

Table of Contents

Call to Order	46
Roll Call	46
FISHERIES	47
PROPOSED RULMAKING	47
A. Proposed Additions to List of Class A Wild Trout Streams	47
B. Classification of Wild Trout Streams: Proposed Additions, Revisions, and Removals	48
Other New Business	50
Adjournment	50

Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 133rd Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, May 20, 2019, at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110. The public session began at or about 1:00 p.m.

Call to Order

The meeting was called to order by Commission Vice President Richard Lewis.

Roll Call

Members Present

Commission Vice President Richard Lewis*

Rocco S. Ali*

Donald K. Anderson*

William C. Brock*

Richard S. Kauffman*

Robert B.J. Small*

* Present via telephone

FISHERIES DESIGNATIONS

A. 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 E 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:

A motion was made by Commissioner Ali and seconded by Commissioner Small to add 33 sections to its 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.

B. 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 G 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 D). 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:

A motion was made by Commissioner Ali and seconded by Commissioner Small to 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. These additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion Carried.

Other New Business

None.

Adjournment

A motion was made by Commissioner Anderson to adjourn the meeting. Motion carried.
The meeting was adjourned at approximately 1:20 p.m.