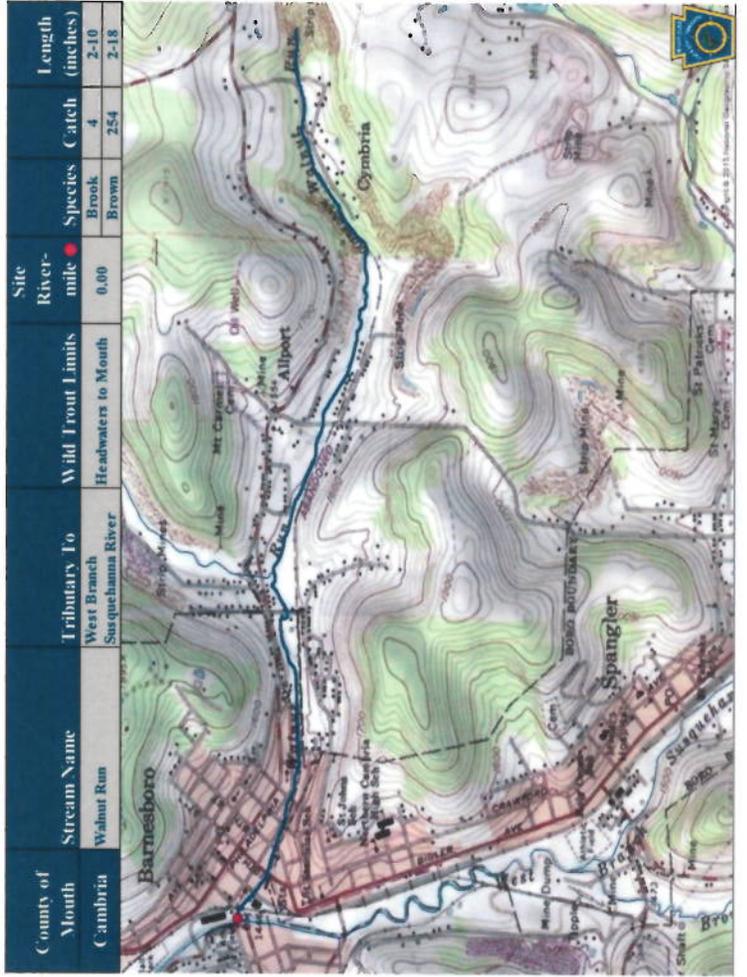
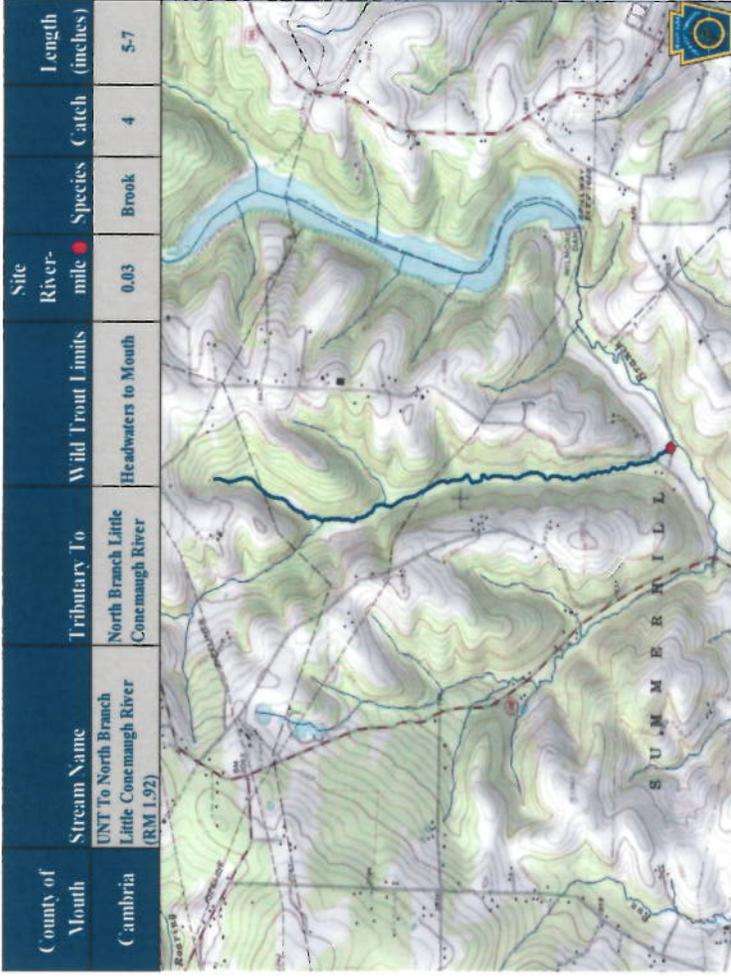
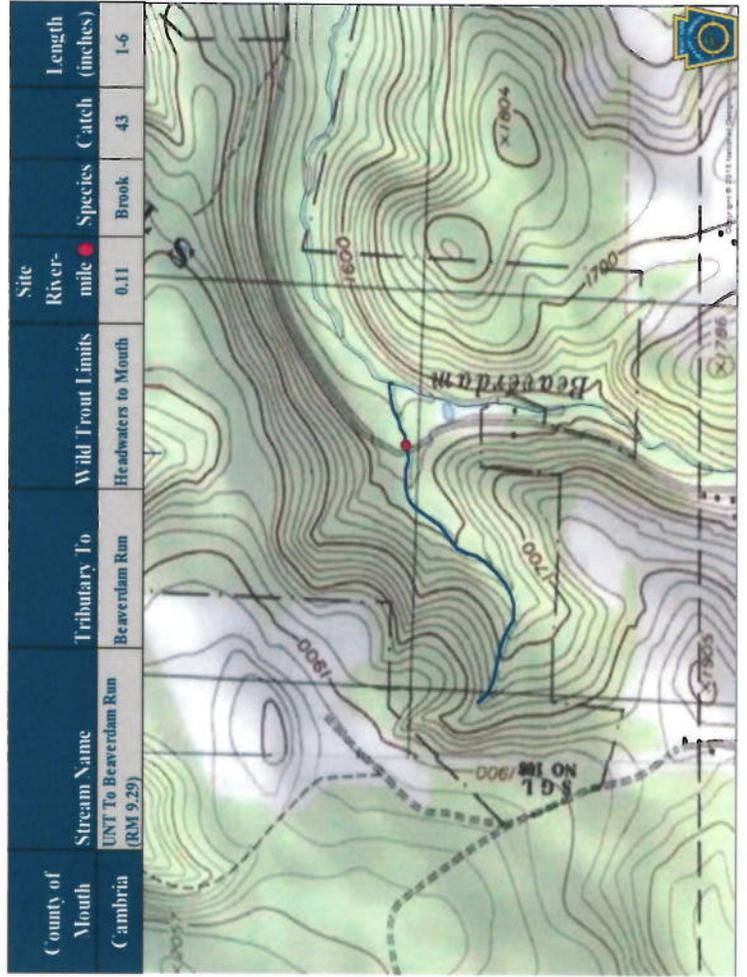
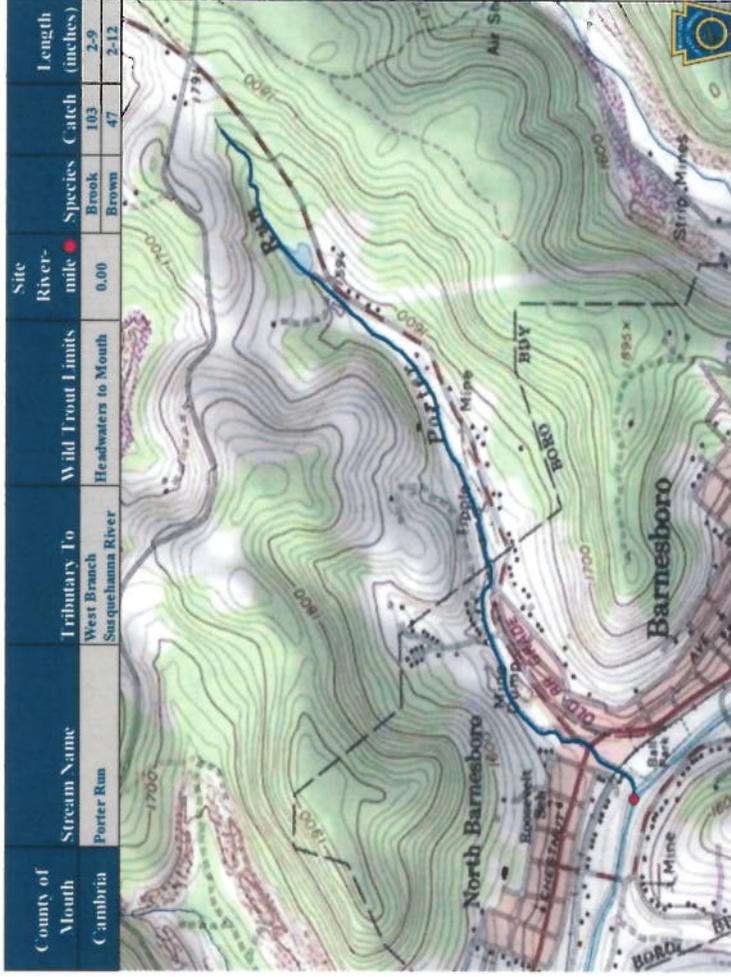
County of Mouth	Stream Name	Tributary To	Wild Trout Limits Headwaters to Mouth	Site River-mile	Species	Catch	Length (inches)
Blair	Elk Run	Little Juniata River		0.19	Brown	23	1-7

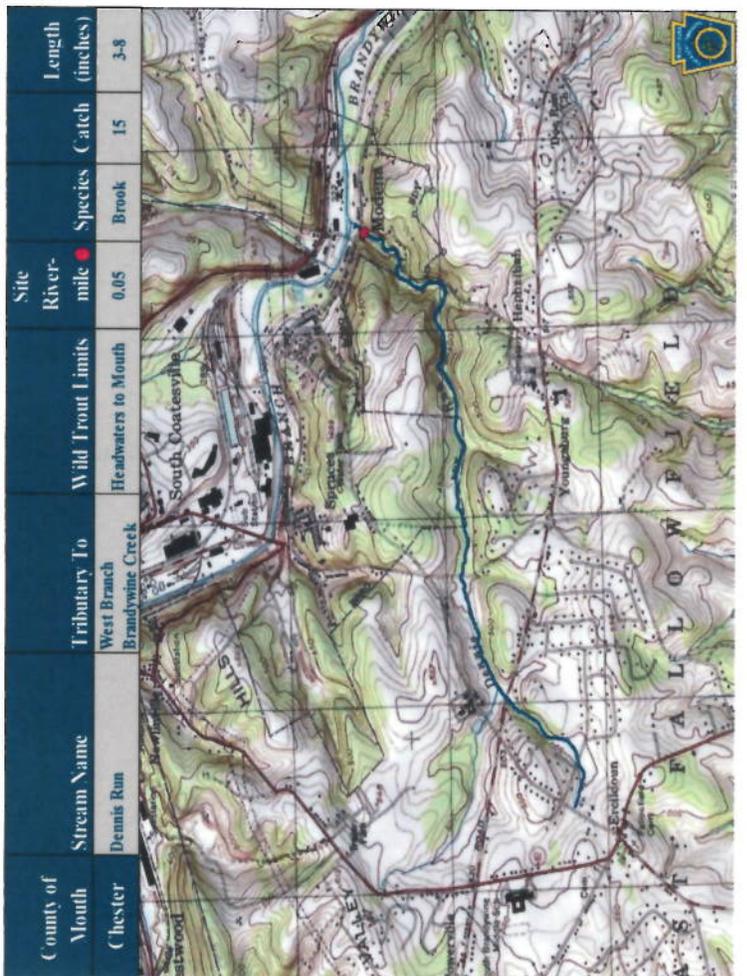
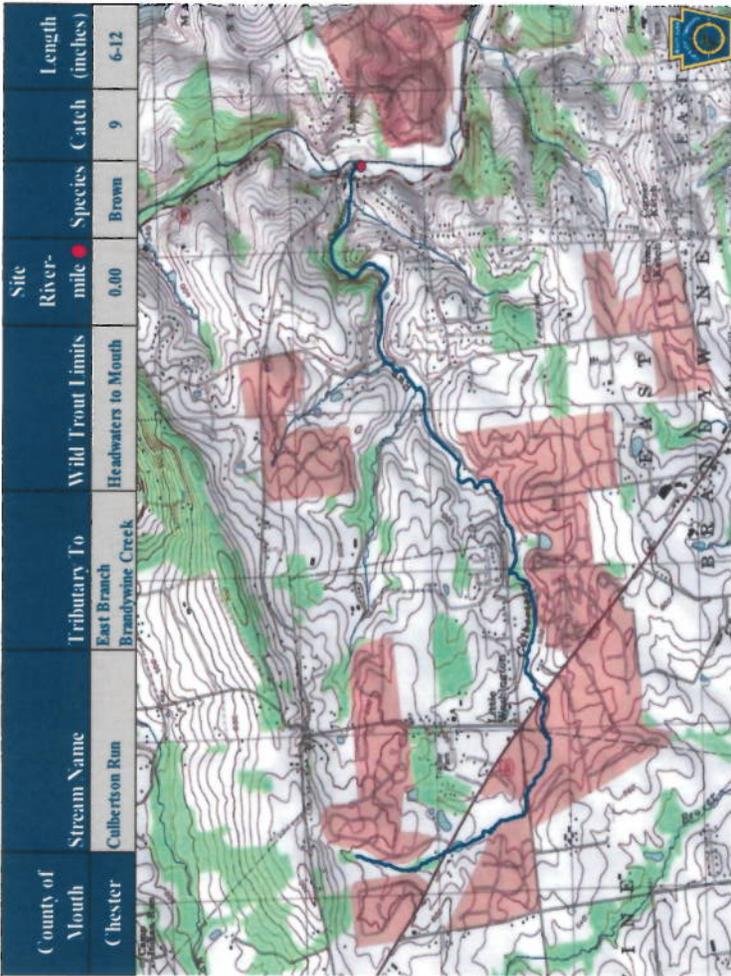
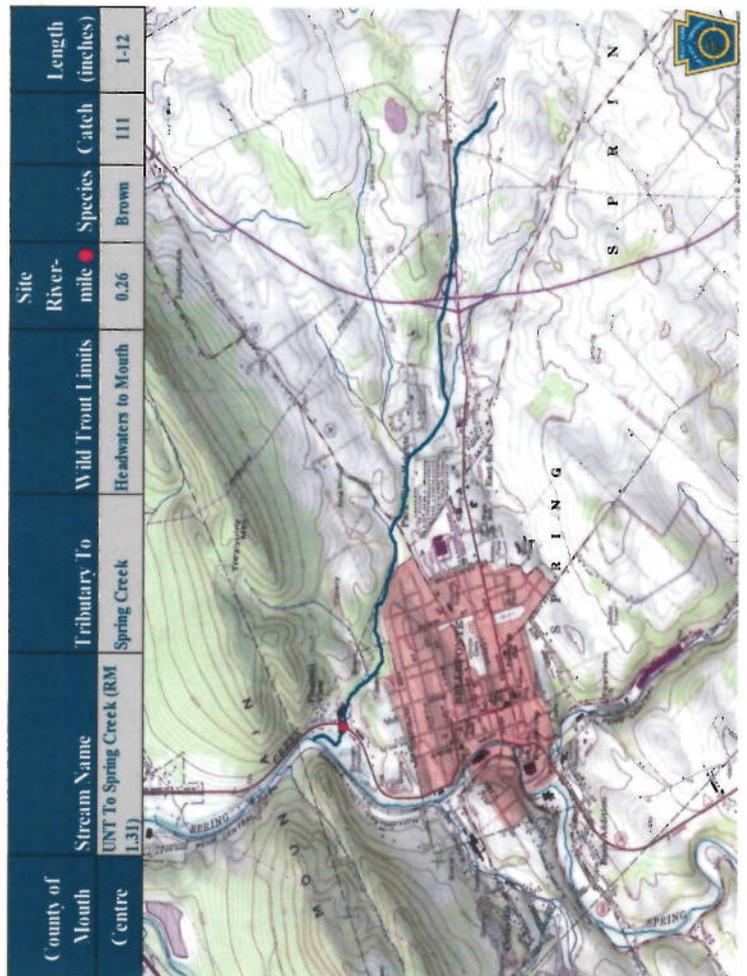
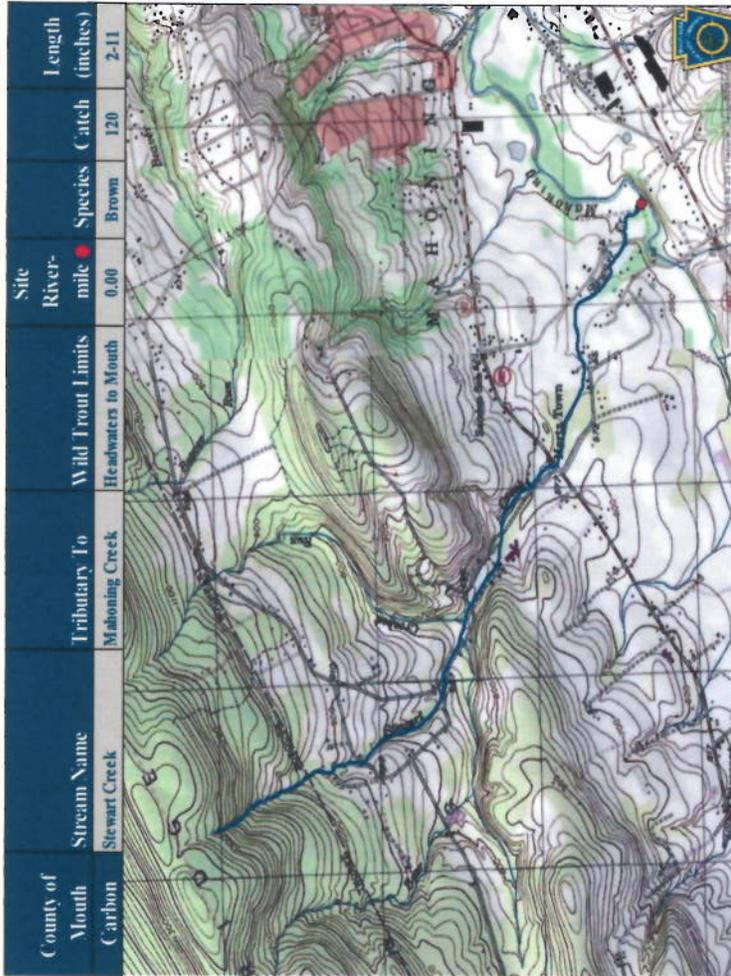
County of Mouth	Stream Name	Tributary To	Wild Trout Limits Headwaters to Mouth	Site River-mile	Species	Catch	Length (inches)
Bedford	Tiger Run	Little Wills Creek		0.17	Brook	7	3-8









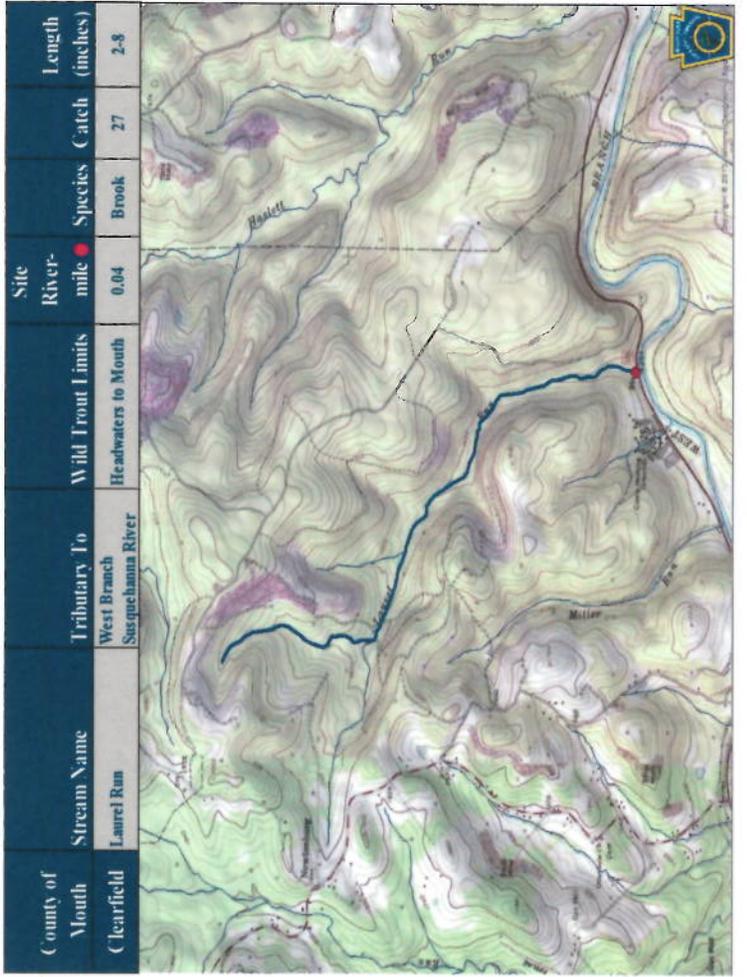
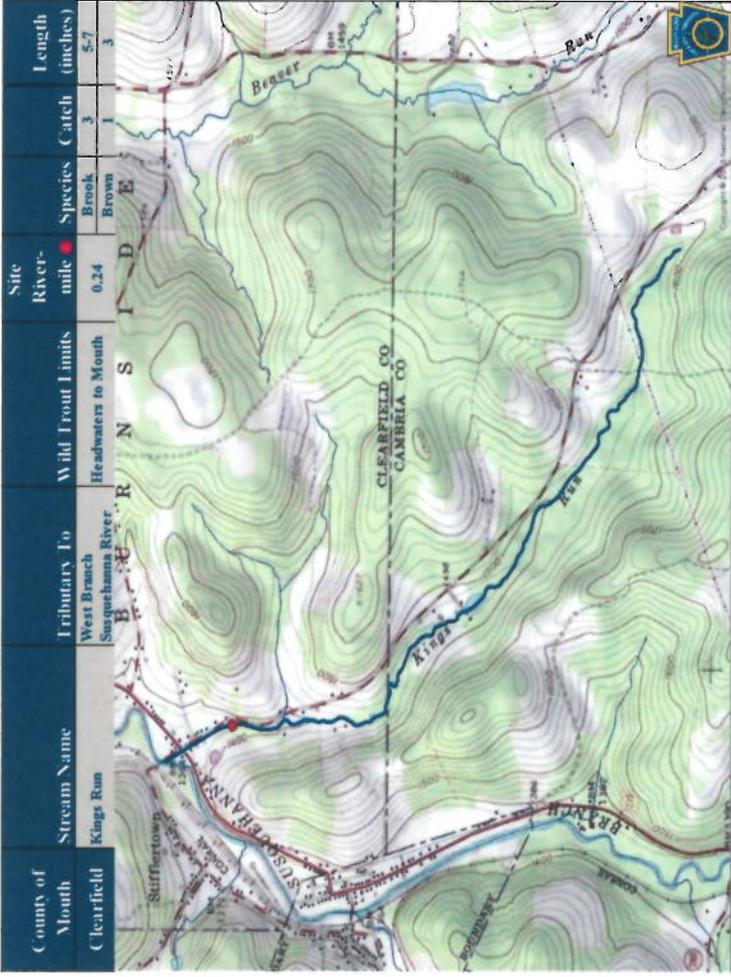
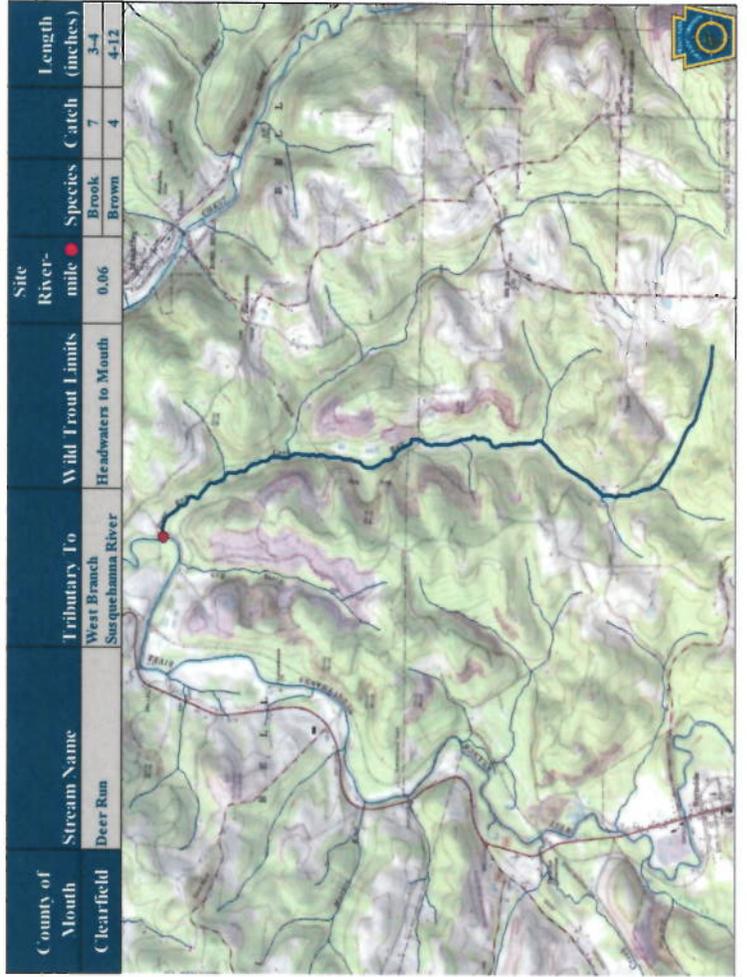
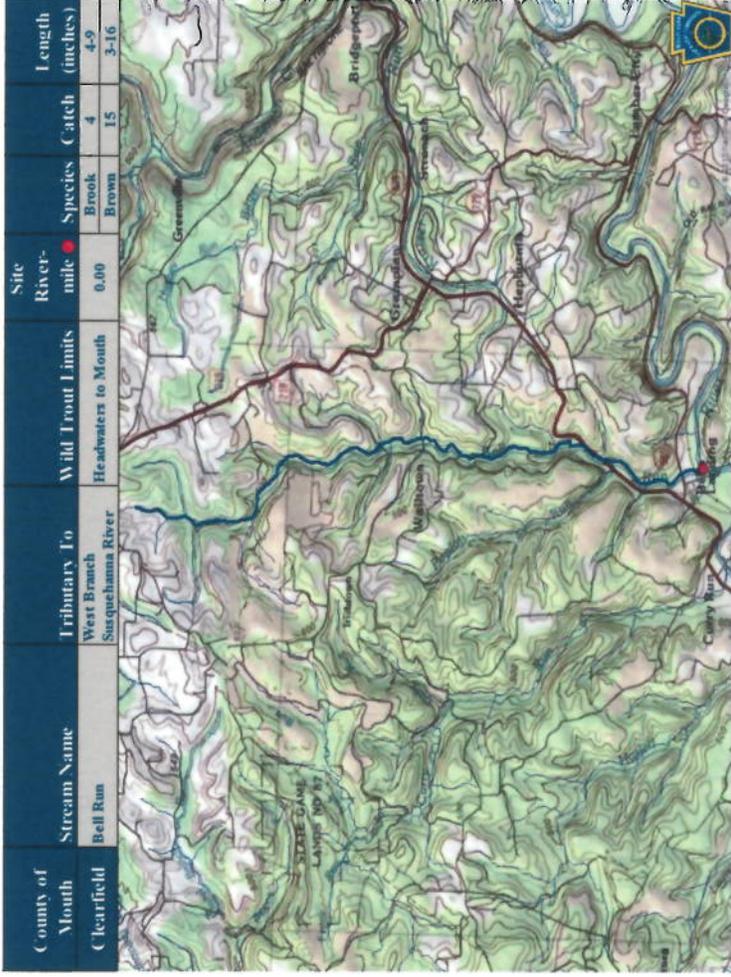


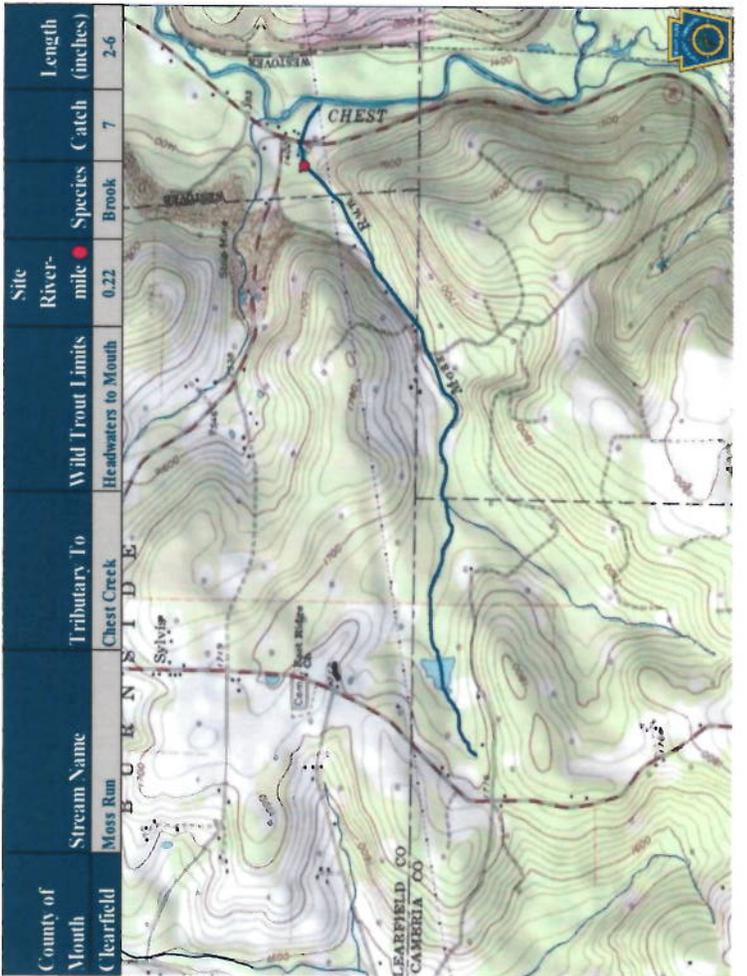
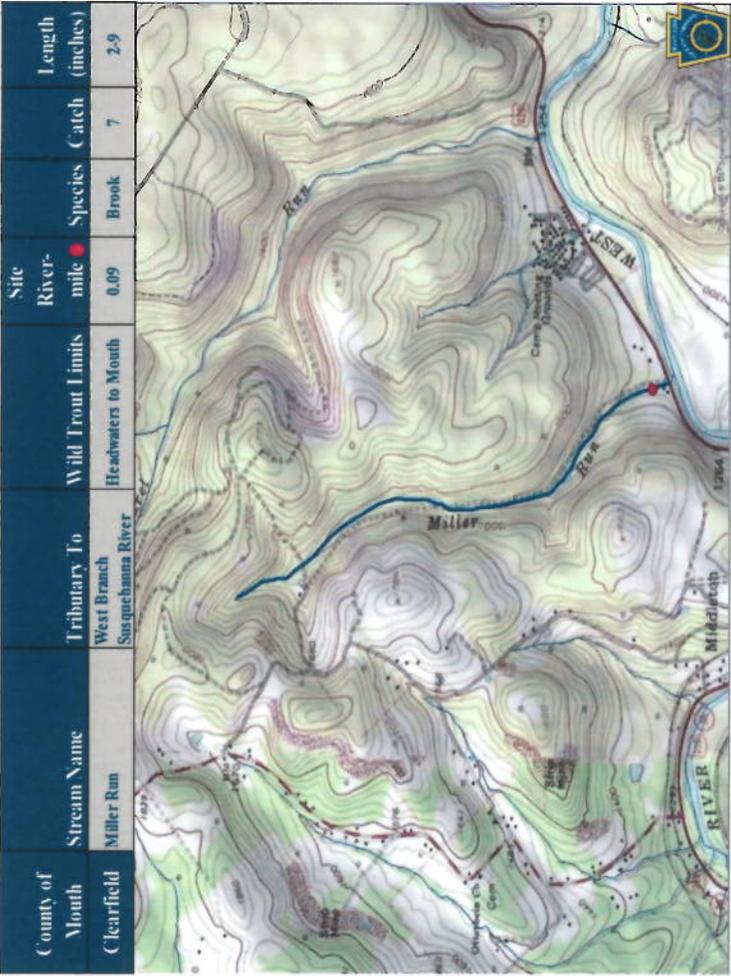
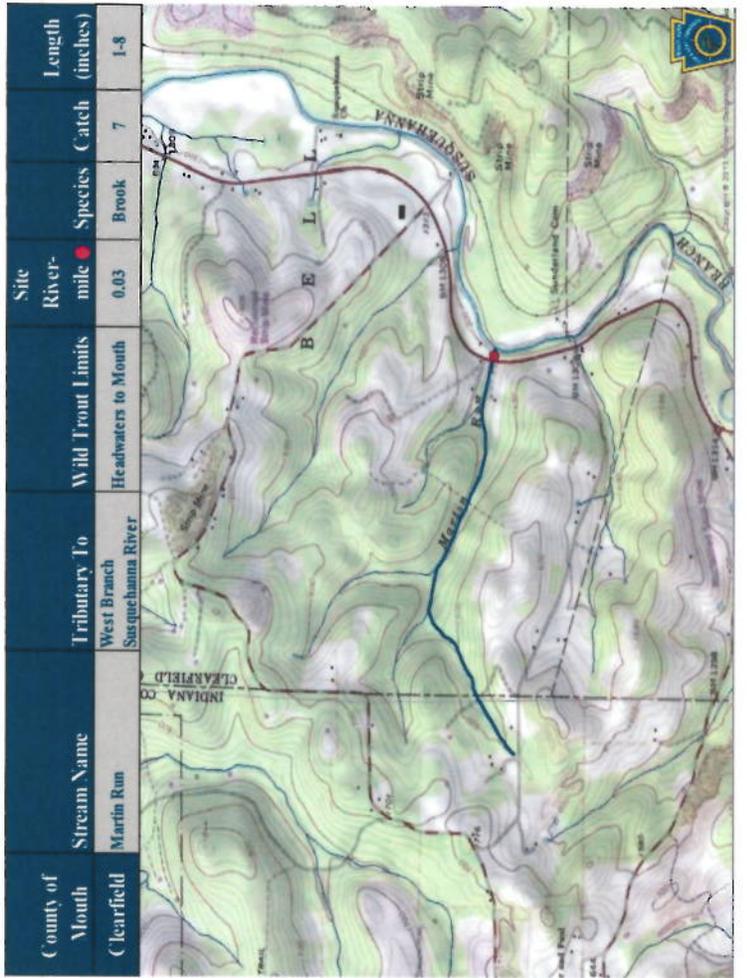
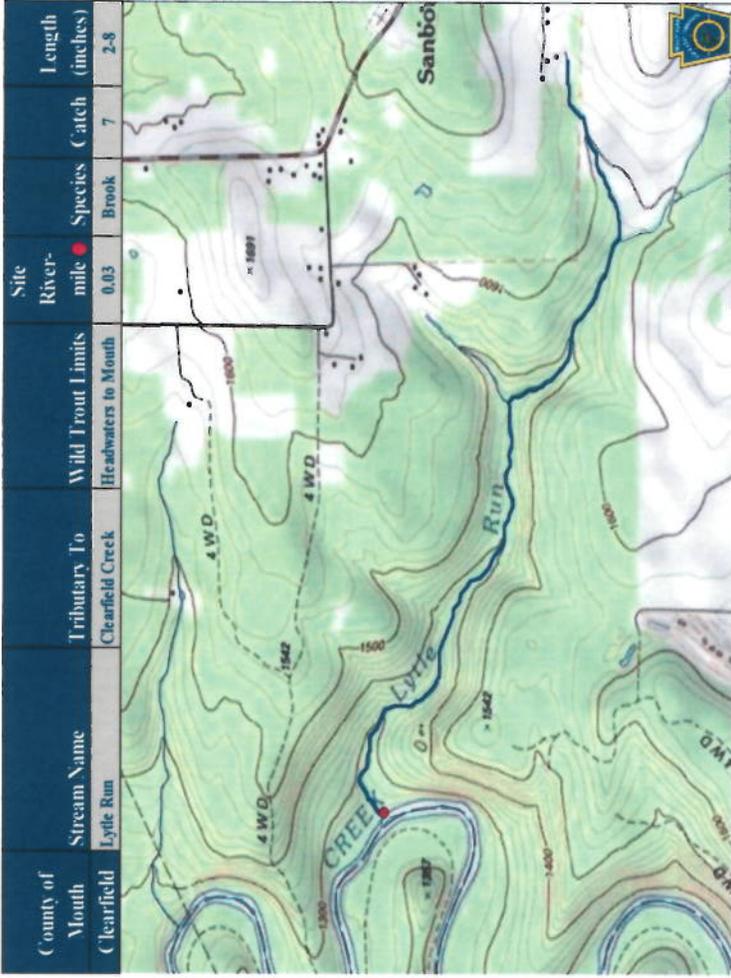
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Chester	UNT To West Branch Brandywine Creek (RM 10.87)	West Branch Brandywine Creek	Headwaters to Mouth	0.51	Brook	8	2-5

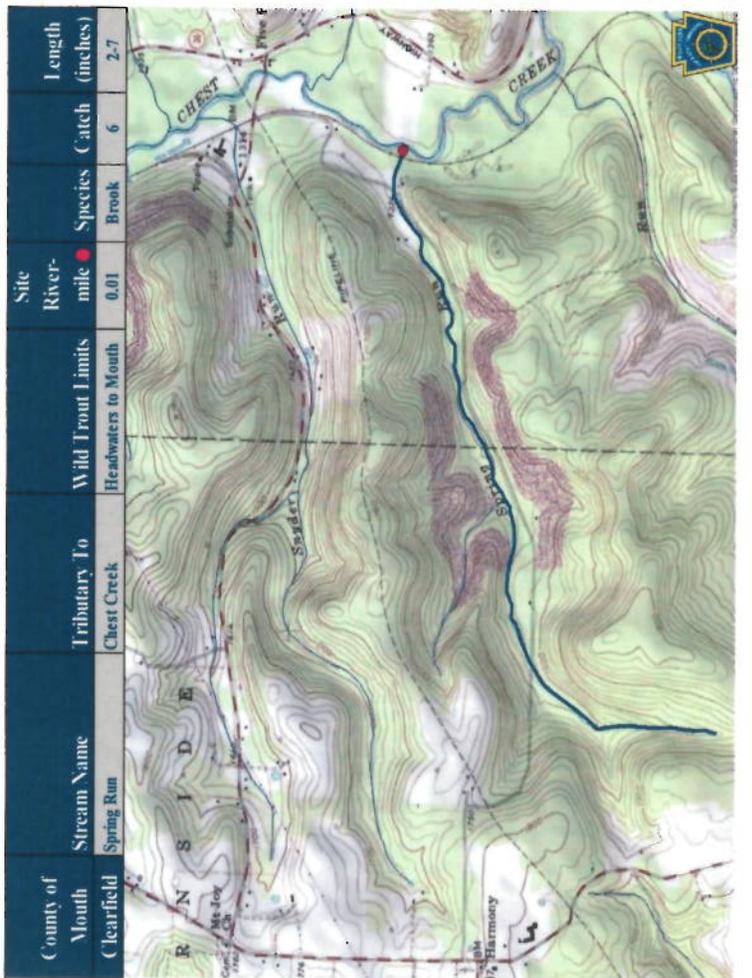
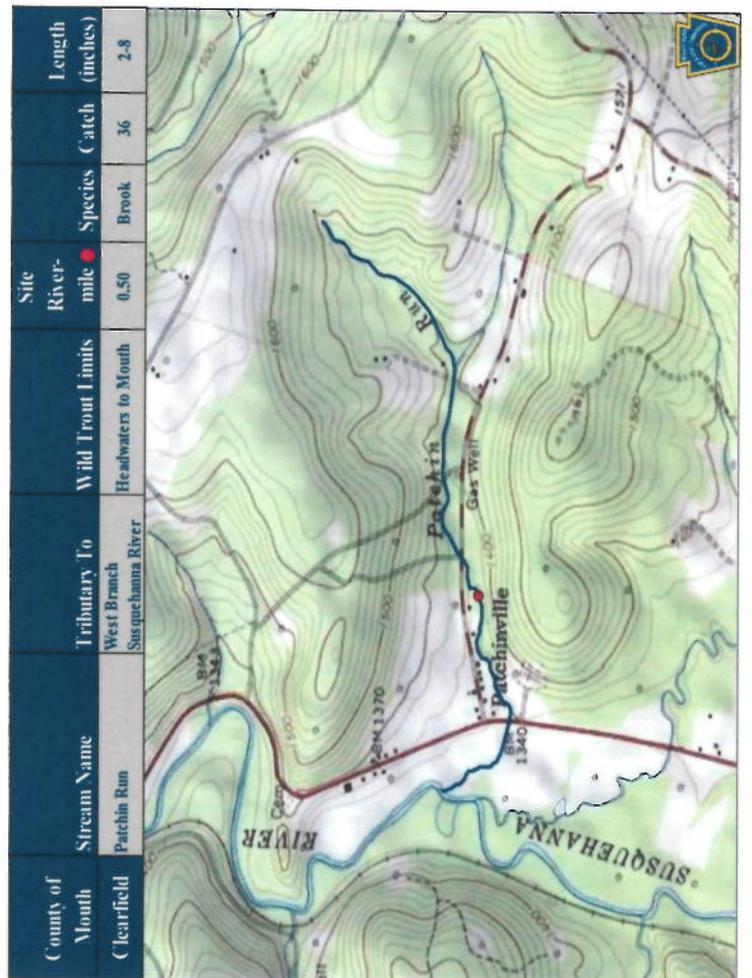
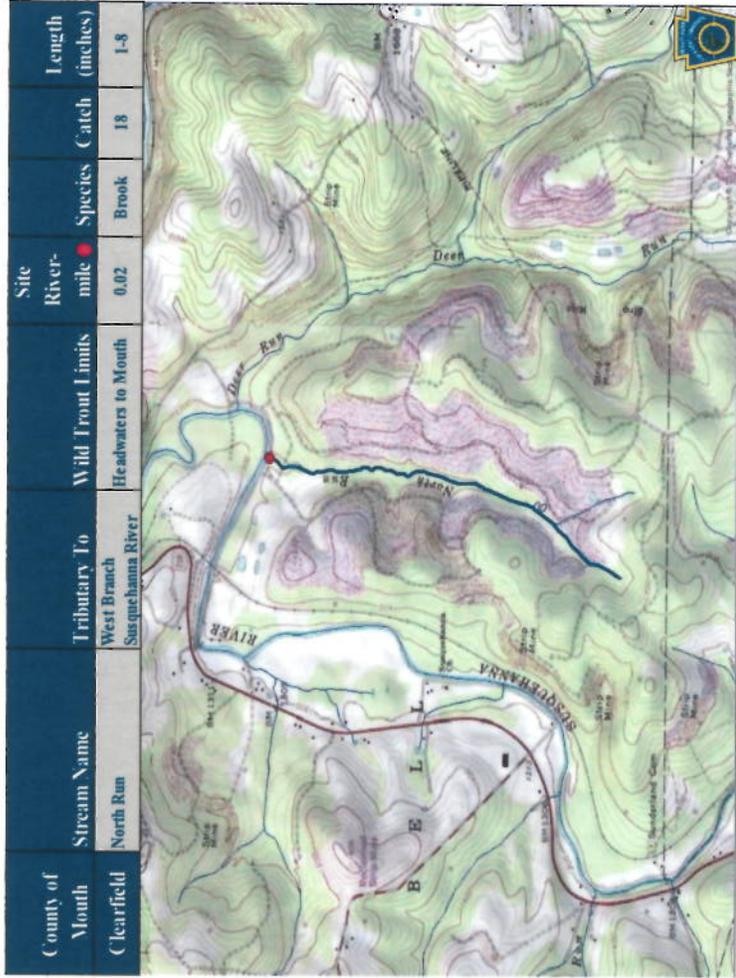
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Chester	UNT To West Branch Brandywine Creek (RM 13.86)	West Branch Brandywine Creek	Headwaters to Mouth	0.34	Brook	11	2-10

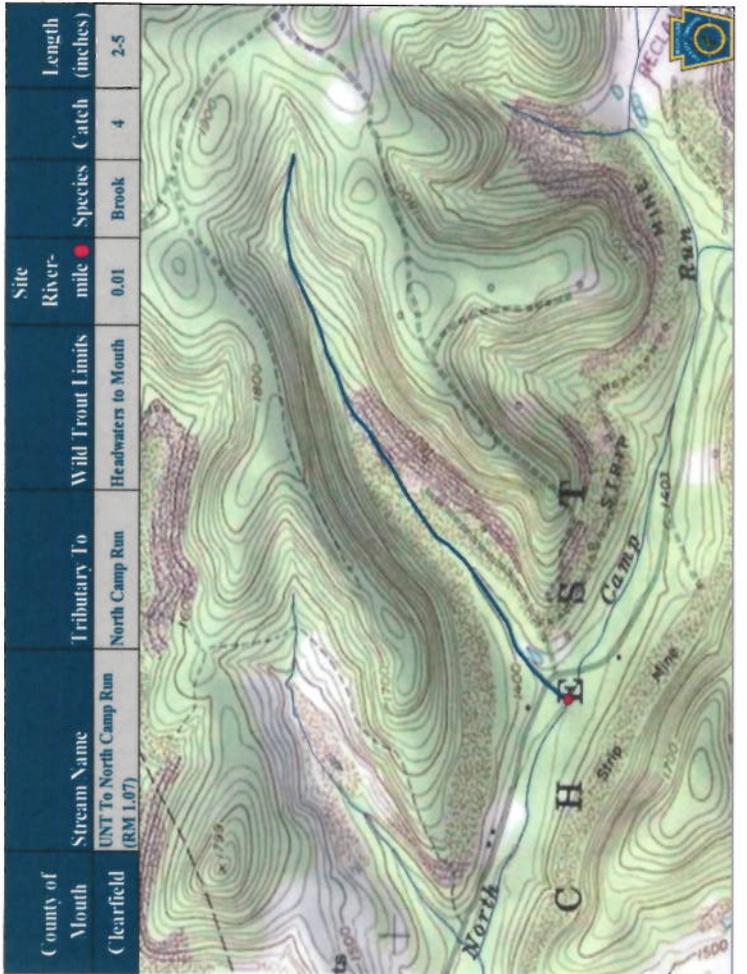
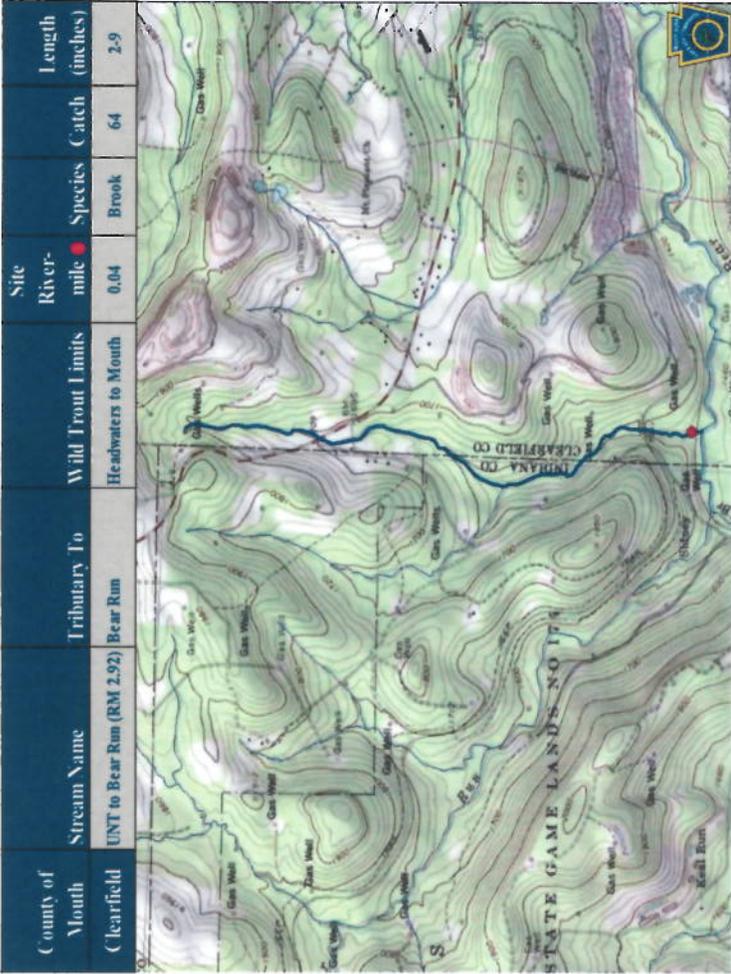
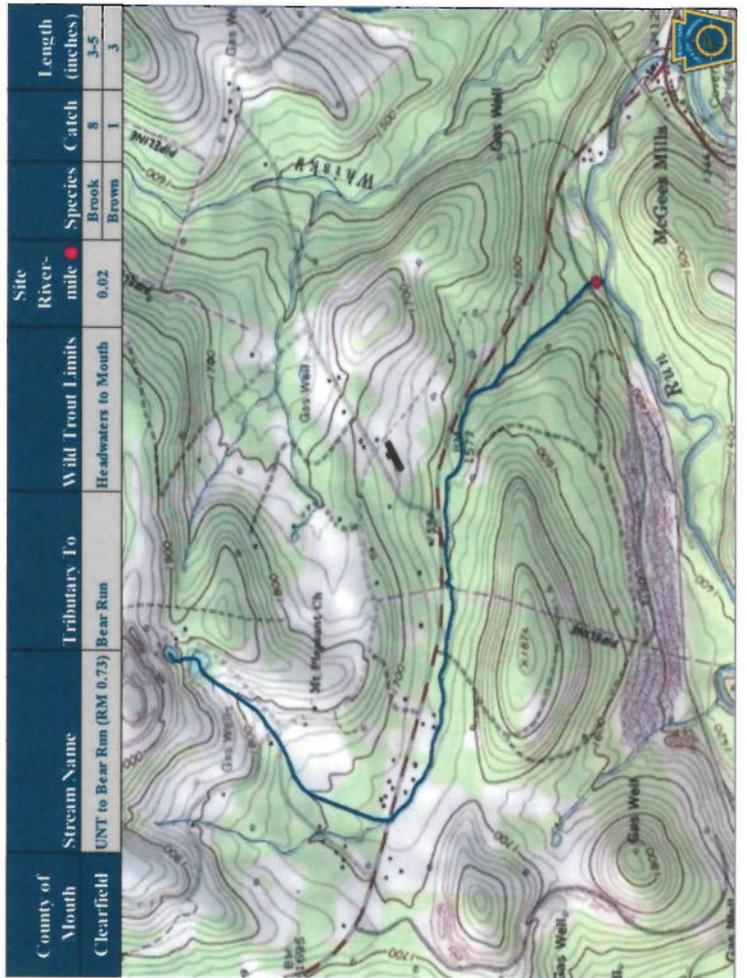
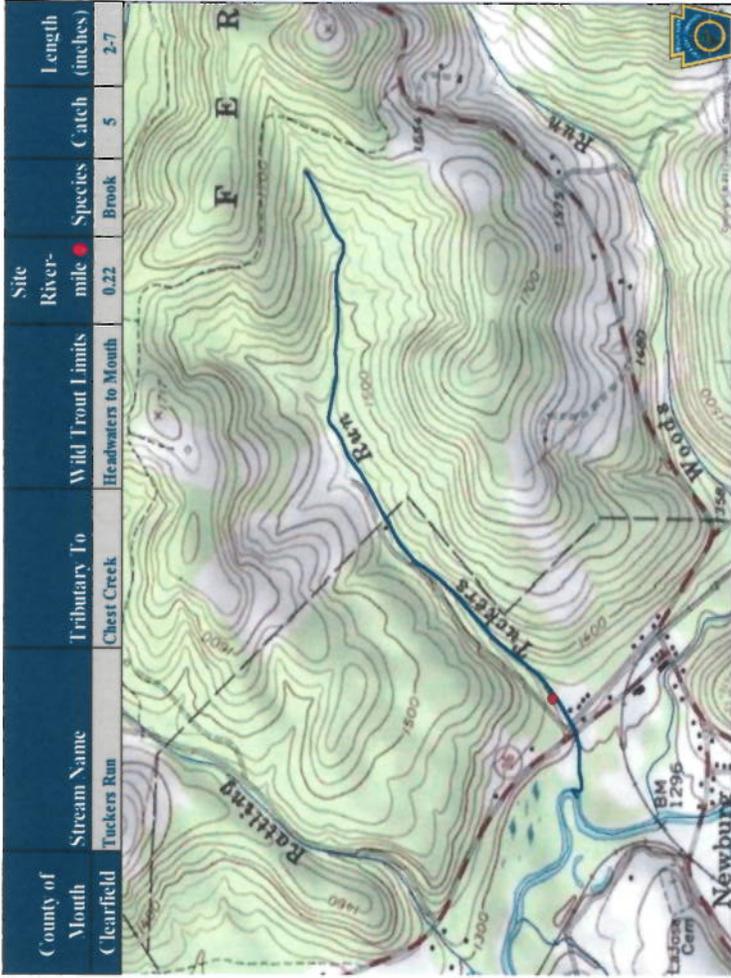
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clarion	Crooks Run	UNT To Little Mill Creek (RM 0.96)	Headwaters to Mouth	0.01	Brook	36	0-6

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clarion	UNT To Little Mill Creek (RM 0.96)	Little Mill Creek	Headwaters to Mouth	0.00	Brook	28	1-5









County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT To Potts Run (RM 6.39)	Potts Run	Headwaters to Mouth	0.03	Brook	13	2-8

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT To Potts Run (RM 6.55)	Potts Run	Headwaters to Mouth	0.02	Brook	3	2-4

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT To Potts Run (RM 7.60)	Potts Run	Headwaters to Mouth	0.01	Brook	3	4-5

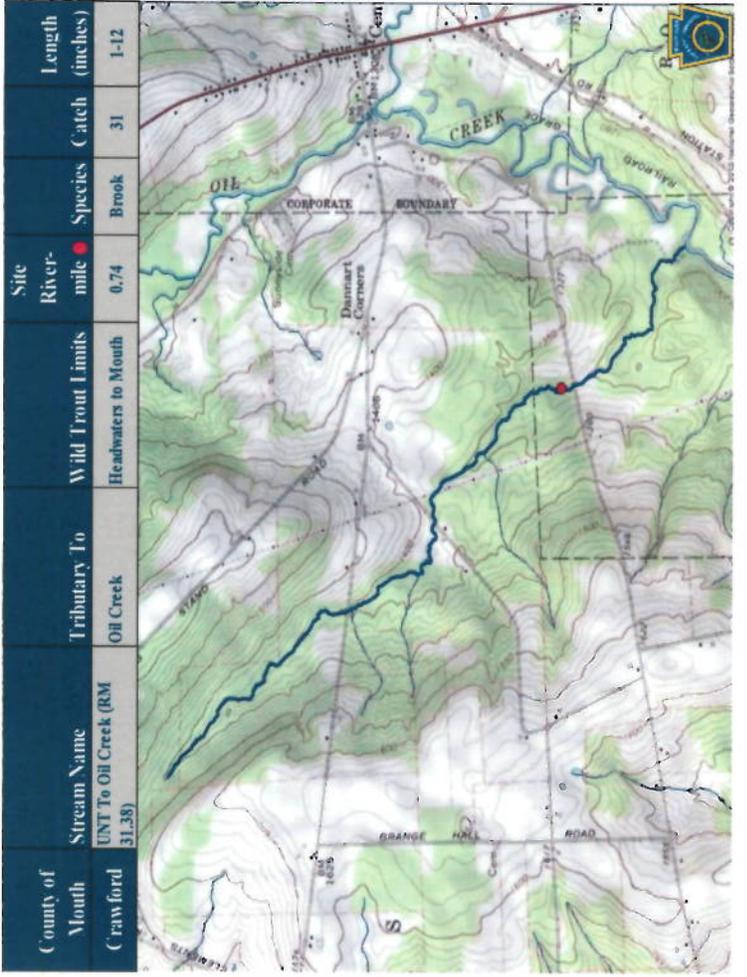
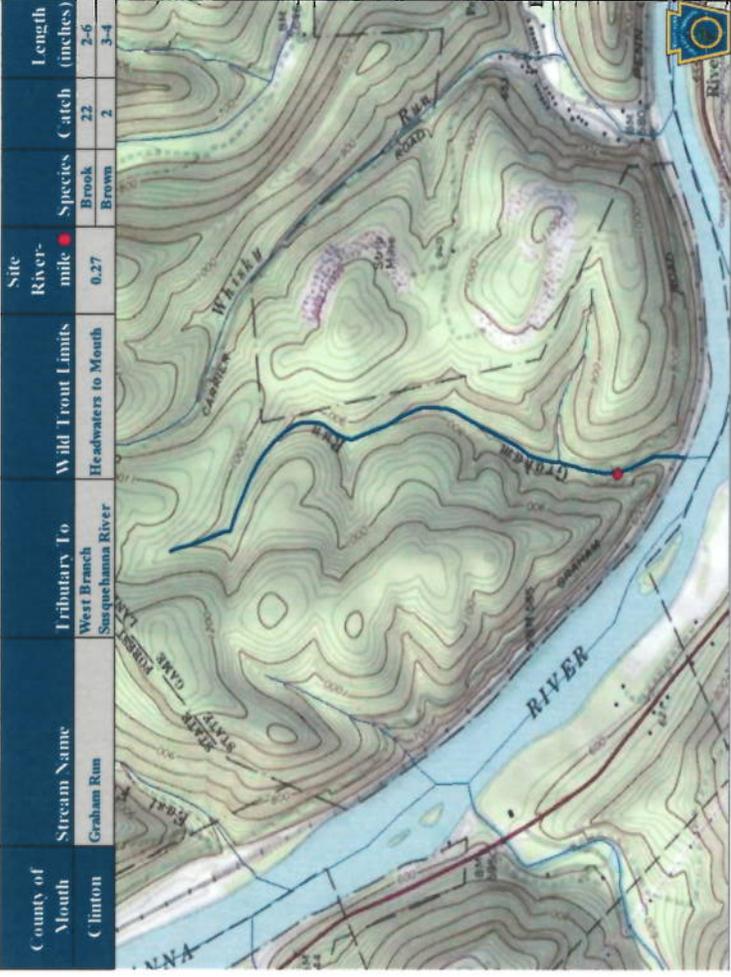
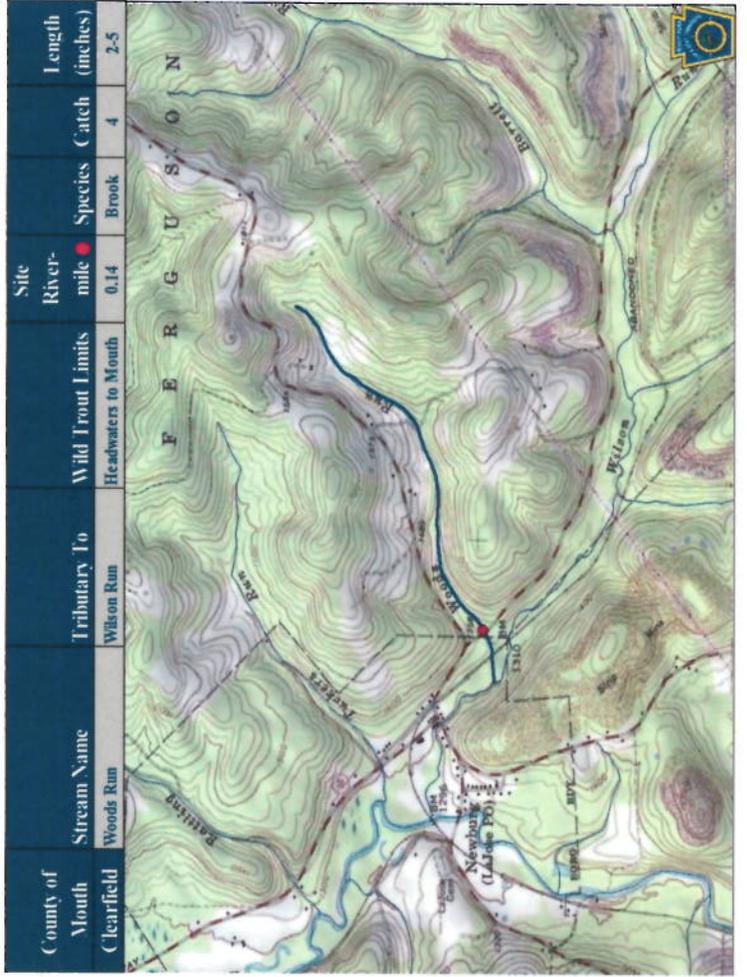
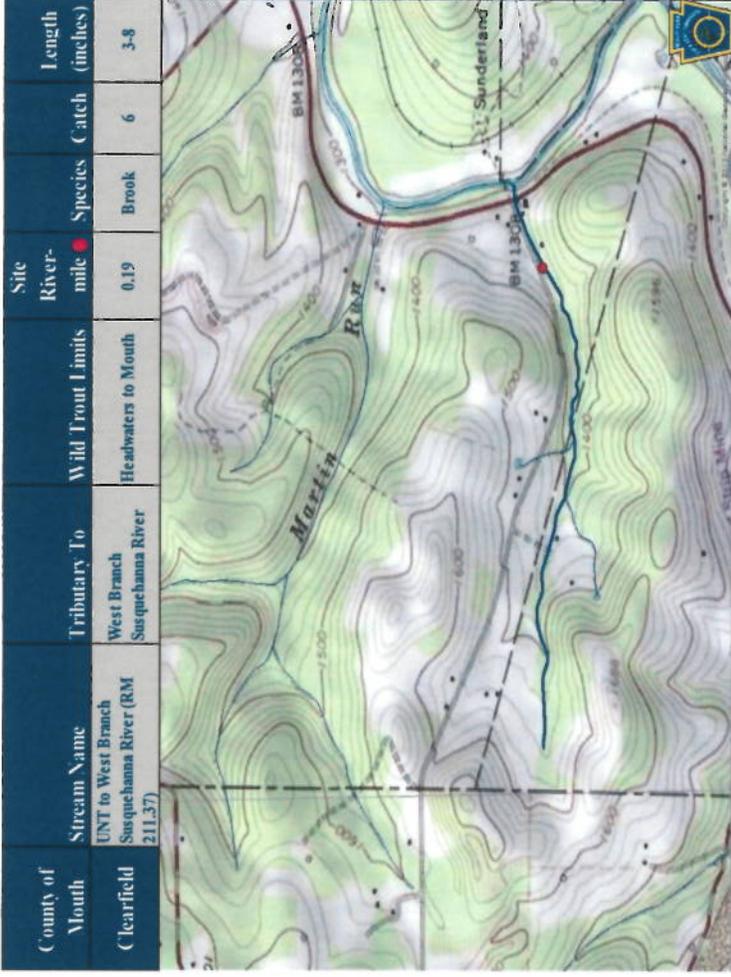
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT to West Branch Susquehanna River (RM1192.62)	West Branch Susquehanna River	Headwaters to Mouth	0.01	Brook	10	4-9

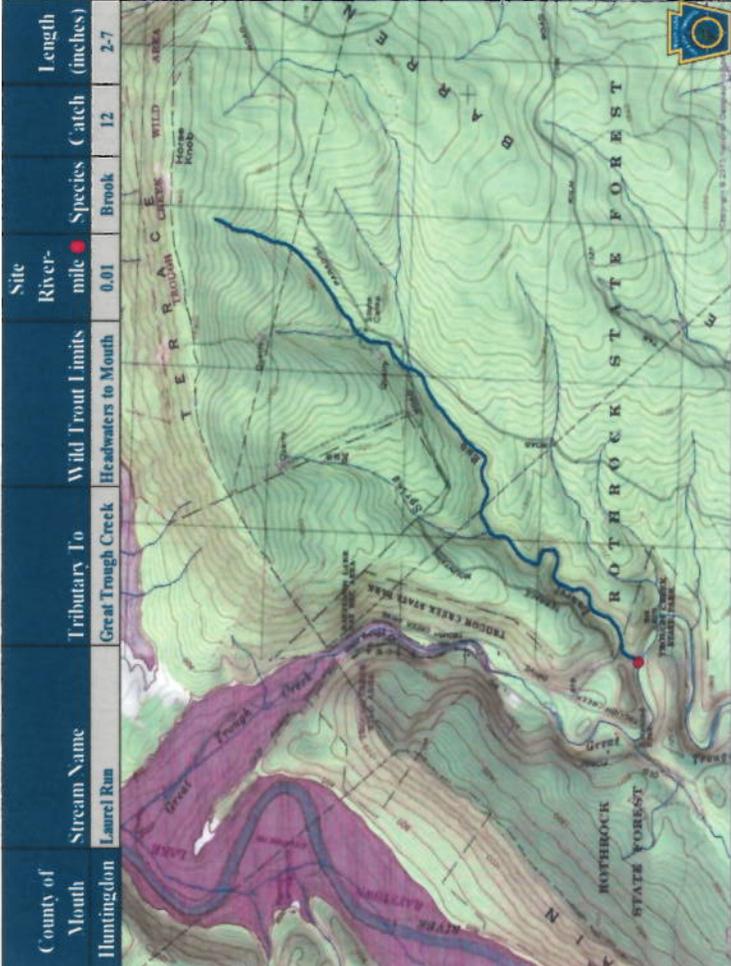
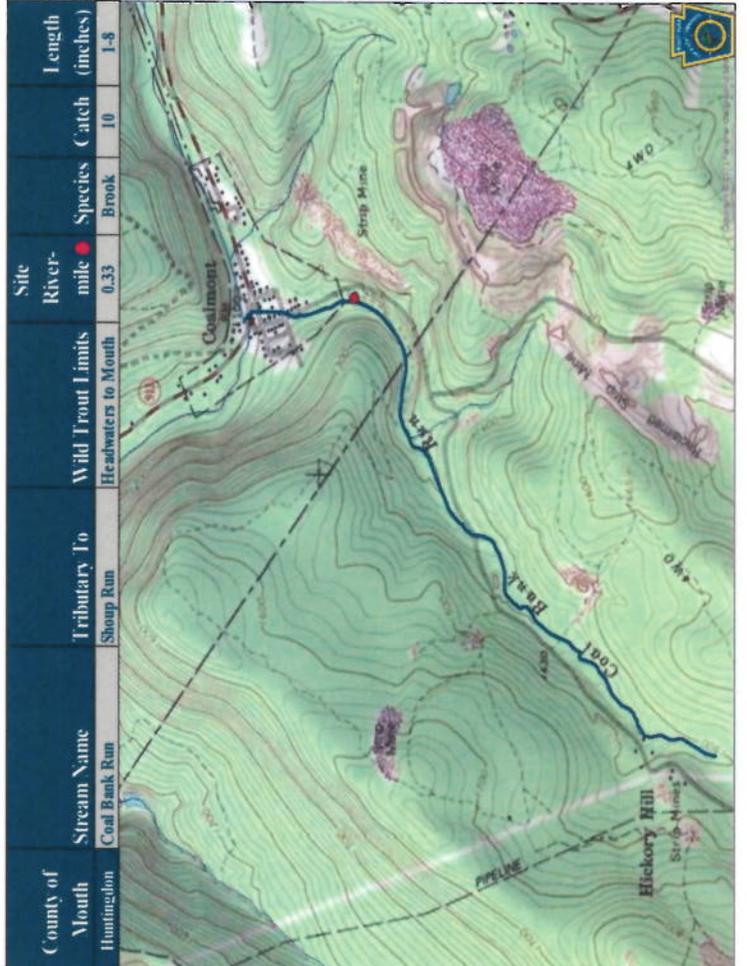
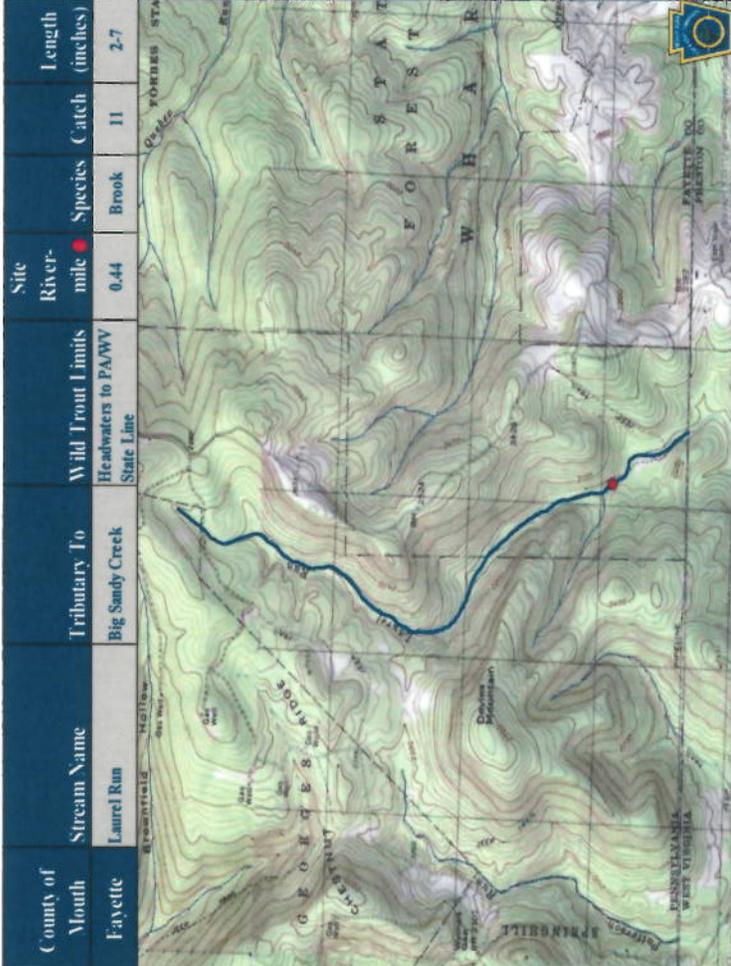
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT to West Branch Susquehanna River (RM 196.85)	West Branch Susquehanna River	Headwaters to Mouth	0.08	Brook	16	2

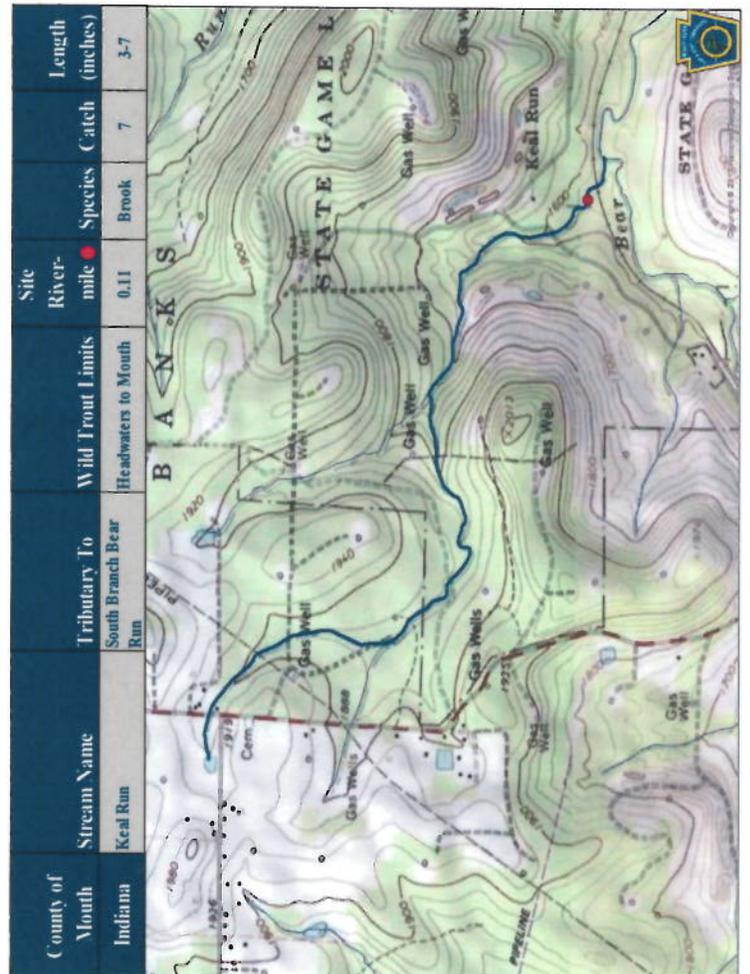
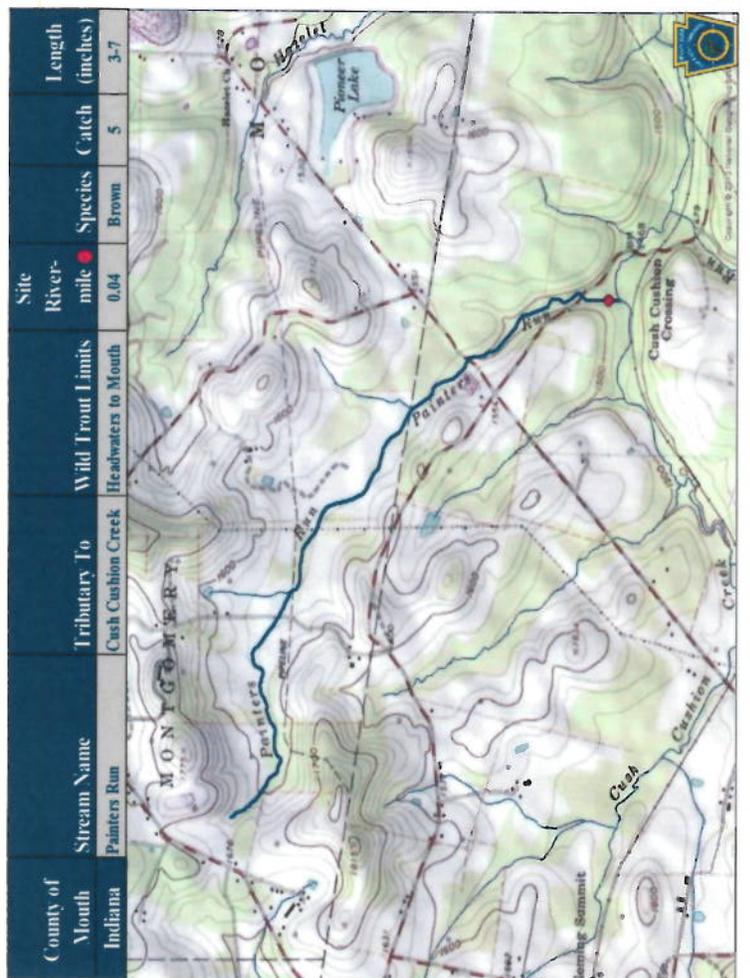
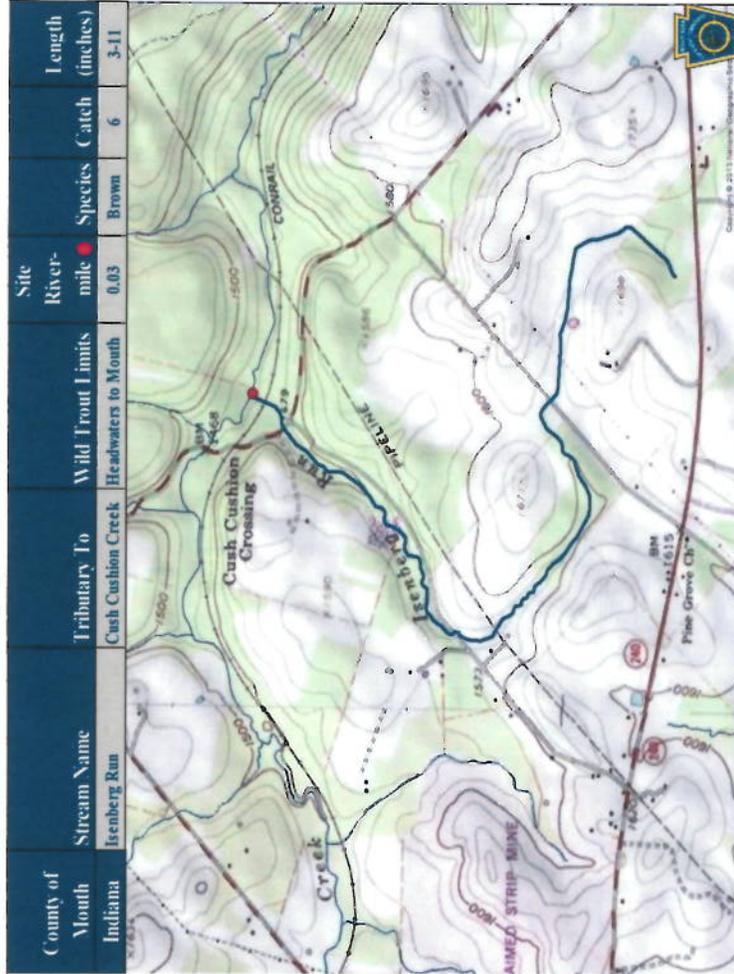
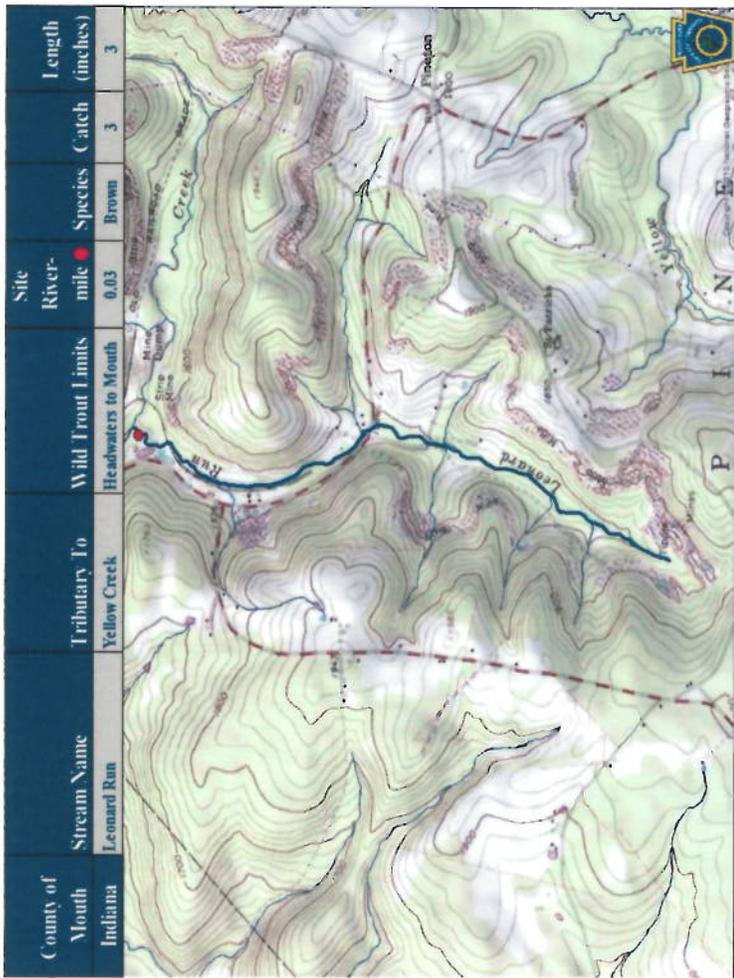
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT to West Branch Susquehanna River (RM 201.12)	West Branch Susquehanna River	Headwaters to Mouth	0.00	Brook	7	3-5

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT to West Branch Susquehanna River (RM 205.82)	West Branch Susquehanna River	Headwaters to Mouth	0.00	Brook	6	3-5

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Clearfield	UNT to West Branch Susquehanna River (RM 205.88)	West Branch Susquehanna River	Headwaters to Mouth	0.00	Brook	4	3







County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Indiana	Penn Run	Two Lick Creek	Headwaters to Mouth	0.05	Brown	4	6-11

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Indiana	Powell Run	Shyrock Run	Headwaters to Mouth	0.24	Brown	3	3-6

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Indiana	South Branch Bear Run	Bear Run	Headwaters to Mouth	0.00	Brook	19	3-8

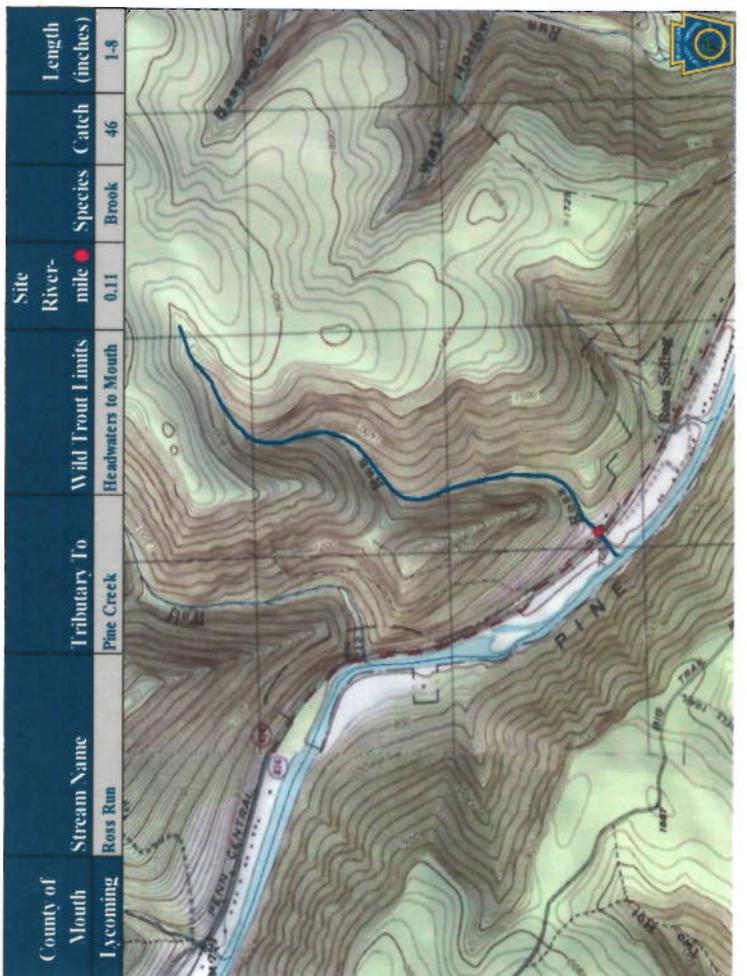
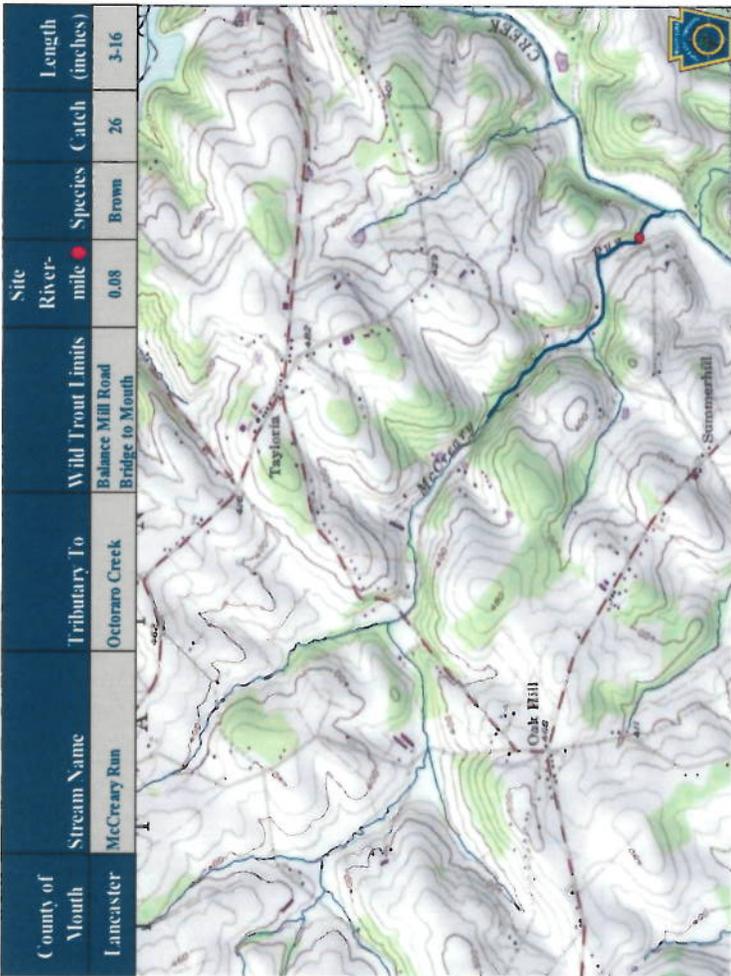
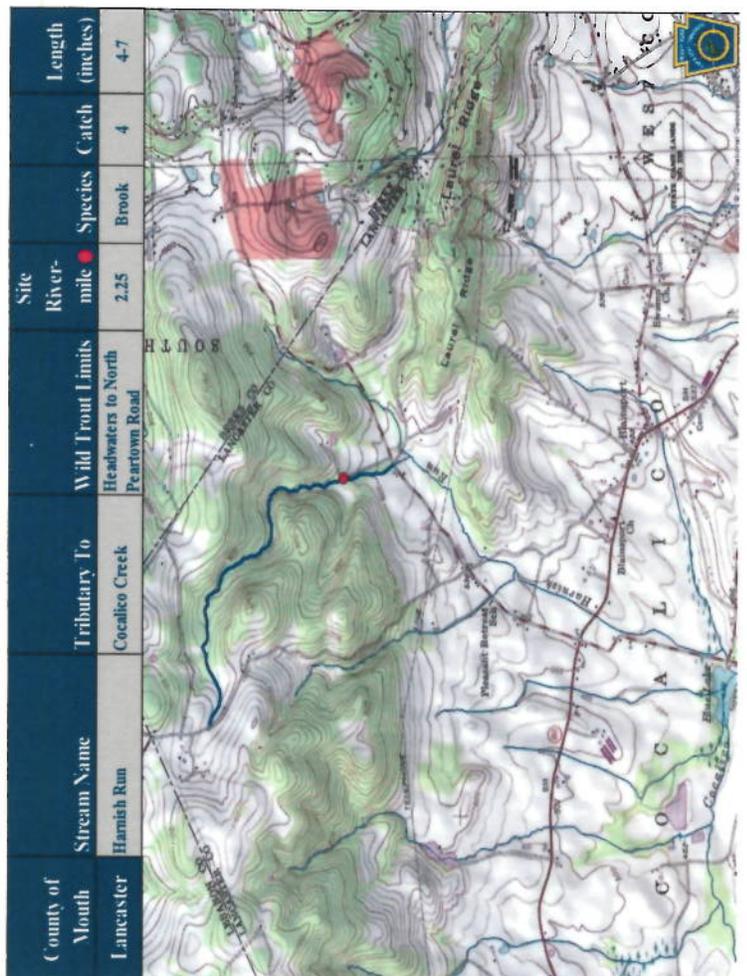
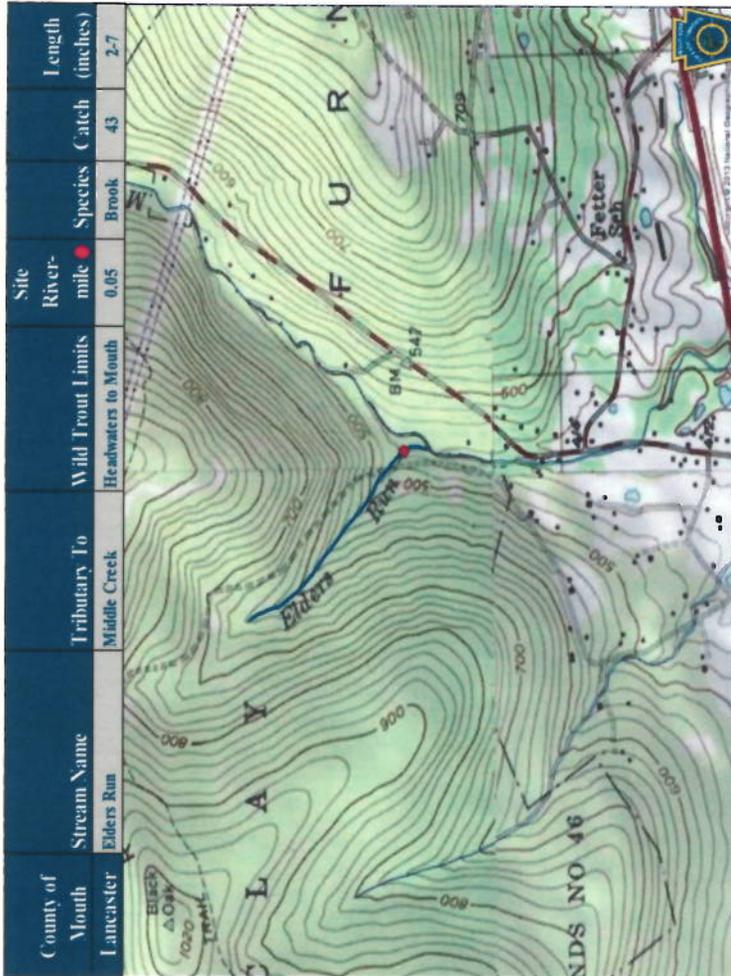
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Indiana	UNT To Yellow Creek (RM 17.82)	Yellow Creek	Headwaters to Mouth	0.00	Brown	21	2-12

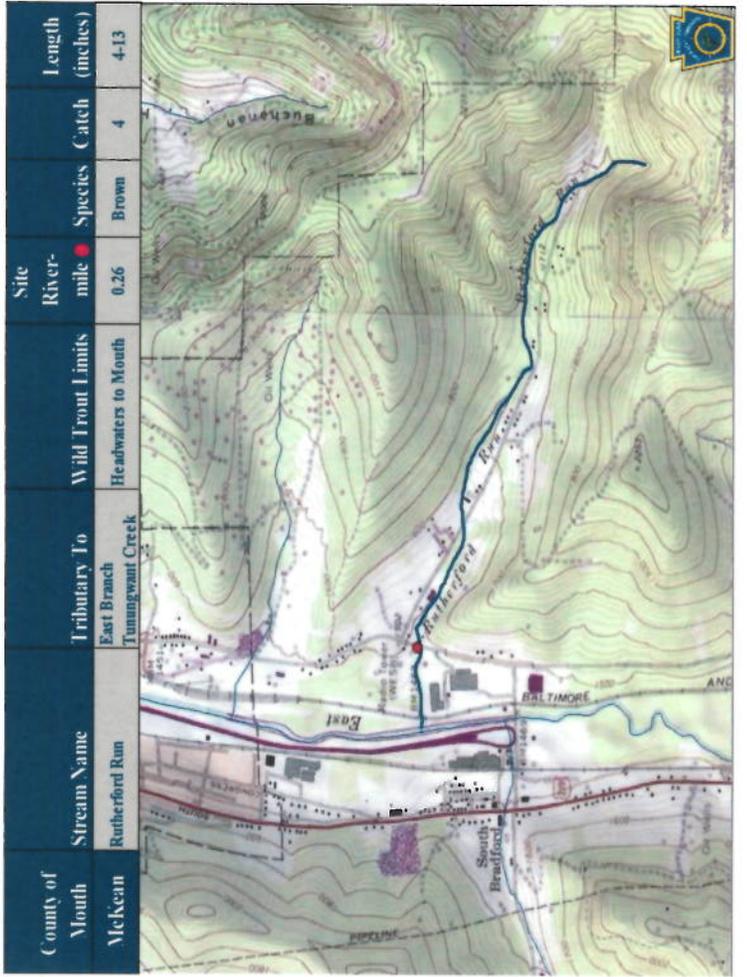
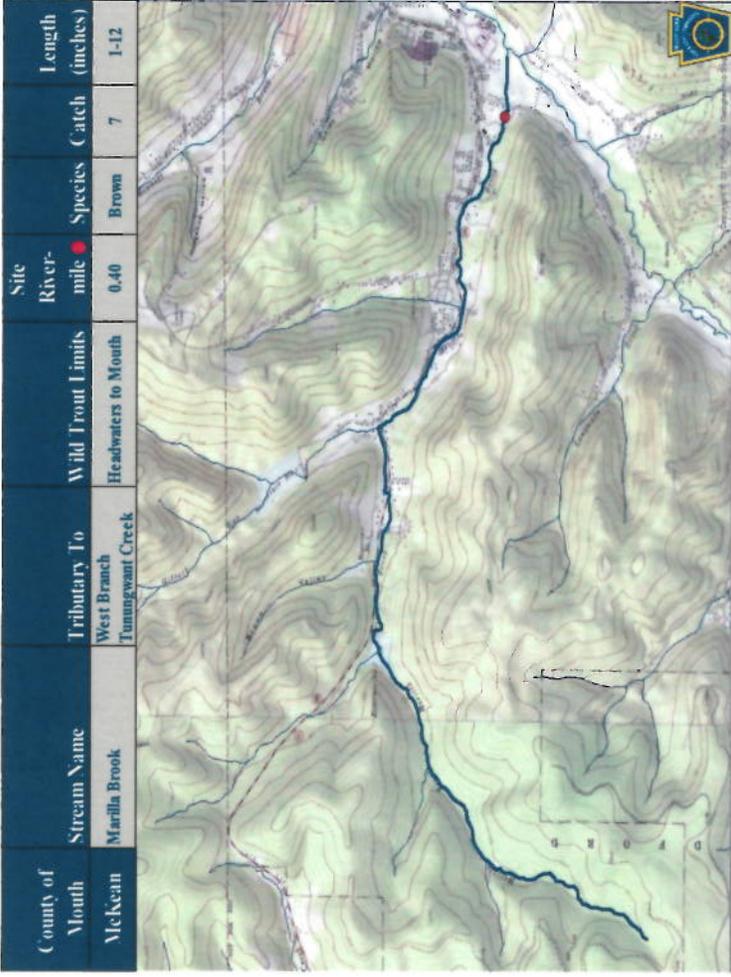
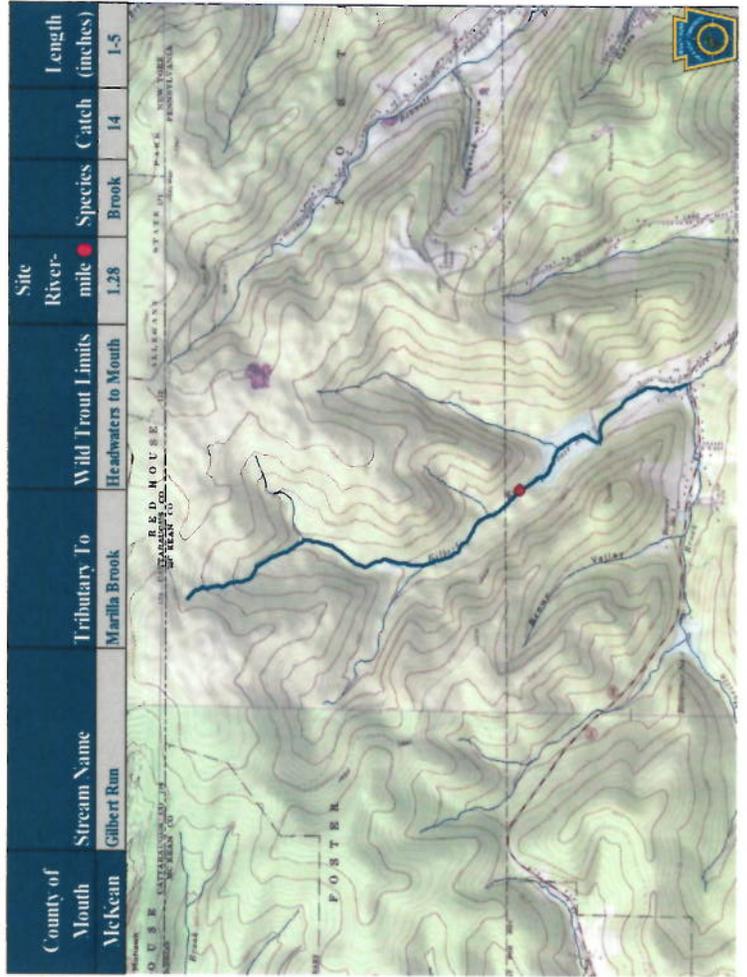
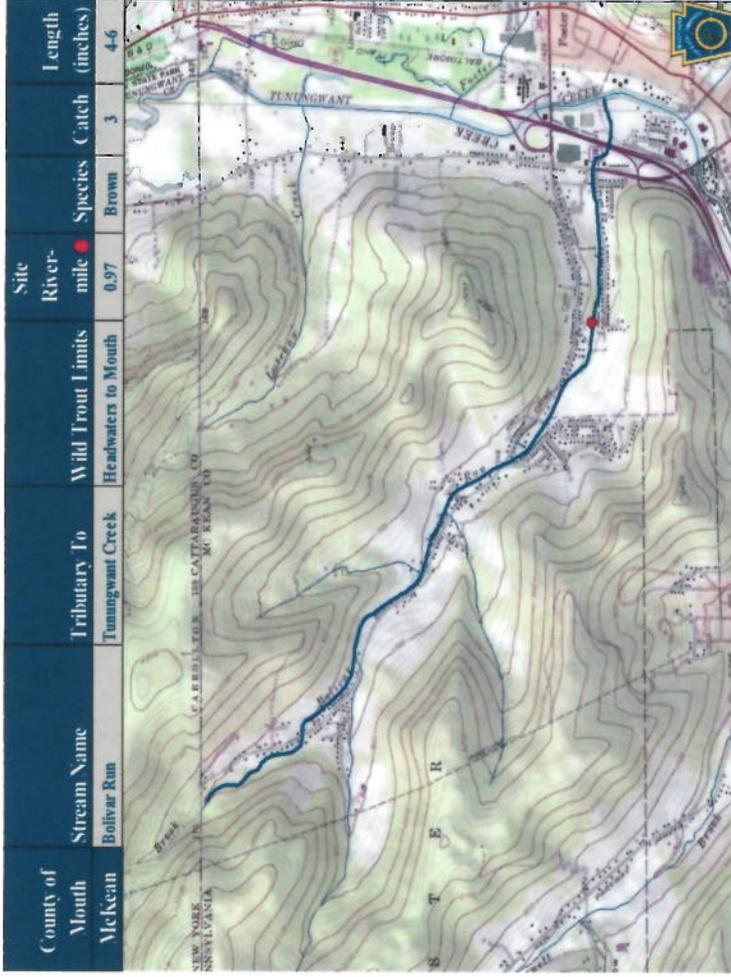
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Juniata	Macedonia Run	Juniata River	Headwaters to Mouth	0.15	Brown	9	3-10

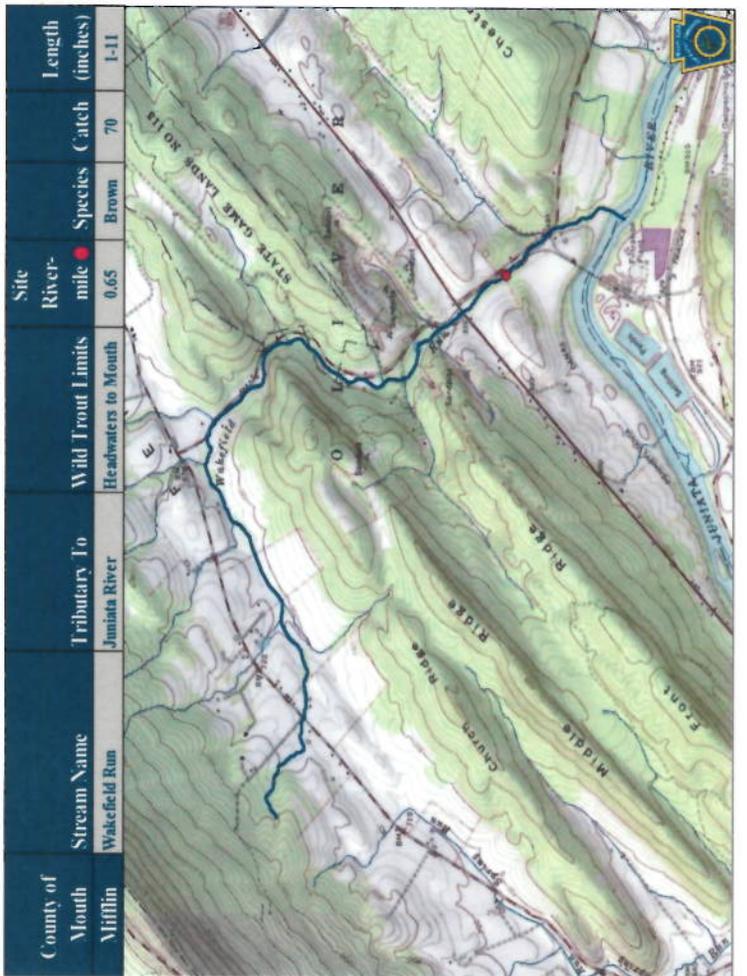
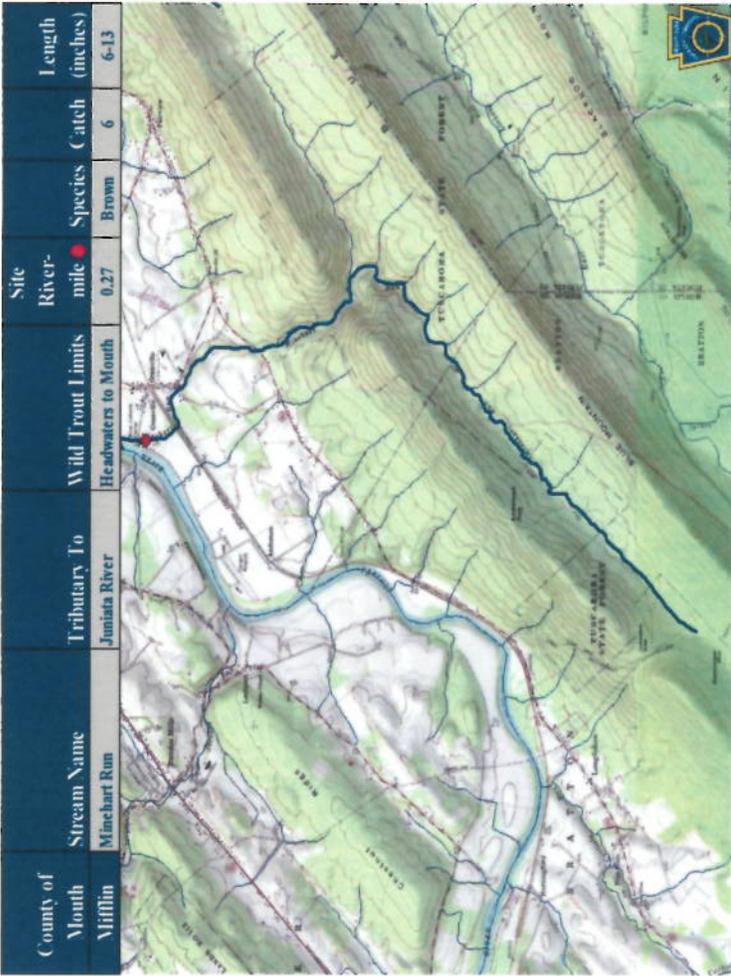
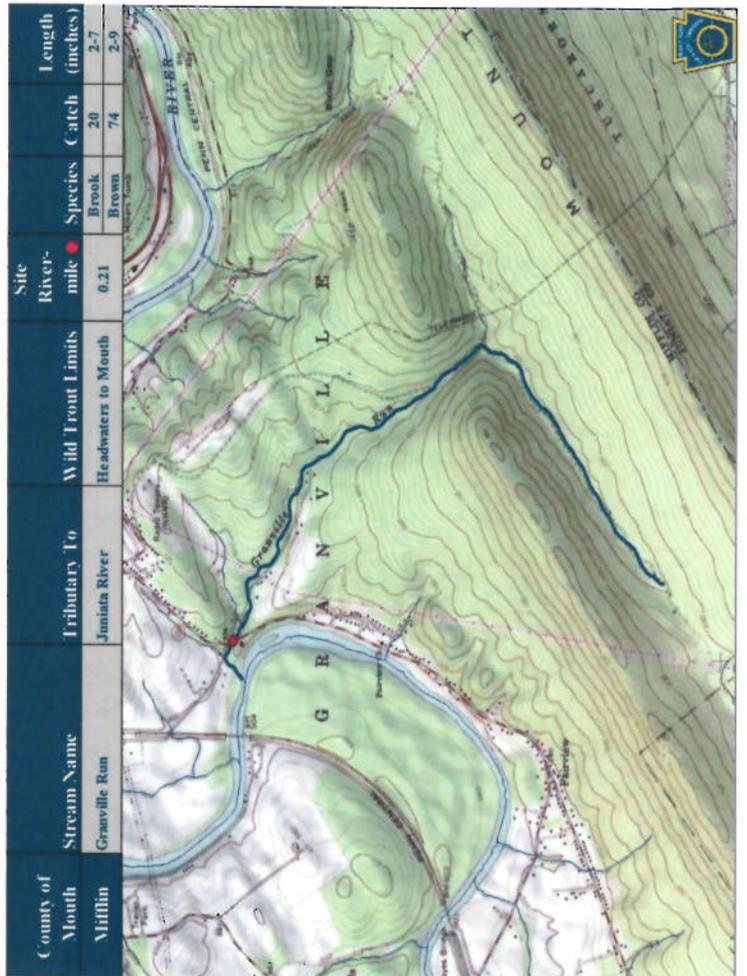
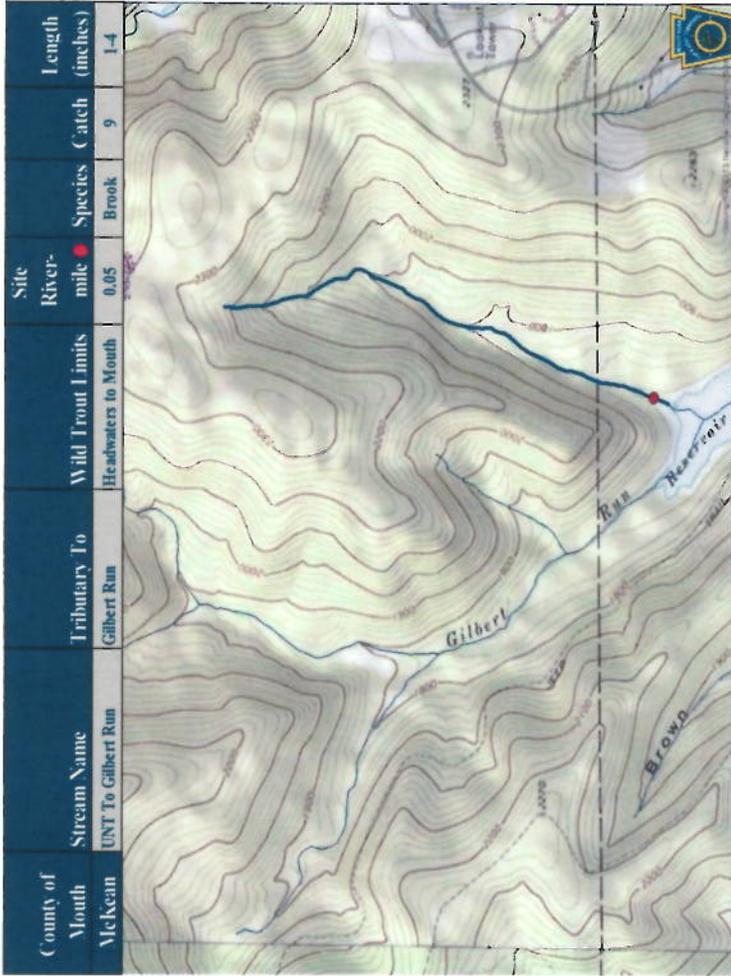
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Lackawanna	Aylesworth Creek	Lackawanna River	Headwaters to Mouth	0.56	Brown	2	7-10

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Lancaster	Behm Run	Chiques Creek	Headwaters to PA Turnpike	1.78	Brook	37	3-8

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Lancaster	Boyers Run	Chiques Creek	Headwaters to PA Turnpike	1.79	Brook	5	3-8





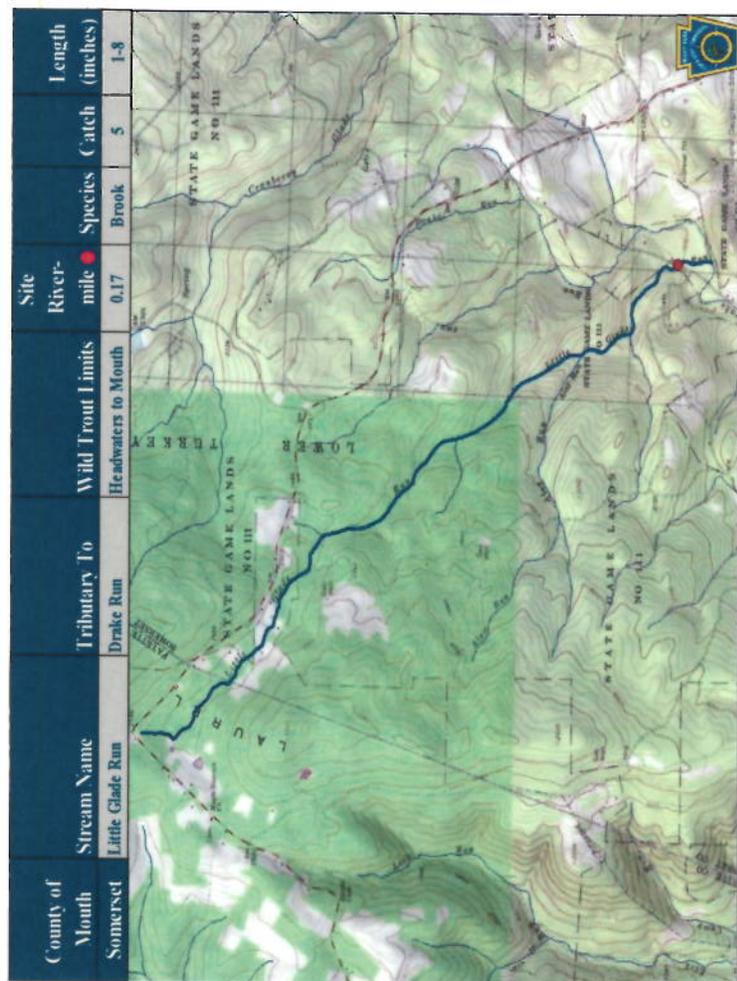
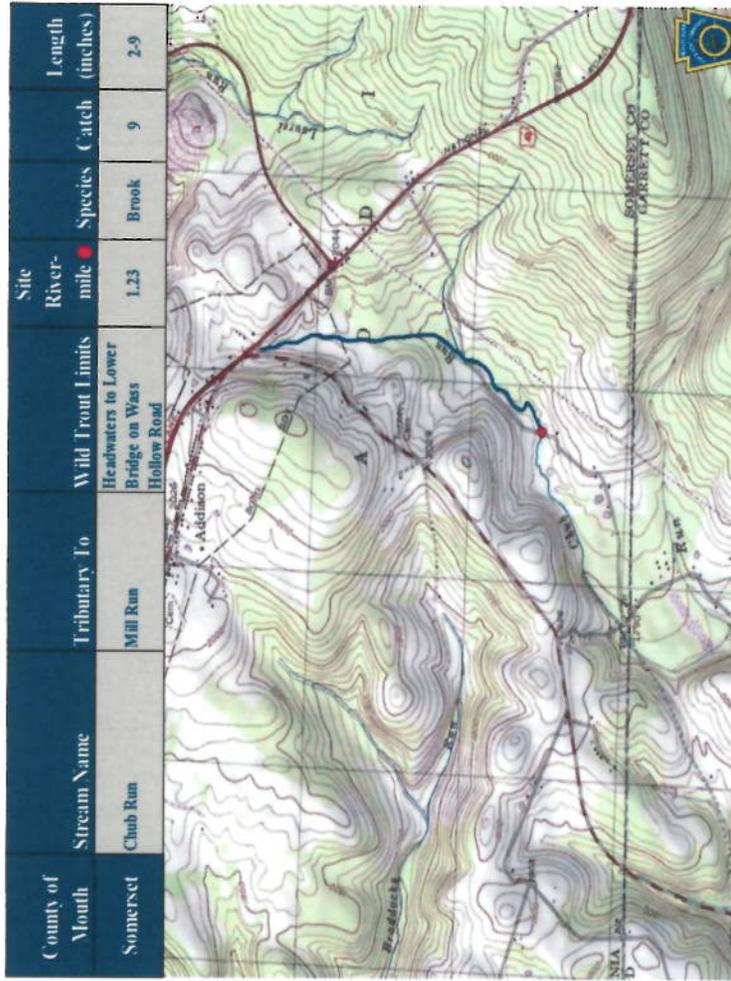
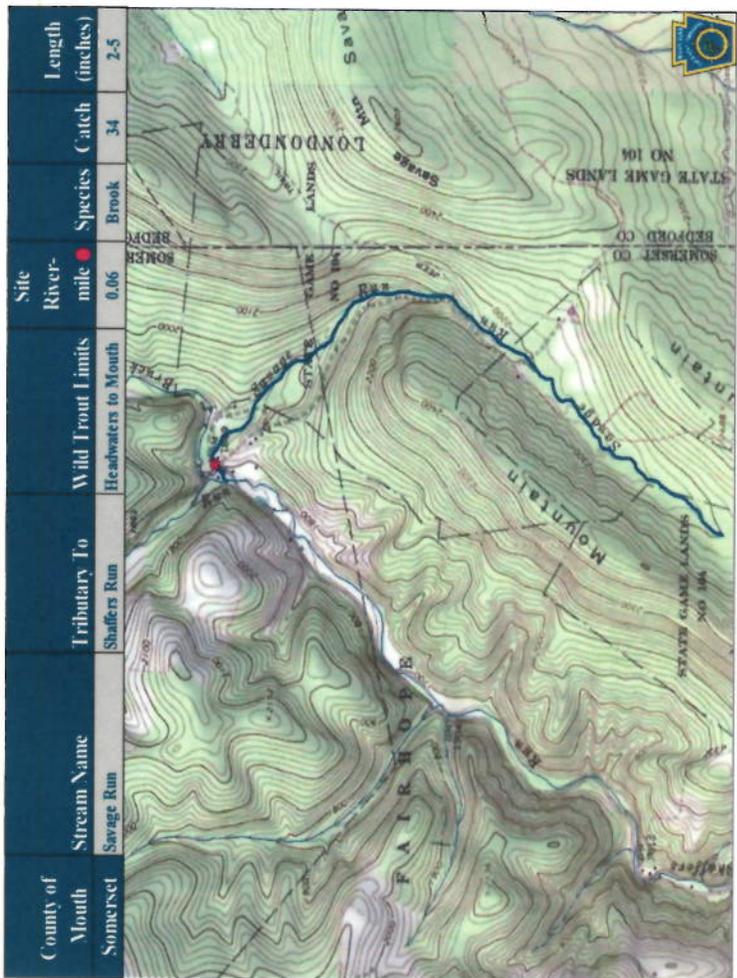
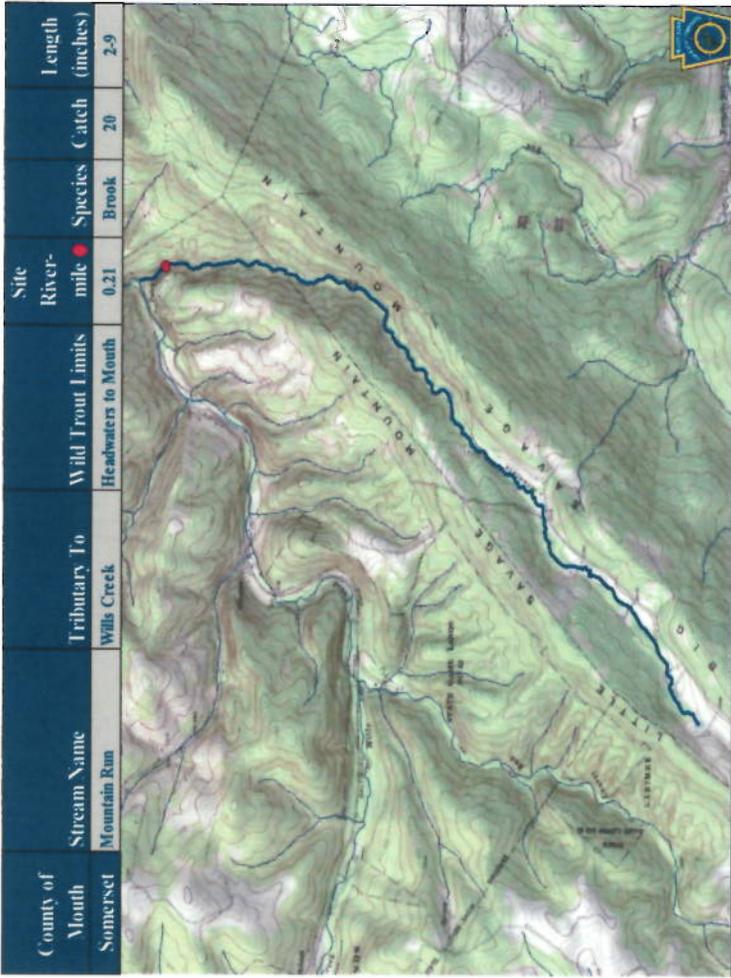


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Schuylkill	Morgan Run	Schuylkill River	Headwaters to Mouth	0.00	Brook	16	2-5

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Schuylkill	UNT To Little Schuylkill River (RM 5.10)	Little Schuylkill River	Headwaters to Mouth	0.02	Brook	5	2-4
					Brown	2	10-12

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Schuylkill	UNT To Mahoning Creek (RM 10.09)	Mahoning Creek	Headwaters to Mouth	0.00	Brook	4	3-9
					Brown	101	1-13

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Schuylkill	UNT To Schuylkill River (RM 107.46)	Schuylkill River	Headwaters to Mouth	0.33	Brook	30	2-6

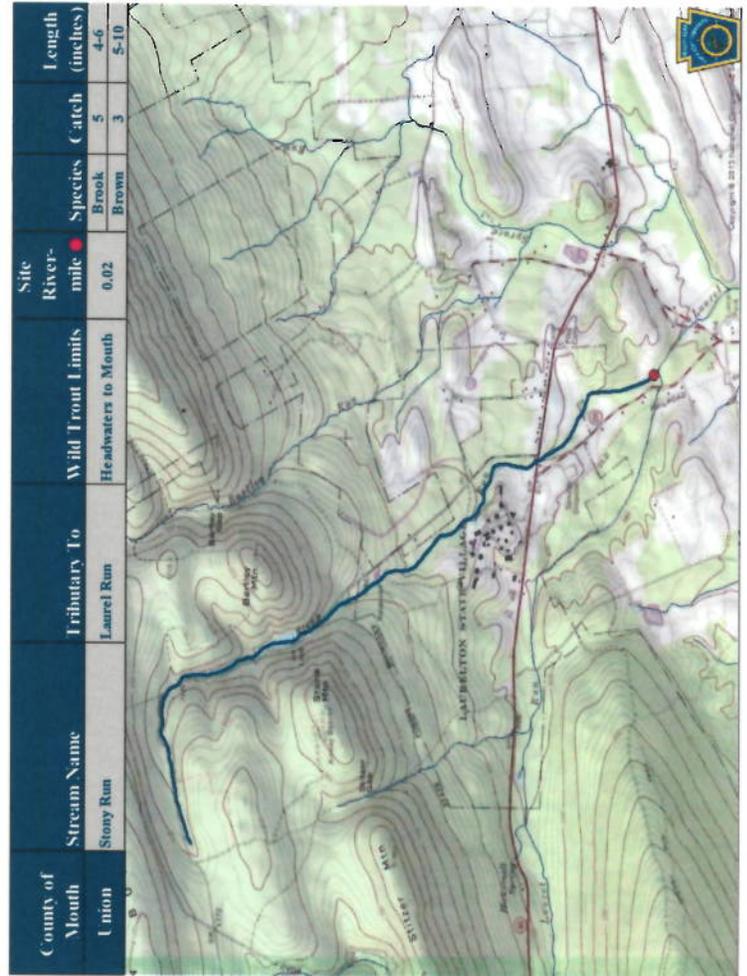
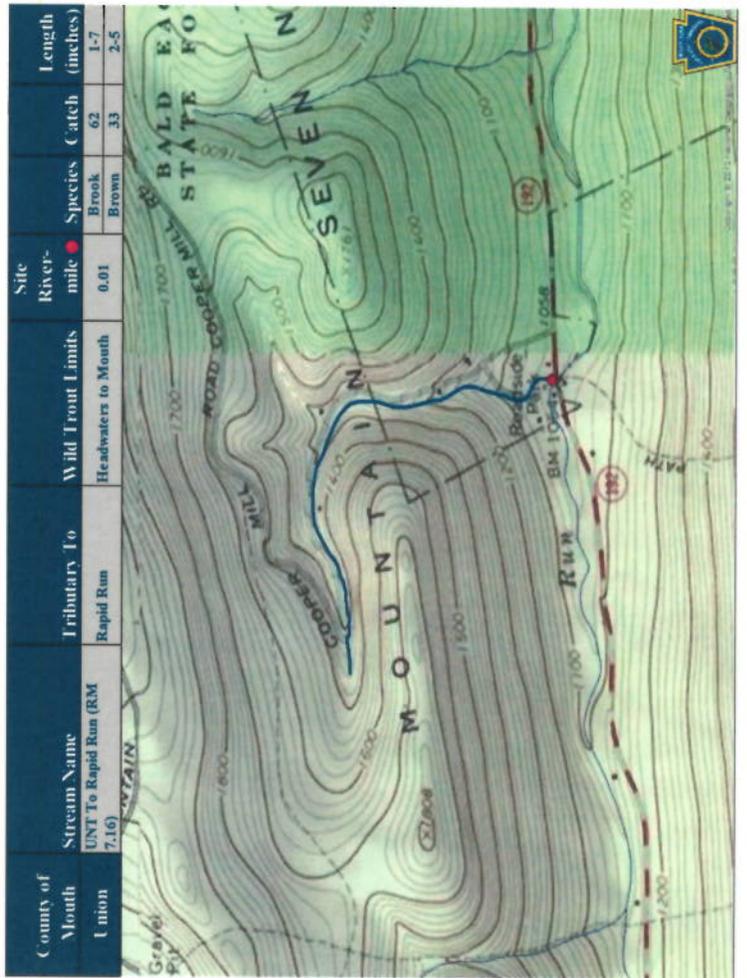
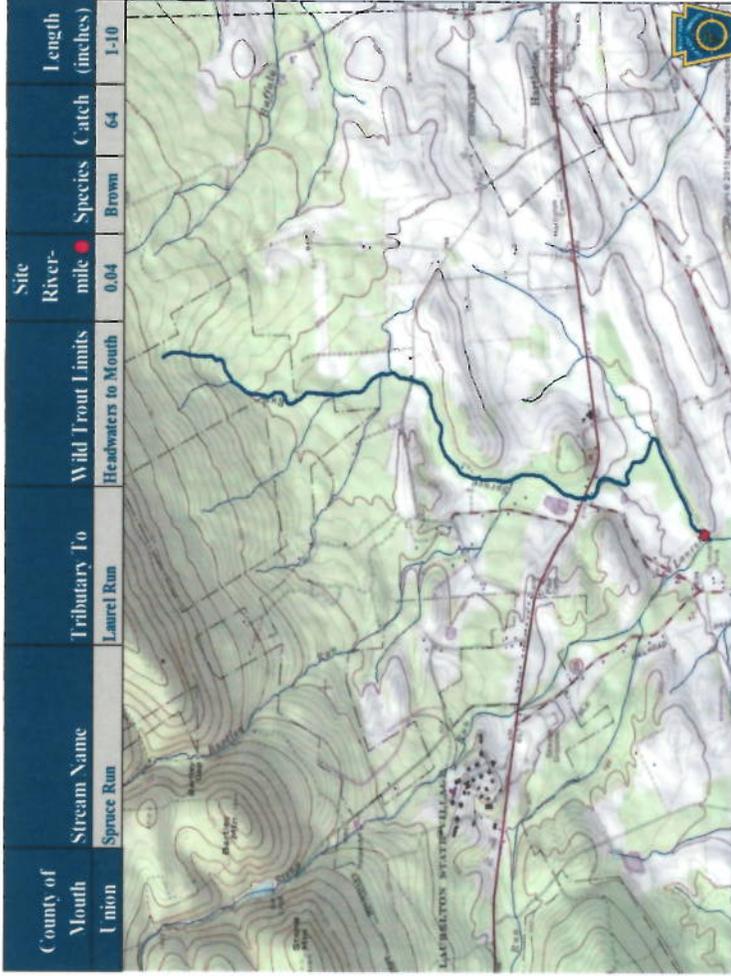
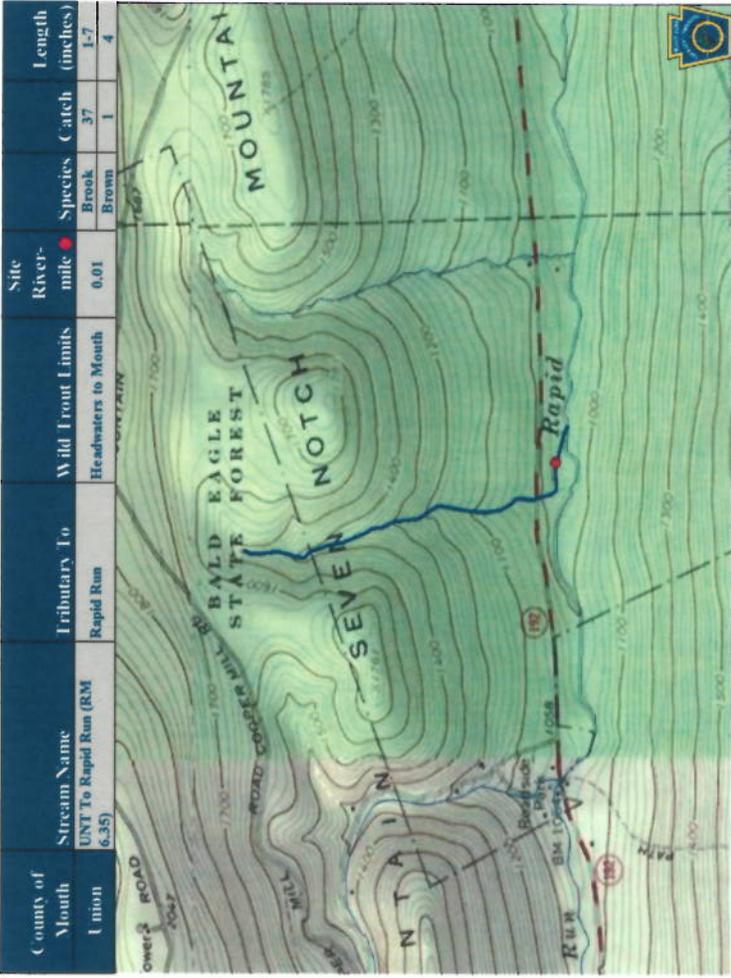


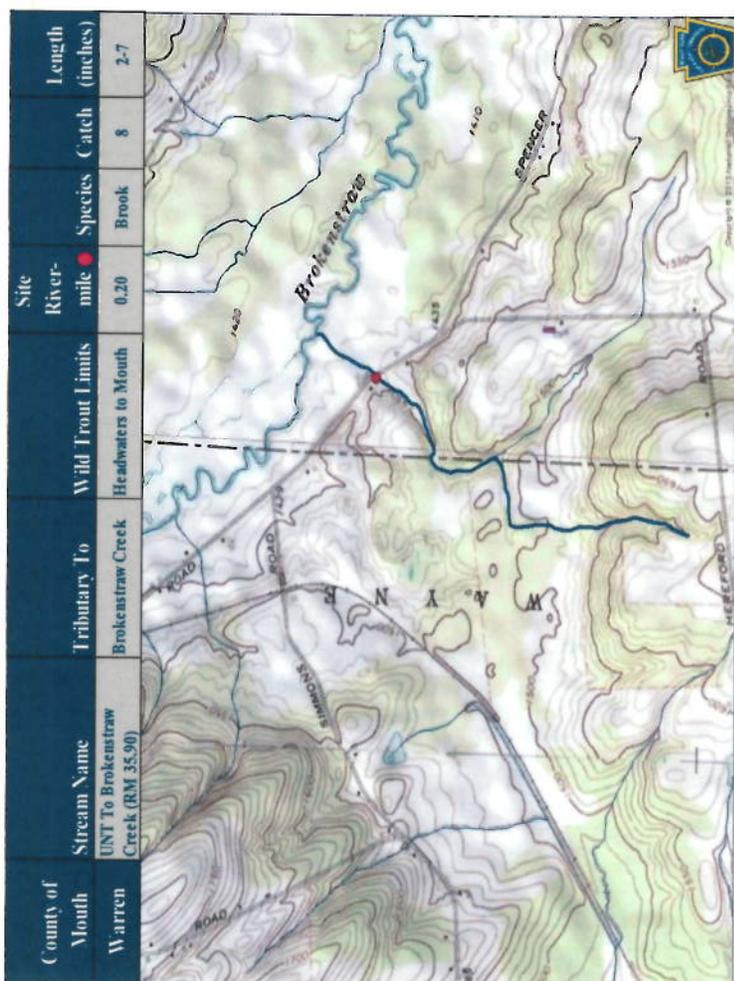
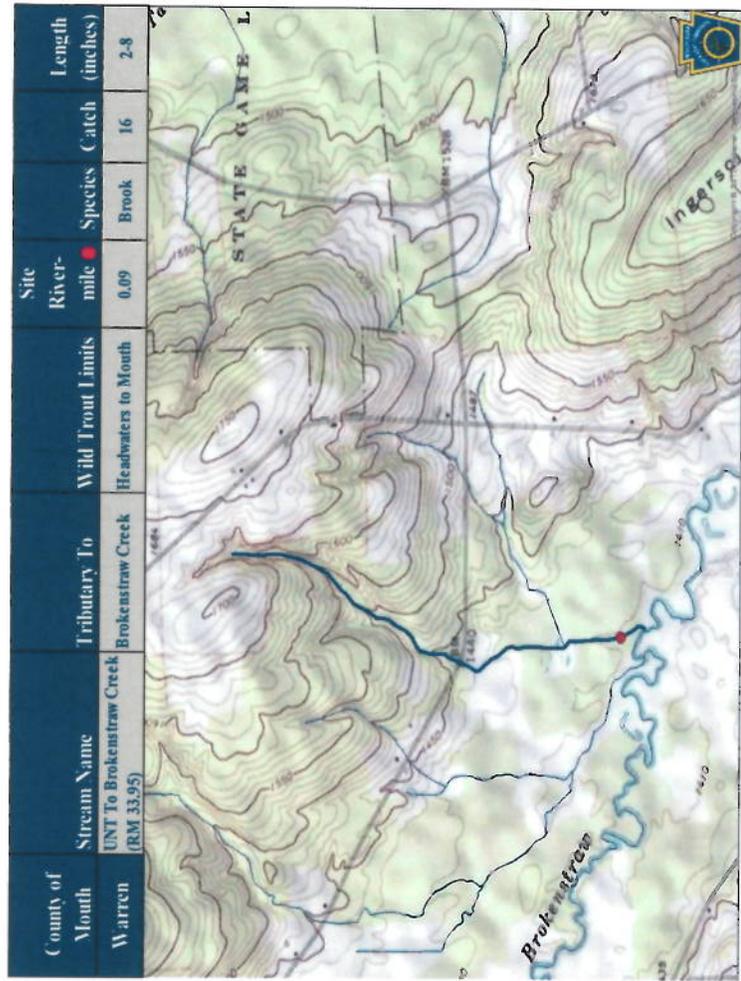
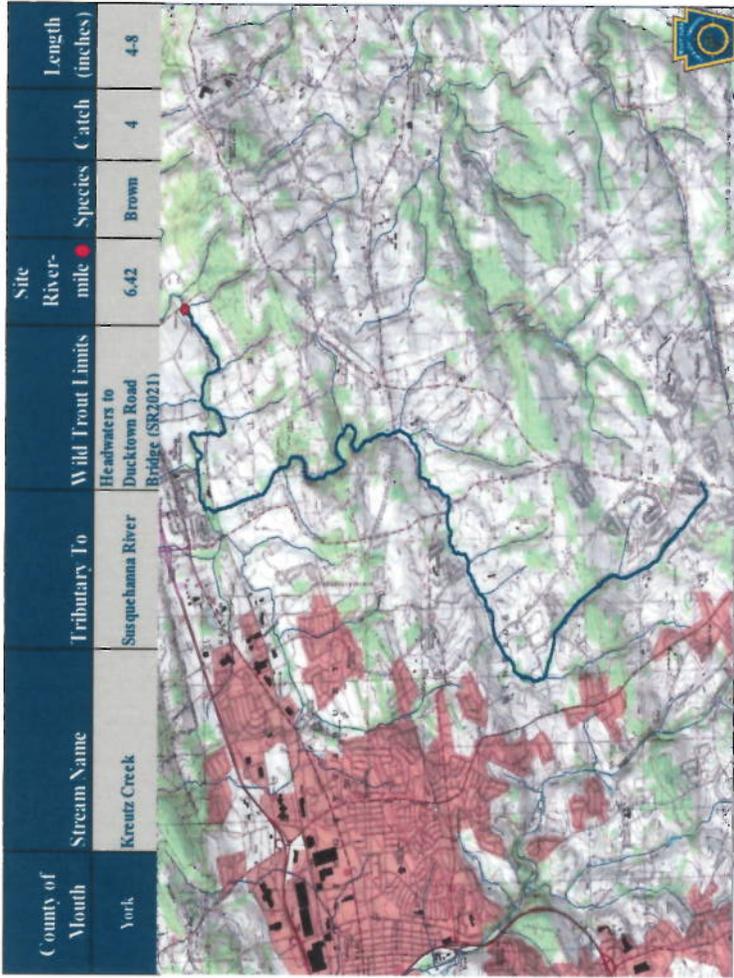
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Somerset	Spook Run	Ellick Run	Headwaters to Mouth	0.01	Brook 41	2-7

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Somerset	UNT To Laurel Hill Creek (RM 22.23)	Laurel Hill Creek	Headwaters to Mouth	0.19	Brook 15	1-3

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Somerset	UNT To Laurel Hill Creek (RM 22.67)	Laurel Hill Creek	Headwaters to Mouth	0.16	Brook 21	2-7

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species Catch	Length (inches)
Susquehanna	Sael Creek	East Branch Wyalusing Creek	Headwaters to Mouth	0.09	Brook 5	4-7





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the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets

from this game. The Commission will be disseminated through any means or promote Pennsylvania Pirate's Treasure '15 or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

(Pa.B. Doc. No. 15-1337, Filed for public inspection July 17, 2015, 9:00 a.m.)

## FISH AND BOAT COMMISSION

### Classification of Wild Trout Streams; Proposed Additions, Revisions and Removals; September 2015

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. 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.

At the next Commission meeting on September 28 and 29, 2015, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Bedford	Tiger Run	Headwaters to Mouth	Little Wills Creek	39.834064 78.714294
Blair	Decker Run	Headwaters to Mouth	Bald Eagle Creek	40.688725 78.230606
Blair	Elk Run	Headwaters to Mouth	Little Juniata River	40.657829 78.219475
Blair	Hutchinson Run	Headwaters to Mouth	Little Juniata River	40.660103 78.255722
Blair	Kelso Run	Headwaters to Mouth	Bells Gap Run	40.620369 78.380302
Blair	Shaw Run	Headwaters to Mouth	Bells Gap Run	40.637589 78.395538
Blair	Sink Run	Headwaters to Mouth	Bald Eagle Creek	40.677182 78.233544
Blair	Sugar Run	Headwaters to Mouth	Little Juniata River	40.583782 78.343102
Butler	UNT to Buffalo Creek (RM 32.70)	Headwaters to Mouth	Buffalo Creek	40.931811 79.730219
Cambria	Beaverdam Run	Headwaters to backwaters of Glendale Lake	Glendale Lake	40.645020 78.579489
Cambria	Douglas Run	Headwaters to Mouth	West Branch Susquehanna River	40.693985 78.805816
Cambria	Fallentimber Run	Headwaters to Mouth	Clearfield Creek	40.679893 78.496506
Cambria	Flanigans River	Headwaters to Mouth	Little Chest Creek	40.629353 78.662109
Cambria	Fox Run	Headwaters to Mouth	West Branch Susquehanna River	40.638200 78.770111
Cambria	Peg Run	Headwaters to Mouth	West Branch Susquehanna River	40.709900 78.803314
Cambria	Porter Run	Headwaters to Mouth	West Branch Susquehanna River	40.667567 78.788181
Cambria	UNT to Beaverdam Run (RM 9.29)	Headwaters to Mouth	Beaverdam Run	40.646824 78.613731

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Cambria	UNT to North Branch Little Conemaugh River (RM 1.92)	Headwaters to Mouth	North Branch Little Conemaugh River	40.402031 78.703918
Cambria	Walnut Run	Headwaters to Mouth	West Branch Susquehanna River	40.662601 78.783905
Carbon	Stewart Creek	Headwaters to Mouth	Mahoning Creek	40.815278 75.740833
Centre	UNT to Spring Creek (RM 1.31)	Headwaters to Mouth	Spring Creek	40.926698 77.780579
Chester	Culbertson Run	Headwaters to Mouth	East Branch Brandywine Creek	40.057949 75.744049
Chester	Dennis Run	Headwaters to Mouth	West Branch Brandywine Creek	39.961349 75.800934
Chester	UNT to West Branch Brandywine Creek (RM 10.87)	Headwaters to Mouth	West Branch Brandywine Creek	39.939159 75.777893
Chester	UNT to West Branch Brandywine Creek (RM 13.86)	Headwaters to Mouth	West Branch Brandywine Creek	39.962414 75.803940
Clarion	Crooks Run	Headwaters to Mouth	UNT To Little Mill Creek (RM 0.96)	41.216370 79.234634
Clarion	UNT to Little Mill Creek (RM 0.96)	Headwaters to Mouth	Little Mill Creek	41.216179 79.236351
Clearfield	Bell Run	Headwaters to Mouth	West Branch Susquehanna River	40.913334 78.647499
Clearfield	Deer Run	Headwaters to Mouth	West Branch Susquehanna River	40.870314 78.755117
Clearfield	Kings Run	Headwaters to Mouth	West Branch Susquehanna River	40.735754 78.797013
Clearfield	Laurel Run	Headwaters to Mouth	West Branch Susquehanna River	40.894507 78.716974
Clearfield	Lyle Run	Headwaters to Mouth	Clearfield Creek	40.901741 78.428352
Clearfield	Martin Run	Headwaters to Mouth	West Branch Susquehanna River	40.849098 78.785511
Clearfield	Miller Run	Headwaters to Mouth	West Branch Susquehanna River	40.887901 78.729796
Clearfield	Moss Run	Headwaters to Mouth	Chest Creek	40.729128 78.691398
Clearfield	North Run	Headwaters to Mouth	West Branch Susquehanna River	40.868521 78.758231
Clearfield	Patchin Run	Headwaters to Mouth	West Branch Susquehanna River	40.782009 78.779752
Clearfield	Shryock Run	Headwaters to Mouth	West Branch Susquehanna River	40.753658 78.789452
Clearfield	Spring Run	Headwaters to Mouth	Chest Creek	40.785648 78.677826
Clearfield	Tuckers Run	Headwaters to Mouth	Chest Creek	40.838244 78.682430
Clearfield	UNT to Bear Run (RM 0.73)	Headwaters to Mouth	Bear Run	40.884065 78.772723
Clearfield	UNT to Bear Run (RM 2.92)	Headwaters to Mouth	Bear Run	40.877265 78.803804

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<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat / Lon</i>
Clearfield	UNT to North Camp Run (RM 1.07)	Headwaters to Mouth	North Camp Run	40.785820 78.657433
Clearfield	UNT to Potts Run (RM 6.39)	Headwaters to Mouth	Potts Run	40.862022 78.511810
Clearfield	UNT to Potts Run (RM 6.55)	Headwaters to Mouth	Potts Run	40.860249 78.512764
Clearfield	UNT to Potts Run (RM 7.60)	Headwaters to Mouth	Potts Run	40.849518 78.517288
Clearfield	UNT to West Branch Susquehanna River (RM 192.62)	Headwaters to Mouth	West Branch Susquehanna River	40.920547 78.608807
Clearfield	UNT to West Branch Susquehanna River (RM 196.85)	Headwaters to Mouth	West Branch Susquehanna River	40.908920 78.646450
Clearfield	UNT to West Branch Susquehanna River (RM 201.12)	Headwaters to Mouth	West Branch Susquehanna River	40.898376 78.705115
Clearfield	UNT to West Branch Susquehanna River (RM 205.82)	Headwaters to Mouth	West Branch Susquehanna River	40.886228 78.754040
Clearfield	UNT to West Branch Susquehanna River (RM 205.88)	Headwaters to Mouth	West Branch Susquehanna River	40.885504 78.754759
Clearfield	UNT to West Branch Susquehanna River (RM 211.37)	Headwaters to Mouth	West Branch Susquehanna River	40.844677 78.784697
Clearfield	Woods Run	Headwaters to Mouth	Wilson Run	40.832500 78.675556
Clinton	Graham Run	Headwaters to Mouth	West Branch Susquehanna River	41.167938 77.531357
Crawford	UNT to Oil Creek (RM 81.38)	Headwaters to Mouth	Oil Creek	41.720333 79.773956
Fayette	Laurel Run	Headwaters to PA/WV State Line	Big Sandy Creek	39.720840 79.710823
Huntingdon	Coal Bank Run	Headwaters to Mouth	Shoup Run	40.211590 78.201141
Huntingdon	Laurel Run	Headwaters to Mouth	Great Trough Creek	40.321758 78.124969
Indiana	Cush Cushion Creek	Headwaters to Mouth	West Branch Susquehanna River	40.725833 78.805556
Indiana	Isenberg Run	Headwaters to Mouth	Cush Cushion Creek	40.720348 78.861141
Indiana	Keal Run	Headwaters to Mouth	South Branch Bear Run	40.874097 78.831045
Indiana	Leonard Run	Headwaters to Mouth	Yellow Creek	40.615871 78.920547
Indiana	Painters Run	Headwaters to Mouth	Cush Cushion Creek	40.723090 78.866231
Indiana	Penn Run	Headwaters to Mouth	Two Lick Creek	40.638374 79.038033
Indiana	Powell Run	Headwaters to Mouth	Shryock Run	40.755625 78.808363

## NOTICES

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Indiana	South Branch Bear Run	Headwaters to Mouth	Bear Run	40.876423 78.809113
Indiana	UNT to Yellow Creek (RM 17.82)	Headwaters to Mouth	Yellow Creek	40.612488 78.956849
Juniata	Macedonia Run	Headwaters to Mouth	Juniata River	40.609474 77.445000
Lackawanna	Aylesworth Creek	Headwaters to Mouth	Lackawanna River	41.520279 75.544998
Lancaster	Behm Run	Headwaters to PA Turnpike	Chiques Creek	40.208771 76.395927
Lancaster	Boyers Run	Headwaters to PA Turnpike	Chiques Creek	40.207569 76.395020
Lancaster	Elders Run	Headwaters to Mouth	Middle Creek	40.252220 76.248909
Lancaster	Harnish Run	Headwaters to North Peartown Road	Cocalico Creek	40.272900 76.156097
Lancaster	McCreary Run	Balance Mill Road Bridge to Mouth	Octoraro Creek	39.775940 76.059948
Lycoming	Ross Run	Headwaters to Mouth	Pine Creek	41.419876 77.489098
McKean	Bolivar Run	Headwaters to Mouth	Tunungwant Creek	41.973560 78.623947
McKean	Gilbert Run	Headwaters to Mouth	Marilla Brook	41.953930 78.716782
McKean	Marilla Brook	Headwaters to Mouth	West Branch Tunungwant Creek	41.941311 78.673904
McKean	Rutherford Run	Headwaters to Mouth	East Branch Tunungwant Creek	41.934174 78.648170
McKean	UNT to Gilbert Run	Headwaters to Mouth	Gilbert Run	41.966373 78.722672
Mifflin	Granville Run	Headwaters to Mouth	Juniata River	40.573009 77.584732
Mifflin	Minehart Run	Headwaters to Mouth	Juniata River	40.556030 77.632057
Mifflin	Wakefield Run	Headwaters to Mouth	Juniata River	40.517902 77.698251
Schuylkill	Morgan Run	Headwaters to Mouth	Schuylkill River	40.727100 76.089760
Schuylkill	UNT to Little Schuylkill River (RM 5.10)	Headwaters to Mouth	Little Schuylkill River	40.642296 76.016159
Schuylkill	UNT to Mahoning Creek (RM 10.09)	Headwaters to Mouth	Mahoning Creek	40.778675 75.843140
Schuylkill	UNT to Schuylkill River (RM 107.46)	Headwaters to Mouth	Schuylkill River	40.581829 76.079735
Somerset	Chub Run	Headwaters to Lower Bridge on Wass Hollow Road	Mill Run	39.721340 79.346581
Somerset	Little Glade Run	Headwaters to Mouth	Drake Run	39.860222 79.362221
Somerset	Mountain Run	Headwaters to Mouth	Wills Creek	39.831493 78.815887
Somerset	Savage Run	Headwaters to Mouth	Shaffers Run	39.886005 78.771660

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<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Somerset	Spook Run	Headwaters to Mouth	Elklick Run	39.813400 79.104523
Somerset	UNT to Laurel Hill Creek (RM 22.23)	Headwaters to Mouth	Laurel Hill Creek	39.986267 79.243637
Somerset	UNT to Laurel Hill Creek (RM 22.67)	Headwaters to Mouth	Laurel Hill Creek	39.990524 79.240082
Susquehanna	Snell Creek	Headwaters to Mouth	East Branch Wyalusing Creek	41.795833 76.014722
Union	Spruce Run	Headwaters to Mouth	Laurel Run	40.889099 77.196350
Union	Stony Run	Headwaters to Mouth	Laurel Run	40.894581 77.202789
Union	UNT to Rapid Run (RM 6.35)	Headwaters to Mouth	Rapid Run	40.987289 77.111710
Union	UNT to Rapid Run (RM 7.16)	Headwaters to Mouth	Rapid Run	40.987511 77.125610
Warren	UNT to Brokenstraw Creek (RM 33.95)	Headwaters to Mouth	Brokenstraw Creek	41.971130 79.587746
Warren	UNT to Brokenstraw Creek (RM 35.90)	Headwaters to Mouth	Brokenstraw Creek	41.975063 79.605164
York	Kreutz Creek	Headwaters to Ducktown Road Bridge (SR 2021)	Susquehanna River	40.019286 76.519114

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Clearfield	Bear Run	Headwaters to South Branch Bear Run	Headwaters to Mouth	West Branch Susquehanna River	40.881111 78.761948
Clinton	Bald Eagle Creek	Headwaters to Inlet Foster Joseph Sayers Lake	Headwaters to Harveys Run	West Branch Susquehanna River	41.135277 77.400558
Northumberland	West Branch Susquehanna River	Moss Creek to Peg Run	Outfall of AMD Treatment Facility at RM 234.09 to Shryock Run	Susquehanna River	40.881111 76.797222
Somerset	South Fork Bens Creek	Conemaugh Township Reservoir to Mouth	Headwaters to Mouth	Bens Creek	40.272500 78.978611

In addition, the Commission will consider the removal of the following stream from the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Clinton	Teats Run	Headwaters to Mouth	West Branch Susquehanna River	41.241390 77.593056

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

JOHN A. ARWAY,  
Executive Director

[Pa.B. Doc. No. 15-1338. Filed for public inspection July 17, 2015, 9:00 a.m.]

## Porter Run, Cambria County



## Porter Run, Cambria County

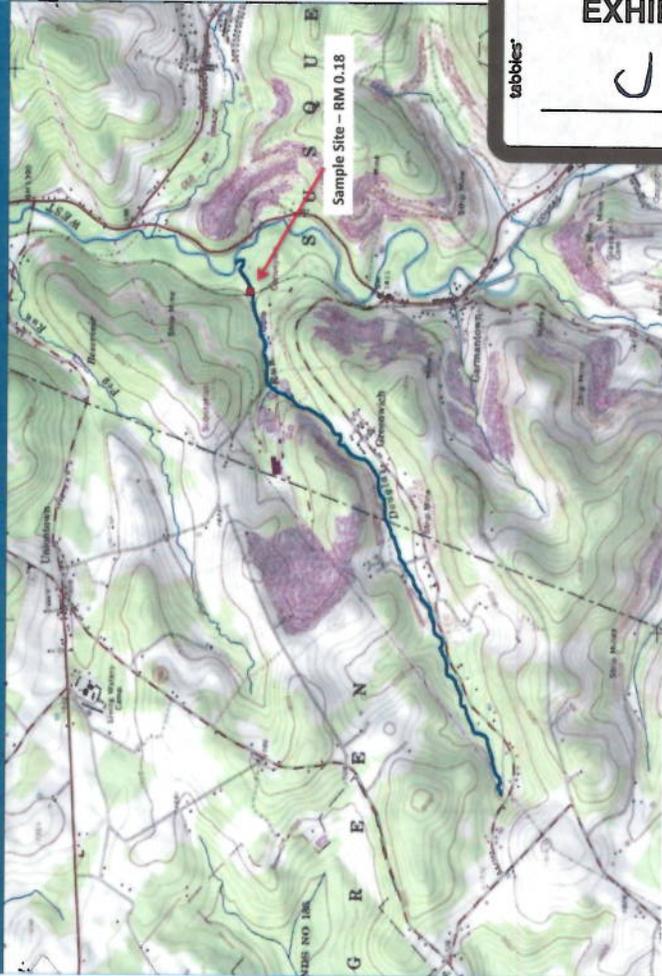
Brook Trout RM - 0.00  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	11	0.67	272
3	64	9.41	1580
4	5	1.69	123
6	7	7.10	173
7	8	12.62	198
8	5	11.43	123
9	3	9.69	74
Total	103	52.61	2543

Brown Trout RM - 0.00  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	4	0.25	99
3	36	5.67	889
4	3	1.06	74
9	1	3.33	25
10	1	4.50	25
11	1	5.84	25
12	1	7.49	25
Total	47	28.14	1162

## Douglas Run, Cambria County



## Douglas Run, Cambria County

Brook Trout RM - 0.18  
Site Length - 434 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.07	29
3	4	0.34	57
5	1	0.35	14
6	1	0.59	14
7	1	0.91	14
Total	9	2.26	128

Brown Trout RM - 0.18  
Site Length - 434 meters

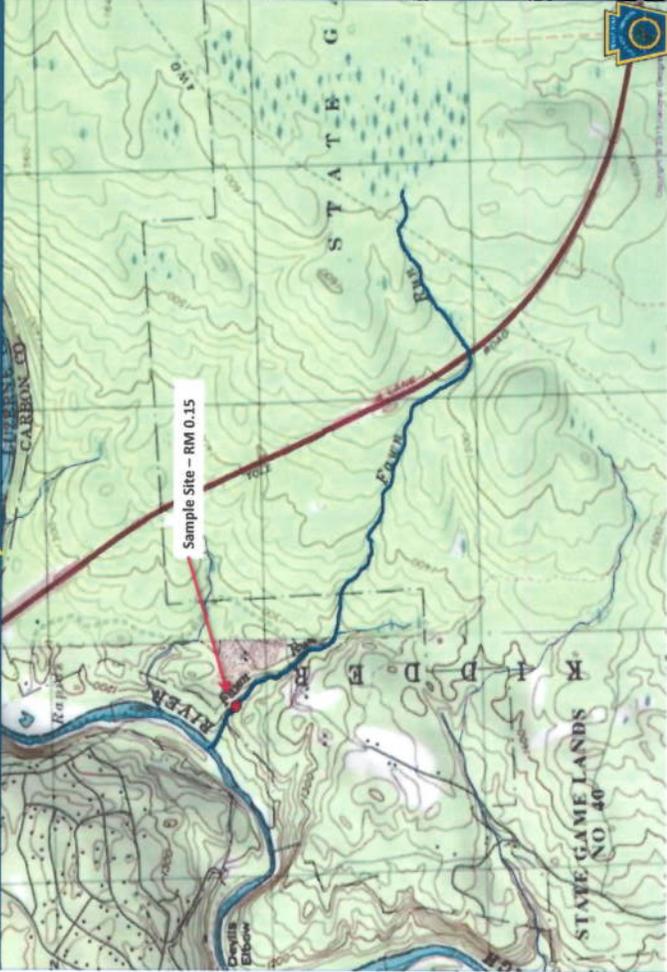
Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.07	29
3	35	3.19	501
4	3	0.62	43
6	1	0.63	14
7	2	1.92	29
8	2	2.78	29
9	3	5.79	43
11	2	6.77	29
13	1	5.47	14
14	1	6.77	14
15	1	8.27	14
Total	53	42.28	759

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EXHIBIT

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## Fawn Run, Carbon County



## Walnut Run, Cambria County



## Fawn Run, Carbon County

Brook Trout RM - 0.15  
Site Length - 320 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	4	0.04	38
2	187	4.41	1793
3	87	4.97	834
4	60	7.88	575
5	38	8.91	364
6	9	3.55	86
7	9	5.51	86
8	7	6.21	67
9	3	3.76	29
10	1	1.72	10
Total	405	46.96	3882

Brown Trout RM - 0.15  
Site Length - 320 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.05	19
4	3	0.41	29
5	1	0.25	10
Total	6	0.71	58

## Walnut Run, Cambria County

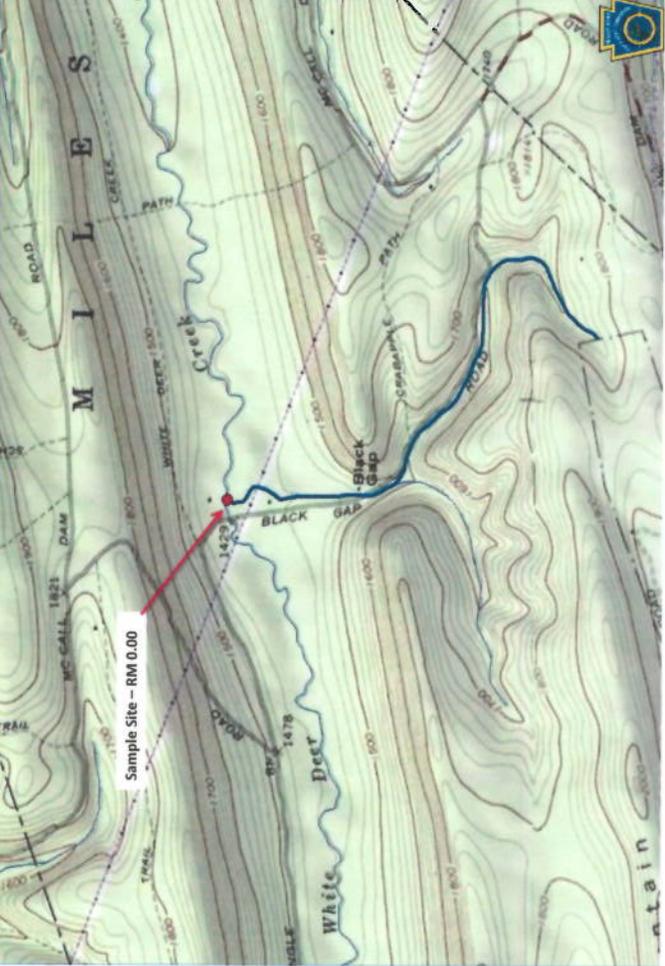
Brook Trout RM - 0.00  
Site Length - 434 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.03	14
3	1	0.04	7
10	1	1.26	7
Total	4	1.33	28

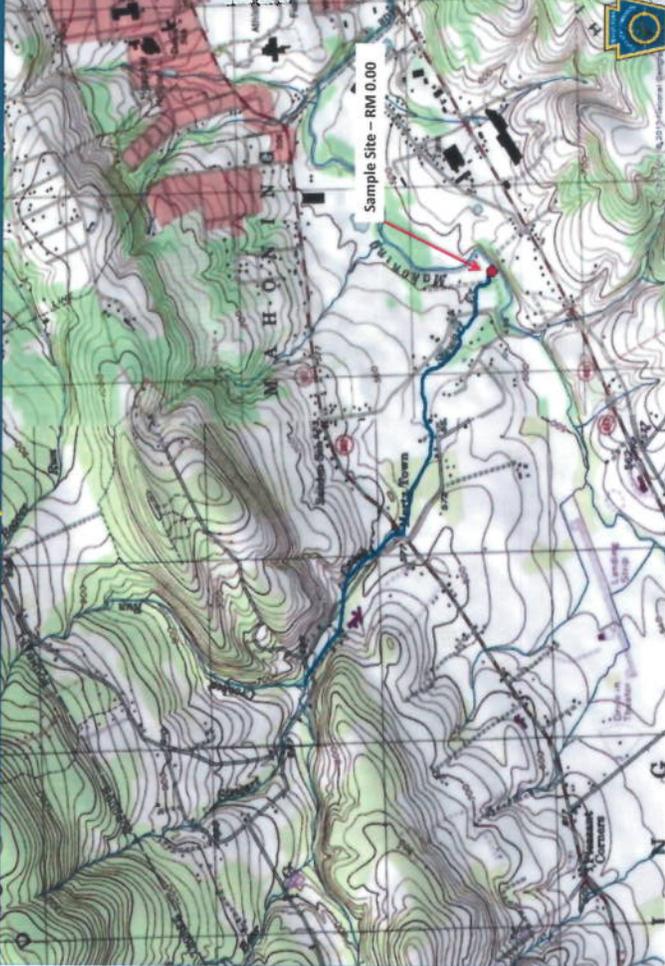
Brown Trout RM - 0.00  
Site Length - 434 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	4	0.07	28
3	90	4.04	634
4	86	8.69	606
5	14	2.59	99
6	9	2.78	63
7	21	9.94	148
8	9	6.16	63
9	11	10.46	78
10	2	2.57	14
11	4	6.67	28
12	2	4.28	14
14	1	3.33	7
18	1	7.45	7
Total	254	69.03	1789

# Black Gap Run, Centre County



# Stewart Run, Carbon County



# Black Gap Run, Centre County

Brook Trout RM - 0.00  
Site Length - 252 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	6	0.14	131
2	172	9.22	3747
3	38	4.93	828
4	85	25.36	1852
5	27	14.38	588
6	5	4.48	109
7	1	1.39	22
Total	334	59.90	7277

Brown Trout RM - 0.00  
Site Length - 252 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	5	0.11	109
2	3	0.17	65
3	3	0.42	65
4	18	5.62	392
5	1	0.57	22
6	4	3.82	87
Total	34	10.71	740

# Stewart Creek, Carbon County

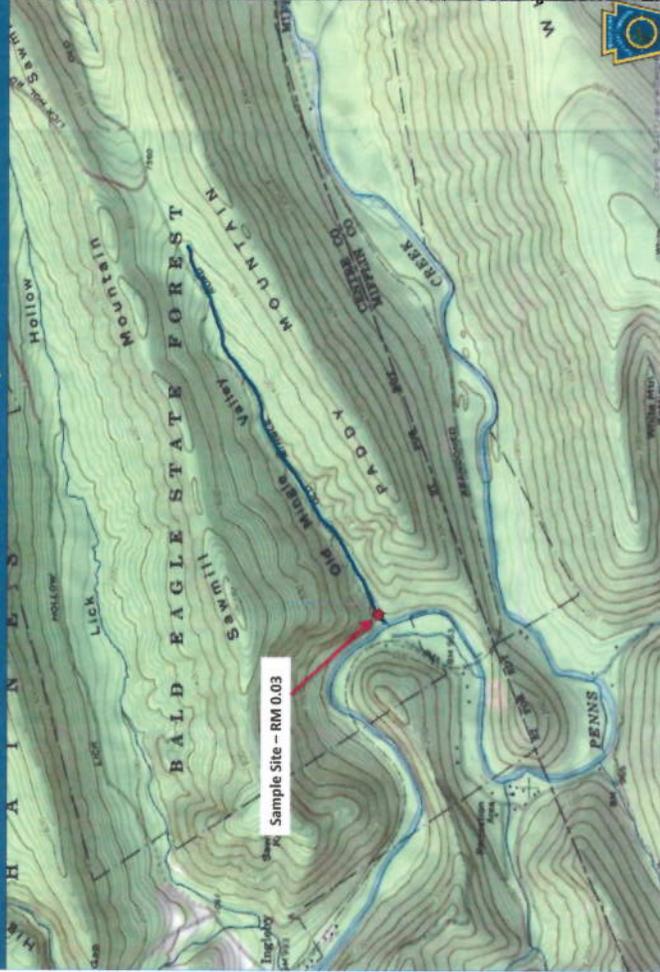
Brown Trout RM - 0.00  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	98	2.68	1054
3	153	10.49	1645
4	6	0.93	65
6	36	16.98	387
7	27	19.50	290
8	15	15.66	161
9	7	10.15	75
10	3	5.88	32
11	1	2.55	11
12	1	3.26	11
Total	347	88.08	3731

## Sixmile Run, Centre County



## Old Mingle Valley Run, Centre County



## Sixmile Run, Centre County

Brook Trout RM - 5.90  
Site Length - 325 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	32	0.62	252
3	331	15.54	2610
4	33	3.56	260
5	43	8.29	339
6	19	6.16	150
7	10	5.04	79
8	11	8.03	87
9	7	7.22	55
11	1	1.78	8
Total	487	56.24	3840

Brown Trout RM - 5.90  
Site Length - 325 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	64	1.28	505
3	26	1.31	205
4	29	3.28	229
5	22	4.56	174
6	1	0.35	8
7	5	2.65	39
8	2	1.53	16
10	2	2.88	16
11	1	1.87	8
12	1	2.39	8
13	1	3.01	8
Total	154	25.11	1216

## Old Mingle Valley Run, Centre County

Brook Trout RM - 0.03  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	9	0.23	217
2	26	1.54	628
3	3	0.43	72
4	11	3.64	266
5	16	9.45	386
6	1	0.99	24
8	1	2.24	24
Total	67	18.52	1617

Brown Trout RM - 0.03  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
0	2		48
1	12	0.30	290
2	1	0.06	24
3	5	0.77	121
4	19	6.58	459
5	5	3.17	121
6	6	6.36	145
7	1	1.62	24
8	1	2.35	24
9	2	6.52	48
Total	54	27.73	1304

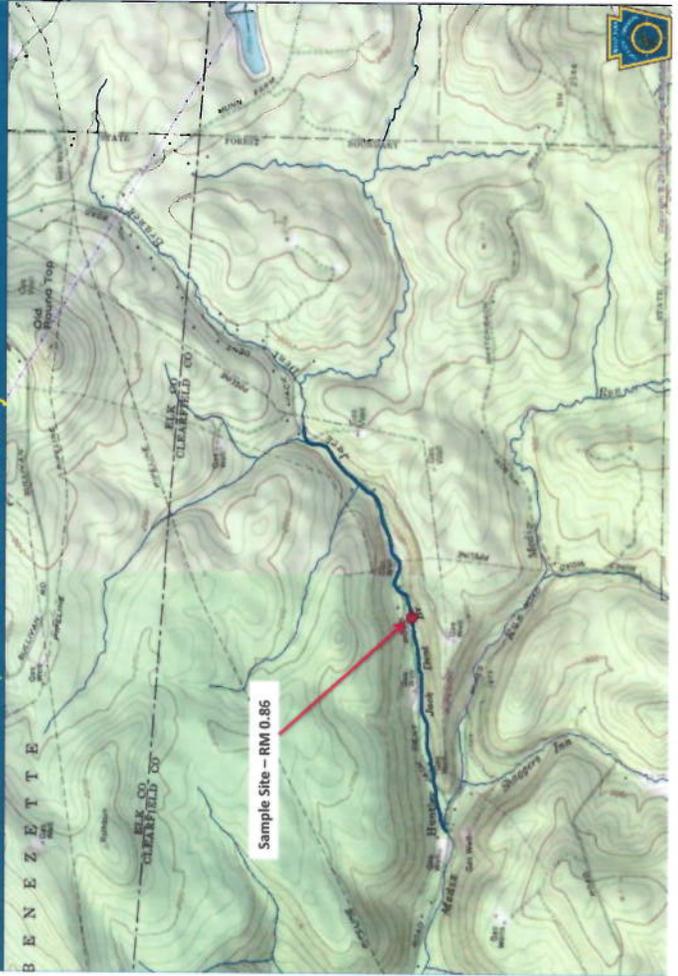
## UNT To Spring Creek (RM 1.31), Centre County

Brown Trout RM - 0.26  
Site Length - 251 meters

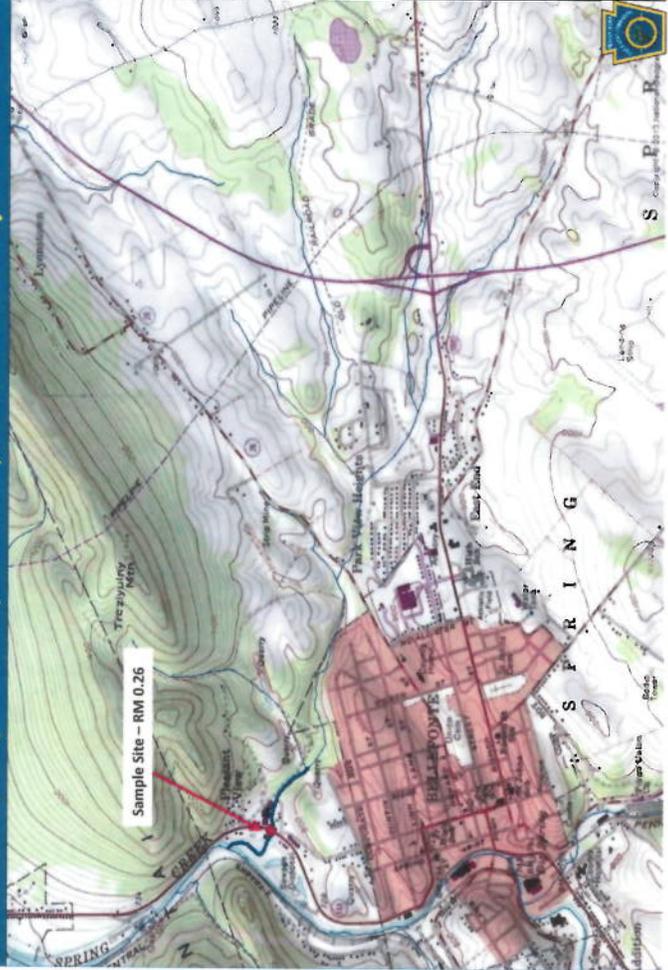
Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.13	124
2	78	8.22	3237
3	17	4.50	705
5	3	3.27	124
6	5	9.10	207
7	2	5.58	83
9	1	5.60	41
10	1	7.56	41
11	1	9.82	41
Total	111	53.78	4603



## Jack Dent Branch, Clearfield County



## UNT To Spring Creek (RM 1.31), Centre County



## Sixmile Run, continued

Brook Trout RM - 6.83  
Site Length - 70 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.19	78
3	18	4.15	698
4	6	3.18	233
5	10	9.47	388
6	8	12.74	210
7	5	12.38	194
8	5	17.94	194
9	2	10.14	78
11	1	8.74	39
Total	57	78.93	2212

Brown Trout RM - 6.83  
Site Length - 70 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.10	39
3	1	0.25	39
4	1	0.56	39
5	6	6.11	233
6	3	5.10	116
11	1	9.17	39
12	2	23.52	78
13	2	29.62	78
Total	17	74.43	661



## Eastville Run, Clinton County

Brook Trout RM - 1.00  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	89	4.62	1878
3	18	2.26	380
4	40	11.56	844
5	25	12.89	527
6	6	5.20	127
7	1	1.35	21
Total	179	37.88	3777



## Jack Dent Branch, Clearfield County

Brook Trout RM - 0.86  
Site Length - 323 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	60	1.39	564
3	113	6.33	1063
4	88	11.34	828
5	49	11.27	461
6	18	6.96	169
7	5	3.00	47
Total	333	40.29	3132



## Greenlick Run, Clinton County



## Eastville Run, Clinton County



# Greenlick Run, Clinton County



# Greenlick Run, Clinton County

Brook Trout RM - 2.08  
Site Length - 305 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	38	1.33	541
3	50	4.24	712
4	3	0.59	43
5	8	2.79	114
6	4	2.34	57
4	4	3.64	57
8	3	3.96	43
Total	110	18.89	1567

Brook Trout RM - 2.08  
Site Length - 305 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	23	0.83	328
3	1	0.09	14
5	1	0.37	14
6	1	0.62	14
7	2	1.91	28
8	3	4.15	43
10	3	7.79	43
13	1	5.44	14
Total	35	21.2	498

# Greenlick Run, Clinton County

Brook Trout RM - 1.52  
Site Length - 330 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	26	0.69	281
3	118	7.60	1277
4	2	0.30	22
6	6	2.67	65
7	15	10.37	162
8	10	10.02	108
9	2	2.83	22
Total	179	34.48	1937

Brook Trout RM - 1.52  
Site Length - 330 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	191	5.25	2067
3	108	7.45	1169
5	2	0.57	22
6	5	2.37	54
7	12	8.72	130
8	6	6.30	65
9	14	20.44	152
10	12	23.67	130
11	6	15.37	65
12	3	9.85	32
13	1	4.14	11
15	1	6.25	11
Total	361	110.38	3908

# Greenlick Run, continued

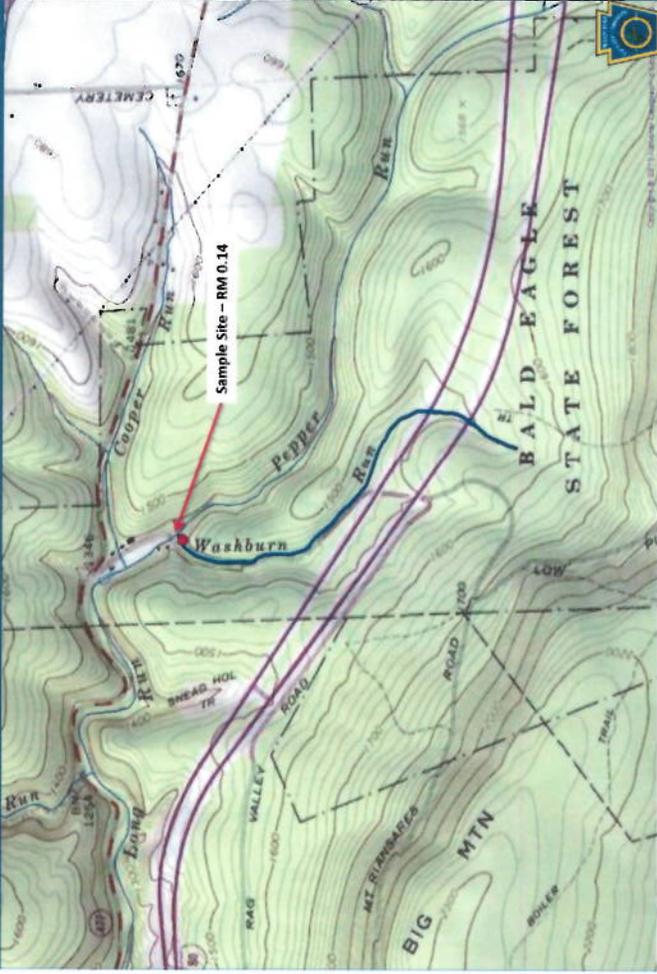
Brook Trout RM - 2.55  
Site Length - 307 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	75	2.73	1111
3	88	7.76	1304
4	3	0.61	44
5	8	2.90	119
6	9	5.48	133
7	17	16.09	252
8	4	5.49	59
Total	204	41.06	3022

Brook Trout RM - 2.55  
Site Length - 307 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	11	0.41	163
3	1	0.09	15
4	2	0.42	30
6	4	2.60	59
7	3	2.99	44
8	1	1.44	15
9	1	2.00	15
10	1	2.70	15
13	1	8.56	15
Total	25	21.21	371

## Washburn Run, Clinton County



## Washburn Run, Clinton County

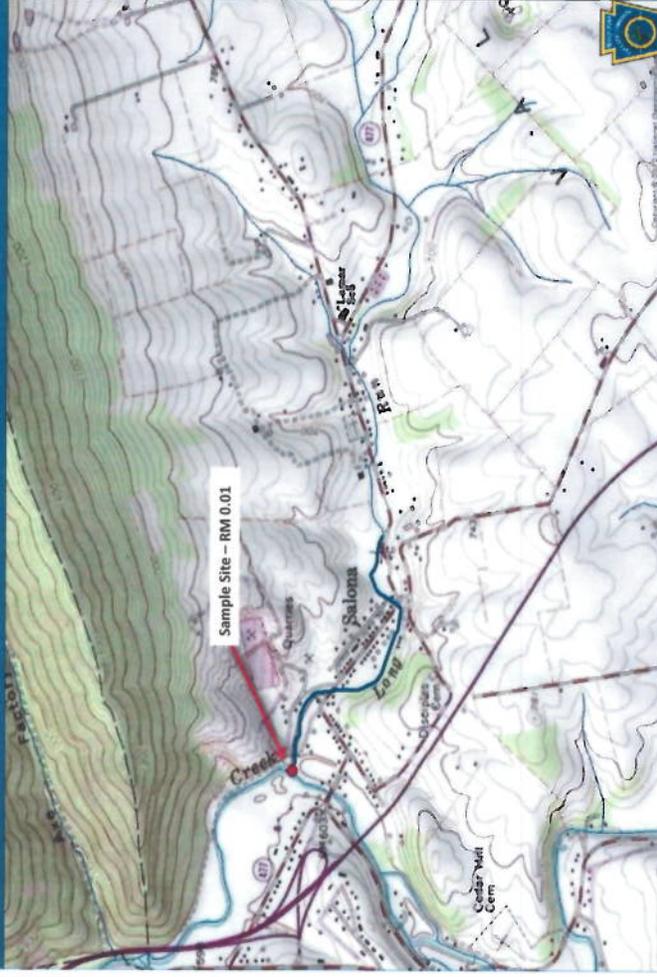
Brook Trout RM - 0.14  
Site Length - 240 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	6	0.17	159
2	65	4.24	1724
3	8	1.26	212
4	27	9.81	716
5	14	9.08	371
6	9	9.81	239
7	8	13.55	212
8	2	4.91	53
Total	139	52.83	3686

Brown Trout RM - 0.14  
Site Length - 240 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
4	1	0.38	27
5	1	0.70	27
7	2	3.56	53
8	1	2.58	27
Total	5	7.22	134

## Long Run, Clinton County



## Long Run, Clinton County

Brown Trout RM - 0.01  
Site Length - 347 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	3	0.04	16
3	86	2.87	450
4	10	0.75	52
5	9	1.24	47
6	30	6.89	157
7	32	11.26	168
8	17	8.65	89
9	13	9.19	68
10	5	4.77	26
11	10	12.40	52
12	8	12.72	42
13	19	38.03	100
14	8	19.83	42
15	8	24.22	42
16	3	10.93	16
18	1	5.54	5
Total	262	169.33	1372

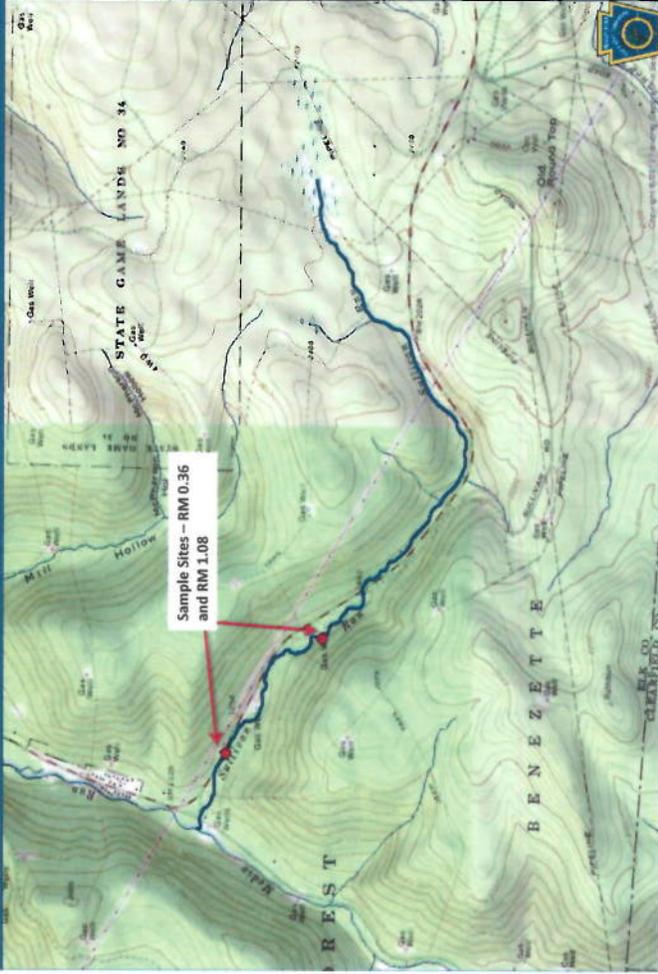
Brook Trout RM - 0.01  
Site Length - 347 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
6	1	0.69	5
Total	1	0.69	5

Rainbow Trout RM - 0.01  
Site Length - 347 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
4	12	0.88	63
5	7	0.96	37
6	11	2.53	58
7	3	1.13	16
11	5	6.51	26
12	1	1.64	5
Total	39	13.65	205

## Sullivan Run, Elk County



## Sullivan Run, Elk County

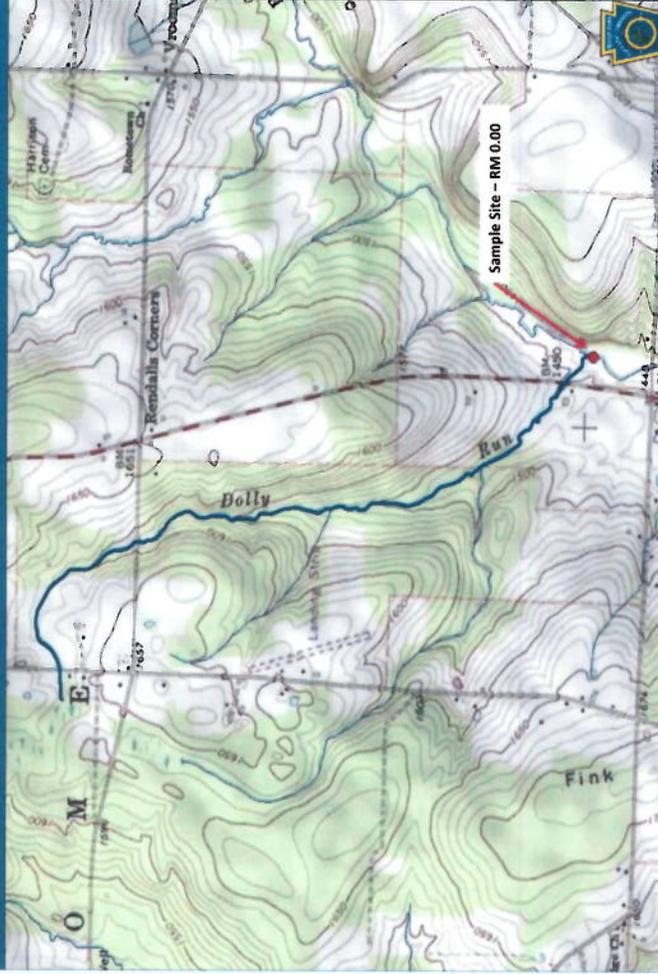
Brook Trout RM - 0.36  
Site Length - 303 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.01	13
2	61	1.90	774
3	26	1.96	330
4	47	8.17	596
5	20	6.20	254
6	4	2.09	51
7	2	1.62	25
8	7	8.22	89
Total	168	30.17	2132

Brown Trout RM - 0.36  
Site Length - 303 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	4	0.13	51
3	1	0.08	13
5	1	0.33	13
10	1	2.31	13
Total	7	2.55	90

## Dolly Run, Crawford County



## Dolly Run, Crawford County

Brown Trout RM - 0.00  
Site Length - 356 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.03	30
2	505	18.97	7470
3	50	4.71	740
4	6	1.27	89
5	46	17.87	680
6	45	29.20	666
7	18	17.89	266
8	5	7.18	74
9	8	15.97	118
10	4	10.79	59
11	5	17.51	74
12	5	22.44	74
14	2	14.00	30
16	1	10.29	15
Total	702	188.12	10335

## Fulton Run, Fayette County

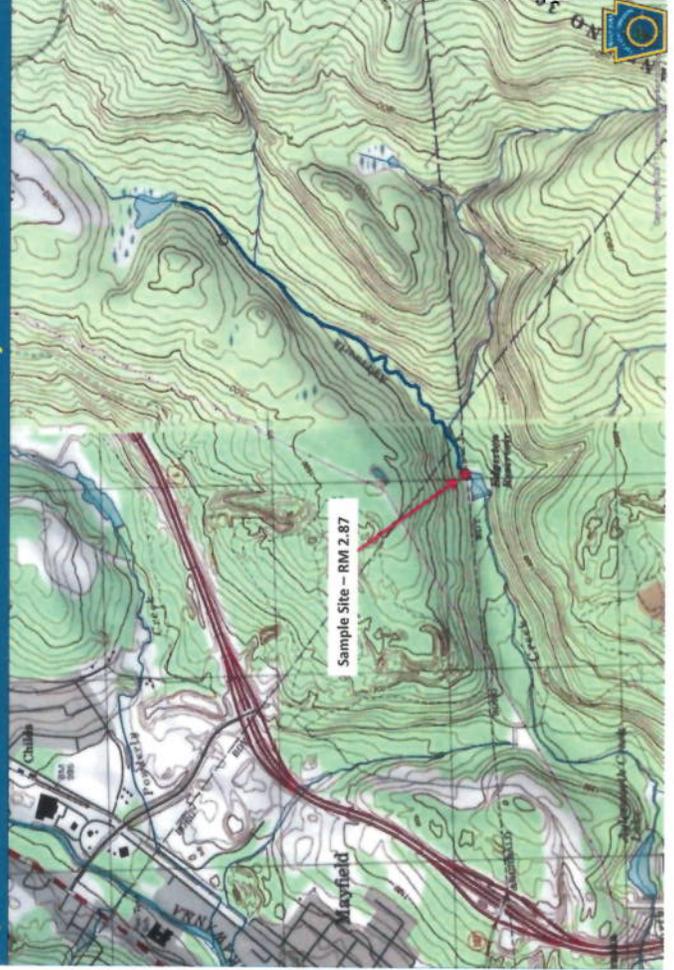
Brook Trout RM - 0.00  
Site Length - 309 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	86	2.28	928
3	5	0.32	54
4	4	0.59	43
5	27	7.12	291
6	20	8.87	216
7	11	7.58	119
9	2	2.82	22
10	1	1.94	11
Total	156	31.52	1684

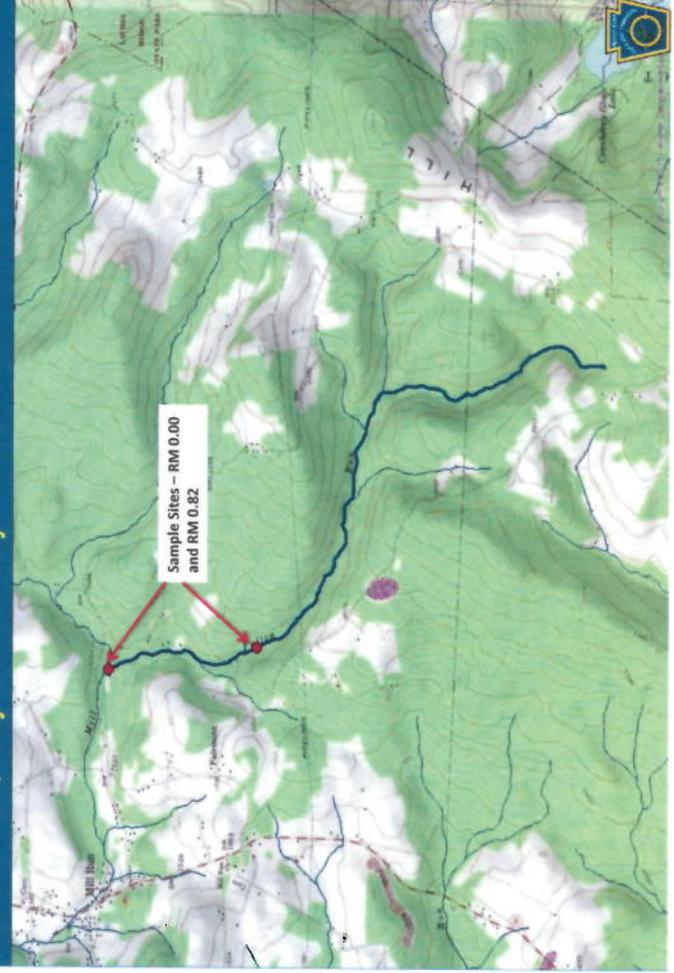
Brook Trout RM - 0.82  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	200	5.29	2151
3	29	1.86	312
4	15	2.21	161
5	29	7.62	312
6	16	7.07	172
7	17	11.68	183
8	2	1.99	22
Total	308	37.72	3313

## Aylesworth Creek, Lackawanna County



## Fulton Run, Fayette County



## Sullivan Run, continued

Brook Trout RM - 1.08  
Site Length - 260 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	61	3.39	1380
3	49	6.60	1109
4	52	16.11	1176
5	14	7.74	317
6	5	4.65	113
7	7	10.12	158
8	5	10.47	113
9	1	2.96	23
Total	194	62.04	4389

# Aylesworth Creek, Lackawanna County

Brook Trout RM - 1.18  
Site Length - 302 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	104	2.65	1077
3	10	0.62	104
4	34	4.82	352
5	27	6.83	280
6	9	3.83	93
7	4	2.64	41
8	5	4.79	52
9	3	4.06	31
10	1	1.86	10
Total	197	32.10	2040



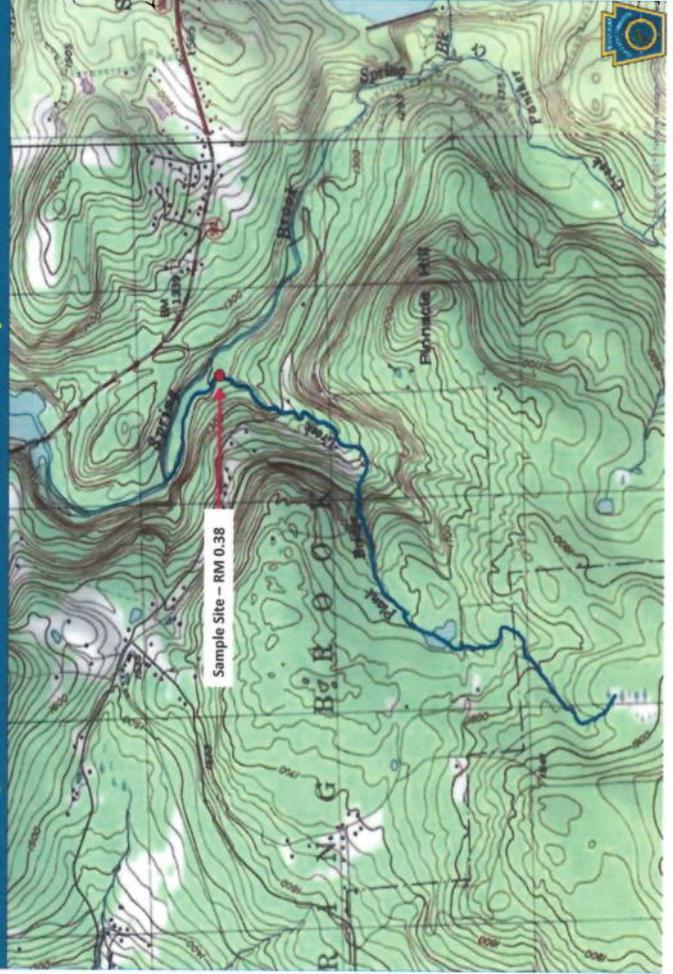
# Aylesworth Creek, Lackawanna County

Brook Trout RM - 2.87  
Site Length - 300 meters

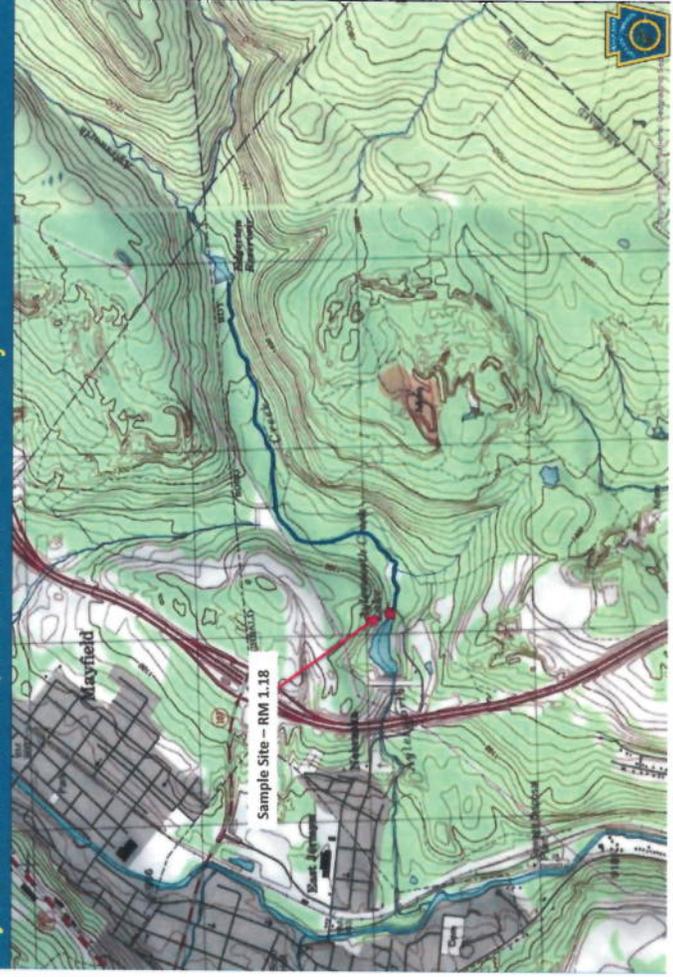
Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	324	9.84	4000
3	51	3.75	630
4	79	13.36	975
5	20	6.04	247
6	7	3.55	86
7	3	2.37	37
8	2	2.29	25
Total	486	41.20	6000



# Plank Bridge Creek, Lackawanna County



# Aylesworth Creek, Lackawanna County



# Antes Creek, Lycoming County

**Brown Trout RM - 0.00**  
Site Length - 240 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.02	7
3	22	1.05	165
4	14	1.50	105
6	9	2.95	67
7	5	2.51	37
8	4	2.90	30
9	1	1.01	7
10	2	2.73	15
11	2	3.54	15
12	2	4.54	15
Total	62	22.75	463

**Brown Trout RM - 0.82**  
Site Length - 280 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	1	0.02	4
Total	1	0.02	4

**Brown Trout RM - 0.82**  
Site Length - 280 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	24	0.24	93
3	157	3.87	608
4	24	1.33	93
5	22	2.24	85
6	33	5.60	128
7	34	8.84	132
8	9	3.38	35
9	9	4.70	35
10	7	4.94	27
11	6	5.50	23
12	4	4.70	15
13	1	1.48	4
14	3	5.49	12
Total	333	52.31	1290

# Plank Bridge Creek, Lackawanna County

**Brown Trout RM - 0.38**  
Site Length - 400 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	780	29.97	12187
3	38	3.53	594
4	36	7.70	563
5	68	25.97	1063
6	50	32.10	781
7	20	19.96	313
8	8	11.57	125
9	1	2.04	16
Total	1001	132.84	15642

**Brown Trout RM - 0.38**  
Site Length - 400 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
5	3	1.23	47
6	1	0.69	16
Total	4	1.92	63

# Antes Creek, Blair County

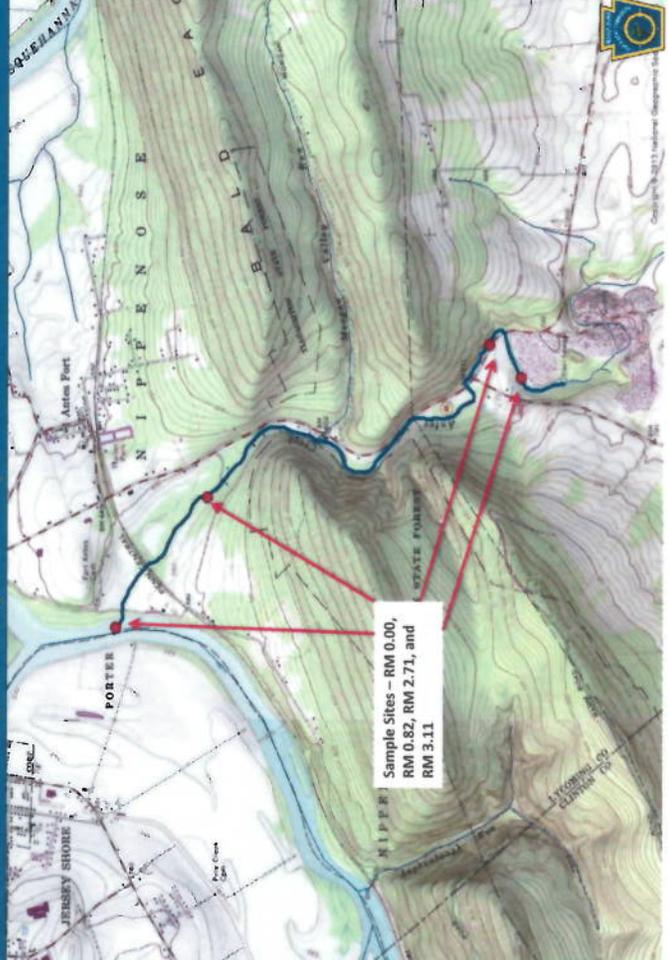
**Brown Trout RM - 2.79**  
Site Length - 183 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.04	17
3	9	0.48	75
4	2	0.24	17
5	1	0.22	8
6	5	1.83	42
7	5	2.81	42
8	5	4.06	42
12	3	7.61	25
14	1	3.95	8
15	1	4.83	8
16	1	5.81	8
Total	35	31.88	292

**Brown Trout RM - 3.11**  
Site Length - 130 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.03	10
3	18	1.14	179
4	1	0.14	10
5	1	0.26	10
6	7	3.06	70
7	2	1.34	20
8	1	0.97	10
9	2	2.68	20
10	1	1.81	10
11	3	7.07	30
12	1	3.02	10
13	6	22.81	60
14	2	9.42	20
15	3	17.25	30
16	1	6.92	10
Total	50	77.92	499

# Antes Creek, Lycoming County



# Mosquito Creek, continued

**Brook Trout RM - 6.44**  
Site Length - 428 meters

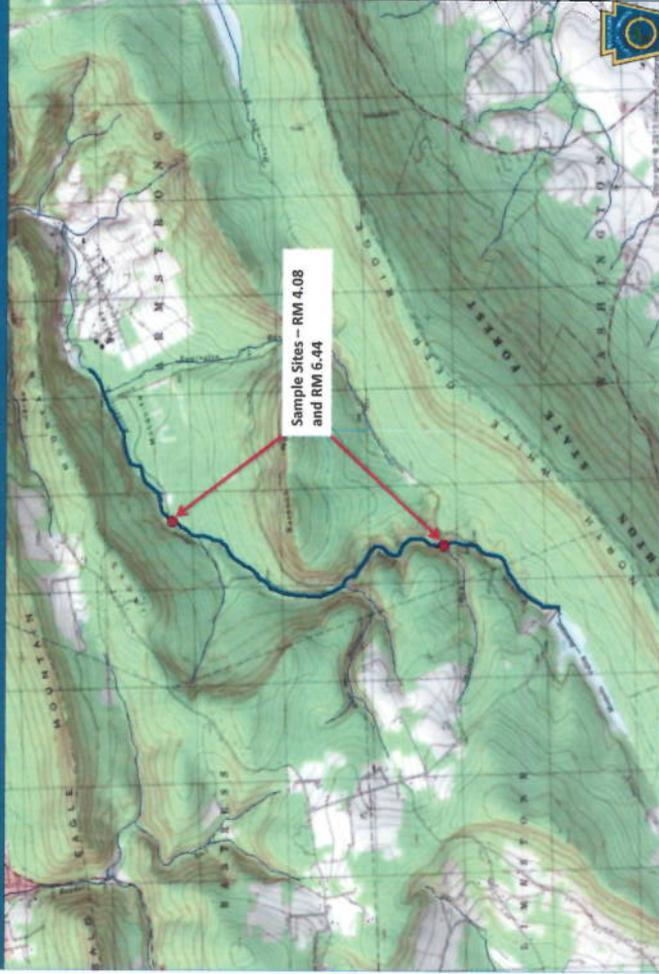
Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	10	0.07	71
2	452	7.92	3219
3	47	1.99	335
4	146	14.24	1040
5	57	9.92	406
6	52	15.22	370
7	12	5.46	85
8	9	5.93	64
Total	785	60.75	5590

**Brown Trout RM - 6.44**  
Site Length - 428 meters

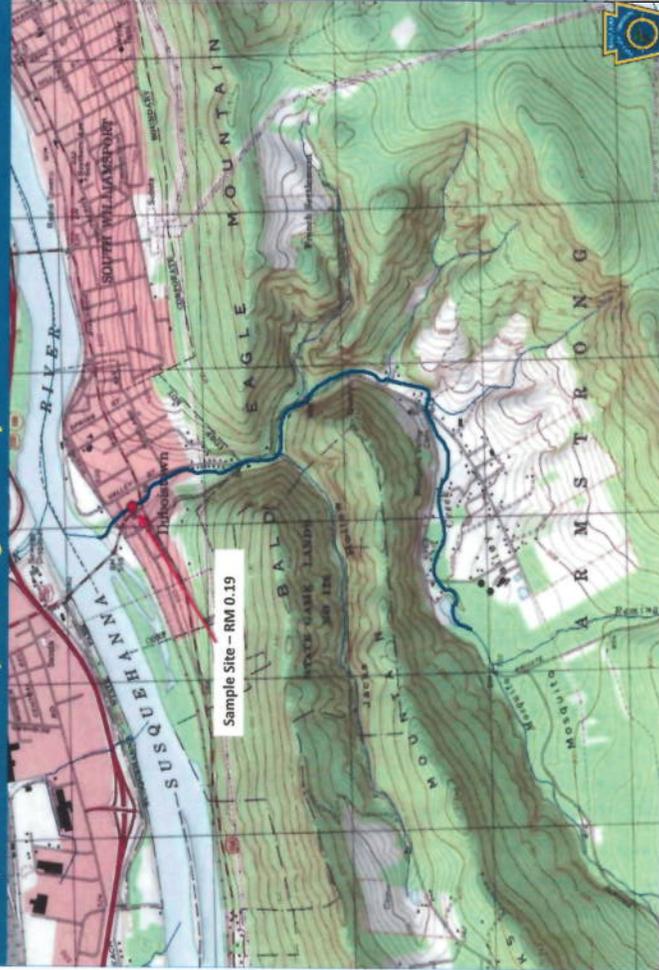
Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
6	1	0.31	7
7	1	0.48	7
12	1	2.16	7
Total	3	2.95	21



# Mosquito Creek, Lycoming County



# Mosquito Creek, Lycoming County



**Brook Trout RM - 4.08**  
Site Length - 430 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	120	2.25	915
3	7	0.32	53
4	89	9.29	678
5	21	3.91	160
6	19	5.95	145
7	9	4.38	69
8	3	2.12	23
9	2	1.99	15
Total	270	30.21	2058

**Brown Trout RM - 4.08**  
Site Length - 430 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.04	15
3	4	0.19	30
4	61	6.67	465
5	12	2.40	91
6	39	13.04	297
7	40	20.48	305
8	5	3.70	38
9	1	1.03	8
10	1	1.39	8
11	5	9.02	38
12	1	2.31	8
Total	171	60.27	1303



## Remington Run, Lycoming County

Brook Trout RM - 0.44  
Site Length - 220 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	3	0.08	72
2	25	1.49	604
3	9	1.29	217
4	34	11.25	821
5	11	6.50	266
6	6	5.96	145
7	2	3.09	48
8	2	4.47	48
Total	92	34.13	2221

Brown Trout RM - 0.44  
Site Length - 220 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
4	2	0.69	48
5	1	0.63	24
6	2	2.12	48
7	2	3.25	48
8	1	2.35	24
Total	8	9.04	192



## Mosquito Creek, Lycoming County

Brown Trout RM - 0.19  
Site Length - 465 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	3	0.04	16
3	24	0.81	127
4	1	0.08	5
5	24	3.34	127
6	15	3.48	79
7	8	2.85	42
8	16	8.23	85
9	13	9.29	69
10	11	10.62	58
11	1	1.25	5
13	3	6.07	16
15	1	3.06	5
16	1	3.68	5
17	1	4.57	5
Total	122	57.37	644

Brook Trout RM - 0.19  
Site Length - 465 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	1	0.03	5
Total	1	0.03	5



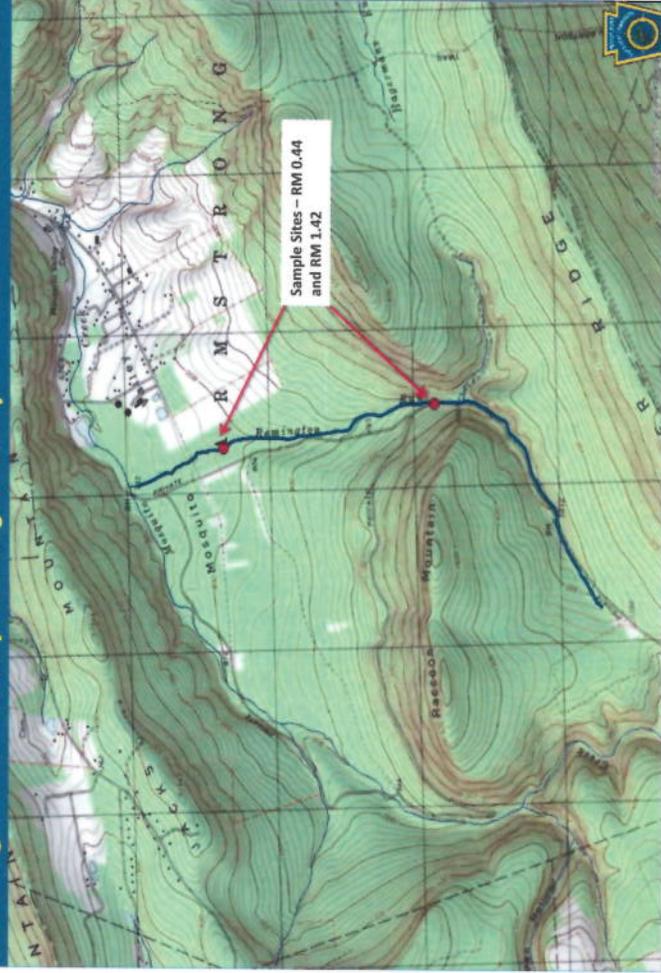
## Remington Run, continued

Brook Trout RM - 1.42  
Site Length - 220 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.01	13
2	74	2.29	930
3	22	1.65	276
4	63	10.84	791
5	30	9.21	377
6	8	4.13	101
7	8	6.42	101
8	3	3.49	38
Total	209	38.04	2627



## Remington Creek, Lycoming County



## Wakefield Run, Lycoming County



## Ross Run, Lycoming County



## Wakefield Run, Mifflin County

**Brown Trout RM - 0.65**  
Site Length - 375 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.01	6
2	597	9.69	3817
3	394	16.06	2519
4	3	0.28	19
5	19	3.19	121
6	33	9.25	211
7	19	8.16	121
8	9	5.59	58
9	11	9.49	70
10	6	6.99	38
11	1	1.51	6
12	2	3.88	13
13	1	2.44	6
Total	1096	76.54	7005

**Brown Trout RM - 1.62**  
Site Length - 349 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	5	0.09	34
3	81	3.51	550
5	8	1.43	54
6	27	8.04	183
7	9	4.10	61
8	2	1.32	14
9	5	4.58	34
10	5	6.19	34
11	1	1.61	7
15	1	3.92	7
Total	144	34.79	978

## Ross Run, Lycoming County

**Brook Trout RM - 0.11**  
Site Length - 285 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.06	62
2	8	0.61	248
6	1	0.18	31
4	17	7.23	528
5	6	4.56	186
6	4	5.10	124
7	8	15.87	248
8	1	2.87	31
Total	47	36.48	1458

**Brown Trout RM - 0.11**  
Site Length - 285 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
5	3	2.45	93
Total	3	2.45	93

## Peet Brook, Potter County



## Nelson Run, Potter County



## Peet Brook, Potter County

Brook Trout RM - 0.13  
Site Length - 770 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	150	0.62	588
3	10	0.25	39
4	177	9.96	694
5	199	20.51	781
6	45	7.74	177
7	106	27.94	416
8	58	22.09	228
9	33	17.47	129
10	27	19.31	106
11	17	15.79	67
12	9	10.71	35
14	6	11.14	24
19	1	4.76	4
21	1	7.39	4
Total	839	175.68	3292

Brook Trout RM - 0.13  
Site Length - 770 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.01	8
2	4	0.04	16
4	3	0.16	12
5	5	0.48	20
6	4	0.64	16
7	5	1.25	20
8	3	1.09	12
9	1	0.51	4
Total	27	4.18	108

## Nelson Run, Potter County

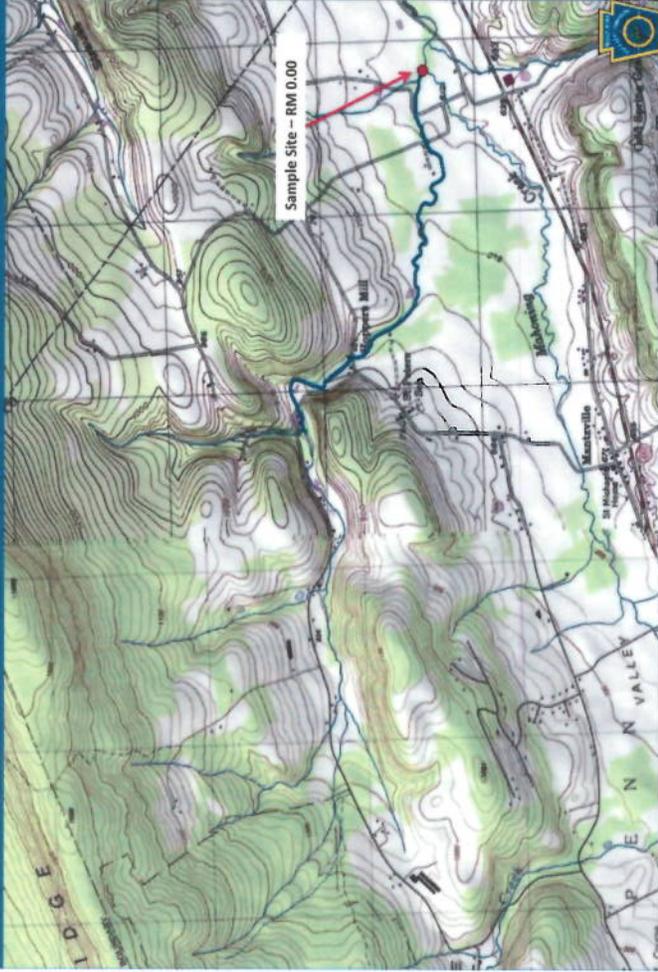
Brook Trout RM - 0.83  
Site Length - 523 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	25	0.13	120
2	11	0.13	53
3	81	2.47	388
4	13	0.89	62
5	17	2.14	81
6	9	1.89	43
7	18	5.79	86
8	23	10.70	110
9	22	14.22	105
10	14	12.23	67
11	6	6.81	29
12	3	4.36	14
Total	242	61.76	1158

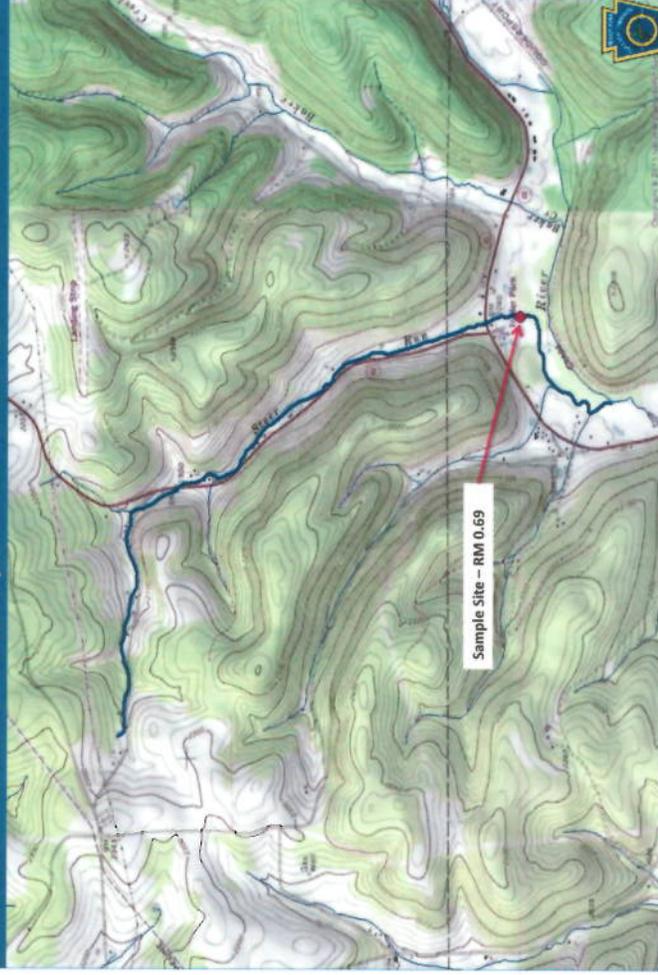
Brook Trout RM - 0.83  
Site Length - 523 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	157	0.78	752
2	24	0.28	115
3	29	0.83	139
4	27	1.77	129
5	13	1.52	62
6	6	1.18	29
7	2	0.61	10
8	3	1.33	14
Total	261	8.30	1250

## UNT To Mahoning Creek (RM 10.09), Schuylkill County



## Steer Run, Potter County



## UNT To Mahoning Creek (RM 10.09), Schuylkill County

**Brown Trout RM - 0.00**  
Site Length - 355 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.01	5
2	251	3.45	1360
3	78	2.69	423
4	1	0.08	5
5	1	0.14	5
6	17	4.04	92
7	25	9.1	135
8	6	3.16	33
9	5	3.65	27
10	5	4.94	27
11	3	3.85	16
12	2	3.29	11
13	2	4.14	11
Total	397	42.54	2150

**Brook Trout RM - 0.00**  
Site Length - 355 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.01	5
3	1	0.03	5
6	2	0.45	11
9	1	0.71	5
Total	5	1.20	26

## Steer Run, Potter County

**Brook Trout RM - 0.69**  
Site Length - 576 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	19	0.16	152
2	225	4.43	1800
4	19	2.08	152
5	47	9.19	376
6	34	11.18	272
7	19	9.71	152
8	7	5.18	56
9	2	2.09	16
Total	372	44.02	2976

**Brown Trout RM - 0.69**  
Site Length - 576 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	6	0.05	48
4	3	0.34	24
5	4	0.84	32
6	1	0.35	8
7	1	0.54	8
8	5	3.88	40
9	4	4.32	32
10	1	1.46	8
12	2	4.86	16
13	1	3.06	8
Total	28	19.70	224

## Ilers Run, Somerset County



## Ilers Run, Somerset County

**Brook Trout RM - 7.34**  
Site Length - 305 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	1	0.02	19
2	116	5.47	2222
3	12	1.35	226
4	42	10.83	791
5	31	14.27	584
6	4	3.10	75
7	1	1.20	19
8	1	1.74	19
Total	210	37.98	3955

## Cub Run, Somerset County



## Cub Run, Somerset County

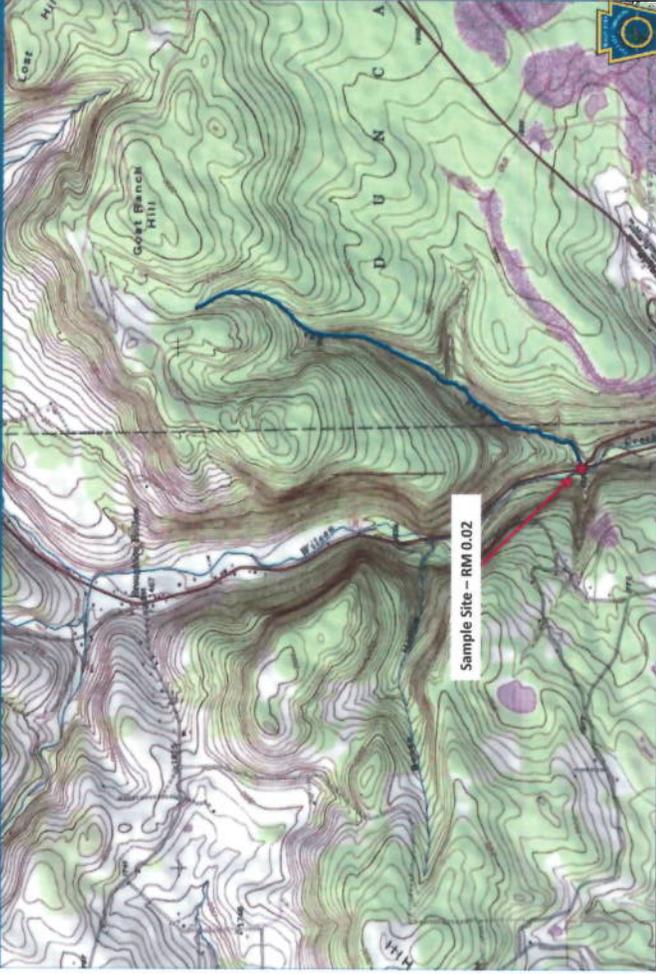
**Brook Trout RM - 1.91**  
Site Length - 275 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	135	2.18	2096
2	372	14.21	5776
3	36	3.33	559
4	72	15.31	1118
5	34	12.91	528
6	15	9.57	233
7	8	7.93	124
Total	672	65.44	10434

**Brown Trout RM - 1.91**  
Site Length - 275 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	2	0.08	31
3	3	0.30	47
6	1	0.68	16
Total	6	1.06	94

## Sand Run, Tioga County

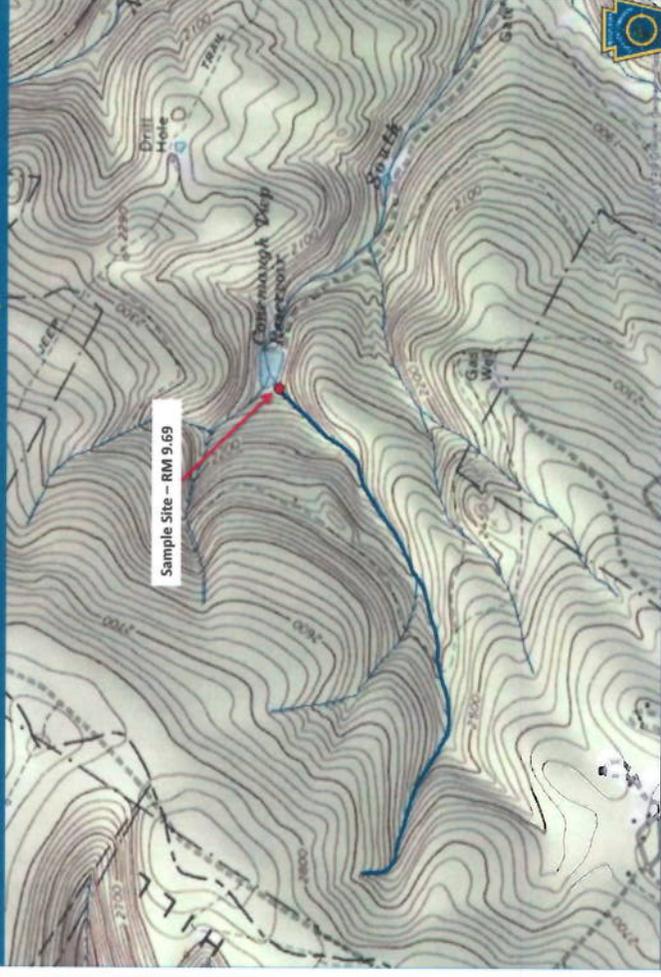


## Sand Run, Tioga County

Brook Trout RM - 0.02  
Site Length - 340 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	55	2.26	920
3	33	3.29	552
4	23	5.27	385
5	29	11.85	485
6	2	1.37	33
7	9	9.61	151
8	3	4.64	50
9	3	6.57	50
10	1	3.00	17
11	1	3.77	17
Total	159	51.63	2660

## South Fork Bens Creek, Somerset County

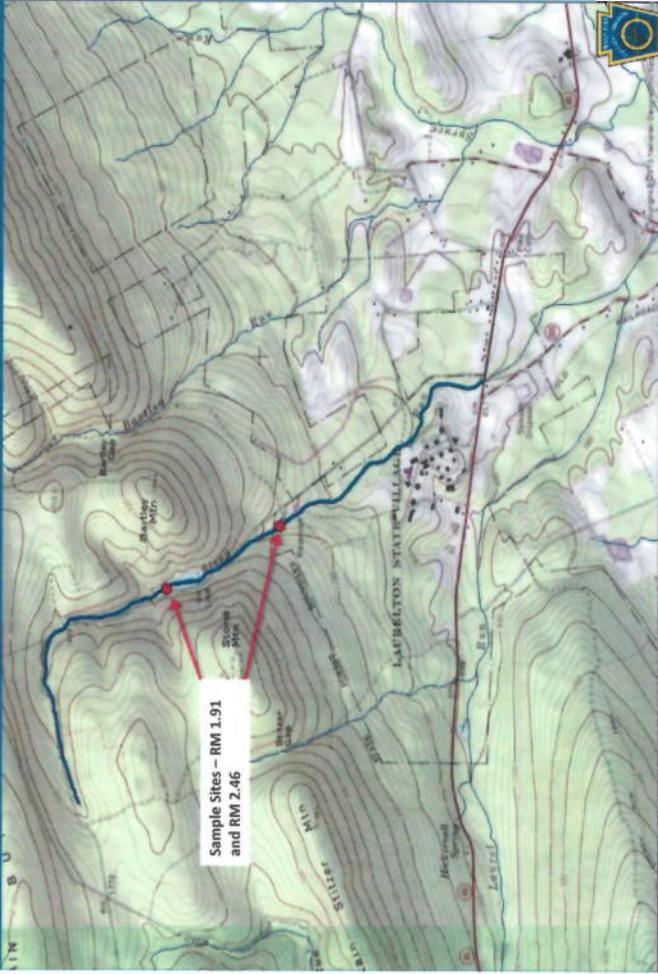


## South Fork Bens Creek, Somerset County

Brook Trout RM - 9.69  
Site Length - 217 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	7	0.11	109
2	70	2.68	1090
3	1	0.09	16
4	23	4.91	358
5	15	5.71	234
6	6	3.84	93
7	2	1.99	31
8	1	1.44	16
Total	125	20.77	1947

## Stony Run, Union County



## Stony Run, Union County

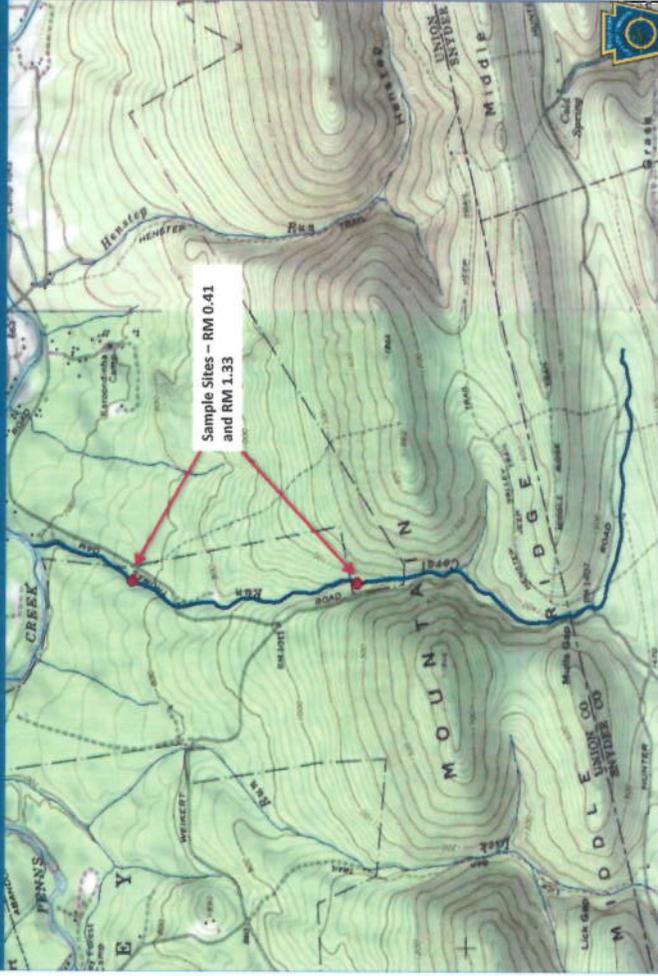
Brook Trout RM - 1.91  
Site Length - 202 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	99	4.80	1953
3	12	1.41	237
4	25	6.75	493
5	24	11.57	473
6	12	9.73	237
7	5	6.30	99
Total	177	40.56	3492

Brook Trout RM - 2.46  
Site Length - 330 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	60	0.91	875
2	84	3.01	1224
3	18	1.56	262
4	77	15.37	1122
5	17	6.06	248
6	8	4.79	117
Total	264	31.70	3848

## Coral Run, Union County



## Coral Run, Union County

Brook Trout RM - 0.41  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	73	2.85	1159
3	3	0.28	48
4	59	12.82	937
5	32	12.42	508
6	17	11.09	270
7	4	4.06	63
8	2	2.94	32
Total	190	46.46	3017

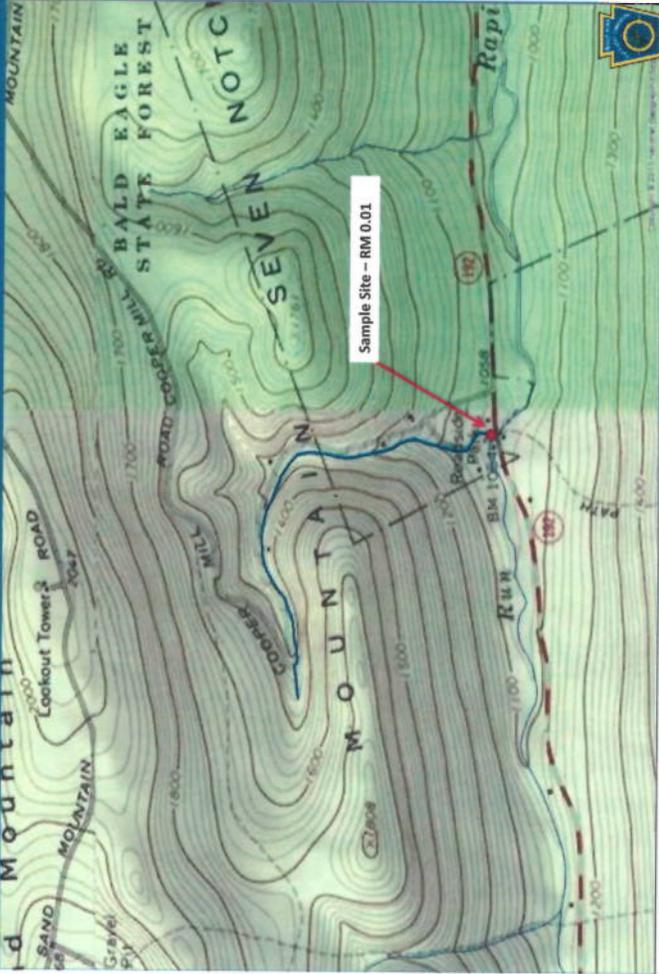
Brook Trout RM - 1.33  
Site Length - 116 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	16	1.54	627
3	1	0.23	39
4	30	16.11	1176
5	14	13.42	549
6	19	30.62	745
7	5	12.52	196
Total	85	74.44	3332

Brown Trout RM - 0.41  
Site Length - 300 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	4	0.16	63
3	3	0.30	48
Total	7	0.46	111

### UNT To Rapid Run (RM 7.16), Union County



### UNT To Rapid Run (RM 7.16), Union County

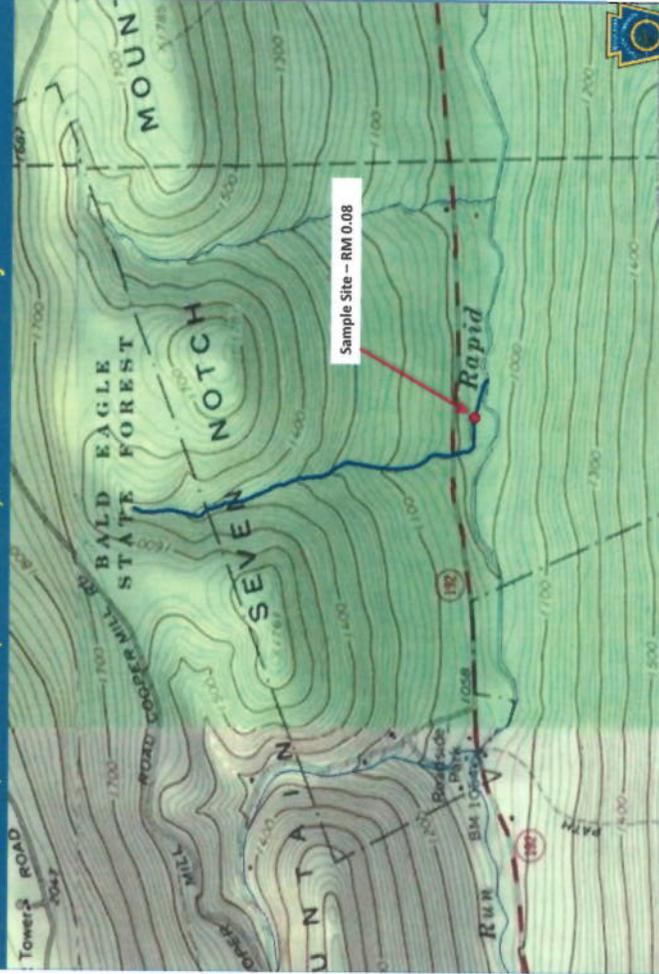
Brook Trout RM - 0.01  
Site Length - 200 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	5	0.17	160
2	205	16.16	6571
3	9	1.72	288
4	18	7.90	577
5	3	2.35	96
6	2	2.63	64
7	1	2.05	32
Total	243	32.98	7788

Brown Trout RM - 0.01  
Site Length - 200 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	1	0.08	32
3	1	0.20	32
4	16	7.35	513
5	6	5.05	192
8	1	3.11	32
Total	25	15.79	801

### UNT To Rapid Run (RM 6.35), Union County



### UNT To Rapid Run (RM 6.35), Union County

Brook Trout RM - 0.08  
Site Length - 166 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	9	0.24	228
2	41	2.55	1038
3	23	3.47	582
4	42	14.56	1063
5	18	11.14	456
6	7	7.28	177
7	2	3.23	51
Total	142	42.47	3595

Brown Trout RM - 0.08  
Site Length - 166 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	4	0.65	101
4	2	0.73	51
Total	6	1.38	152

# McCullen Run, Westmoreland County

**Brook Trout RM - 0.21**  
Site Length - 256 meters

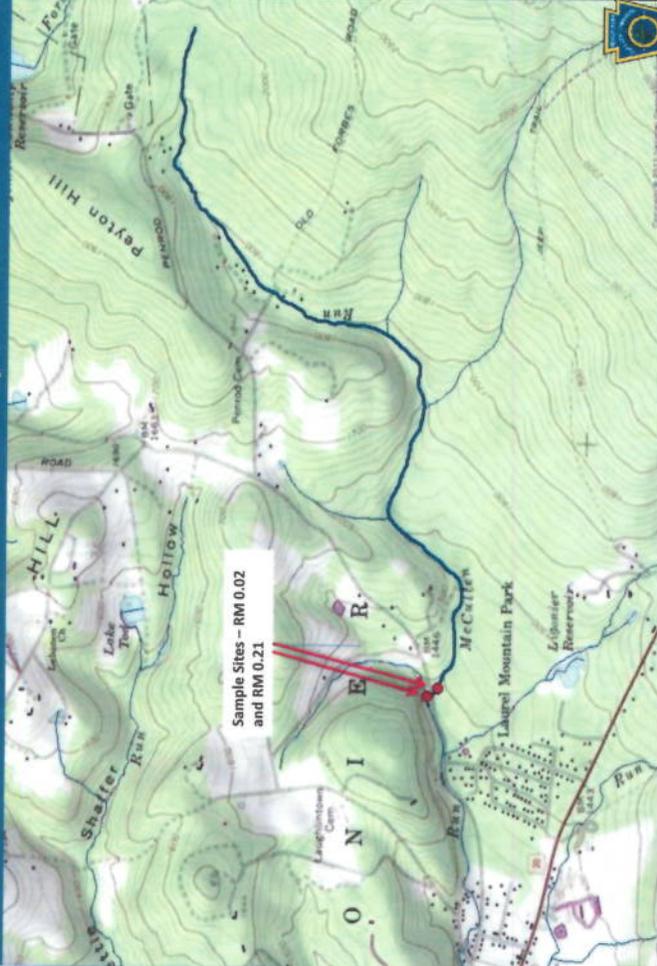
Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	3	0.06	23
3	6	0.27	46
4	18	1.89	138
5	9	1.68	69
6	6	1.89	46
7	2	0.98	15
Total	44	6.77	337

**Rainbow Trout RM - 0.21**  
Site Length - 256 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	22	0.46	168
3	3	0.14	23
4	2	0.21	15
5	2	0.40	15
6	1	0.34	8
8	1	0.80	8
Total	31	2.35	237



# McCullen Run, Westmoreland County



# McCullen Run, Westmoreland County

**Brook Trout RM - 0.02**  
Site Length - 283 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
3	1	0.04	7
4	9	0.81	59
5	4	0.64	26
6	2	0.54	13
7	2	0.84	13
Total	18	2.87	118

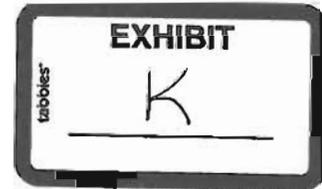
**Brown Trout RM - 0.02**  
Site Length - 283 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
2	7	0.12	46
3	17	0.71	111
Total	24	0.83	157

**Rainbow Trout RM - 0.02**  
Site Length - 283 meters

Length Group (inches)	Population Estimate	Estimated Kg/Ha	Estimated Number/Ha
1	2	0.01	13
2	96	1.72	628
3	6	0.25	39
4	2	0.18	13
5	13	2.24	85
6	4	1.15	26
7	2	0.94	13
8	1	0.68	7
9	1	0.94	7
Total	127	8.11	831





### Proposed Changes to List of Class A Wild Trout Waters; September 2015

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. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout 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 lbs/acre).

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

(ii) *Wild Brown Trout Fisheries*

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

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

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

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

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

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

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

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

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

(iv) *Wild Rainbow Trout Fisheries*

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

(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 lbs/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 lbs/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 lbs/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 lbs/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 September 28 and 29, 2015.

County	Stream	Section	Limits	Tributary To	Mouth Lat/Lon	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Cambria	Porter Run	01	Headwaters to Mouth	West Branch Susquehanna River	40.667567 78.788181	52.62	28.14	—	1.77	2014
Cambria	Walnut Run	01	Headwaters to Mouth	West Branch Susquehanna River	40.662601 78.783905	1.33	69.03	—	2.68	2014
Cambria/ Indiana	Douglas Run	01	Headwaters to Mouth	West Branch Susquehanna River	40.693985 78.805816	2.26	42.26	—	2.68	2014
Carbon	Fawn Run	01	Headwaters to Mouth	Lehigh River	41.094036 75.754978	46.96	0.71	—	1.90	2014
Carbon	Stewart Creek	02	Crooked Run to Mouth	Mahoning Creek	40.815278 75.740833	—	88.08	—	1.70	2013
Centre	Black Gap Run	01	Headwaters to Mouth	White Deer Creek	41.011967 77.212662	59.90	10.71	—	1.49	2014
Centre	Old Mingle Valley Run	01	Headwaters to Mouth	Penns Creek	40.840987 77.405951	18.52	27.73	—	1.47	2014
Centre	Sixmile Run	01	Headwaters to Clay Mine Road	Moshannon Creek	40.943056 78.123056	67.59	49.76	—	4.22	2012
Centre	UNT To Spring Creek (RM 1.31)	02	UNT at RM 0.53 to Mouth	Spring Creek	40.926698 77.780579	—	53.78	—	0.53	2014
Centre/ Clinton	Eastville Run	01	Headwaters to Sink at RM 0.44	Fishing Creek	41.040195 77.227460	37.88	—	—	1.75	2014
Clearfield	Jack Dent Branch	02	First Forest Road Bridge downstream of the headwaters to Mouth	Medix Run	41.220278 78.393889	40.29	—	—	1.70	2014
Clinton	Greenlick Run	01	Headwaters to Little Greenlick Run	Left Branch Young Womans Creek	41.439167 77.702500	29.99	21.25	—	3.79	2012
Clinton	Greenlick Run	02	Little Greenlick Run to Mouth	Left Branch Young Womans Creek	41.439167 77.702500	34.53	110.43	—	1.93	2012
Clinton	Long Run	03	Emergence of Stream 1.42 km upstream of Mouth to Mouth	Fishing Creek	41.086944 77.469444	0.69	169.27	13.65	0.88	2013
Clinton	Washburn Run	01	Headwaters to Mouth	Long Run	41.063332 77.354721	52.83	7.22	—	1.27	2014

County	Stream	Section	Limits	Tributary To	Mouth Lat./Lon	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Crawford	Dolly Run	01	Headwaters to Mouth	Shirley Run	41.708057 79.662781	—	188.18	—	2.17	2013
Elk	Sullivan Run	01	Headwaters to Mouth	Medix Run	41.267223 78.404999	46.12	1.43	—	3.45	2013
Fayette	Fulton Run	01	Headwaters to Mouth	Mill Run	39.949963 79.432861	34.62	—	—	3.66	2012
Lackawanna	Aylesworth Creek	01	Headwaters to Backwaters Edgerton Reservoir	Lackawanna River	41.520279 75.544998	41.20	—	—	1.54	2013
Lackawanna	Aylesworth Creek	02	Outlet of Edgerton Reservoir to Backwaters Aylesworth Creek Lake	Lackawanna River	41.520279 75.544998	32.10	—	—	1.56	2013
Lackawanna	Plank Bridge Creek	01	Headwaters to Mouth	Spring Brook	41.305556 75.643889	132.74	1.92	—	2.47	2012
Lycoming	Antes Creek	01	Big Spring (Nippenose) to Mouth	West Branch Susquehanna River	41.188824 77.240997	0.01	46.22	—	3.30	2014
Lycoming	Mosquito Creek	01	Outflow Mosquito Valley Reservoir to Williamsport Water Authority Intake	West Branch Susquehanna River	41.224998 77.041389	45.49	31.61	—	4.43	2014
Lycoming	Mosquito Creek	02	Williamsport Water Authority Intake to Mouth	West Branch Susquehanna River	41.224998 77.041389	0.03	57.37	—	2.88	2014
Lycoming	Remington Run	01	Headwaters to Mouth	Mosquito Creek	41.199444 77.060552	36.06	4.52	—	2.62	2014
Lycoming	Ross Run	01	Headwaters to Mouth	Pine Creek	41.419876 77.489098	36.48	2.45	—	1.77	2014
Mifflin	Wakefield Run	02	UNT at RM 2.42 to Mouth	Juniata River	40.517902 77.698251	—	55.65	—	2.42	2014
Potter	Nelson Run	01	Headwaters to Mouth	Mill Creek	41.732735 77.936798	8.30	61.76	—	3.18	2014
Potter	Peet Brook	01	Headwaters to Mouth	Allegheny River	41.833889 77.942223	4.18	175.64	—	4.78	2014
Potter	Steer Run	01	Headwaters to Mouth	Allegheny River	41.807220 78.014168	44.03	19.68	—	3.58	2014

County	Stream	Section	Limits	Tributary To	Mouth Lat/Lon	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Schuylkill	UNT To Mahoning Creek (RM 10.09)	02	UNT upstream from intersection of Dairy and Struss Valley Road to Mouth	Mahoning Creek	40.778675 75.843140	1.20	42.54	—	2.00	2013
Snyder/ Union	Coral Run	01	Headwaters to Mouth	Penns Creek	40.856945 77.264999	60.46	0.23	—	3.25	2013
Somerset	Cub Run	01	Headwaters to 2.6 km upstream of Mouth	Clear Shade Creek	40.171667 78.745278	65.44	1.06	—	1.39	2014
Somerset	Iasers Run	01	Headwaters to Backwater of Rockwell Reservoir	Town Line Run	39.858334 79.218613	37.98	—	—	1.04	2014
Somerset	South Fork Bens Creek	01	Headwaters to Backwater of Conemaugh Township Reservoir	Bens Creek	40.272500 78.978611	51.08	—	—	1.30	2014
Tioga	Sand Run	01	Headwaters to Mouth	Wilson Creek	41.639721 77.301392	51.63	—	—	2.07	2014
Union	Stony Run	01	Headwaters to SR 45	Laurel Run	40.894581 77.202789	36.13	—	—	2.90	2014
Union	UNT To Rapid Run (RM 6.35)	01	Headwaters to Mouth	Rapid Run	40.987289 77.111710	42.47	1.38	—	0.92	2014
Union	UNT To Rapid Run (RM 7.16)	01	Headwaters to Mouth	Rapid Run	40.987511 77.125610	32.98	15.79	—	0.98	2014
Westmoreland	McCullen Run	01	Headwaters to Mouth	Laughlontown Run	40.215041 79.184240	4.82	0.42	5.24	2.90	2013

The odds of winning are based on selling all 500,000 tickets. If all 500,000 tickets are not sold, the odds of winning will depend on the total number of tickets sold. All Pennsylvania Millionaire Raffle XXI lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments. Federal income tax withholding will be automatically deducted from the lump-sum cash payment for all first-prize-tier and second-prize-tier prizes.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XXI lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote the Pennsylvania Millionaire Raffle XXI lottery game or through normal communications methods.

11. *Retailer Bonus:* The Lottery in its sole discretion may offer a retailer bonus in connection with the sale of Pennsylvania Millionaire Raffle XXI lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the winning ticket is claimed and validated or approximately 30 days after the date of the drawing in which the winning ticket was entered, provided that Lottery security can and has verified the sales transaction as valid. A bonus will not be awarded to a Lottery retailer that sells a Pennsylvania Lottery Millionaire Raffle XXI ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

12. *Promotional Drawings:* The Pennsylvania Lottery may conduct promotional drawings associated with the Pennsylvania Millionaire Raffle XXI lottery game. If the Lottery does conduct such a promotional drawing, Pennsylvania Millionaire Raffle XXI lottery game tickets will be imprinted with a unique code to be used by players to enter the promotional drawings. The promotional drawings may be held independently of or in conjunction with the regular Pennsylvania Millionaire Raffle XXI drawings. The Secretary will announce the existence of the promotional drawings. Winners of promotional drawings will be randomly selected from the group of qualified entries. A description of the available prize(s) and the specific rules and other information necessary for the conduct of the promotional drawings will be posted to the Lottery's publicly accessible website. A copy of the same will also be kept on file with the Lottery and will be available upon request.

13. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XXI lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

14. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XXI lottery game

tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XXI lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XXI lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

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

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 15-1555. Filed for public inspection August 21, 2015, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Proposed Special Regulation Designations

The Fish and Boat Commission (Commission) has approved guidelines with regard to encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates 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 September 28 and 29, 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 § 65.17. Catch and Release Lakes Program

The Commission will consider adding the following waters to its "Catch and Release Lakes Program" regulated and managed under 58 Pa. Code § 65.17:

County	Water
Centre	Colyer Lake
Lancaster	Speedwell Forge Lake
Luzerne and Sullivan	Lake Jean
Schuylkill	Lower Owl Creek Reservoir (Note: The Upper Reservoir, which was identified simply as Owl Creek Reservoir, was previously designated into this program effective January 1, 2007. See 36 Pa.B. 7776 (December 16, 2006).)
Tioga	Lake Nessmuk

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

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/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. 15-1556. Filed for public inspection August 21, 2015, 9:00 a.m.)

## GOVERNOR'S OFFICE

### Catalog of Nonregulatory Documents; Update

The following is an update to the Department of Environmental Protection listing in the notice published at 45 Pa.B. 4493, 4546-4557 (August 8, 2015).

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#### Department of Environmental Protection (DEP)

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#### Policy and Technical Guidance Report

August 2015

The following is a current list of the Department of Environmental Protection's (Department) draft and final technical guidance documents. These documents are available to view and download on the Department's online eLibrary at <http://www.elibrary.dep.state.pa.us/dsweb/HomePage>. Persons who have questions or comments about a particular document should contact Hayley Jeffords, at (717) 783-8727 or by e-mail to [ra-epthepolicyoffice@pa.gov](mailto:ra-epthepolicyoffice@pa.gov). The Department will continue to revise its technical guidance documents as necessary.

<i>Title</i>	<i>Identification Number</i>
<i>Policy Office</i>	
Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in GRANTS Review	012-0200-002
Policy for Applications for Technical or Financial Assistance Proposals	012-0200-004
Public Access to Information and Right to Know Law Policy	012-0200-005
DEP Mediation Confidentiality	012-0501-001
Environmental Justice Public Participation Policy	012-0501-002
Policies and Procedures for Implementing the History Code	012-0700-001
Guidance for Implementation of the Agricultural Land Preservation Policy	012-0700-002
Confidential Security Information	012-0800-001
Policy for Development, Approval and Distribution of Regulations	012-0820-001
Policy to Encourage Voluntary Compliance by Means of Environmental Audits	012-0840-001
Policy for Development and Publication of Technical Guidance	012-0900-001
Policy on Public Participation in the Permit Review Process	012-0900-003
Public Participation in the Development of Regulations and Technical Guidance	012-1920-001
Advisory Committee Guidelines	012-1920-002
Policy on Meeting the Requirements of the 1996 Amendments to Engineer, Land Surveyor and Geologist Registration Law	012-2000-001
Policy for the Consideration of Community Environmental Projects in Conjunction with Assessment of Civil Penalty	012-4180-001
<i>Information Technology</i>	
DEP Locational Data Policy	013-0830-003
Loan of DEP Personal Computers to Local Procurement Units	013-0830-004
Suggested Formats for Required Electronic Deliverable Attachments	013-0830-005
Formats for Required Electronic Deliverable CAD Attachments	013-0830-006
Formats for Required Electronic Deliverable GIS Attachments	013-0830-007
Geospatial Digital Data Submission Guideline	013-0830-008