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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 132nd Meeting of the Pennsylvania Fish and Boat Commission was held on Monday and Tuesday, April 29 and 30, 2019 at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110.

Commission committees met on April 29, beginning at approximately 12:50 p.m., and on April 30, beginning at approximately 8:05 a.m. The public session for review of this agenda began on or about 11:00 a.m. on April 30.

Call to Order

The meeting was called to order by Commission Vice President Richard Lewis, followed by the Pledge of Allegiance to the Flag.

Roll Call

Members Present

Richard Lewis, Vice President

Rocco S. Ali

Donald K. Anderson

William C. Brock

Norman R. Gavlick

Richard S. Kauffman

Edward P. Mascharka III

Robert B.J. Small

Members Not Present

G. Warren Elliott

Review and Approval of Minutes from the January 15, 2019 Meeting

A motion was made by Commissioner Anderson and seconded by Commissioner Ali to approve the January 15 minutes as written. Motion carried.

Awards and Presentations

Impaired watercraft operators are a serious threat to public safety on Commonwealth Waterways. For this reason, enforcing boating under the influence (BU) laws is one of the most important responsibilities of waterways conservation officers. The U.S. Coast Guard estimates that 50 percent of all recreational boating fatalities are alcohol or drug related. BUI is a serious

crime in Pennsylvania. Since 1999, a waterways conservation officer has been recognized as our agency's 'Top Gun' for excellence in BUI law enforcement work. This award recognizes an officer's outstanding effort during the past year in detection and apprehending impaired boaters. The 2018 Top Gun is WCO Corey Girt. Corey patrols the busy 6063 Mifflin/N. Huntingdon district and spends many patrol days on Raystown Lake. This past boating season Corey facilitated two boating safety details as well as taking part in four others. He successfully apprehended eight individuals for BUI as well as assisting in two other arrests by other officers. These are only a few of the reasons that WCO Girt was selected for this award.

The Greiner Environmental Protection Award honors the memory of WCO Gerald Greiner who dedicated his life to the protection and enhancement of the Southwest Region's aquatic resources. Jerry worked closely with partner agencies to track down and hold polluters accountable for damages done to the Commonwealth's waterways. This award is presented annually to the WCO who best exemplifies the ideals of 'Resource First' - the protection, conservation, and enhancement of the Commonwealth's aquatic resources. For 2018, this award is presented to WCO Travis Miller. Travis is assigned to the 4092 Lehigh/Berks County district in the Southeast Region. In 2018, Travis investigated and took action in 18 environmental cases including one where misdemeanor criminal charges were filed.

Each year the North East Conservation Law Enforcement Chiefs Association recognizes member states' top officer with the coveted officer of the year award. This award recognizes the recipient for a well-rounded conservation law enforcement program within their assigned patrol area. For 2018, the Pennsylvania Fish and Boat Commission recognized WCO Robert Plumb as their officer of the year. Bob is assigned to the 3069 Wayne/Pike district which includes portions of Lake Wallenpaupack.

On December 20, 2018, while snorkeling in the ocean at a resort in Costa Rica, WCT Chase Rhoades heard and observed an individual in distress. The victim was approximately 300 yards out from shoreline. The distressed swimmer was struggling to keep his head above water and was beginning to go under. WCO Rhoades swam to the individual, identified himself as trained water rescue technician, and towed the victim back to shore and safety. If it were not for the quick actions of WCO Rhoades, the swimmer would have been lost that day.

The Heroes of Water Rescue Award recognizes individuals who make a significant, lasting and continuous impact in the field of water rescue as a result of the guidelines established by the Commission's Water Rescue Program. The award is based on an extraordinary long-term commitment to the Water Rescue Program rather than an individual life-saving act. The Commission would like to recognize the recipient of the award Chris Calhoun. Through his past efforts to increase awareness about the need for swiftwater and flood rescue training, Mr. Calhoun inspired other individuals and organizations to embrace the Water Rescue Program. Additionally, the relationships he built with organizations over the years have had a long-lasting impact and helped to establish the level of professionalism and credibility with which the program is viewed today. The success of the Commission's Water Rescue Program is in the

hands of our instructors. Without their efforts, there would not be a program. Water rescue training saves lives. The Commission thanks Mr. Calhoun for his commitment to the program.

Executive Director's Report

The "January - March 2019 Quarterly Report" was provided to Commissioners (Exhibit A). Executive Director Timothy Schaeffer discussed numerous projects and programs that staff are currently focused on.

Announcement of Executive Sessions

Commissioner Lewis announced that an executive session was held on Monday, April 29 at approximately 11:30 a.m. to discuss personnel matters, potential real estate acquisitions, and pending litigations.

Reports of Commissioner Committees

Executive and Administrative (Commissioner Lewis)

The Executive and Administrative Committee met on Monday, April 29, at approximately 12:45 p.m. Agenda items were discussed. Paul Urbanik provided a hazardous Dam Construction presentation. A Strategic Planning update was given by Sean Gimbel.

Boating (Commissioner Lewis)

The Boating Committee met on Tuesday, April 30, at approximately 9:40 a.m. Chris Calhoun presented "Is Your Community Safe? VRSR Program Overview." Ryan Walt presented a Safe Boating Week update and an overview of Operation Hurricane.

Fisheries and Hatcheries (Commissioner Kauffman)

The Fisheries and Hatcheries Committee met on Monday, April 29, at approximately 2:30 p.m. Agenda items were discussed. Brian Wisner provided a hatchery update. Tom Cochran provided a trout stocking update. Harry Wade presented an overview on the Reynoldsdale State Fish Hatchery.

Habitat and Environmental (Commissioner Small)

The Habitat and Environmental Committee met on Monday, April 29, at approximately 1:40 p.m. Chris Urban presented the Annual Timber Rattlesnake update. Dustin Shull from DEP provided an Integrated Water Quality Monitoring and Assessment Report.

Law Enforcement (Commissioner Gavlick)

The Law Enforcement Committee met on Tuesday, April 30 at approximately 10:25 a.m. LTC Larry Furlong provided a Fiskil Hotline update as well as the BLE Annual Report highlights. There were four revocations.

Legislation and Public Outreach (Commissioner Brock)

The Legislation and Public Outreach Committee met on Tuesday, April 30, at approximately 8:05 a.m. Students from the Chesapeake Bay Foundation Leadership Council gave a Hellbender

State Amphibian presentation. Steven Kralik provided a Mentored Youth update. Gavin provided a presentation on digital marketing. Carl Richardson presented the R3 plan update. Mike Parker presented the Trout Season Radio Ads.

Public Comment to Commissioners and Staff

None.

**EXECUTIVE AND ADMINISTRATIVE
PUBLIC ACCESS AND REAL ESTATE MATTERS**

A. Goldsmith Property Easement Acquisition, Springboro Borough, 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 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 540 linear feet along Conneaut Creek as it flows across a parcel of property in Springboro Borough, Crawford County, for \$11,200. 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. The easement area is located along Conneaut Creek off Beaver Street in Springboro, PA. A map depicting the subject parcels is attached as Exhibit B.

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.

Conneaut Creek provides significant steelhead 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 the site be acquired.

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Conneaut Creek in Springboro 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 Anderson and seconded by Commissioner Ali to authorize the acquisition of an easement along Conneaut Creek in Springboro Borough, Crawford County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried

B. Borough of Wesleyville Easement Acquisition, Borough of Wesleyville, Erie County.

Commentary:

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

The Commission has been offered an easement on 5,560 linear feet along Fourmile Creek as it flows across seven parcels of property in Wesleyville Borough, Erie County, for \$70,000. 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. The easement area is located along Fourmile Creek south of Route 20 in Wesleyville, PA. A map depicting the subject parcels is attached as Exhibit C.

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 agreements 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 subordination of liens for the property.

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

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Fourmile Creek in the Borough of Wesleyville, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Anderson to authorize the acquisition of an easement along Fourmile Creek in the Borough of Wesleyville, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried

C. Henry Trust Property Acquisition on Spruce Creek, Franklin Township, Huntingdon County.

Commentary:

Currently being offered for sale are two parcels of land totaling +/-1-acre, known as the Henry Trust parcels, located between State Route 45 and Spruce Creek in Franklin Township, Huntingdon County, near the Village of Franklinville. The two parcels are abutted on the southeast by the Indian Caverns property owned by the Western Pennsylvania Conservancy that the PFBC has a signed agreement of sale with to acquire.

With the acquisition of the two Henry Trust parcels, the Commission will control an additional 201 feet of stream frontage on Spruce Creek. A map depicting the Indian Caverns property and Henry Trust parcels is attached as Exhibit D.

The first Henry Trust parcel is +/- 0.43-acres and owned by the Louise W. Henry Family Trust. The parcel contains a two-story wood frame house, fronts on State Route 45 and has +/- 201 feet of frontage on Spruce Creek, with ownership running to the centerline of the creek. The second Henry Trust parcel is +/- 0.48-acres and owned by the Frank and Barbara Henry Trust. The parcel contains a wood frame garage and wood frame shed, fronts on State Route 45, but does not have frontage on Spruce Creek.

According to an appraisal report dated September 4, 2018, the appraised value of the +/-0.43-acre parcel is \$300,000 and the +/- 0.48-acre parcel is \$30,000, for a total value of \$330,000. The seller has agreed to sell the Commission the +/- 0.43-acre parcel for \$205,000 and to donate the +/- 0.48-acre parcel.

If acquired, the Commission plans to demolish and remove all structures on the parcels. The parcels will eventually be developed to provide increased and improved public access to this section of Spruce Creek and the Indian Caverns property.

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

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the acquisition of the two parcels of land totaling +/- 1-acre in Franklin Township, Huntingdon County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Brock to authorize the acquisition of the two parcels of land totaling +/- 1-acre in Franklin Township, Huntingdon County, as more particularly described in the Commentary. Motion carried

FISHERIES
FINAL RULEMAKING

A. Amendment to Section 65.24 (Miscellaneous Special Regulations): Chapman Dam Reservoir, Warren County.

Commentary:

Chapman Dam Reservoir, a 67.95-acre impoundment owned by the Department of Conservation and Natural Resources, is located within Chapman State Park, Pleasant Township, Warren County, approximately six miles south of the City of Warren. This reservoir was completely dewatered during fall 2017 to remove sediment and to complete control tower, dam and spillway repairs and modifications per Pennsylvania Department of Environmental Protection dam safety standards. The earth-fill dam, constructed in 1949, impounds the West Branch Tionesta Creek at river-mile 14.7 upstream from its confluence with Tionesta Creek at river-mile 40.3. Prior to the drawdown in 2017, the lake offered angling opportunities for multiple warm-water and cool-water fish species, as well as adult trout stocked by the Commission. Sediment removal and dam and spillway repairs are expected to be completed by early 2019 with re-filling initiated soon after.

The Commission plans to initiate stocking the lake beginning in spring 2019 or as soon as refilling conditions allow with fingerling plants of select fish species to establish a high quality warm-water and cool-water fishery. Immediately upon refilling of the lake, staff propose to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth Inland Waters angling regulations but allow only catch and release fishing for all other fish species. Staff believe that this approach will allow for the most rapid development of a balanced warm-water and cool-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management staff will monitor the fish populations as needed while they develop and make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high quality recreational angling opportunities at Chapman Dam Reservoir. Once the warm-water fishery has been reestablished, the lake will be recommended for removal from the miscellaneous special regulation and inclusion in one of the Commission's existing warmwater regulation programs.

A notice of proposed rulemaking was published at 48 Pa. 7643 (December 15, 2018) (Exhibit E). The Commission did not receive any public comments regarding the proposal.

Staff propose the following amendment:

§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> |
|----------------------|-------------------------------------|---|
| *** | *** | *** |
| <u>Warren</u> | <u>Chapman Dam Reservoir</u> | <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). This miscellaneous special regulation will remain in effect until further notice.</u> |
| *** | *** | *** |

Briefer:

Andrew L. Shiels, Deputy Director of Field Operations

Recommendation:

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

Action:

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

FISHERIES DESIGNATIONS

B. 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 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 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 33 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 F provides information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 49 Pa. B. 1086 (March 9, 2019) (Exhibit G). As of April 16, 2019, the Commission received a total of 196 public comments regarding the proposed designations – 195 support the proposed designations and one comment did not pertain to the proposed designations. Additionally, the Commission also received a docket of 1,661 signatures supporting the proposed designations. To comply with the 60-day comment period for the proposed designations, the Commission will continue to solicit public comments through May 9, 2019. Copies of all public comments have been provided to the Commissioners.

Briefer:

Andrew L. Shiels, Deputy Director of Field Operations

Recommendation:

Staff recommend that the Commission add 33 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:

The Commission has a practice of soliciting comments for both wild trout and Class A wild trout listing proposals for a period of thirty days, no later than 60 days prior to the Commission meeting when action will be taken. It is intended that this item will be discussed at this meeting and then scheduled for a notational vote at a future date on or after May 9, 2019 to allow for a 60-day public comment period.

C. 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 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 58 Pa. Code § 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 99 new waters to the Commission's list of wild trout streams, the revisions to the section limits of nine waters, and the removal of one water from the wild trout 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 49 Pa. B. 1080 (March 9, 2019) (Exhibit I). As of April 16, 2019, the Commission received a total of 248 public comments regarding the proposed designations – 234 support the proposed designations, nine support the designation of a specific water, and five comments did not pertain to the proposed designations. Additionally, the Commission also received a docket of 1,661 signatures supporting the proposed designations. To comply with the 60-day comment period for the proposed designations, the Commission will continue to solicit public comments through May 9, 2019. Copies of all public comments have been provided to the Commissioners.

Briefer:

Andrew L. Shiels, Deputy Director of Field Operations

Recommendation:

Staff recommend that the Commission add 99 new waters to the Commission's list of wild trout streams, revise the section limits of nine waters, and remove one water from the wild trout list as set forth in the notice of proposed designations. If approved, these additions, revisions, and removal will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

The Commission has a practice of soliciting comments for both wild trout and Class A wild trout listing proposals for a period of thirty days, no later than 60 days prior to the Commission meeting when action will be taken. It is intended that this item will be discussed at this meeting and then scheduled for a notational vote at a future date on or after May 9, 2019 to allow for a 60-day public comment period.

D. Addition of Spruce Creek, Section 03, Huntingdon County, to the Catch-and-Release Artificial Lures Only Program (58 Pa. Code §65.5).

Commentary:

Spruce Creek arises from springs located on Tussey Mountain near the Village of Rockspring in Centre County and flows southwest 16.5 miles to its confluence with the Little Juniata River at the Village of Spruce Creek in Huntingdon County. This stream flows through hardwood-dominated riparian woodlands intermixed with agricultural lands and private residences. The water quality of Spruce Creek is primarily influenced by limestone springs throughout the basin that supply cold and fertile water to the stream and its tributaries.

Historically, Spruce Creek was partitioned into four stream sections for fisheries management purposes, and approximately 87 percent of the stream was closed to public angling. The portion of Spruce Creek from the headwaters downstream to the lower limit of the Pennsylvania State University (PSU) Experimental Fisheries Area is designated as a wild trout stream. Additionally, two stream sections, Section 01 (2.24 river-miles from the headwaters downstream to the Centre/Huntingdon County line) and Section 04 (the 0.79-river-mile PSU Experimental Fisheries Area) are designated as Class A wild trout stream sections. Section 01 is managed with Commonwealth Inland Waters angling regulations, while Section 04 is managed with Catch-and-Release Artificial Lures Only angling regulations.

Recently, the 13-acre Indian Caverns property in the vicinity of the Village of Franklinville was acquired by the Western Pennsylvania Conservancy (WPC) for conservation purposes to include conveyance of the riparian land to the Pennsylvania Fish and Boat Commission (PFBC) for public fishing access to the portion of Spruce Creek flowing through the property. This portion of the stream was formerly closed to public angling when privately owned and operated as a commercial limestone cave attraction; however, it now provides approximately 0.15 river-miles of new public fishing access to Spruce Creek. As such, Spruce Creek, Section 03, was established and extends approximately 800 linear stream feet upstream from the vehicle access bridge to Indian Caverns located along State Route 45. Section 03 is currently managed with Commonwealth Inland Waters angling regulations.

Historically, the PFBC has surveyed the Spruce Creek fishery at very few locations along its length primarily due to the stream's private nature. However, with the recent acquisition of the Indian Caverns property by the WPC and subsequent provision of public fishing access, Section 03, was examined during July 2018 to evaluate the status of the naturally reproducing Brown Trout population and to determine if this stream section warrants designation as a Class A wild Brown Trout water. Section 03 Brown Trout biomass was estimated to be 451.97 kg/ha during the July 2018 investigation, far exceeding the PFBC's minimum biomass criterion of 40.00 kg/ha required for a Class A wild Brown Trout population, as outlined in 58 PA Code §57.8a., Class A Wild Trout Streams.

Pursuant to 58 PA Code §57.8a (Class A Wild Trout Streams), it is the Commission's policy to recognize self-sustaining Class A wild trout populations as renewable natural resources meriting special consideration in 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. The vast majority of these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking of hatchery trout. Based on the results of the 2018 investigation, Spruce Creek, Section 03, was added to PFBC's list of Class A Wild Trout Streams at the January 2019 quarterly Commission meeting.

The Addition of Spruce Creek, Section 03, to the Catch-and-Release Artificial Lures Only Program would provide anglers with a unique opportunity to fish over an exceptionally high-quality wild trout population where fishing mortality would not be a major factor determining population structure. It is anticipated that angler use in Section 03 will be high and warrant harvest and terminal tackle restrictions to adequately protect the trout population and provide greater sustainability of the quality of the fishery than would be provided under less restrictive angling regulations. Furthermore, application of Catch-and-Release Artificial Lures Only angling regulations would provide for consistent management with Spruce Creek, Section 04 (PSU Experimental Fisheries Area), currently managed with these regulations.

A notice of the proposed designation was published at 49 Pa. B. 1244 (March 16, 2019) (Exhibit J). The Commission received two public comments, both in support of the proposed designation. Copies of all public comments were provided to the Commissioners.

Briefer:

Andrew L. Shiels, Deputy Director of Field Operations

Recommendation:

Staff recommend the Commission add Spruce Creek, Section 03, Huntingdon County, to the Catch-and-Release Artificial Lures Only Program (58 Pa. Code §65.6). If approved, the designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Brock to table this item and direct the Commission's Legal office to publish a notice and solicit public comments for a proposal to add Spruce Creek, Section 03, to the Commission's Catch-and-Release All Tackle Program (58 Pa. Code §65.15). The designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion Carried.

E. Removal of Lake Jean, Sullivan and Luzerne counties, from the Catch-and-Release Lakes Program (58 Pa. Code §65.17).

Commentary:

Lake Jean is a 245-acre impoundment within Ricketts Glen State Park in Sullivan and Luzerne counties. The Pennsylvania Department of Conservation and Natural Resources dewatered Lake Jean in late fall 2015 to replace the control tower on the dam. After repairs and refilling in spring 2016, the Commission temporarily placed Lake Jean in the Catch-and-Release Lakes Program and began re-stocking efforts for select warm-water and cool-water fish species.

Commission biologists evaluated Lake Jean in spring 2018 to determine if fish populations had developed enough to warrant removal of the temporary catch-and-release regulations. Fish populations in 2018 were in very good condition. Except for Black Crappie, total catch-per-hour and quality-size catch-per-hour values exceeded pre-drawdown levels. This improvement was expected given stocking, catch-and-release regulations, “new lake effect,” habitat improvement, and limestone additions. Additionally, a remnant pool (approximately 20 acres) remained at the upstream end of the reservoir throughout the drawdown, allowing some quality-size fish to survive.

A notice of the proposed designation was published at 49 Pa. B. 1244 (March 16, 2019) (Exhibit I). The Commission did not receive any public comments regarding the proposal.

Briefer:

Andrew L. Shiels, Deputy Director of Field Operations

Recommendation:

Staff recommend the Commission remove Lake Jean, Sullivan and Luzerne counties, from the Catch-and-Release Lakes Program (58 Pa. Code §65.17). If approved, Lake Jean will revert to Commonwealth Inland Waters angling regulations (58 Pa. Code §61.1) on January 1, 2020.

Action:

A motion was made by Commissioner Gavlick and seconded by Commissioner Ali to remove Lake Jean, Sullivan and Luzerne counties, from the Catch-and-Release Lakes Program (58 Pa. Code §65.17). If approved, Lake Jean will revert to Commonwealth Inland Waters angling regulations (58 Pa. Code §61.1) on January 1, 2020. Motion carried.

F. Removal of Kyle Lake, Jefferson County, from the Big Bass Program (58 Pa. Code §65.9).

Commentary:

Kyle Lake, a 165-acre impoundment owned by the Pennsylvania Fish and Boat Commission, is located approximately four miles northwest of the City of Falls Creek, Jefferson County. This reservoir was completely dewatered during late fall 2016 to complete dam and spillway repairs/modifications per Pennsylvania Department of Environmental Protection dam safety standards. The earth-fill dam, initially constructed in 1910, impounds Falls Creek at river-mile 0.32 upstream from its confluence with Wolf Run at river-mile 1.11. Prior to the drawdown in 2016, the lake offered shoreline angling opportunities for multiple warm-water species. Sediment removal and dam and spillway repairs are expected to be completed by fall of 2019 with re-filling initiated soon after.

The Commission plans to initiate stocking the lake beginning in the spring of 2020 with fingerling plants of select fish species to establish a high-quality warm-water and cool-water fishery. During the process of rebuilding the fishery, staff propose to open the reservoir to fishing under the Catch-and-Release Lakes Program on a temporary basis. Lakes managed in this Program are regulated year-round for catch-and-release angling for all fish species. This approach will allow for the most rapid development of a balanced warm-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management staff will monitor the fish populations as needed while they develop and make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high-quality recreational angling opportunities at Kyle Lake. It is anticipated that once the warm-water fishery has been reestablished, the lake will be recommended for removal from the Catch-and-Release Lakes Program and included in program(s) that accommodate appropriate fish harvest while maintaining high-quality recreational angling opportunities. To facilitate transition of Kyle Lake to the Catch-and-Release Lakes Program, this water must first be removed from the Big Bass Program.

A notice of the proposed designation was published at 49 Pa. B. 1244 (March 16 2019) (Exhibit J). The Commission did not receive any public comments regarding the proposal.

Briefer:

Andrew L. Shiels, Deputy Director of Field Operations

Recommendation:

Staff recommend the Commission remove Kyle Lake, Jefferson County, from the Big Bass Program (58 Pa. Code §65.9). If approved, the designation will go into effect on January 1, 2020.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Anderson to remove Kyle Lake, Jefferson County, from the Big Bass Program (58 Pa. Code §65.9). The designation will go into effect on January 1, 2020. Motion carried.

G. Addition of Kyle Lake, Jefferson County, to the Catch-and-Release Lakes Program (58 Pa. Code §65.17).

Commentary:

Kyle Lake, a 165-acre impoundment owned by the Pennsylvania Fish and Boat Commission, is located approximately four miles northwest of the city of Falls Creek, Jefferson County. This reservoir was completely dewatered during late fall 2016 to complete dam and spillway repairs/modifications per Pennsylvania Department of Environmental Protection dam safety standards. The earth-fill dam, initially constructed in 1910, impounds Falls Creek at river-mile 0.32 upstream from its confluence with Wolf Run at river-mile 1.11. Prior to the drawdown in 2016, the lake offered shoreline angling opportunities for multiple warm-water species. Sediment removal and dam and spillway repairs are expected to be completed by fall of 2019 with re-filling initiated soon after.

The Commission plans to initiate stocking the lake beginning in the spring of 2020 with fingerling plants of select fish species to establish a high-quality warm-water and cool-water fishery. During the process of rebuilding the fishery, staff propose to open the reservoir to fishing under the Catch-and-Release Lakes Program on a temporary basis. Lakes managed in this Program are regulated year-round for catch-and-release angling for all fish species. This approach will allow for the most rapid development of a balanced warm-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management staff will monitor the fish populations as needed while they develop and make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high-quality recreational angling opportunities at Kyle Lake. It is anticipated that once the warm-water fishery has been reestablished, the lake will be recommended for removal from the Catch-and-Release Lakes Program and included in program(s) that accommodate appropriate fish harvest while maintaining high-quality recreational angling opportunities.

A notice of the proposed designation was published at 49 Pa. B. 1244 (March 16, 2019) (Exhibit K). The Commission did not receive any public comments regarding the proposal.

Briefer:

Andrew L. Shiels, Deputy Director of Field Operations

Recommendation:

Staff recommend the Commission add Kyle Lake, Jefferson County, to the Catch-and-Release Lakes Program (58 Pa. Code §65.17). If approved, the designation will go into effect on January 1, 2020.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Small to add Kyle Lake, Jefferson County, to the Catch-and-Release Lakes Program (58 Pa. Code §65.17). the designation will go into effect on January 1, 2020. Motion carried.

H. Addition of Tamarack Lake, Crawford County, to the Catch-and-Release Lakes Program (58 Pa. Code §65.17).

Commentary:

Tamarack Lake, a 562-acre impoundment owned by the Pennsylvania Fish and Boat Commission, is located approximately five miles southeast of the city of Meadville, Crawford County. This reservoir was completely dewatered during late summer 2012 to complete dam and spillway repairs and modifications per Pennsylvania Department of Environmental Protection dam safety standards. The lake contains two earth-fill dams, initially constructed in 1963, located to the north and south ends of the reservoir near the towns of Meadville and Cochranon, respectively. Meadville Dam, located on the northwestern end of the lake, discharges into Mill Run that flows northwest 3.50 miles to its confluence with French Creek at river-mile 31.31. The Cochranon Dam, located on the southeastern end of the lake, discharges to Mud Creek that flows 1.61 miles to its confluence with Little Sugar Creek at river-mile 7.93. Prior to the drawdown in 2012, the lake offered shoreline angling opportunities for multiple warm-water species. Sediment removal and dam and spillway repairs are expected to be completed by April of 2019 with re-filling initiated soon after.

The Commission plans to initiate stocking the lake beginning in the summer of 2020 with fingerling plants of select fish species to establish a high quality warm-water and cool-water fishery. During the process of re-building the fishery, staff propose to open the reservoir to a catch-and-release fishing on a temporary basis under the Catch-and-Release Lakes Program. Lakes managed in this Program are regulated year-round as catch and release for all fish species. This approach will allow for the most rapid development of a balanced warm-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management staff will monitor the fish populations as needed while they develop and make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high-quality recreational angling opportunities at Tamarack Lake. It is anticipated that once the warm-water fishery has re-established, the lake will be removed from the Catch-and-Release Lakes Program and included in program(s) accommodating appropriate fish harvest levels that continue to maintain high-quality recreational opportunities.

A notice of the proposed designation was published at 49 Pa. B. 1244 (March 16, 2019) (Exhibit I). The Commission did not receive any public comments regarding the proposal.

Briefer:

Andrew L. Shiels, Deputy Director of Field Operations

Recommendation:

Staff recommend the Commission add Tamarack Lake, Crawford County, to the Catch-and-Release Lakes Program (58 Pa. Code §65.17). If approved, the designation will go into effect on January 1, 2020.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Brock to add Tamarack Lake, Crawford County, to the Catch-and-Release Lakes Program (58 Pa. Code §65.17). The designation will go into effect on January 1, 2020. Motion carried.

LEGISLATION AND PUBLIC OUTREACH

A. Resolution on Recommendations of the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources.

Commentary:

In 2016, the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*, a panel of business and conservation leaders, including the Association of Fish and Wildlife Agencies, established recommendations to promote and enhance conservation efforts for the long-term health of fish and wildlife nationwide. From these recommendations, the *Recovering America's Wildlife Act* legislation was developed to dedicate \$1.3 billion annually to the Wildlife Conservation Restoration Program. The funding would provide states with new, critically-needed financial resources to effectively implement State Wildlife Action Plans to conserve 12,000 species in greatest need of conservation while providing the public with more access to open spaces.

On September 27, 2016, the Pennsylvania Fish and Boat Commission unanimously passed a resolution supporting the bipartisan *Recovering America's Wildlife Act* to address the funding needs identified by the Blue Ribbon Panel. The resolution proposed today would reaffirm the Commission's commitment and ongoing support of legislative initiatives to secure this funding. The Pennsylvania Game Commission and natural resource agencies from at least 26 other states have passed similar resolutions supporting the Blue Ribbon Panel recommendations.

RESOLUTION, made this 30th day of April, by the PENNSYLVANIA FISH AND BOAT COMMISSION, BOARD OF COMMISSIONERS, AN INDEPENDENT ADMINISTRATIVE AGENCY of the COMMONWEALTH OF PENNSYLVANIA, SUPPORTING THE *BLUE RIBBON PANEL ON SUSTAINING AMERICA'S DIVERSE FISH AND WILDLIFE RESOURCES* RECOMMENDATIONS TO CONGRESS DEDICATING TO STATES AND TERRITORIES 1.3 BILLION DOLLARS ANNUALLY IN EXISTING REVENUE TO DIVERSIFY FUNDING AND MANAGEMENT OF ALL WILDLIFE.

WHEREAS, Section 321 of the Fish and Boat Code (Code), 30 Pa. C.S. § 321, grants authority to the PFBC for "the protection, propagation and distribution of fish," which includes all game fish, fish bait, bait fish, amphibians, reptiles and aquatic organisms under section 102 of the Code;

WHEREAS, in support of this legal authority, a keystone element of the Commission's mission is to "protect, conserve, and enhance the Commonwealth's aquatic resources";

WHEREAS, in the 2015-2025 Pennsylvania Wildlife Action Plan, the 664 Species of Greatest Conservation Need, including Commission trust species of fishes, amphibians, reptiles, mussels, and non-mussel aquatic invertebrate species, are prioritized and include habitat associations and conservation actions supporting these species;

WHEREAS, dedicated and sustainable funding is required to support Species of Greatest Conservation Need and the diverse natural heritage of Pennsylvania as well as the United States;

WHEREAS, the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*, composed of 26 business and conservation leaders, identified a new funding mechanism to support state fish and wildlife conservation and the sustainability of all fish and wildlife for current and future generations;

WHEREAS, to diversify funding and management of all wildlife, the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources* has recommended that Congress dedicate to states and territories \$1.3 billion annually to the Wildlife Conservation and Restoration Program subaccount of the Federal Aid to Wildlife Restoration Fund;

WHEREAS, the Recovering America's Wildlife Act would fund recommendations of the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources* by making funds available for management of fish and wildlife Species of Greatest Conservation Need as determined by state fish and wildlife agencies in each state's Wildlife Action Plan;

WHEREAS, securing dedicated federal funding will require matching sources, including non-federal state match similar to that used for the Dingell-Johnson Act for Sport Fish Restoration;

NOW THEREFORE, in furtherance of the Commission's mission, be it

RESOLVED to support the recommendations of the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*; and further, be it

RESOLVED to support broadening of dedicated, non-federal funding mechanisms to Implement the Pennsylvania Wildlife Action Plan, and which can serve as the state's 25 percent match requirements, should new dedicated federal funding be secured.

Briefer:

Mike Nerozzi, Director, Policy and Planning Office

Recommendation:

Staff recommend approval of the Resolution supporting recommendations from the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Small to approve the Resolution supporting recommendations from the *Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources*. Motion carried.

B. Resolution in Support of Restore Pennsylvania Infrastructure Improvement Plan.

Commentary:

RESOLUTION, made this 30th day of April, by the PENNSYLVANIA FISH AND BOAT COMMISSION, BOARD OF COMMISSIONERS, AN INDEPENDENT ADMINISTRATIVE AGENCY of the COMMONWEALTH OF PENNSYLVANIA, SUPPORTING THE RESTORE PENNSYLVANIA INFRASTRUCTURE IMPROVEMENT PLAN TO INVEST \$4.5 BILLION IN CRITICAL INFRASTRUCTURE PROJECTS ACROSS THE COMMONWEALTH.

WHEREAS, Pennsylvania must position its communities for success and position itself as a leader in the 21st century by investing in critical infrastructure needs that for too long have been neglected.

WHEREAS, To help build a better future for all Pennsylvanians, Restore Pennsylvania will invest \$4.5 billion over the next four-years in significant, high-impact projects throughout the commonwealth to help catapult Pennsylvania ahead of every state in the country in terms of technology, development, and infrastructure.

WHEREAS, Restore Pennsylvania will provide funding to bridge the digital divide, supporting the installation of infrastructure to bring high-speed internet to communities across the commonwealth and making Pennsylvania a better place to work, do business, and live.

WHEREAS, Restore Pennsylvania will provide funding to assist individuals who suffer severe weather-related losses and funding to help communities prepare for flooding and severe weather, upgrade flood walls and levees, replace high-hazard dams, and conduct stream restoration and maintenance.

WHEREAS, Restore Pennsylvania will address blight by providing financial resources to local communities to establish land banks and acquire and demolish blighted buildings in order to create new development opportunities or provide new green space.

WHEREAS, Restore Pennsylvania will fund expanded efforts to remove lead and other contaminants from communities.

WHEREAS, Restore Pennsylvania will enable new environmental projects and new recreational opportunities across the commonwealth, including infrastructure and maintenance in state parks, local water quality improvements on farms, and funding for new hiking, biking and trail projects.

WHEREAS, Restore Pennsylvania will help to build manufacturing facilities and other downstream businesses while helping businesses and individuals use more of Pennsylvania's natural gas in their homes, creating jobs, lowering costs, and improving energy efficiency.

WHEREAS, Restore Pennsylvania will provide funding for local road upgrades, create new flexible funding options for businesses that need local infrastructure upgrades to enable development projects, and multimodal and large-scale capital projects for transit;

WHEREAS, Restore Pennsylvania projects will be driven by local input about local needs, and projects will be evaluated through a competitive process to ensure that high-priority, high-impact projects are funded and needs across Pennsylvania are met;

NOW THEREFORE, in furtherance of the Commission's mission, be it

RESOLVED to support the Restore Pennsylvania infrastructure improvement plan; and further, be it

RESOLVED, that the Pennsylvania Fish and Boat Commission hereby urges the Pennsylvania General Assembly to support the Restore Pennsylvania initiative.

Briefer:

Mike Nerozzi, Director, Policy and Planning Office

Recommendation:

Staff recommend approval of the Resolution in Support of Restore Pennsylvania Infrastructure Improvement Plan.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Ali to approve of the Resolution in Support of Restore Pennsylvania Infrastructure Improvement Plan. Motion carried.

Other New Business

None.

Time and Place of July 2019 Commission Meeting

The next meeting will be held on July 15-16 in Harrisburg.

Adjournment

A motion was made by Commissioner Lewis to adjourn the meeting at approximately 11:51 a.m.