

**COMMONWEALTH OF PENNSYLVANIA**  
**Pennsylvania Fish & Boat Commission**

**STATEMENT OF POLICY**  
**COOPERATIVE NURSERIES**

**January 9, 2017**

This statement of policy provides direction for the Pennsylvania Fish and Boat Commission's (Commission or PFBC) Cooperative Nursery Program. The Cooperative Nursery Program provides technical guidance, as well as eggs, fry and fingerling fish, to organized groups that meet the membership criteria as sponsors, partners, or affiliates of cooperative nurseries and agree to the purposes, criteria, procedures, obligations, and penalties of the program. The program also administers cooperative nursery grants for the Commission.

**I. Purpose**

1. Provide increased fishing opportunities for public angling.
2. Provide sporting groups with an educational opportunity in culturing fish.
3. Provide educational institutions the opportunity to incorporate fish culture into their educational curriculum.
4. Promote public involvement in Commission programs.
5. Increase Commission involvement in local group fishing interests.
6. Support local groups' initiatives to provide fish for special events.

## **II. Application & Selection Criteria**

1. All applications for membership in the Cooperative Nursery Program shall be directed to the Leader, Cooperative Nursery Unit, Bureau of Hatcheries, 1735 Shiloh Road, State College, PA 16801. (814) 353-2225.
2. Only organized groups will be considered as sponsors. A group will be considered organized if it has a charter, affiliation, by-laws, and/or hierarchy of officers; school groups and other educational institutions will be included in this consideration.
3. Cooperative nursery sponsors may establish partnerships with other clubs which support the cooperative nursery operations via funds or other considerations and receive fish for stocking in waters and/or for events of the partners. Agreements must be established between the sponsor and the partner(s) to ensure that all parties comply with this cooperative nursery policy.
4. Prior to consideration for approval, a proposed site will need to undergo a one year evaluation to determine if appropriate water quality and quantity are present to properly raise fish throughout the year. If no prior performance evaluation is available, a survey will be conducted by appointed PFBC staff. This one year evaluation period will be waived if the sponsor is utilizing a recirculating aquaculture system.
5. The following water supply standards must be continuously met:
  - a. pH within range for 6.0 to 8.5 standard units inclusive.
  - b. Minimum dissolved oxygen of 6.0 part per million (ppm).
  - c. Minimum flow at all times of 40 gallons per minute.
  - d. Maximum temperature for trout of 65° F.
6. If the water supply standards cannot be continuously met, the sponsor must make improvements to the proposed site to meet these standards prior to approval.
7. The Cooperative Nursery Unit (CNU) will not recommend for approval a proposed site where the receiving stream is classified as Exceptional Value (EV) or High Quality (HQ) through Chapter 93 Water Quality Standards unless the sponsor obtains the required discharge permits from the Department of Environmental Protection (DEP). It is the responsibility of the sponsor to obtain the required discharge permits from DEP.
8. The sponsor/applicant will sign and date the Cooperative Nursery Sponsor Agreement which outlines the responsibilities of sponsors, the intended use of the fish raised and the terms and conditions of continued membership in the program.
9. The CNU Leader will include a review of the application and site monitoring evaluation by staff of the appropriate Bureau of Law Enforcement Region and the Division of Fisheries Management.
10. The CNU Leader will provide to the Chief of Fish Production Services the CNU's documented recommendation for approval or disapproval of a sponsor applicant.
11. The CNU Leader will seek the approval of a sponsor applicant from the Chief of Fish Production Services, Director of the Bureau of Hatcheries, Chief of Fisheries Management, Regional Waterways Conservation Officer, and Director of the Bureau of Fisheries.

### **III. Cooperative Nursery Unit Operating Procedures**

1. The CNU of the PFBC has created and will periodically update the Cooperative Nursery Operations Manual that will be provided to each cooperative nursery sponsor.
2. The CNU Leader will determine the species and the number of fish to be distributed to a sponsor's nursery, in consultation with that sponsor. The Managers of the Northern and Southern Hatcheries and Chief of Fisheries Management may also be involved in the consultation.
3. The Bureau of Hatcheries will provide high quality fish to each cooperative nursery sponsor consistent with its production and stocking plans.
4. The CNU Leader will review and establish priorities for all requests for technical assistance by a cooperative nursery sponsor.
5. The CNU Leader will review and establish priorities for all requests for grant funding by a cooperative nursery sponsor.
6. When obtaining fish from any source other than the PFBC (ex: commercial hatchery or private hatchery), the sponsor must obtain approval from the CNU. Additionally, the sponsor must be able to provide a receipt to the CNU indicating the source of the fish along with date, species and size of the fish, and the number of fish obtained. The sponsor must also be able to provide a fish health certificate from the source where the fish were obtained.
7. When obtaining fish from any source other than the PFBC, the sponsor must place those fish below the cooperative nursery fish or in a separate holding area as to not spread pathogens among the different fish.
8. If a sponsor does not adhere to Section III, numbers 6 and 7, the sponsor is subject to discipline in Section IX of the Statement of Policy.
9. Transfer of fish between or among cooperative nursery sponsors or sites requires prior approval of the CNU Leader.
10. The CNU may conduct annual nursery site inspections and more often as necessary to ensure proper program operation.
11. The CNU will review all reports required of sponsors on stocking plans and distribution records, and consult with other PFBC staff as required.
12. Fish stocked by cooperative nurseries will not be included as part of the PFBC allocation of stocked trout to a water. Where a cooperative nursery chooses to stock trout in a water stocked by the PFBC, the cooperative nursery should attempt to complement the PFBC stocking as identified in Section IV, number 10 below.

#### **IV. Obligations of Cooperative Nursery Sponsors**

1. Sponsors will comply with the program regulations, rules and guidelines as provided by the CNU.
2. Cooperative nursery fish shall be stocked without any discrimination toward the angling public, and nursery sponsors should strive toward equal access for all anglers.
3. Adult trout stockings should contain insignificant numbers of trout less than 7 inches in length. Prior written permission must be granted by the CNU Leader for stocking of any fish furnished by the PFBC before they reach yearling stage. Exceptions will be granted in emergencies.
4. Fish stocked by a cooperative nursery are subject to acceptable quality standards of healthy appearance, minimal deformities and no overt disease symptoms.
5. Sponsors will comply with all required environmental protection standards and discharge limits applicable to their nursery site.
6. Sponsors will maintain a satisfactory feeding program, sanitation program of the production areas and surrounding environments and acceptable standards in care and stocking of fish.
7. Sponsors will post signs as requested by the CNU.
8. Sponsors will ensure responsible member representation during scheduled inspections of the site by Commission staff.
9. Sponsors will provide the CNU with stocking plans using the “tentative stocking schedule” form by March 5th annually.
10. Sponsors will coordinate their choice of waters to be stocked, date to be stocked and stocking numbers with the PFBC’s annual pre-season and in-season trout stocking schedules. Sponsors should avoid stocking in-season waters during the same week that the PFBC has a scheduled stocking and consider the advice from the Fisheries Management Division and the Bureau of Law Enforcement about cooperative nursery stockings. Waters selected for cooperative nursery stockings need not necessarily be “stocked trout waters.”
11. Sponsors will promptly notify the CNU of any fish production problems.
12. Sponsors will report waters stocked, stocking dates, fish species and numbers stocked by July 15<sup>th</sup> each year.
13. Sponsors will promptly notify the Bureau of Law Enforcement and the CNU of a fish kill, theft, vandalism, or regulation violations.
14. Applications for Special Activities Permits must be submitted to the Bureau of Law Enforcement at least 60 days prior to the event.
15. Unless prior contact information has been established with the local Waterways Conservation Officer, all required sponsor contact with the Bureau of Law Enforcement should be made through the Regional Law Enforcement Office. This information can be accessed through the Summary of Fishing Regulations and Laws or by contacting the CNU.
16. Sponsors may not charge an entrance or admission fee for any person or group to visit, view, or tour the nursery facility.
17. Sponsors will not sell cooperative nursery fish to anyone for any reason. This includes but is not limited to providing fish to a third party in lieu of a donation

- (monetary or otherwise) or accepting a donation (monetary or otherwise) per fish to a third party.
18. Sponsors may accept donations for cooperative nursery operations (ex: several sponsors sell buttons to offset expenses like feed and utility costs).
  19. If a sponsor does not adhere to Section IV, number 17, the sponsor is subject to discipline in Section IX of the Statement of Policy.
  20. Sponsors will release, indemnify and hold harmless the PFBC and its officers and employees from any and all causes of action, including personal injury, illness, death, and property damage, costs, charges, claims, demands and liabilities of whatever kind, name or nature in any manner arising out of or in connection with Sponsors' participation in the program.

## V. PFBC State Fish Hatchery Distribution and Offloading Procedures

1. When providing fish to cooperative nurseries, PFBC State Fish Hatchery (SFH) staff will follow the procedures outlined in the *Cooperative Nursery Fish Distribution Procedures* provided to them by the Bureau of Hatcheries.
2. Sponsors will determine the water flow and water temperature at the nursery prior to shipment. This should be done at least 24 hours prior to the anticipated delivery date. If there is a concern over the water flow and/or water temperature, the sponsor is required to contact the CNU to determine the best course of action.
3. Sponsors will ensure the nursery is in working order and is capable of receiving fish when they are delivered by the PFBC SFH staff.
4. Sponsors will aid PFBC SFH staff with the offloading of fish into the nursery as needed.
5. If a sponsor decides to check their distribution for accuracy by counting the fish received, they will do so after the fish are offloaded from the PFBC stocking truck and placed into the nursery.

## VI. Disease Treatment

1. When prescribed by the CNU, all disease treatments will be administered using the directions on the drug or chemical label, as well as by following the guidance in the Safety Data Sheets (SDS).
2. The CNU will provide every sponsor with a packet containing the SDS for every chemical and antibiotic used for disease treatments.
3. The CNU will provide approved containers with accompanying labels to all sponsors for chemical and antibiotic storage. It is the responsibility of the sponsor to keep and maintain these approved containers for future use.
4. The Food and Drug Administration (FDA) is currently implementing new regulations on antibiotics that require a veterinary feed directive (VFD). Once the final regulations are announced, the CNU will implement and follow the new VFD regulations. An amendment to this Statement of Policy will be provided to all sponsor organizations upon the announcement of these new regulations.
5. All sponsors will maintain a drip treatment bucket for use when administering a chemical drip treatment.
6. It is the responsibility of the sponsors to ensure that anyone having contact with chemicals and antibiotics is given the SDS and adheres to all safety measures per the SDS when administering disease treatments, including the purchase and proper use of Personal Protective Equipment (PPE). The purchase of PPE through the Cooperative Nursery Grant Program is acceptable and encouraged by the CNU.
7. The CNU will provide written instructions on how to properly administer a disease treatment. When appropriate, the CNU will demonstrate to nursery personnel how to administer disease treatments.
8. The CNU advises against any sponsor purchasing their own chemicals, antibiotics, or feed mixed with antibiotics for use on PFBC fish in their nursery.
9. The CNU will use the most current edition of the Approved Drugs for Use in Aquaculture Quick Desk Reference Guide when determining the appropriate treatment for each disease episode.
10. The CNU will also take into account the recommendations of the PFBC Fish Health Unit (FHU) when determining the appropriate treatment for each disease episode.
11. The CNU defines a *pathogen* as any parasite, bacteria, fungus, or virus that is the causative agent for a disease episode at a PFBC approved cooperative nursery. Such pathogens can affect fish internally and externally. Fish showing external signs of a pathogen *will not* be stocked unless directed otherwise by the CNU. If a sponsor knowingly stocks fish with external signs of a pathogen, the sponsor is subject to discipline in Section IX of the Statement of Policy.
12. If the CNU finds an uncommon/unknown pathogen or a pathogen outside of its geographical region at a nursery, the CNU will report to and take into consideration the recommendations of the FHU, Bureau of Hatcheries staff, Bureau of Fisheries Director, Fisheries Management Chief, and Area Fisheries Manager when determining the correct course of action. Fish affected by an uncommon/unknown pathogen or a pathogen outside of its geographical region *will not* be stocked until a course of action is finalized.

13. The following *emergency pathogens* will be reported to the FHU and their recommendations will be strongly considered when making a final determination on how to proceed with managing the fish at a nursery, up to and including the depopulation of a nursery.
  - a. Viral Hemorrhagic Septicemia (Genotype IVb) (VHS)
  - b. Viral Hemorrhagic Septicemia (All Genotypes except IVb) (VHS)
  - c. *Ceratomyxa shasta* (Ceratomyxosis)
  - d. Infectious Hematopoietic Necrosis Virus (IHN)
  - e. *Tetracapsula bryosalmonae* (Proliferative Kidney Disease-PKD)
  - f. Infectious Salmon Anemia Virus (ISA)
  - g. Koi Herpes Virus (KHV)
  - h. Spring Viremia of Carp Virus (SVCV)
14. The presence of gill lice (*Salmincola sp.*) will be monitored at all prospective and approved cooperative nurseries. In the event gill lice are found, the CNU will report to and take into consideration the recommendations of the FHU, Bureau of Hatcheries staff, Bureau of Fisheries Director, Fisheries Management Chief, and Area Fisheries Manager when determining the correct course of action up to and including the depopulation of the cooperative nursery where gill lice are found. Under no circumstances will a sponsor stock fish affected with gill lice unless directed by the CNU. If a sponsor knowingly stocks fish affected with gill lice, the sponsor is subject to discipline in Section IX of the Statement of Policy.

## VII. Fish Stocking Procedures

1. The CNU Leader will provide updated copies of or access to the list of Class A Wild Trout, Wilderness or Special Regulations waters to the sponsors.
2. The sponsor will establish a list of waters to be stocked, stocking date and intended use of the stocked fish and shall not stock any Class A waters or other areas where the PFBC prohibits stocking per 58 Pa. Code § 71.5(1) (relating to improper stocking of Commission fish) that states in stocking fish reared or salvaged by the Commission or a cooperative nursery recognized by the Commission, the failure to stock fish in waters designated by Commission personnel is prohibited. Any sponsor found to be in violation of Section VII, number 2 is subject to discipline in Section IX of the Statement of Policy.
3. The PFBC's Fisheries Management Division and Bureau of Law Enforcement will review the list, make recommendations to the CNU for conveyance to the sponsor for additions or deletions, and confirm that listed waters do not violate PFBC stocking policies.
4. The sponsor shall inform the Bureau of Law Enforcement no less than two days prior to the day of stocking, the exact stocking location, time, date, species, numbers of fish, and whether it is a special event.
5. Trout stocked prior to opening day are subject to applicable regulations on the water where they are stocked. In particular, trout stocked in waters not on the "stocked trout waters" as listed in the Summary Book are subject to catch and release or other applicable regulations prior to the opening day of trout season.
6. Sponsors **will not** stock fish with any outward or visible signs of a pathogen unless directed otherwise by the CNU.
7. Special Fishing Events (Tournaments, Derbies, Rodeos, etc.)
  - a. The PFBC's regulations define fishing tournaments and fishing derbies as the following:
    - Fishing Tournament- an organized competitive fishing event, other than a fishing derby, where 10 or more individuals fish during a specified time period. An activity that involves one or more of the following is considered a fishing tournament.
      1. The event is sponsored or promoted by an individual or organization.
      2. The event involves the award of trophies, prizes or other recognition for participation in the tournament.
      3. The event is conducted during a distinct time period (usually 72 hours or less) on a particular body of water.
    - Fishing Derby- an organized event involving 10 or more participants conducted for children under the age of 16, senior citizens, (as defined in 30 Pa. C.S. §2701), anglers with disabilities, special populations or other group where the principal purpose is education or entertainment, rather than competition among anglers.
  - b. The CNU further distinguishes a tournament from a derby by whether or not an entry fee is charged. Tournaments normally have an entry fee; derbies do not.

- c. Regardless of the name given to the event by the sponsor, the definitions for a Fishing Tournament and Fishing Derby as listed above will be used to determine the type of event.
- d. A sponsor must obtain permits for special activities from the Bureau of Law Enforcement, if they meet the regulation criteria indicating that a permit is needed. The permit application can be obtained by contacting the Regional Law Enforcement Office or by searching “special activities permit” on the PFBC’s website.
- e. Cooperative nursery fish can be used for derbies in which an entry fee is not charged. The PFBC and the CNU encourage sponsors to host **free** fishing derbies.
- f. Sponsors of special fishing events will consider advice from the Division of Fisheries Management and the Bureau of Law Enforcement about numbers of fish proposed to be stocked for individual events.
- g. The tagging of fish for tournaments and derbies is permitted; however, all tagging information must be submitted to the CNU and the Division of Fisheries Management prior to the tagging of the fish.
- h. Fish stocked by a nursery sponsor for a derby shall be accessible to all anglers. There shall be **no discrimination** between derby participants and the general public in fishing for fish stocked as part of a derby. Cooperative nurseries must abide by 58 Pa. Code § 71.5(2) (relating to improper stocking of Commission fish) that states in stocking fish reared or salvaged by the Commission or a cooperative nursery recognized by the Commission, the diversion of fish to be stocked to any waters not open or accessible to free public fishing is prohibited.
- i. If a sponsor is found to be hosting a fishing tournament using cooperative nursery fish, the sponsor is subject to the disciplinary actions cited in Section IX of this Statement of Policy.

## VIII. Cooperative Nursery Grant Program

1. To be considered for a grant, a cooperative nursery sponsor must complete an application, which will be reviewed by a PFBC staff committee.
2. The sponsor/applicant must submit documentation that it has a long-term interest (fee simple title, lease or easement) in the proposed cooperative nursery site to be eligible for grants for infrastructure and habitat.
3. Upon committee approval, a formal grant agreement will be submitted to the Executive Director or the PFBC's Board of Commissioners for final approval.
4. The majority of grants will be in amounts of less than \$5,000. The Executive Director is authorized to approve proposed grants of \$5,000 or less. Proposed grants in excess of \$5,000, if approved by the staff committee, will be submitted to the PFBC's Board of Commissioners for approval at a public meeting by majority vote.
5. Grants will be provided for the following purposes:
  - a. New construction
  - b. Major additions/improvements at the nursery facility
  - c. Addition of facilities to improve water quality or water quality monitoring
  - d. Construction of aquatic habitat structures to enhance the facility
  - e. Purchase of equipment for the nursery.
6. Grants ***will not*** be provided for:
  - a. Fish food
  - b. Payments to individuals
  - c. Political activities
  - d. Loans
  - e. Endowment purposes
  - f. Trips, tours, tickets or advertising
  - g. Salaries, stipends or day-to-day operating expenses, including utilities

## **IX. Policy Compliance**

1. Compliance with the policies and procedures specified by the PFBC is required for all participants in the Cooperative Nursery Program.
2. Issues related to policy compliance by individual cooperative nurseries may be identified and documented by any and all PFBC staff involved with the program operations and oversight including but not limited to the CNU, Waterways Conservation Officers, Area Fisheries Managers and/or Fish Production personnel. Appropriate investigations and documentation are essential to fairly address compliance issues.
3. Except as otherwise provided in #6 (below), when the PFBC finds that a sponsor has failed to comply with the policy for the first time, the CNU will issue an oral notice of non-compliance. The sponsor will submit its plans to become compliant with the program.
4. Except as otherwise provided in #6 (below), a second instance of noncompliance within a 36-month period will result in the issuance of a written notice of non-compliance, with the file record to include sponsor plans to become compliant.
5. Except as otherwise provided in #6 (below), a third or subsequent instance of noncompliance within a 36-month period will result in the suspension or removal from the Cooperative Nursery Program.
6. The action to suspend or remove a cooperative nursery sponsor will not ordinarily be commenced until after three violations in a 36-month period. However, the Leader of the CNU may initiate action to suspend or remove a cooperative nursery sponsor when it is found that the sponsor has committed a deliberate or flagrant violation of Commission policy, including but not limited to the misuse of cooperative nursery fish for a tournament or derby, or when the sponsor is convicted of a violation of regulations related to stocking of fish.
7. Sponsors who are suspended or removed from the Cooperative Nursery Program may re-apply for membership by writing to the Leader, Cooperative Nursery Unit, Bureau of Hatcheries, 1735 Shiloh Road, State College, PA 16801. (814) 353-2225. This application must address corrective action related to the noncompliance, which resulted in suspension or removal from the program. Unless the Leader of the CNU finds that exceptional circumstances exist, an application for reinstatement will not be accepted until at least 12 months have passed from the effective date of the suspension or removal. The application for membership by a suspended or removed sponsor is not guaranteed for approval and acceptance back into the Cooperative Nursery Program.