



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

MINUTES

114th Meeting

Volume 66

**WILKES-BARRE, PENNSYLVANIA
MAY 5, 2015**

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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 114th Meeting of the Pennsylvania Fish and Boat Commission was held on Monday and Tuesday, May 4 and 5, 2015, at the Woodlands Inn, 1073 Highway 315, Wilkes-Barre, PA 18702.

Commission committees met on May 4 beginning at approximately 10:55 a.m. and on May 5 beginning at approximately 8:20 a.m. The public session for review of this agenda began at or about 11:45 a.m. on May 5.

Call to Order

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

Roll Call

Members Present

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

Awards and Presentations

There were no awards or presentations.

Executive Director's Report

Executive Director Arway highlighted "The PFBC Strategist" (Exhibit A) and the "January – March 2015 Quarterly Report" (Exhibit B) that were provided to Commissioners. He gave a review of his recent activities and upcoming events.

Review and Approval of Minutes from the January 22, 2015 Meeting

A motion was made by Commissioner Sabatose and seconded by Commissioner Ali to approve the January 22, 2015 minutes as written. Motion carried.

Announcement of Notational Votes (Exhibit C)

The Commission voted on two items by notational vote since the January 2015 meeting. The Commission approved the disposition of an 8.5-acre parcel of land at the Commission's Harrisburg headquarters property to Susquehanna Township for fair market value. The Commission also withdrew its notice of proposed rulemaking containing proposed changes to the Delayed Harvest Artificial Lures Only (DHALO) regulations.

Announcement of Executive Session

Commissioner Gavlick announced that an executive session was held on May 4 at 8:00 a.m. to discuss personnel, real estate and litigation matters.

Reports of Commissioner Committees

Executive and Administrative (Commissioner Gavlick) –

The Executive and Administrative Committee met on Monday, May 4, at approximately 10:55 a.m. One agenda item was discussed. Laurel Anders provided a report on the Mentored Youth Trout Days, the Angler Thank You campaign, and the new FishBoatPA App. Steve Kralik provided updates on the *Catch the Value!* campaign and other marketing initiatives. Bernie Matscavage provided an update on 2015 license sales.

Boating (Commissioner Ketterer) –

The Boating Committee met on Tuesday, May 5, at approximately 8:20 a.m. Several agenda items were discussed. National Safe Boating Week will be held May 16-22, 2015. Laurel Anders also announced the Wear Your Life Jacket to Work Day scheduled for May 15 and "Ready, Set, Wear It!" World Record Day scheduled for May 16.

Fisheries (Commissioner Mascharka) –

The Fisheries Committee met on Monday, May 4, at approximately 2:00 p.m. Executive Director Arway announced that two independent laboratory tests confirmed a malignant tumor on a smallmouth bass caught in the Susquehanna River late last year. Commission staff are continuing to work with the Pennsylvania Department of Environmental Protection, the U.S. Geological Survey, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency and other partners to focus efforts on better understanding what factors are impacting the smallmouth bass inhabiting the middle Susquehanna and lower Juniata rivers. Agenda items were discussed. Lackawanna Valley Trout Unlimited provided a presentation on the Lackawanna River. Tom Cochran provided an update on the Reynoldsdale State Fish Hatchery and on trout stocking. Brian McHail provided an update on the Cooperative Nursery Program. Leroy Young spoke about a trout workgroup that will convene in the near future.

Habitat and Environmental (Commissioner Elliott) –

The Habitat and Environmental Committee met on Monday, May 4, at approximately 1:05 p.m. One agenda item was discussed. Brandon Ruhe of the Mid-Atlantic Center for Herpetology and Conservation provided a report on the Pennsylvania Amphibian and Reptile Survey. Ben Page provided an update on the Lake Nessmuk Habitat Project.

Law Enforcement (Commissioner Ketterer) –

The Law Enforcement Committee met on Tuesday, May 5, at approximately 8:50 a.m. Updates were given on the Fish Kill hotline, Marcellus shale enforcement efforts, the 21st Waterways Conservation Officer class and the Deputy Waterways Conservation Officer Program.

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

Legislation and Public Outreach (Commissioner Ali) –

The Legislation and Public Outreach Committee met on Tuesday, May 5, at approximately 10:00 a.m. A state legislative update was provided and included the following items: high-hazard, unsafe dams; Title 30 amendments; severance tax; sales tax attributable to fishing and boating equipment; and a fee increase for the trout/salmon permit. Outreach discussion items included upcoming family fishing festivals and video outreach. Fish-for-Free Days will be held on May 25 and July 4, 2015.

Public Comment to Commissioners and Staff

There were no comments or questions from the public.

EXECUTIVE AND ADMINISTRATIVE

A. Lease of Somerset Lake Property, Somerset County.

Commentary:

The Commission owns +/-468 acres of property in Somerset Township, Somerset County, which contains a +/-253-acre lake known as Somerset Lake. The property is located one mile north of Somerset Borough off of Route 219 and was largely acquired in 1955 using federal assistance through the Sport Fish Restoration Program and Commission funds.

The lake was developed for public fishing and boating. It has two boat launches with boating being restricted to electric motors only. Largemouth bass are managed under Big Bass regulations and other species are managed with statewide regulations. The Commission stocks walleye and channel catfish fingerlings annually and stocks muskellunge and tiger muskellunge in alternating years. The property is also home to the Commission's Southwest Regional Office that includes law enforcement, fisheries management, education and outreach, and property maintenance staff. A map depicting the subject parcel is attached as Exhibit D.

Somerset County has requested that the Commission enter into a long-term lease for a portion of the property that will allow the County to enhance the property's public recreational use and operation. Under the terms of the lease, the County is responsible for the routine maintenance, operation, repair and supervision of the property, excluding the area of the dam and the Commission's Southwest Regional Office. The County may develop, enhance and/or place improvements on the leased area for public recreation or to enhance the operation of the leased area. Any such development or improvement must not adversely impact public fishing and boating or the aquatic resources on the property. With few exceptions, the County must give the Commission prior written notice of any development, enhancement or major improvement to be conducted, placed and/or operated on the leased area.

The Commission and County wish to enter into a 25-year lease agreement that requires that the site remain open for public fishing and boating free of charge, ensures fishing and boating will take precedence over other recreational activities, and allows the County to provide expanded opportunities for public recreation at the site.

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 Executive Director to enter into a lease with Somerset County as described in the Commentary.

Action:

A motion was made by Commissioner Lichvar and seconded by Commissioner Ali to authorize the Executive Director to enter into a lease with Somerset County as described in the Commentary. Motion carried.

BOATING PROPOSED 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.

Staff propose the following changes to § 97.1:

§ 97.1. Personal flotation devices.

(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.

Personal Flotation Device or PFD. A life preserver that is approved by the Commandant, U.S. Coast Guard, under 46 CFR Part 160.

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 [personal flotation device (PFD) of the following types] **wearable PFD** is on board for each person **and the PFD is used in accordance with requirements of the approval label.**

(1) Type I.

(2) Type II.

(3) Type III.

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

(d) Required PFDs shall be in good, serviceable condition, legibly marked showing the Coast Guard approval number [whether it is a Type I, II, III, IV or V] **and 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.

Staff propose the following changes to § 109.3:

§ 109.3. Personal watercraft.

* * *

(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.

* * *

Staff propose the following changes to § 109.4:

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

* * *

(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 wearable PFD required in § 97.1. A United States Coast Guard approved wearable PFD [**of a type**] 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:

* * *

Staff propose the following changes to § 115.11:

§ 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.

On February 12, 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:

Laurel L. Anders, Director, Bureau of Boating and Outreach

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 on January 1, 2016.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Ketterer 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 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.

Staff therefore recommend 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 (i.e., the operator, observer and any other passengers), cannot exceed the maximum passenger capacity of the boat.

Staff propose that § 109.3(f) be eliminated in its entirety as follows:

§ 109.3. Personal watercraft.

* * *

[(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.]

* * *

On February 12, 2015, the Boating Advisory Board considered a proposal to modify § 109.3 to eliminate the PWC towing regulation and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment. Upon further review, however, staff determined that § 109.3(f) can simply be eliminated and have the same effect.

Briefer:

Laurel L. Anders, Director, Bureau of Boating and Outreach

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 on January 1, 2016.

Action:

A motion was made by Commissioner Ketterer and seconded by Commissioner Squires 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 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, local staff recommend designating the lower section (from the mouth upstream to the state line) as a slow, no wake zone to minimize conflicts between the various user groups.

Local staff also recommend including a provision in § 111.4 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.

Staff propose the following changes to § 111.4:

§ 111.4. Beaver County.

* * *

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

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

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

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

On February 12, 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:

Laurel L. Anders, Director, Bureau of Boating and Outreach

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 on January 1, 2016.

Action:

A motion was made by Commissioner Ali and seconded by Commissioner Ketterer 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 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. Local staff recommend 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 proposal is a simplification of language and is not an expansion of the current slow, no wake restrictions.

Staff propose the following changes to § 111.9:

§ 111.9. Bucks County.

* * *

(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**] **on the entire creek from its headwaters to its confluence with the Delaware River.**

* * *

On February 12, 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:

Laurel L. Anders, Director, Bureau of Boating and Outreach

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 on January 1, 2016.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Mascharka 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 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, staff recommend eliminating the water skiing zone. Staff also recommend 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. Staff recommend deleting paragraph (5) since it will be redundant.

Staff propose the following changes to § 111.21:

§ 111.21. Cumberland County.

* * *

[(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.]

On February 12, 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:

Laurel L. Anders, Director, Bureau of Boating and Outreach

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 on January 1, 2016.

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Mascharka 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 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). Staff therefore recommend 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.

Commission staff have 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.

Staff propose the following changes to § 111.23:

§ 111.23. Delaware County.

* * *

(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**.

On February 12, 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:

Laurel L. Anders, Director, Bureau of Boating and Outreach

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 on January 1, 2016.

Action:

A motion was made by Commissioner Squires and seconded by Commissioner Mascharka 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 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.

Local staff recommend elimination of the water skiing prohibition in this area since it unnecessarily restricts boating activity.

Staff propose the following changes to § 111.39:

§ 111.39. Lehigh County.

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

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

On February 12, 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:

Laurel L. Anders, Director, Bureau of Boating and Outreach

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 on January 1, 2016.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Ketterer 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 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).

Staff'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, staff recommend removing 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. Staff recommend that these lakes be added as part of the other amendments to this chapter.

Staff therefore propose that various sections in Chapter 111 be amended to read as set forth in Exhibit E.

On February 12, 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:

Laurel L. Anders, Director, Bureau of Boating and Outreach

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 on January 1, 2016.

Action:

A motion was made by Commissioner Ketterer and seconded by Commissioner Mascharka 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 on January 1, 2016. Motion carried.

FISHERIES

FINAL RULEMAKING

A. Amendment to Section 65.24 (Miscellaneous Special Regulations): Lake Perez (11B), Huntingdon County.

Commentary:

Lake Perez, a 72-acre impoundment owned by The Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately three miles northeast from the Village of Neffs Mills. This lake was completely dewatered during late-spring 2009 to complete dam and spillway repairs and modifications per Pennsylvania Department of Environmental Protection dam safety standards. The earth-fill dam, constructed in 1959, impounds Shaver Creek 13.6 river miles upstream from the mouth at the Juniata River. Prior to the drawdown in 2009, access to the shoreline was primarily provided at two discrete access points as well as from numerous walking trails surrounding the lake. Approximately 80 percent of this shoreline was considered fishable. Additionally, one boat ramp provided boat access for non-powered and electric motor crafts. The lake offered angling opportunities for multiple warm and coolwater fish species and adult trout stocked by the Commission during spring, fall and winter offered seasonal angling opportunities for trout. Dam and spillway repairs were completed during early summer 2014, and the reservoir began refilling at that time.

The Commission plans to stock the lake and establish a high quality warm and coolwater fishery through fingerling plants of select species. Immediately upon refilling of the lake, the Commission proposes to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth inland regulations but allow only catch and release fishing for all other fish species. The Commission believes that this approach will allow the development of a balanced warmwater and coolwater fish community to rapidly develop while offering acceptable levels of recreational angling opportunities. Fisheries Management staff will monitor the fish populations as needed while 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 Lake Perez. Once the warmwater 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 44 Pa. B. 7878 (December 20, 2014) (Exhibit F). The Commission did not receive any public comments regarding the proposal.

Briefer:

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

Recommendation:

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

Action:

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

PROPOSED RULEMAKING

B. 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.

Staff propose that § 61.2 be amended as follows:

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

* * *

<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	<u>1</u>
	April 1 through May 31	[20]21 to [26] 25 inches	2
	From Calhoun Street Bridge upstream: open year-round	28 inches	<u>1</u>
* * *	* * *	* * *	* * *

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 amendments described in the Commentary. If adopted on final rulemaking, the amendments will go into effect on January 1, 2016.

Action:

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

DESIGNATIONS

C. Classification of Wild Trout Streams: Additions to List.

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 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 45 new waters to the Commission's list of wild trout streams. 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 45 Pa. B. 1041 (February 28, 2015) (Exhibit H). The Commission received 60 public comments supporting the wild trout stream designations. Copies of all public comments were provided to the Commissioners.

Briefer:

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

Recommendation:

Staff recommend that the Commission add 45 new waters to its list of wild trout streams 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 Mascharka and seconded by Commissioner Hussar to add 45 new waters to its list of wild trout streams as described in the Commentary. These additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.

D. 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 one stream section to the list of Class A wild trout streams. This change is the result of a recent survey conducted on this water.

A notice of proposed designation was published at 45 Pa. B. 1042 (February 28, 2015) (Exhibit I). The Commission did not receive any public comment regarding the proposed designation.

Briefer:

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

Recommendation:

Staff recommend that the Commission add one stream section to its Class A wild trout streams list as described in the Commentary. If approved, this addition will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Sabatose and seconded by Commissioner Hussar to add one stream section to its Class A wild trout streams list as described in the Commentary. This addition will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.

HABITAT AND ENVIRONMENTAL FINAL RULEMAKING

A. Amendments to Section 75.2 (Threatened Species) to Remove Bluebreast Darter, Gilt Darter, Spotted Darter and Tippecanoe Darter.

Commentary:

(1) Bluebreast Darter (*Etheostoma camurum*): The Bluebreast Darter is a small species that inhabits rivers and large streams, preferring fast, clean riffles and runs having large gravel, rubble and boulder substrate. It occurs in the Ohio River basin from western New York to eastern Illinois, and south to the Tennessee River in Tennessee and Alabama. It is locally common but absent from large portions of its range. In Pennsylvania, it occurs throughout French Creek, the middle and lower sections of the Allegheny River and the Ohio River as well as additional tributaries to these waterways. It formerly occurred in the Shenango River as well but is now considered extirpated there.

The Bluebreast Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from near the Erie County/New York border to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River (40 river miles) as far downriver as the tailrace of Montgomery Lock and Dam, Beaver County. It also occurs in much of Tionesta Creek and a tributary; Big Sandy Creek, Venango County; Redbank Creek, Clarion County; Mahoning Creek, Armstrong County; Kiskiminetas River, Armstrong and Westmoreland counties; and Bull Creek, Deer Creek and Pine Creek, Allegheny County. In addition, it has experienced a similar expansion in Ohio, where it has been collected as far downriver as the Cincinnati area and was delisted in 2012 (Zimmerman 2014). It has also been collected in Oswayo Creek, Cattaraugus County, New York.

The 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 its population is significantly increasing. Since the Bluebreast Darter now occupies more than 200 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 (Criswell 2014) and received a State Conservation Rank of S4S5 – meaning it is apparently secure in the Commonwealth with a fairly low to very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of the Pennsylvania Biological Survey (PABS) reviewed this documentation and rank assignment and recommended that the Bluebreast Darter be delisted. Enough information is available to make the determination that it is secure in the state at present and to justify its removal from Pennsylvania's list of threatened fishes. Therefore, the Commission proposed that the Bluebreast Darter be removed from the Pennsylvania list of threatened species.

(2) Gilt Darter (*Percina evides*): The Gilt Darter is a small species that inhabits clear rivers and large streams, where it prefers deeper riffles and runs with moderate to swift current over silt-free sand, gravel, cobble and rubble. It occurs in the Mississippi River basin from New York to Minnesota and south to northern Alabama and northern Arkansas. It also occurs in the Maumee River system of the Lake Erie drainage in Ohio and Indiana. In Pennsylvania, it occurs throughout French Creek, the middle and lower sections of the Allegheny River, and the Ohio River.

The Gilt Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from Erie County to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Dashields Lock and Dam, Allegheny County.

It is now common in French Creek and abundant in sections of the Allegheny River. At least seven benthic trawl events from the latter have resulted in the collection of more than 100 individuals, and two of those trawls included nearly 200 specimens.

The 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 its population is significantly increasing. Since the Gilt Darter now 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 (Criswell 2014) and received a State Conservation Rank of S4 – meaning it is apparently secure in the Commonwealth with a fairly low to 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 Gilt Darter be delisted. Enough information is available to make the determination that it is secure in the state at present and to justify its removal from Pennsylvania's list of threatened fishes. Therefore, the Commission proposed that the Gilt Darter be removed from the Pennsylvania list of threatened species.

(3) Spotted Darter (*Etheostoma maculatum*): The Spotted Darter is a small species that inhabits large streams and rivers, where it prefers the faster, deeper portions of riffles possessing gravel and rubble substrates. It occurs in the Ohio River basin from western New York and Pennsylvania to northern Indiana and south to West Virginia and Kentucky. It is extremely localized and uncommon in much of its range. In Pennsylvania, it occurs in French Creek and the Allegheny River and Ohio River.

The Spotted Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, including its West Branch, from near the Erie County/New York border to its mouth in Venango

County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Dashiels Lock and Dam, Allegheny County. It also occurs in Oil Creek and South Sandy Creek.

Benthic trawls in the Allegheny River included yields of as many as 89 and 202 individuals. It is well distributed and relatively common, although not necessarily abundant, through its Pennsylvania range. The Spotted Darter was recently considered for Federal protection under the Endangered Species Act but a review published in 2011 concluded that “threats to spotted darter are not of sufficient imminence, intensity, or magnitude that would cause substantial losses of population distribution or viability.”

The 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 its population is significantly increasing. Since the Spotted Darter now occupies more than 200 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 (Criswell 2014) and received a State Conservation Rank of S4 – meaning it is apparently secure in the Commonwealth with a fairly low to 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 Spotted Darter be delisted. Enough information is available to make the determination that it is secure in the state at present and to justify its removal from Pennsylvania’s list of threatened fishes. Therefore, the Commission proposed that the Spotted Darter be removed from the Pennsylvania list of threatened species.

(4) Tippecanoe Darter (*Etheostoma tippecanoe*): The Tippecanoe Darter is a small species that inhabits rivers and large streams, where it requires clean gravel or sand/gravel substrates. It occurs in the Ohio River basin from western Pennsylvania to Indiana, and south to the Cumberland River drainage in Tennessee. It is extremely localized but locally common. In Pennsylvania, it occurs throughout French Creek, the middle and lower sections of the Allegheny River, the Ohio River and additional tributaries to these waterways.

The Tippecanoe Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from near the Erie County/New York border to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Montgomery Lock and Dam, Beaver County. It also occurs in Oil Creek, Venango County; Kiskiminetas River, Armstrong and Westmoreland counties; and Bull Creek, Deer Creek and Pine Creek, Allegheny County.

Hundreds of Tippecanoe Darters were easily captured in a riffle below Lock and Dam 3 on the Allegheny River (Koryak et al. 2009), and at least 17 stations have produced 20 or more individuals. It is locally common at many locations within its Pennsylvania range.

The status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criterion A1 (Population Reduction) in that its population is significantly increasing. Since the Tippecanoe Darter now occupies more than 150 river miles of waterway, it also significantly exceeds Criterion B3 (Extent of Occupancy). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator (Criswell 2014) and received a State Conservation Rank of S4 – meaning it is apparently secure in the Commonwealth with a fairly 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 Tippecanoe Darter be delisted. Enough information is available to make the determination that it is secure in the state at present and to justify its removal from Pennsylvania's list of threatened fishes. Therefore, the Commission proposed that the Tippecanoe Darter be removed from the Pennsylvania list of threatened species.

A notice of proposed rulemaking was published at 44 Pa. B. 7876 (December 20, 2014) (Exhibit J). The Commission did not receive any public comments regarding the proposal.

Briefer:

Chris Urban, Chief, Natural Diversity Section

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 upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Elliott and seconded by Commissioner Squires 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.

Other New Business

None.

Time and Place of July 2015 Commission Meeting

The next meeting will be held on July 13-14, 2015 in Harrisburg, PA.

Adjournment

A motion was made by Commissioner Squires and seconded by Commissioner Mascharka to adjourn the meeting at approximately 12:20 p.m. Motion carried.

Guests
PENNSYLVANIA FISH AND BOAT COMMISSION
COMMISSION MEETING
May 5, 2015
WILKES-BARRE, PENNSYLVANIA

NAME

ADDRESS
& PHONE #

AFFILIATION

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None

The Citizens Voice (Under act P.L. 877 No 160. July 9,1976)
Commonwealth of Pennsylvania, County of Luzerne

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HARRISBURG PA 17106-7000

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Gina Krushinski

Being duly sworn according to law deposes and says that (s)he is Billing clerk for The Citizens Voice, owner and publisher of The Citizens Voice, a newspaper of general circulation, established in 1978, published in the city of Wilkes-Barre, county and state aforesaid, and that the printed notice or publication hereto attached is exactly as printed in the regular editions of the said newspaper on the following dates:

04/21/2015

Affiant further deposes and says that neither the affiant nor The Citizens Voice is interested in the subject matter of the aforesaid notice or advertisement and that all allegations in the foregoing statement as time, place and character or publication are true *Gina Krushinski*

Sworn and subscribed to before me
this 21st day of April A.D., 2015

Sharon Venturi

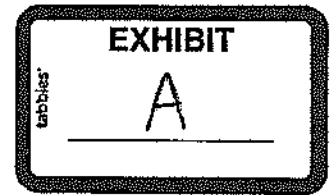
(Notary Public)

NOTICE
The Pennsylvania Fish and Boat Commission will meet on May 4 at 8:00AM and on May 5, 2015 at 8:00AM at The Woodlands Inn, 1073 Highway 315, Wilkes-Barre, PA. The public is invited to attend. ADA Contact: Agency (717-705-7801)

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Sharon Venturi, Notary Public
City of Scranton, Lackawanna County
My Commission Expires Feb. 12, 2018
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

January - March 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

Issue 1: Revenues are insufficient to support the Commission's current levels of programs and services and meet increasing fixed, variable, and mandatory personnel costs.

As outlined in the preamble, the Commission is required to meet mounting health care, retirement, and other personnel obligations beyond its control while also dealing with the increasing costs of doing business that face any agency or company. To meet its obligations and maintain agency operations, the agency is reallocating spending while living within its means. Concurrent with narrowing the scope of its activities, the agency needs to maximize the funding generated from the traditional revenue streams of fishing license sales and boat registrations while also pursuing new sources of revenue to support the work it performs on behalf of aquatic resources, anglers and boaters, and individuals and businesses throughout Pennsylvania.

Strategy 1A: Reduce expenses and reallocate spending.

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.

Strategy 1B: Increase traditional revenue sources and secure alternative funding to deliver core programs and services to benefit anglers, boaters, and trust species; deliver select discretionary programs and services to benefit all Pennsylvanians; and meet mandatory personnel costs.

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 two trout season openers
 - 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.
 - 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

Issue 2: Current and increasing threats to our aquatic resources demand the Commission provide high quality services to insure essential resource management and protection and improved fishing.

High quality fishing opportunities require healthy, functioning ecosystems comprised of diverse aquatic communities. Pennsylvania's fish, amphibians, reptiles, and other aquatic resources face a number of threats, including power generation and associated fossil fuel extraction and transmission line construction; municipal and industrial surface and ground water withdrawals; point and non-point discharges; road construction and other encroachments; and the introduction and proliferation of invasive species. Continued assessment of the quality of our Commonwealth's aquatic resources and prudent implementation of fisheries management programs assures high quality angling in the waters of the Commonwealth. The following priority actions build on past successes to protect, conserve, and enhance both game and non-game species and their habitats in support of the Commission's Resource First philosophy.

Strategy 2: Provide high quality resource management and protection to reduce the impacts of current and increasing threats to aquatic resources.

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.
- 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.
 - b. With partners, implement a fish community sampling procedure to more broadly track the condition of the fishery.
 - c. By June 2017, identify a method and criteria to determine the impairment status of the river.
 - o Staff participated in 2nd and 3rd CADDIS workshops, involving staff from USEPA, DEP, USGS, USFWS, and SRBC in an effort to evaluate candidate causes for the decline in the smallmouth bass population in the Susquehanna River. The next step in the process is preparation of a draft report.
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.
- o Since this past January, staff have: (1) submitted our request to USFWS Carterville office for 2015 eDNA samples locations (530 samples); (2) attended the Ohio River Asian Carp management meeting in Indianapolis; (3) reviewed the Draft Ohio River Asian Carp Framework; (4) participated in a teleconference with the Ohio River Fisheries Management Team regarding Asian Carp activities on the Ohio River; and (5) attended a meeting in West Virginia with personnel with the U.S. Army Corps of Engineers Pittsburgh and Huntingdon Districts and West Virginia DNR regarding Asian Carp activities on the Ohio River.
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.
- o Staff have completed a draft of the 2nd edition of the Lehigh River Fisheries Management Plan and it is now under internal review.
- 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.
- o Planning for field surveys occurred for the Southern Leopard Frog. Call samples from two sites surveyed in 2014 were confirmed to be the new Atlantic Coast Leopard Frog, and one tissue sample was sent for genetic analysis.

- Surveys for year two of the Eastern Pearlshell SWG project have been completed. Additional surveys are anticipated during the 2015 field season as well as the completion of a detailed habitat and landscape assessment of extant and historical Eastern Pearlshell occurrences.
 - Dwarf Wedgemussel presence/absence surveys of the West Branch Delaware River, Shehawken Creek, Marshall Creek, and Brodhead Creek are complete.
 - Over 100 new Timber Rattlesnake site assessments have been drafted, reviewed, quality checked, finalized, and submitted to the PA Natural Heritage Program for inclusion into PNDI.
- 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.
- The final report for a Section 6 long term monitoring study of bog turtles, titled “Monitoring of bog turtle colonies at sites in immediate proximity to development in Southeastern Pennsylvania” was completed and submitted to the USFWS in February.
 - A grant titled “Multistate Recovery Actions for the Bog Turtle and Associated Headwater Wetland Species of Greatest Conservation Need” was submitted to the U.S. Fish & Wildlife Services’ National Competitive State Wildlife Grant Program for potential funding.
 - The State Wildlife Grant funded Eastern Pearlshell project has completed year two of the three year project.
 - PFBC worked with East Stroudsburg University to develop a Timber Rattlesnake monitoring strategy project to be funded by a State Wildlife Grant.
- H. By December 2014, research and finalize statewide action plans for the Salamander Mussel and Chesapeake Logperch. Through June 2017, implement these plans.
- The Salamander Mussel Action Plan was written and finalized. The focus of the Salamander Mussel SAP will be first on the assessment of known populations in the Allegheny River. Additional surveys are planned for French Creek to determine presence or availability of habitat. Dunkard Creek will be assessed as part of PFBC monitoring following the 2009 mussel and fish kill.
 - The Chesapeake Logperch action plan was written and finalized. It is scheduled to be published on the PFBC website this spring.
- 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.
- 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.
- Met with DEP Deputy Secretary for Water Management to discuss mutual interest in revising statewide environmental flow policy.
 - Met with USFWS and The Nature Conservancy, who has been contracted by the U.S. Army Corps of Engineers, Pittsburgh District, to provide input on potential environmental impacts/benefits if the Corps alters reservoir releases to better reflect natural hydrology

- K. By September 30, 2015, together with partners, complete a new State Wildlife Action Plan.
 - o A fully revised State Wildlife Action Plan is expected by September 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.
 - o Species Impact Reviews conducted within the quarter:713
 - o Scientific Collector Permits reviewed and issued:119
 - o T&E species Permits reviewed and issued:16
 - o Nongame Special Permits reviewed and issued: 5
 - o Venomous Snake Permits issued: 185
 - o Commercial Snapping Turtle Permits issued: 6
- 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.
- 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.
 - o Draft document has been reviewed by Bureau Director and sent back to DFM staff for final edits
 - 2. By December 2015, complete documentation of PFBC-approved sampling protocols for lakes.
 - o Draft protocols have been prepared and are under internal review.
 - 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.
 - o Nessmuk, Colyer, Glade Run and Speedwell Forge Lakes have fish habitat improvement plans in place and habitat construction is scheduled to be completed in 2015.
 - 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

Issue 3: Other leisure and recreational activities are competing with fishing and boating for people's time.

A large body of research exists that suggests strategies likely to engage and retain people to fish and boat by promoting it as fun, relaxing, convenient, easy, and safe. One of the most practical strategies for creating new anglers is simply for a friend or family member to take them fishing. Maintaining the most efficient use of stocked fish also continues to be a core element of providing recreational fishing opportunities.

At the same time, the Commission needs to learn more about and use customer demographics, needs, and desires to increase participation in fishing and boating. The Commission should continue to rely on national research and best practices as a foundation for its recruitment and retention goals and focus its efforts on enhancing and using basic knowledge of its customers.

Strategy 3A: Successfully involve youth and other target audiences in fishing and boating by addressing the following five key elements in outreach programs, with an emphasis on social support:

- **Providing introductory experiences**
- **Providing access to equipment**
- **Providing instruction (skills)**
- **Providing access (real and perceived)**
- **Encouraging social support (apprenticeship/mentoring ensures adoption)**

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.
- Developed an annual plan for Fishing Skills Instructor Training workshops, and Family Fishing Festivals and Programs, and coordinated planning with PFBC-trained Fishing Skills Instructors. The majority of these programs and workshops will occur in the second and third quarter of 2015.
 - Conducted analysis of program registration data and other outputs for 2014 and included it in the segment report to the USFWS, as well as the PFBC's annual report.
 - Submitted and received approval for the Commission's application for USFWS Federal Assistance. This Sport Fish Restoration Grant provides 5 years of augmenting revenue for the PFBC's efforts related to recruitment, retention, and aquatic resource education.

- Facilitated an internal workgroup to develop framework for two Mentored Youth Trout Fishing Days -- March 28 (Regional Opening Day area) and April 11 (remainder of the state) -- which expanded the opportunity to include all approved trout waters managed under Commonwealth Inland Regulations. Some additional waters were added at the request of Cooperative Nursery Clubs and other sportsman's organizations.
 - Developed and implemented a communication and promotion plan for Mentored Youth Trout Fishing Days including the use of the PFBC website, earned media (press releases, interviews), social media, e-mail marketing, and networking with partners.
 - Developed a system to gather observations of field staff and partners on Mentored Youth Trout Fishing Days. The system was used to provide preliminary summary reports on the number of youth and mentor anglers observed, fishing activity, as well as any feedback volunteered by participants.
- B. Through June 2017, maintain Fishing Tackle Loaner Program to make equipment accessible for group or individual loan.
- 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.
- See bullets under 3A.
- 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).
 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.
- See bullets under 3A.
- E. Through June 2017, use increased understanding of customer demographics, current research, and customer trends to enhance recruitment and retention of anglers and boaters by identifying targeted segments for outreach and education.

Strategy 3B: Provide for safe and enjoyable participation in 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 eight regulatory amendments to advance to the Commission as proposed rulemaking.
 - Conducted Boating and Water Safety training for PFBC staff.

- 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.
 - o BLE took part in the National Helicopter Search and Rescue workshop to continue to move the water rescue program forward with both HART and SWERT (April 1-2)
 - o Completed Commonwealth's 2015-2020 Training and Excercise Plan for PEMA in regard to PA-HART.
 - o Completed multiple PA-HART training missions with partner agencies.
- D. By July 2015, establish BLE swiftwater strike team as a certified Type 1 response team.
- E. Through June 2017, annually conduct Operation Dry Water, a statewide boating safety and boating under the influence saturation detail.
- F. Through June 2017, administer the Floating Structure and Aids to Navigation program.
- G. Through June 2017, administer Lake Erie Access Program and, as resources allow, pursue other public access opportunities consistent and Pennsylvania's Fishing and Boating Access Strategy.

Strategy 3C: Create put-and-take fisheries by stocking legal size fish and enhance fisheries by stocking fry and fingerling size fish which supplement natural populations to support sustainable fisheries.

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.
 - 1. Trout Culture: Annually produce and stock up to 3.2 million adult trout or 1.9 million pounds to stock in the Commonwealth.
 - o During the first quarter of 2015, a total of 1,078,600 adult trout were, or are planned, to be stocked. This represents approximately 34% of the annual adult trout to be stocked by the Bureau of Hatcheries based on stocking requests by the Division of Fisheries Management.
 - 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.
 - o Approximately 1,000,000 yearling Steelhead stocked into Lake Erie tributaries will be stocked this quarter
 - o 2,582,907 Steelhead eggs were collected for 2015 production
 - 3. Cooperative Nurseries: Annually produce fish and eggs to supply the needs of the cooperative nurseries throughout the Commonwealth.
- 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.
 - Construction of Reynoldsdale State Fish Hatchery renovations is ongoing. They are currently at 35% completion of the project. The cold wet winter has caused some delays and contractors are approximately three weeks behind schedule.
2. Consistently maintain and update hatchery permits and perform water quality analysis according to permits.
 - January 29th, 2015 – Submitted comments on Huntsdale SFH’s 2nd draft to DEP
 - March 30th, 2015 – Received Oswayo SFH’s final permit. Effective 4/1/2015
 - Permit Renewals for 2015
 - Union City SFH renewal due 12/30/2015, renewal process will start September 2015. The permit expires 6/30/2016.
3. Annually perform fish health inspections, provide diagnostic services, and maintain fish transfer records.
 - Continue to perform annual Fish Health Inspections (FHI), completed FHI at all 14 SFH in 2014.
 - Continue to provide diagnostic services to PFBC SFH, PFBC cooperative nurseries and Fisheries Management. 214 diagnostic cases in 2014.
 - Continue to review and maintain records of all fish transfers between PFBC SFH’s.

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.
 - To date, four articles were submitted to the *Pennsylvania Angler and Boater* for inclusion in the “Currents” section. These articles highlighted two current nurseries, one new nursery, and the 2015 Cooperative Nursery Unit Regional Seminars.
 - The Cooperative Nursery Unit portion of the PFBC website is regularly updated with information for use by our cooperative nurseries.
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.
 - An electronic version of the Prospective Nursery Application was created for a more efficient way of approving new nurseries.

Internal Resources

Issue 4: The Commission must consistently make investments in itself to maintain its infrastructure, staff, and programs and their respective relevance.

The Commission's employees are its largest investment and most important resource. More than just people, the Commission's infrastructure includes a vast network of facilities and properties. To deliver its programs and services, the Commission needs to sustain strategic investments in employee development and training, information technology, and physical infrastructure and properties, which include an enormous backlog of capital improvement requirements and an extensive list of long-term maintenance needs that require a coordinated and deliberate approach for planning, funding, and implementation.

Strategy 4: Strengthen performance and secure operations by continuing to efficiently and effectively manage limited financial and human resources and agency infrastructure.

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.
2. By June 2016, complete the training of a new class of WCOs.

- Conditional offers of employment went out to 20 candidates for the 21st WCO Class. Four others have successfully completed the background and will only be offered employment if someone else decided not to accept.
- 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.
 - Compiled inventory data sheets, photos and assigned ratings for over 300 PFBC-managed boating and fishing access sites. Prioritizing primitive and non-primitive sites for future work cycles as funding permits.
 3. By December 2014, complete plan for where and how to house the Commission's Centre County-based staff.
 - The Commission purchased a 104,000-sf warehouse facility for Centre region staff in December 2014 at 595 East Rolling Ridge Drive, Bellefonte.
 - Commenced work onsite with in-house staff for the following items: thorough cleaning of warehouse and office areas, design and permitting for build-out of warehouse area to accommodate all office staff.
 - In the process of procuring carpet, cubicles, HVAC, electrical, plumbing and energy-efficient lighting for the facility.
 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.
 - Compiled database of existing bridges; completed inventory and visual analysis of existing facilities. Rated condition and prioritized list based on use and need.
 - Coordinating with PennDOT for statewide agency MOU for federal inspections. This will provide us with the means of requesting federal and state dollars for future repairs.
 7. By June 2017, complete a Commission-wide energy savings analysis.
 - By December 2015, complete an energy savings analysis for state fish hatcheries.
 - Infrastructure changes that result in energy savings are ongoing. All hatcheries are reporting completed projects and plans for future changes are continually being developed.
 - The Hatchery Energy Savings Workgroup has also solicited professional energy evaluations from the Pennsylvania Technical Assistance Program (PennTap) for three hatcheries. Reports from two of the three evaluations have been received and the third should be completed in the summer or early fall of 2015.

The PFBC Strategist

Strategic Plan Quarterly Report for the Pennsylvania Fish & Boat Commission

May 2015

Angler Recruitment and Retention

This issue is focused on major initiatives leading up to and lasting through the beginning of trout season in Pennsylvania. An annual rite of spring, trout fishing continues to be one of the hallmarks of angling in the Commonwealth, with about 70 percent of Pennsylvania anglers also purchasing a trout/salmon permit. The activities highlighted in this issue all help to advance the following strategic plan goal.

Goal 3A.E: Through June 2017, use increased understanding of customer demographics, current research, and customer trends to enhance recruitment and retention of anglers and boaters by identifying targeted segments for outreach and education.

FishBoatPA Smartphone App

In early April, the Pennsylvania Fish and Boat Commission (PFBC) unveiled a new smartphone app to help anglers and boaters better navigate the Keystone State's streams and lakes. The FishBoatPA app helps Pennsylvania's fishing and boating community to see which streams have been stocked with trout, how to get to those locations easily, and what other access areas are near their current fishing spot. The app was an immediate hit among anglers, with over 17,000 downloads by users in 44 states and 25 countries by the end of April.

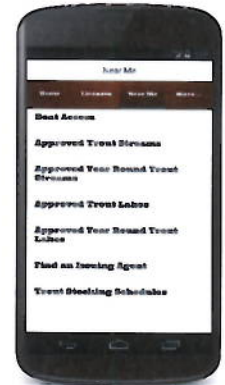
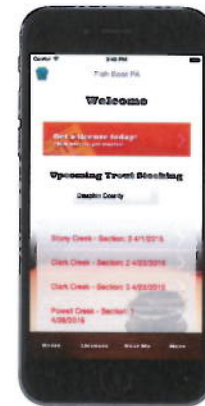
The FishBoatPA app is available for free on both Google's Play Store and Apple's App Store. According to PFBC Executive Director John Arway, the goal of the app is to meet the needs of anglers who are increasingly using smartphones. "We want to make it as easy as possible to access our stocking information and purchase a fishing license," he said. "The use of smartphones has skyrocketed, so we have found a way to improve the fishing and boating experience for our anglers and boaters. Now they can spend less time looking for information and more time fishing and boating."

When the FishBoatPA app opens, the first item anglers see is an "Upcoming Trout Stocking" link, which updates in real-time. Users can sort stocking schedules by county. The app is tied directly into the PFBC's online stocking schedule, so anglers can see past and upcoming stockings and the type of trout placed in a water. GIS coordinates allow users to use mapping apps installed on their phones to get directions to their favorite stocking site.

The "Near Me" feature uses a phone's GIS coordinates to locate and display trout waters within 5, 15, 25 and 50 miles of the user.

Another prominent feature on the app home page is the link "Get a license today," enabling users to find an issuing agent near them and to see pricing options for licenses. The app also links to a "Fish ID" guide with color pictures; a "Learn" section with links to helpful information like tying knots and learning how to properly handle fish; and to PFBC rules and regulations. Another option is a "My Trophies" section where anglers can post pictures to share with others using the app.

Additional content and enhancements will be added in the coming months to make the app even more appealing to anglers and boaters.



Angler Thank You Campaign

Expanding on the practice started in 2014, the PFBC again took to the field to thank anglers for their participation and for purchasing a fishing license.

PFBC staff visited over 100 waters during the two mentored youth trout days and the regional and statewide trout opening days and also visited retail outlets leading up to the two opening days, personally thanking anglers for buying a fishing license.

Thanks to generous donations, staff were able to distribute items donated by Pautzke Bait Company, FishUSA, Bass Pro Shops, and Cabela's to anglers. Participants in the early mentored youth date and the regional trout opener also received a coupon valid at all Rutter's Farm Store locations and could receive a free small coffee or fountain drink.

The PFBC thanks all of its partners for making this effort to show its appreciation to licensed anglers

The Strategist offers quarterly highlights of the PFBC's work to implement its strategic plan for July 2014-July 2017. To view the full plan, visit www.fishandboat.com.

Trout Stocking

Goal 3C.A.1: Trout Culture: Annually produce and stock up to 3.2 million adult trout or 1.9 million pounds to stock in the Commonwealth.

In general, 53% of trout are stocked prior to opening day; about 43% are stocked between opening day and the end of May or early June; and the remaining 4% are stocked from October through December.

On-line stocking schedules continued to be the most visited feature on the PFBC's website, continuing the trend of more than 1.2 million visits to the page each year.



Scores of volunteers generously donated their time to help staff get fish to the water, and cooperative nurseries continued to play an important role in supplementing the fish stocked by the Commission.

Great trout fishing is not limited to the two opening days, with PFBC staff continuing its long-standing practice of in-season stockings.

From late April through Mid-June, the Commission will stock more than 944,000 trout into 870 water sections.

Anglers are encouraged to Catch the Value! of Pennsylvania's unique trout fishing opportunities and to consult either the FishBoatPA app or www.fishandboat.com for the dates and locations of the latest in-season stockings.

Catch The Value!

The PFBC actively promoted the \$1 decrease on annual licenses through its "Catch The Value!" campaign during the weeks leading up to the regional and statewide trout openers.

Advertisements placed in over 150 newspapers with a reach of 1.97 million readers ran in the week immediately preceding both trout openers. The PFBC also placed digital advertising through a contracted vendor resulting in 5.7 million impressions targeted to potential license buyers during a multi-week period coinciding with the trout season openers.

Additionally, a special 30-second spot was broadcast on a statewide radio network during a three-week period leading up to the statewide trout opener. PFBC staff leveraged the audio track, produced and developed its own video promoting the trout openers, and made this video available via media outlets, www.fishandboat.com, and postings on Facebook.

Mentored Youth Trout Days

In an unprecedented effort to get more kids involved and keep them engaged in fishing, the PFBC opened all trout waters a week early for children and their mentors. On March 28 in 18 southeastern and southcentral counties and April 11 in the rest of Pennsylvania, kids and their adult mentors were permitted (and encouraged!) to go trout fishing before the usual rush of opening day crowds.

By expanding the program this year to include all trout waters stocked by the agency, the PFBC substantially increased the number of available waters and brought fishing closer to more anglers than it had during the two previous years when it offered more limited early mentored fishing opportunities for trout.



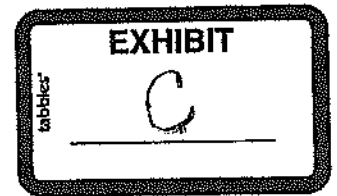
To participate, adult anglers (16 years and older) had to have a valid fishing license and trout/salmon permit and be accompanied by a youth. Youth anglers obtained a free PFBC-issued permit or a voluntary youth fishing license (only \$2.70 including all fees) and had to be accompanied by a licensed adult. As of the second mentored youth trout day on April 11, the PFBC issued over 17,500 free youth permits and sold nearly 8,500 voluntary youth fishing licenses.

Leading up to the two days, the PFBC positioned a message promoting both mentored youth trout opportunities through newspapers and on-line media outlets. In addition, Facebook and Twitter were used to promote the availability of each mentored youth trout day. PFBC staff actively monitored posts on social media during the days leading up to and during the two days, and used real-time posts to report on the success and experiences of participants.

For every voluntary youth license sold, the PFBC receives approximately \$5 in federal revenue from the U.S. Fish and Wildlife Service's Sport Fish Restoration Act program, which provides funds to states based on a formula that includes the number of licenses a state sells. All revenues earned from the voluntary youth fishing license are dedicated to youth programs.



PENNSYLVANIA FISH AND BOAT COMMISSION
Notational Vote



A. Property Disposition at the Commission's Elmerston Avenue Headquarters Property, Dauphin County.

Commentary:

The Commission owns +/- 35.77 acres in Susquehanna Township, Dauphin County, that contains its headquarters facility as shown on Exhibit 1 of 2. The property was acquired in 1989 at no cost from the Pennsylvania Department of Agriculture through an interagency agreement. A new headquarters building was constructed in late 1999 and early 2000 utilizing roughly 15 acres of the property.

In May of 2002, the Commission leased 10.5 acres of the undeveloped portion of the property to Susquehanna Township for the expansion of the adjacent township park. The term of the lease is for 25 years and is at no cost. Susquehanna Township subsequently developed the property by adding public soccer fields and other recreational amenities. The area is not actively used by the Commission, and its disposition will not adversely impact the Commission or its operations.

Susquehanna Township has offered to purchase +/- 8.5 acres of the leased area that it developed as shown on Exhibit 2 of 2. According to an independent appraisal secured by the Commission dated August 25, 2014, the appraised value of the property is \$15,482 per acre. Susquehanna Township will pay the Commission \$124,097 (the appraised value of the property less \$7,500 to cover the costs of subdivision), and the Township will be responsible for all costs associated with the conveyance and all real estate transfer taxes, if any.

Because this property is not being used by the Commission or the angling and boating public, it is in the Commission's best interests to dispose of the property. Staff will adhere to the Commission's standard practices for property disposition.

Recommendation:

Staff recommend that the Commission authorize the disposition of the property to Susquehanna Township as described in the Commentary.

Action:

On April 1, 2015, the Commission authorized the disposition of the property to Susquehanna Township as described in the Commentary.

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

Commentary:

At its January 2015 meeting, the Commission approved the publication of a notice of proposed rulemaking containing a number of proposed changes to the regulations under the Delayed Harvest Artificial Lures Only (DHALO) program. The proposed changes to the DHALO program included the following:

- Move the start of the trout harvest period from June 15 to the Saturday before Memorial Day.
- Allow the use of bait by all anglers during the trout harvest period.
- Allow youth anglers under the age of 16 to use bait year-round in DHALO areas.
- Change the minimum length limit from 9 inches to 7 inches.

When the Commission approved the agenda item, it directed staff to solicit public comments for a period of 60 days. A notice of proposed rulemaking was published at 45 Pa. B. 1257 (March 14, 2014). Well before the proposal was posted in the *Pennsylvania Bulletin*, the Commission began to receive numerous public comments. As of March 31, 2015, the agency received a total of 343 comments, and all but five of them oppose all or part of the proposal. The main concern expressed by the individuals opposed to the proposal is the use of bait during the harvest period. However, a significant number of negative comments was received on other aspects of the proposal as well.

The DHALO program is a stocked trout program, and social factors play a large role in how the program is managed. The proposed changes are geared toward encouraging more harvest of stocked trout before they succumb to natural mortality as the water warms to levels above the tolerance for trout later in the year. The proposed changes also are intended to facilitate the ability of more youth and families to fish in these areas. Although staff believe that the proposal is sound and well-reasoned, it is apparent that the public who enjoys fishing these areas, by a large margin, does not agree.

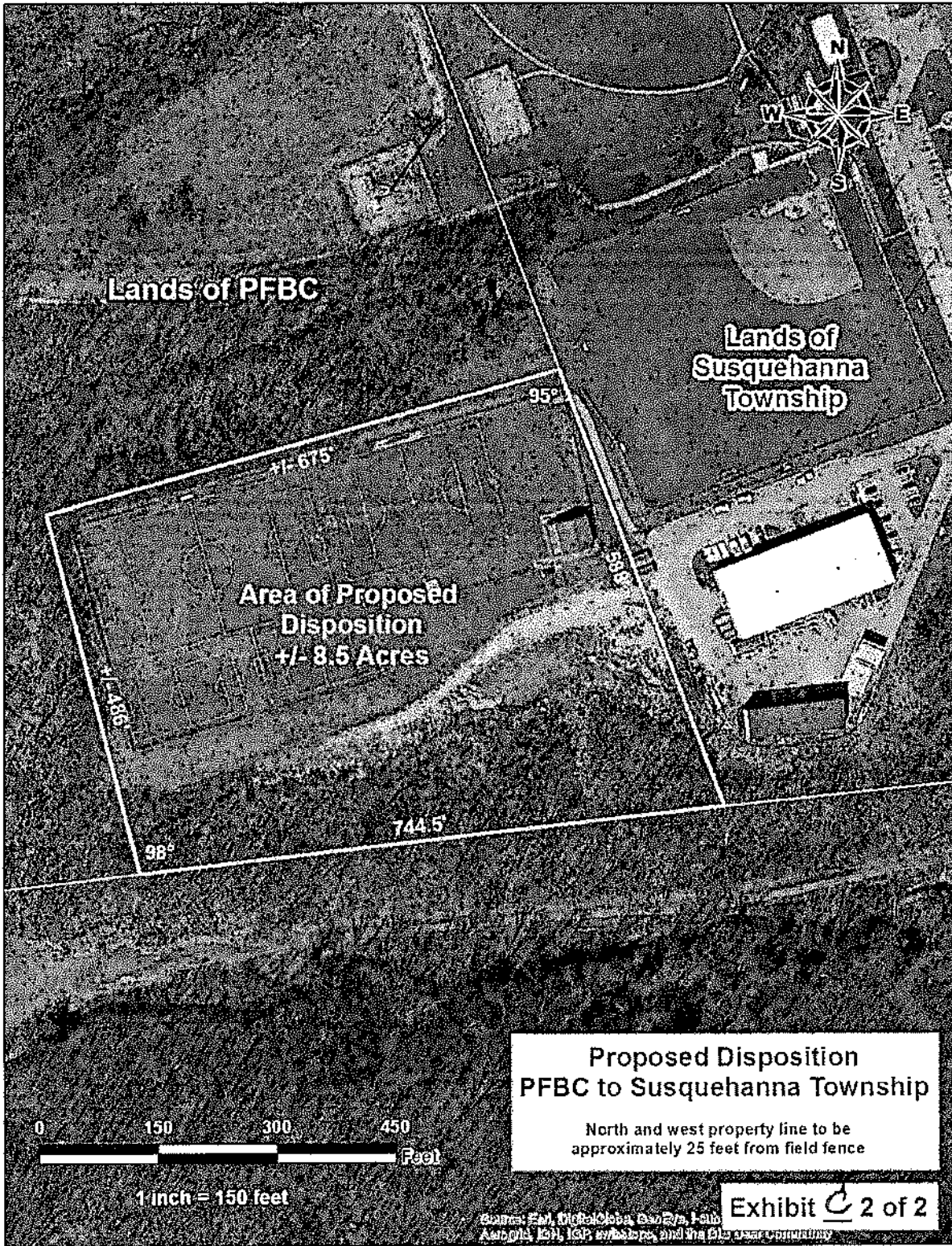
Recommendation:

Staff recommend that the Commission withdraw its notice of proposed rulemaking containing the changes to the DHALO regulations and end the public comment period, effective immediately.

Action:

On April 1, 2015, the Commission withdrew its notice of proposed rulemaking containing the changes to the DHALO regulations and ended the public comment period, effective immediately.





Lands of PFBC

Lands of
Susquehanna
Township

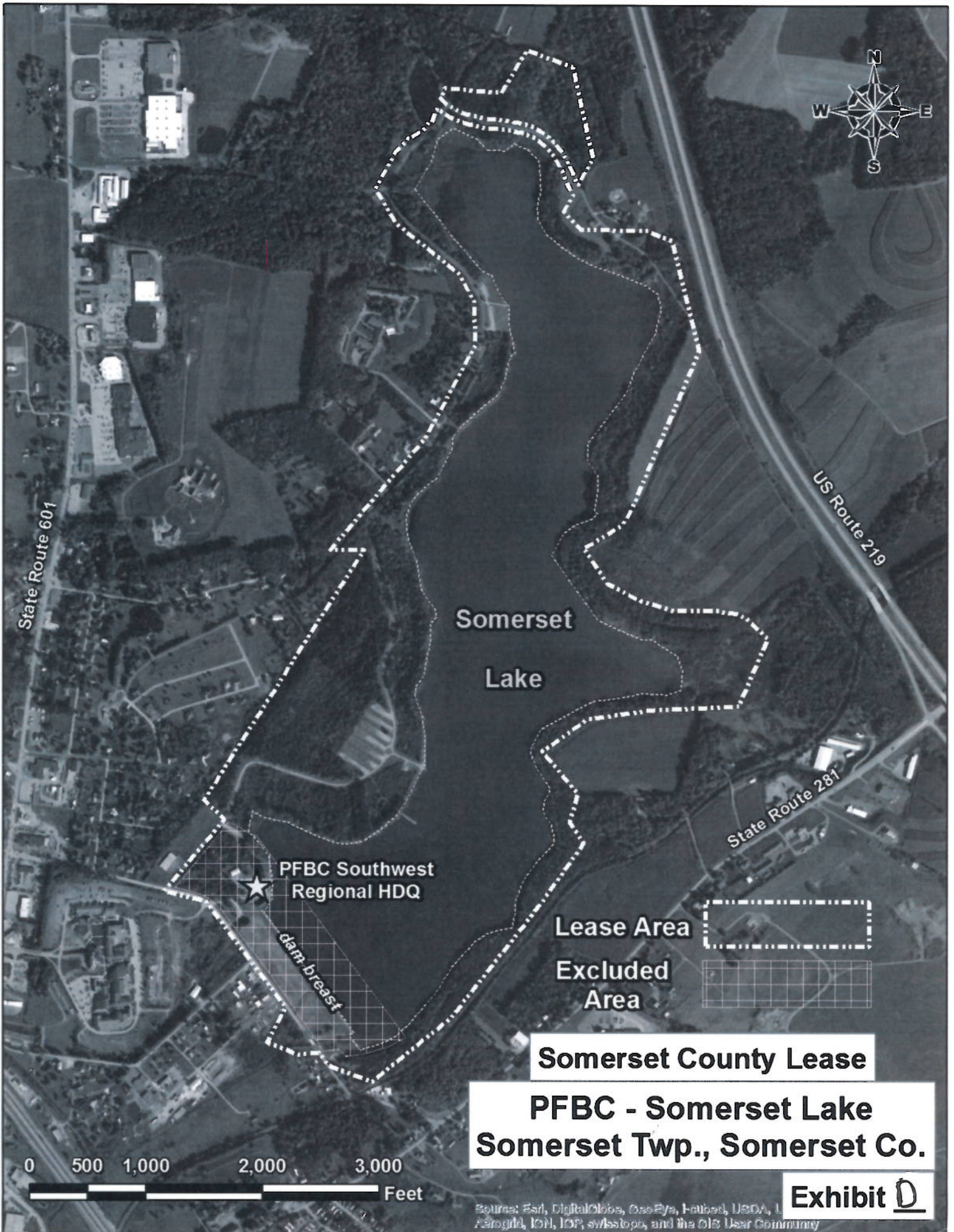
Area of Proposed
Disposition
+/- 8.5 Acres

0 150 300 450 Feet
1 inch = 150 feet

**Proposed Disposition
PFBC to Susquehanna Township**
North and west property line to be
approximately 25 feet from field fence

Exhibit 2 of 2

Sources: Ed. Nicholas, Esq. P.A., L.L.C.; Aerial, IGN, ISP, website, and the Ed. Nicholas Esq. Community



State Route 601



US Route 219

Somerset
Lake

State Route 281

★ PFBC Southwest
Regional HDQ

dam breast

Lease Area

Excluded
Area

Somerset County Lease

**PFBC - Somerset Lake
Somerset Twp., Somerset Co.**



Exhibit D

Source: Esri, DigitalGlobe, GeoEye, Earthstar, USDA, I
Aergrid, IGN, IOP, swisstopo, and the GIS User Community

§ 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.]

§ 111.5. Bedford County.

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

§ 111.6. Berks County.

* * *

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

§ 111.7. Blair County.

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

§ 111.8. Bradford County.

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

§ 111.9. Bucks County.

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

(b) [*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 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.]

* * *

§ 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.

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

§ 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.

(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) [*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) 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 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)]~~**(3)** Waterskiing is prohibited in Hunters Run Cove.

~~[(3)]~~**(4)** 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.]

§ 111.15. Chester County.

[(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.] Reserved

§ 111.17. Clearfield County.

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

[(b)] *Treasure Lake.*

* * *

§ 111.18. Clinton County.

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

§ 111.19. Columbia County.

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

§ 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.**

(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.*

* * *

§ 111.21. Cumberland County.

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

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

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

* * *

§ 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.

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

(i) Sevenmile Run Bay.

(ii) South Fork/Straight Creek Bay.

(iii) East Branch Clarion River Bay from the no-wake buoys to the extreme backwaters of the lake.

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

(4) 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.

[(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.] Reserved

§ 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.**

(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)] *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.

[(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.] Reserved

§ 111.35. Lackawanna County.

[(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.] Reserved

§ 111.36. Lancaster County.

(a) *Lake Aldred—Susquehanna River.* Boats are limited to slow, no wake speed from the York County shoreline to the northern point of Urey Islands to the southern tip of Blair Island, and back to the York County shoreline. The area is about 1 mile in length.

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

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

* * *

§ 111.37. Lawrence County.

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

§ 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.

[(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) *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.

(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) *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 – Maurice Goddard State Park. The operation of boats powered by internal combustion motors is permitted except [The operation of boats powered by internal combustion motors is prohibited]* 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)] *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.

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

§ 111.52. Pike County.

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

(b) **[Twin Lakes. [Motors are prohibited] It is unlawful to operate a boat powered by a motor.**

[(c)](b) **Lake Wallenpaupack.**

* * *

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

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

* * *

§ 111.53. Potter County.

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

§ 111.54. Schuylkill County.

[(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.] Reserved

§ 111.55. Snyder County.

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

§ 111.56. Somerset County.

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

(b)] *Youghiogeny River Lake.*

* * *

[(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.]

§ 111.57. Sullivan County.

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

§ 111.58. Susquehanna County.

* * *

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

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

~~(i)~~ ~~(h)~~ *Upper Lake, New Milford Township*. **[Motors are prohibited] 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)~~ *Cowanesque Lake*. Boats are limited to slow, no wake speed in the following areas:

* * *

~~(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:

* * *

~~(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.

§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*.

* * *

§ 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)~~ 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.

~~[(2)](3)~~ The speed of boats is limited to slow, no wake speed between the hours of 6 p.m. and 10 a.m.

~~[(c)](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.

~~[(2)]~~**(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.

~~[(3)]~~**(4)** 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) ~~(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.

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

(h) ~~(d)~~ *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) ~~(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) [*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

(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.

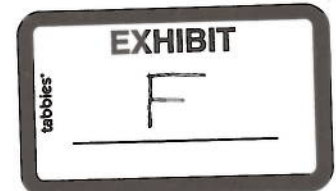
(a) [~~Pinchot Lake (Conewago Lake)—Gifford Pinchot State Park. The operation of boats powered by internal combustion motors is prohibited.~~] Lake Marburg – Codorus State Park. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(b) *Lake Redman*.

* * *

(c)**(b) *Lake Williams*.**

* * *



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/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

Fiscal Note: 48A-261. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.2. Threatened species.

* * * * *

- (b) *Fish*. The following species are threatened:
 - (1) Mountain brook lamprey, *Ichthyomyzon greeleyi*.
 - (2) Bigmouth shiner, *Notropis dorsalis*.
 - (3) Southern redbelly dace, *Phoxinus erythrogaster*.
 - (4) Spotted sucker, *Minytrema melanops*.
 - (5) Brindled madtom, *Noturus miurus*.
 - [(6) Bluebreasted darter, *Etheostoma camurum*.
 - (7) Spotted darter, *Etheostoma maculatum*.
 - (8) Tippecanoe darter, *Etheostoma tippecanoe*.
 - (9) Gilt darter, *Percina evides*.
 - (10)] (6) Chesapeake Logperch, *Percina bimaculata*.

* * * * *

[Pa.B. Doc. No. 14-2621. Filed for public inspection December 19, 2014, 9:00 a.m.]

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

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

Lake Perez, a 72-acre impoundment owned by The Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately 3 miles north-east from the Village of Neffs Mills. This lake was completely dewatered during late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. The earth-fill dam, constructed in 1959, impounds Shaver Creek at river mile 13.6 upstream from the mouth at the Juniata River. Prior to the drawdown in 2009, access to the shoreline was primarily provided at two discrete access points as well as from numerous walking trails surrounding the lake. Approximately 80% of this shoreline was considered fishable. Additionally, one boat ramp provided boat access for nonpowered and electric motor crafts. The lake offered angling opportunities for multiple warm and coolwater fish species and adult trout stocked by the Commission during spring, fall and winter offered seasonal angling opportunities for trout. Dam and spillway repairs were completed during early summer 2014, and the reservoir began refilling at that time.

The Commission plans to stock the lake and establish a high quality warmwater and coolwater fishery through fingerling plants of select species. Immediately upon refilling of the lake, the Commission proposes to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth inland regulations but allow only catch and release fishing for all other fish species. The Commission believes that this approach will allow the development of a balanced warmwater and coolwater fish community to rapidly develop while offering acceptable levels of recreational angling opportunities. The Commission will monitor the fish populations as needed while 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 Lake Perez.

The Commission proposes to amend § 65.24 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.

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-260. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

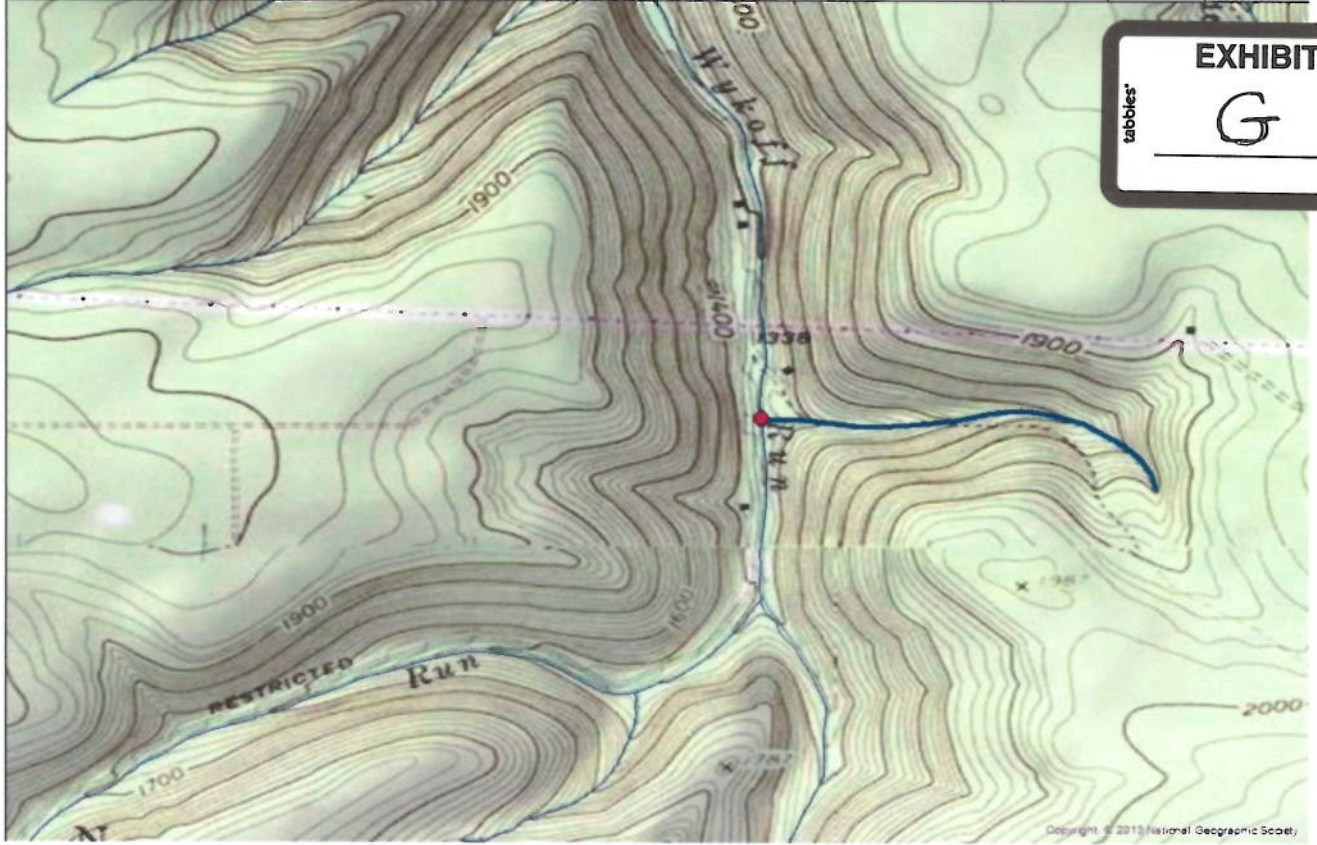
§ 65.24. Miscellaneous special regulations.

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

County	Name of Water	Special Regulations
* * * * *		
Elk	West Branch, Clarion River	The following additional restrictions apply to the "Catch and Release, Fly-Fishing Only" area located on a 1/2-mile stream section from the intersection of S. R. 219 and S. R. 4003, upstream to the Texas Gulf Sulphur Property: Wading prohibited. Fishing permitted from east shore only.
Huntingdon	Lake Perez	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. This miscellaneous special regulation will remain in effect until June 16, 2018.
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Daily limit: First Saturday after April 11 until Labor Day—5 trout per day; day after Labor Day to first Saturday after April 11 of the following year—3 trout per day. Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number.
* * * * *		

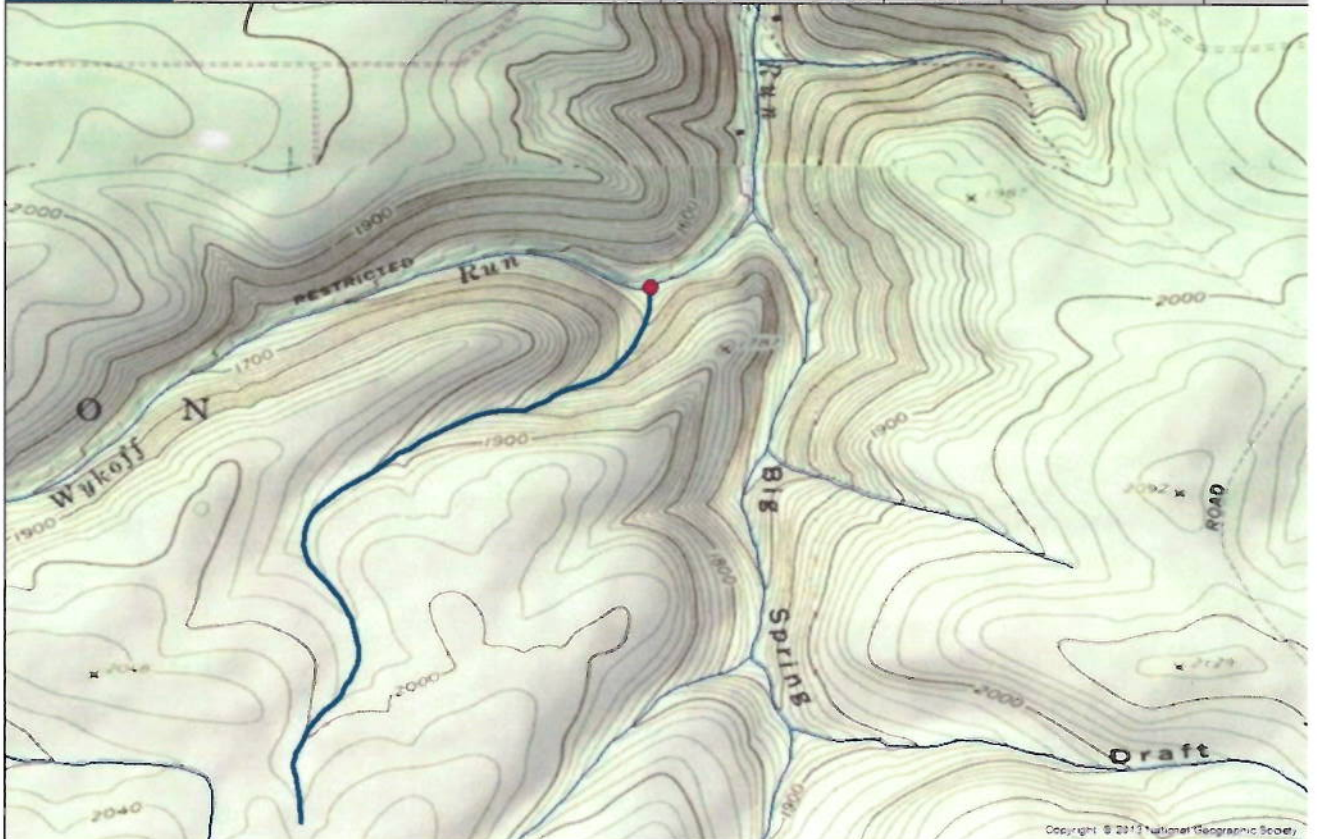
[Pa.B. Doc. No. 14-2622. Filed for public inspection December 19, 2014, 9:00 a.m.]

County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Cameron	Unt To Wykoff Run (24056)	Wykoff Run	Headwaters to mouth	0.00	Brook	28	2-7



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County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Cameron	Unt To Wykoff Run (24061)	Wykoff Run	Headwaters to mouth	0.00	Brook	7	2-7



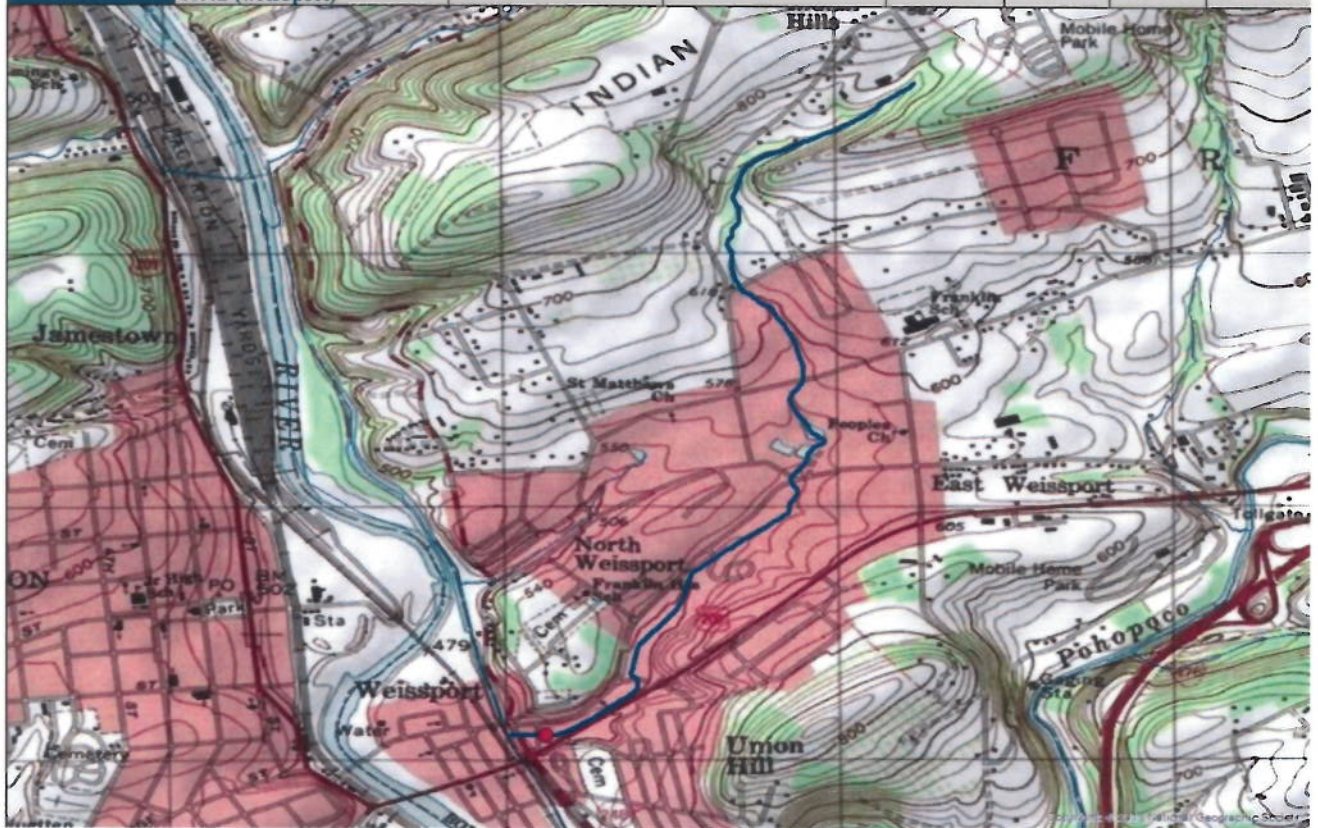
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Cameron	Unt To Wykoff Run (24062)	Wykoff Run	Headwaters to mouth	0.00	Brook	7	2-6



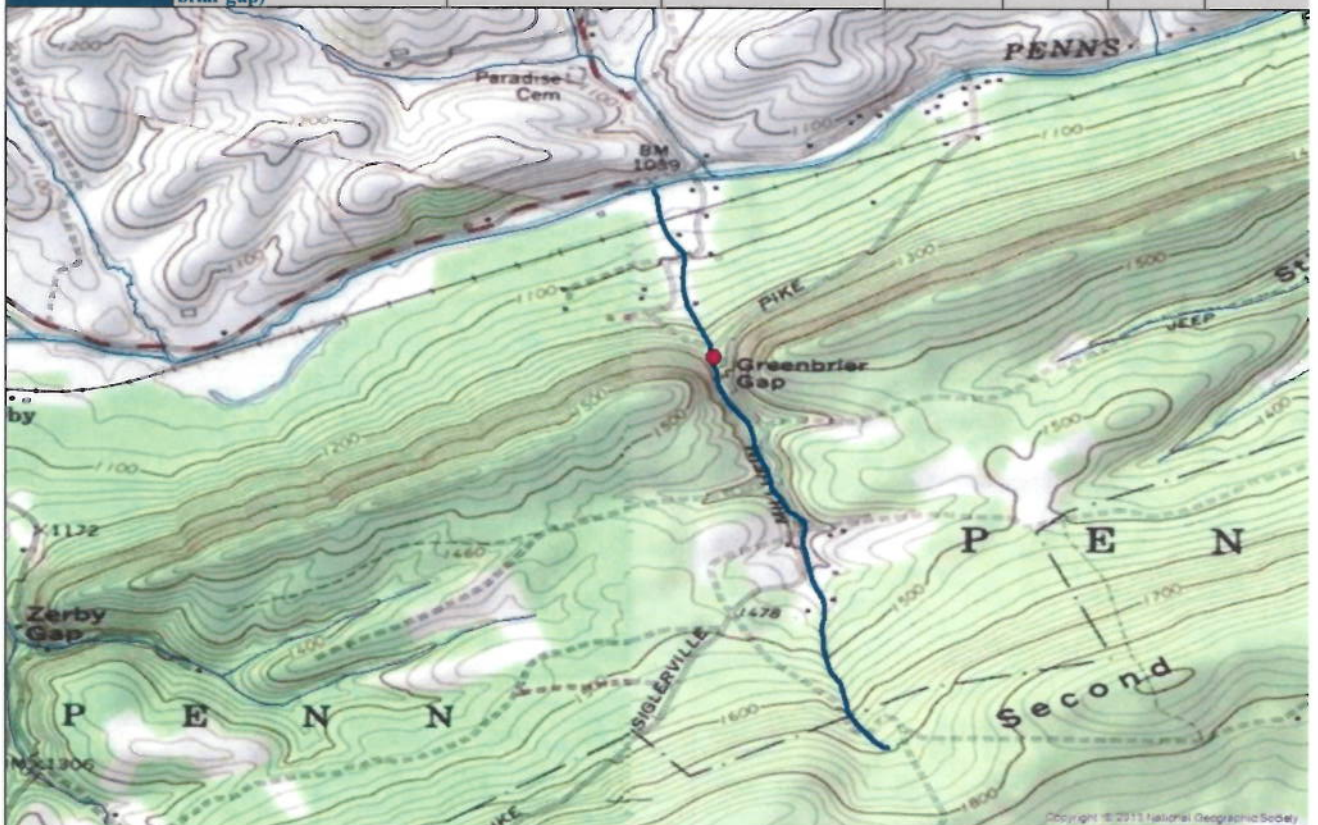
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Cameron	Unt To Wykoff Run (24064)	Wykoff Run	Headwaters to mouth	0.00	Brook	10	2-8



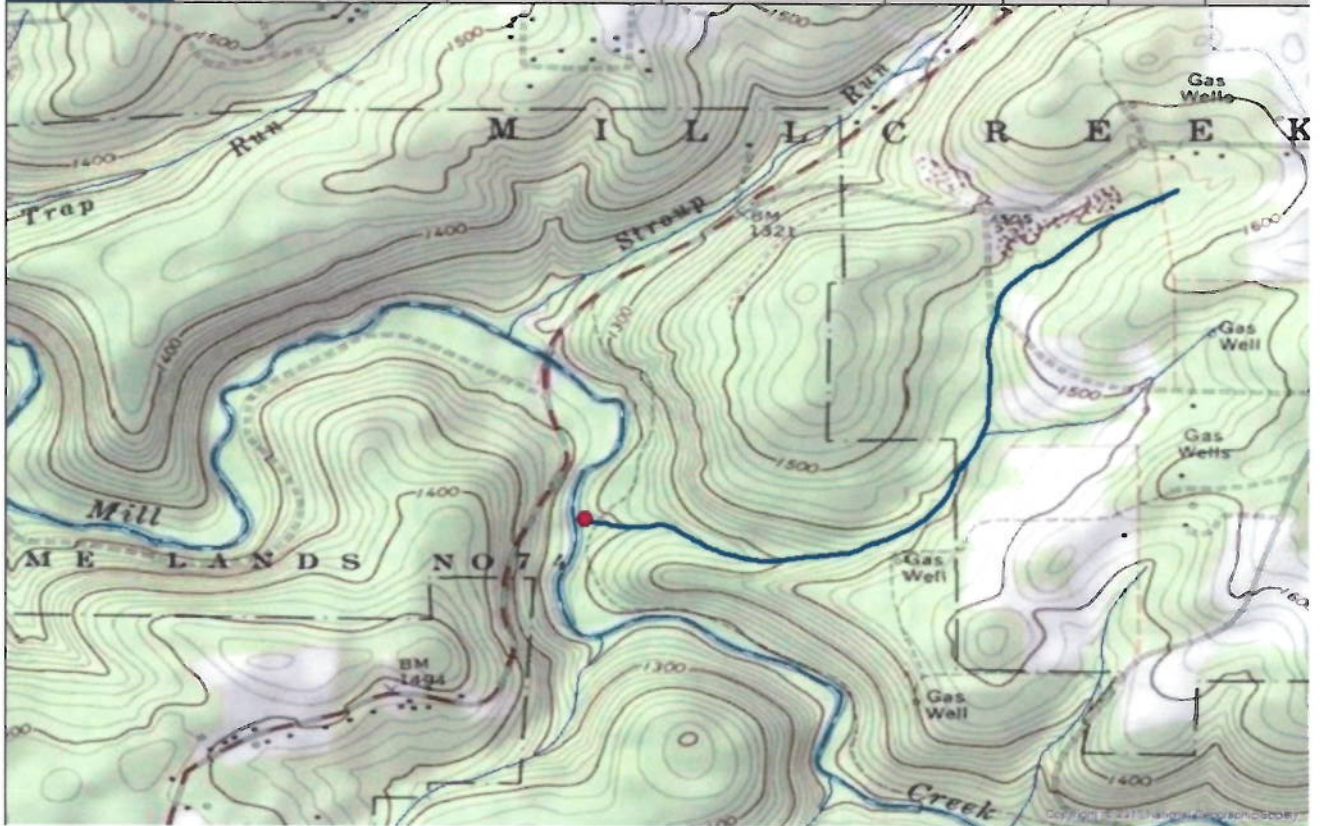
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Carbon	Unt To Lehigh Canal Rm 40.42 (weissport)	Lehigh Canal	Headwaters to mouth	0.07	Brown	11	3-10



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Centre	Unt To Penns Creek (green briar gap)	Penns Creek	Headwaters to mouth	0.40	Brook	42	2-8



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Clarion	Unt To Mill Creek (rm 3.63)	Mill Creek	Headwaters to mouth	0.02	Brook	4	6-8



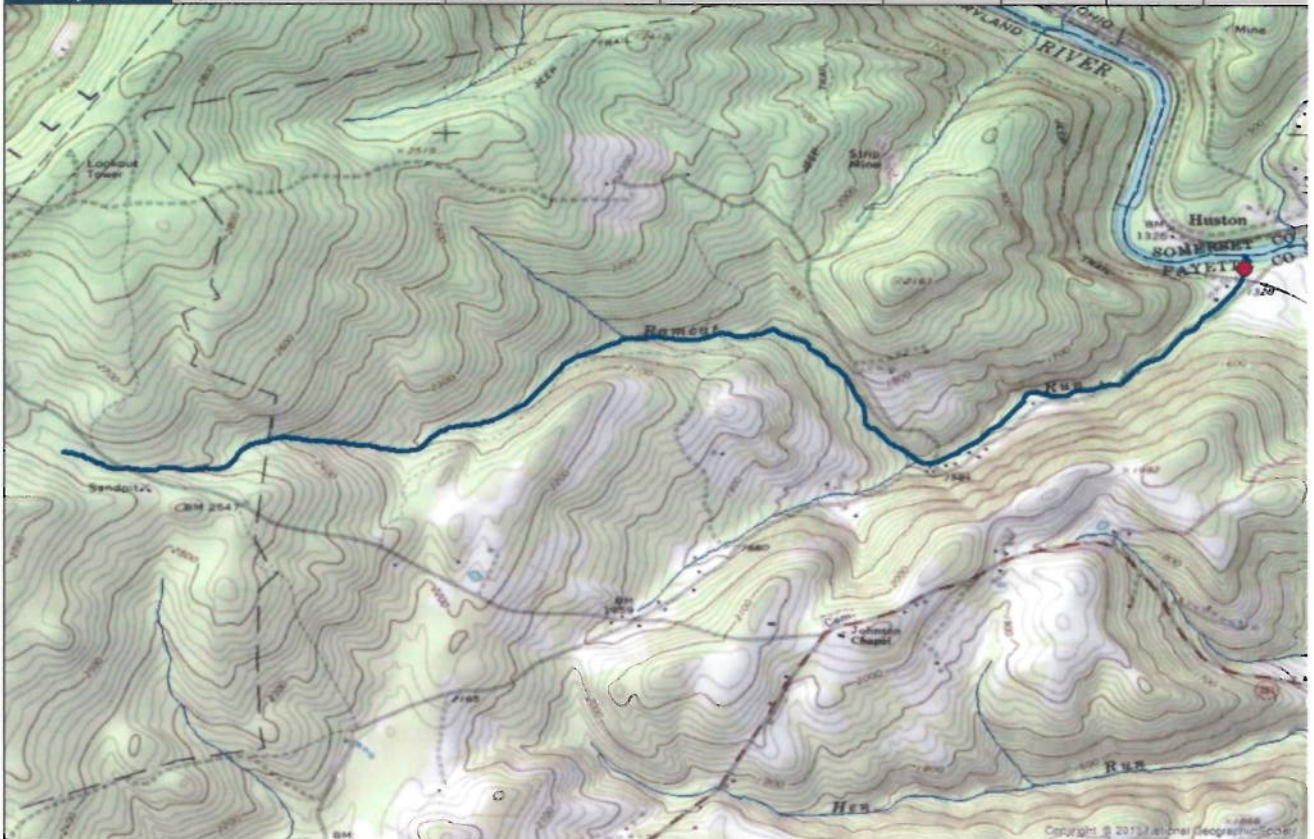
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Clearfield	Unt To Moose Creek (shed antler hollow)	Moose Creek	Headwaters to mouth	0.01	Brook	46	2-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Clinton	Unt To Young Womans Creek (sevenmile hollow)	Young Womans Creek	Headwaters dnst to mouth	0.08	Brook Brown	109 3	1-9 2-6



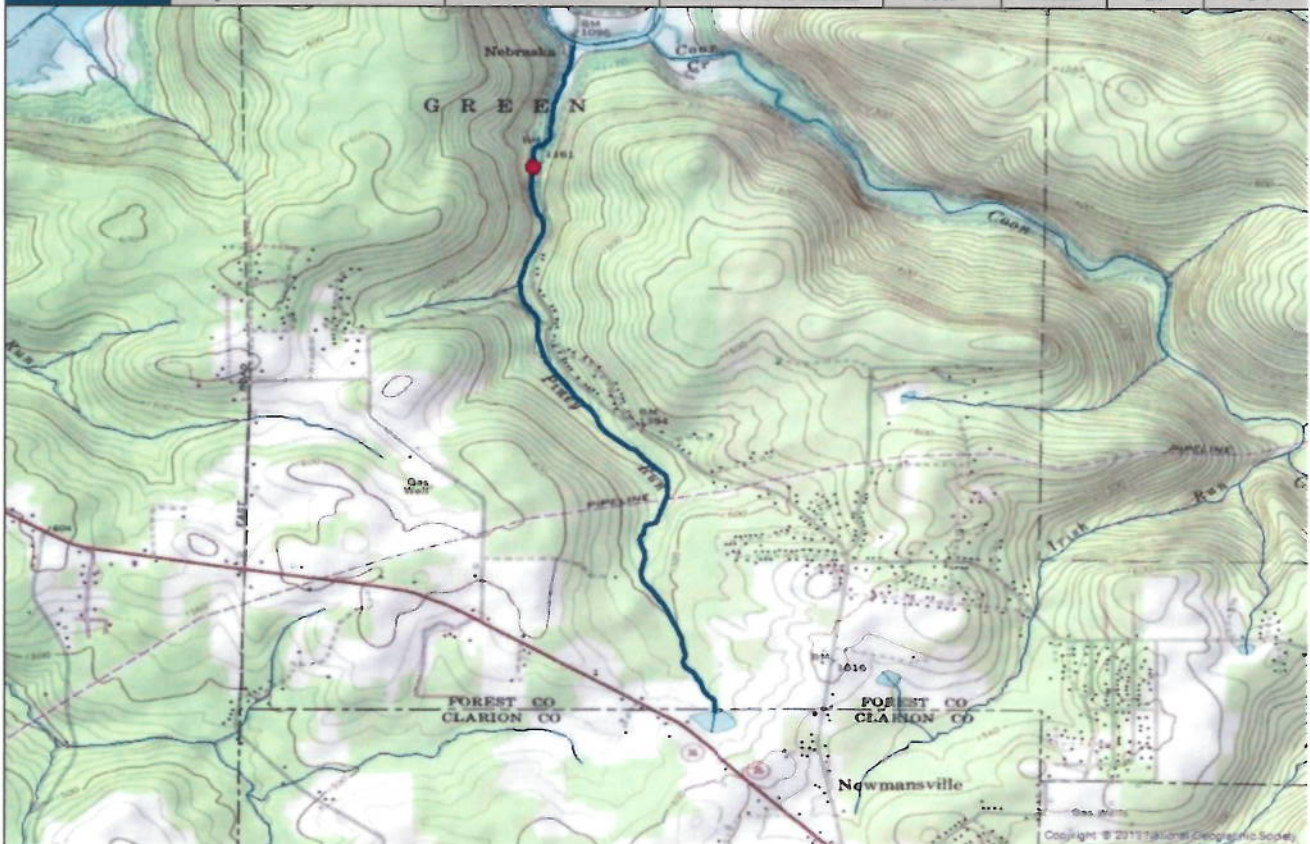
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Fayette	Ramcat Run	Youghiogheny River	Headwaters to mouth	0.05	Brook	10	2-6

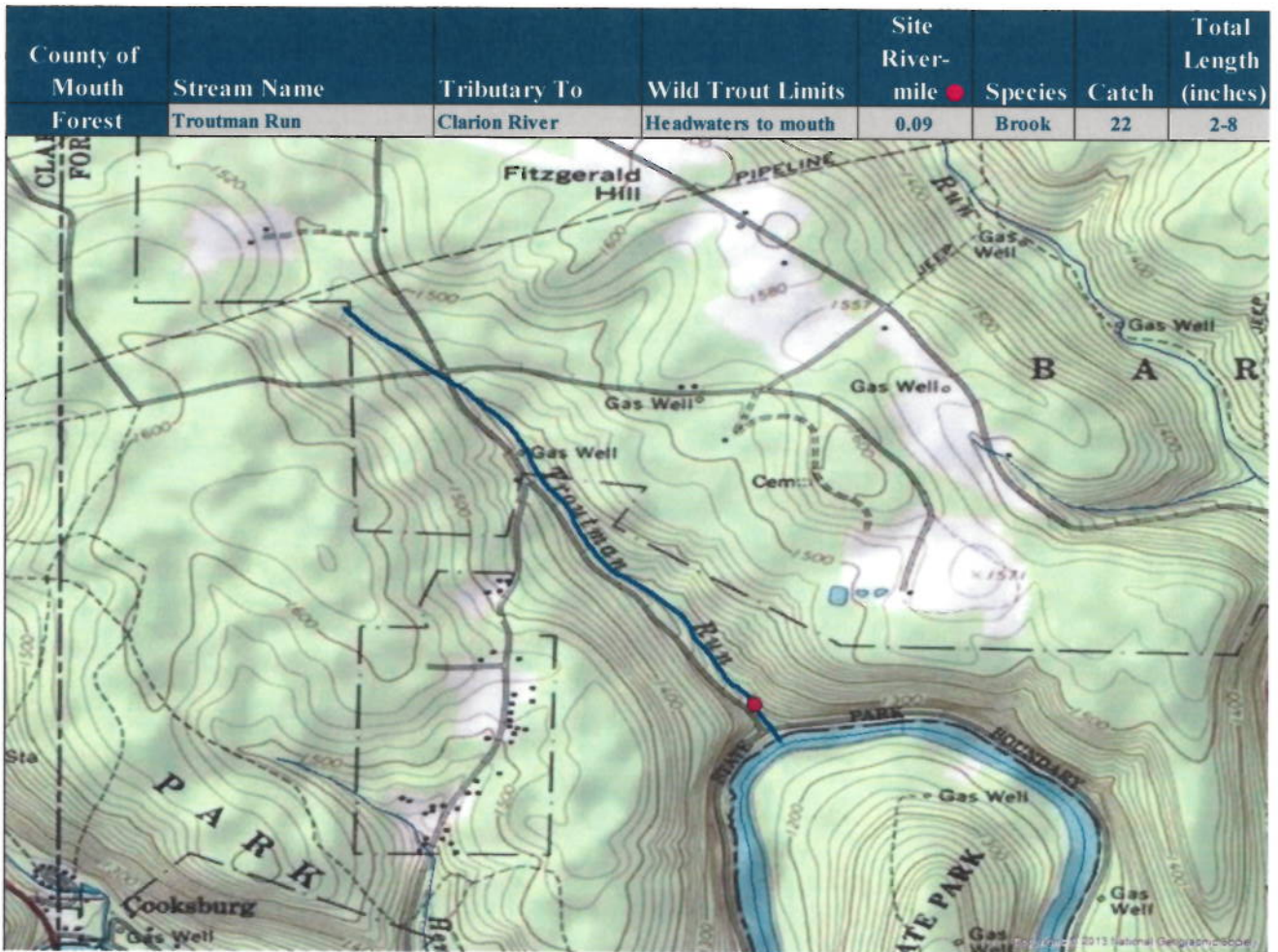


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Forest	McCauley Run	East Branch Hemlock Creek	Headwaters to mouth	0.72	Brook Brown	7 3	3-8 4-9

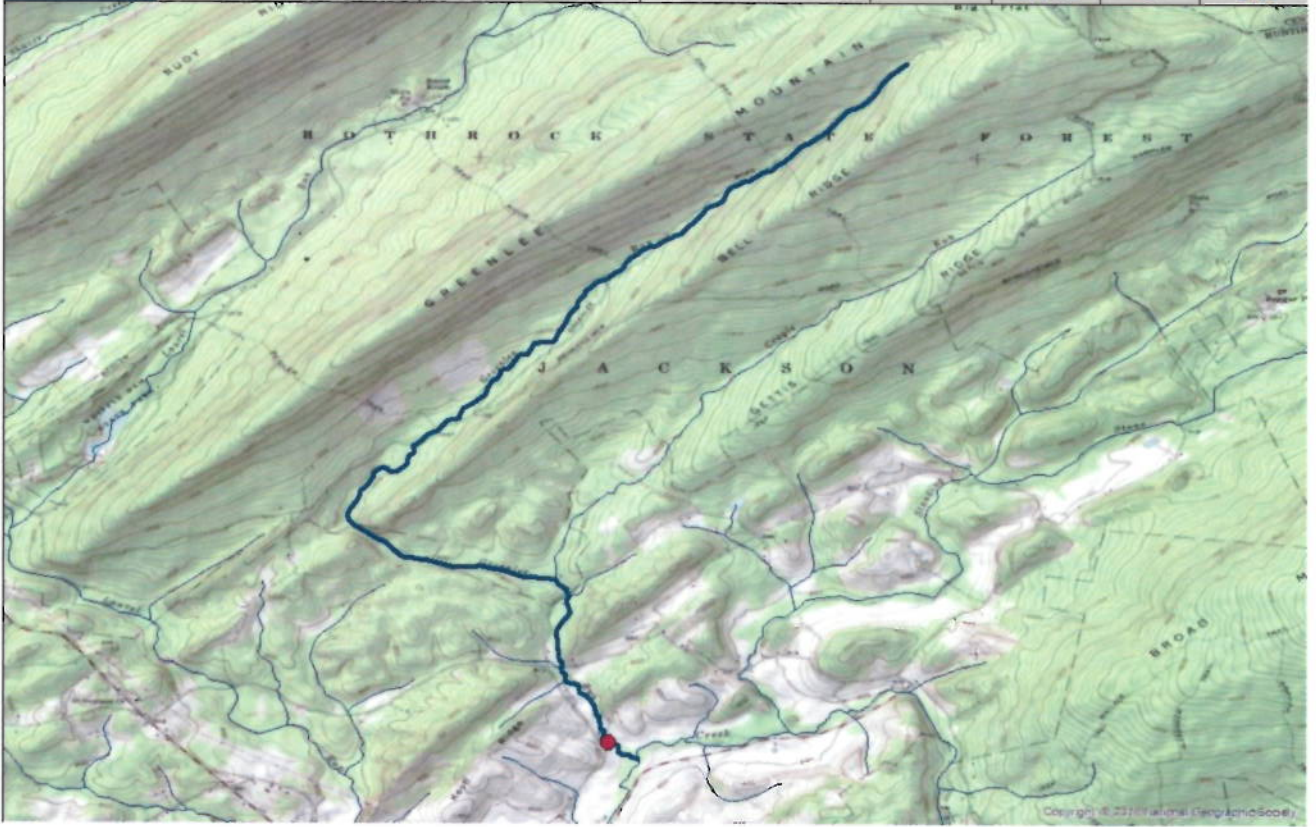


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Forest	Piney Run	Tionesta Creek	Headwaters to mouth	0.49	Brook	26	1-9

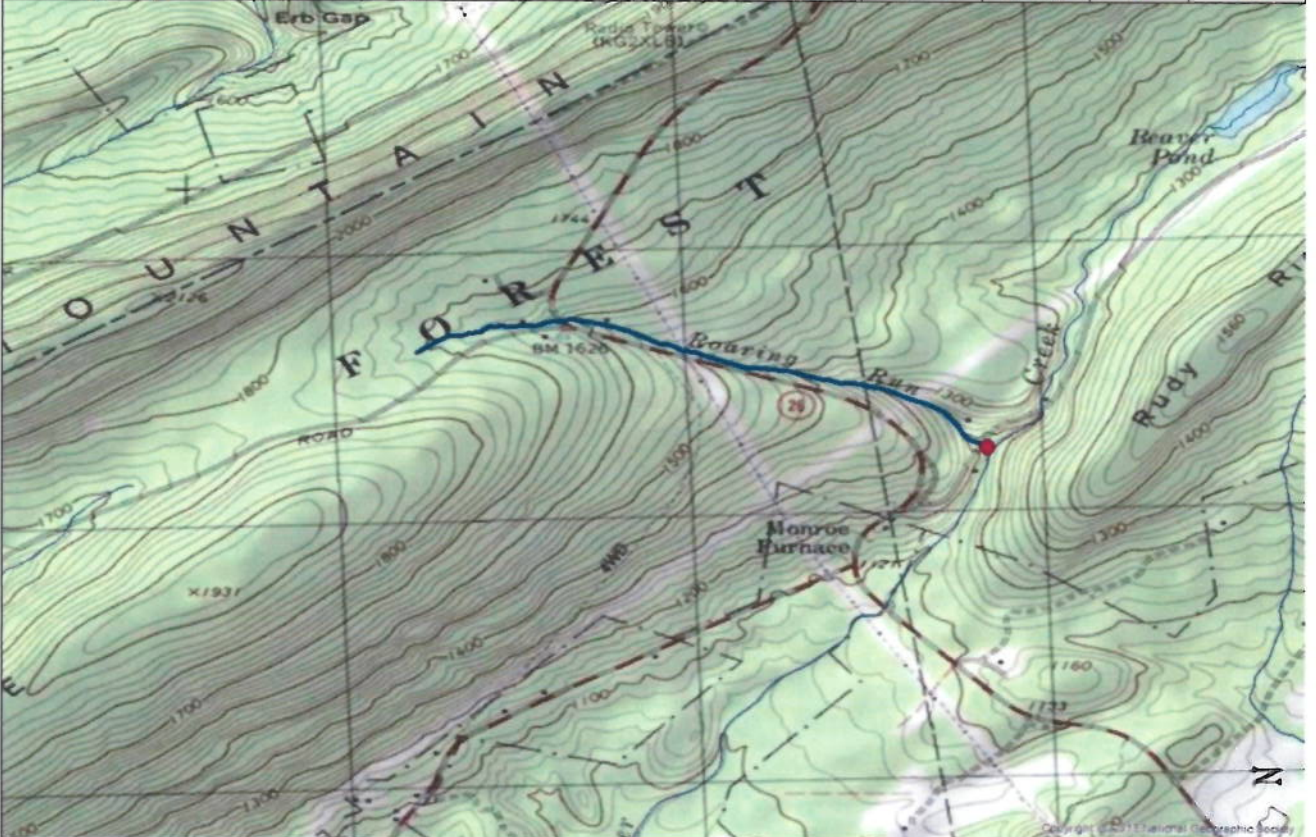




County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Huntingdon	Greenlee Run	Standing Stone Creek	Headwaters to mouth	0.19	Brook Brown	2 5	10-11 2-13



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Huntingdon	Roaring Run	Shaver Creek	Headwaters to mouth	0.01	Brook	12	2-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Huntingdon	Shingletown Branch	Laurel Run	Headwaters to mouth	0.70	Brook	27	2-7



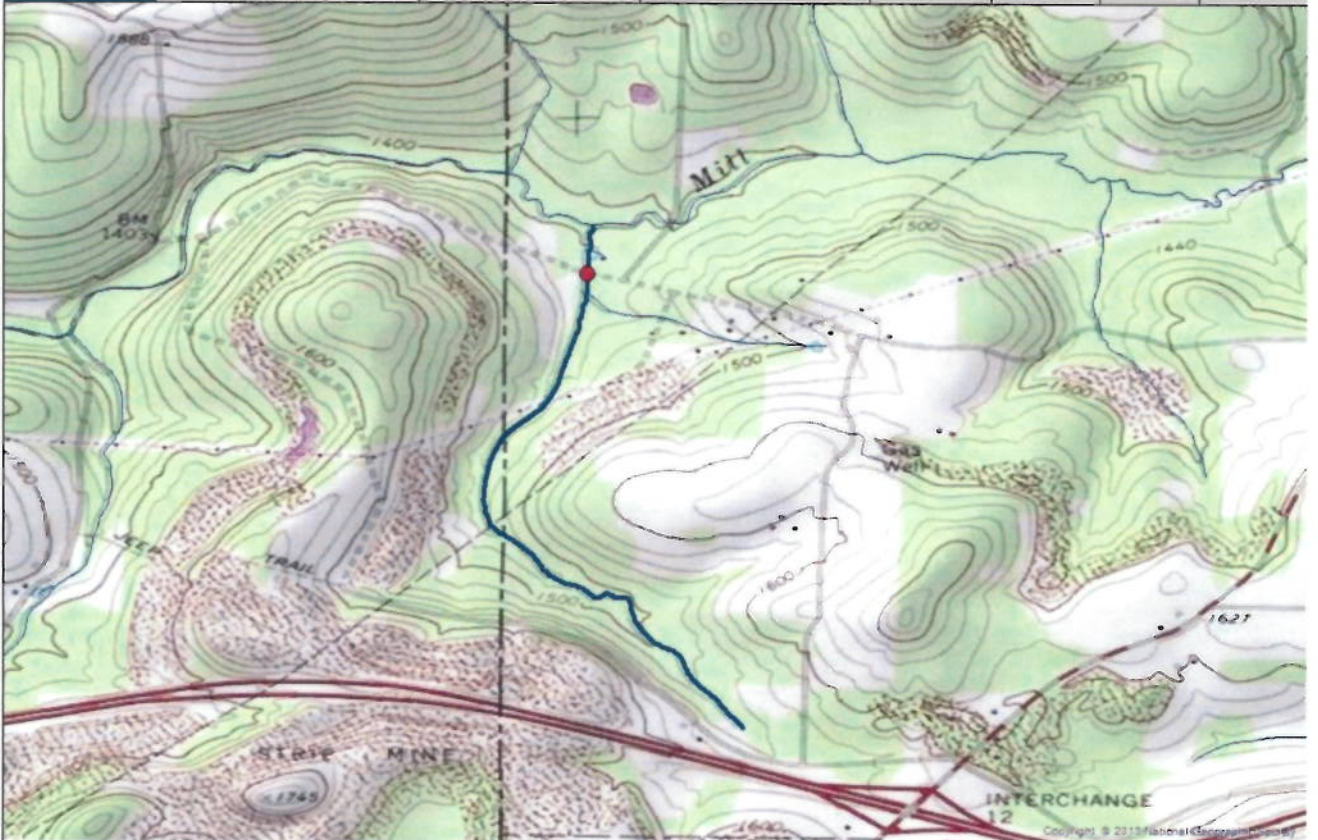
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Huntingdon	Unt To Standing Stone Creek (@ rm 15.36)	Standing Stone Creek	Headwaters to mouth	0.78	Brook Brown	9 28	3-7 2-11



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Indiana	Mardis Run	Blacklick Creek	Headwaters to mouth	0.22	Brown	5	2-3



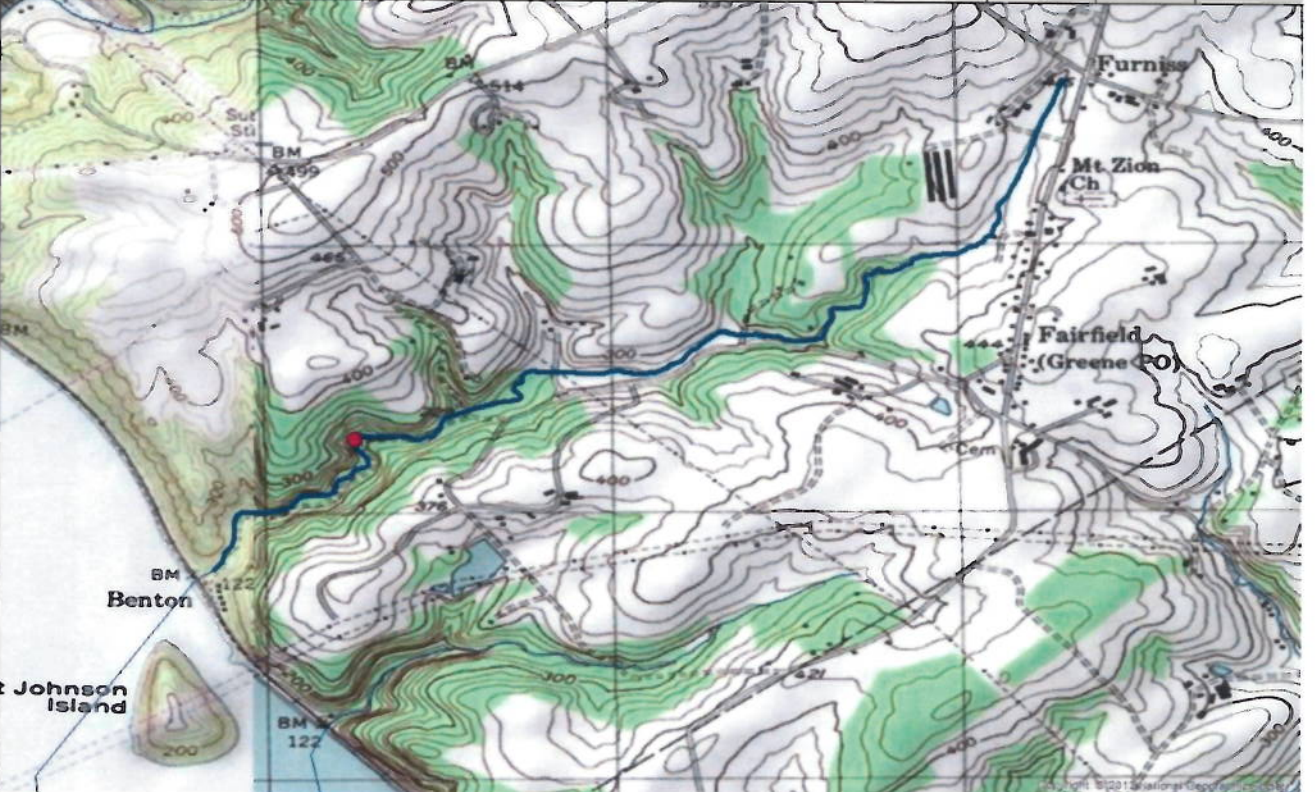
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Jefferson	Kyle Run	Little Mill Creek	Headwaters to mouth	0.13	Brook	3	4-9

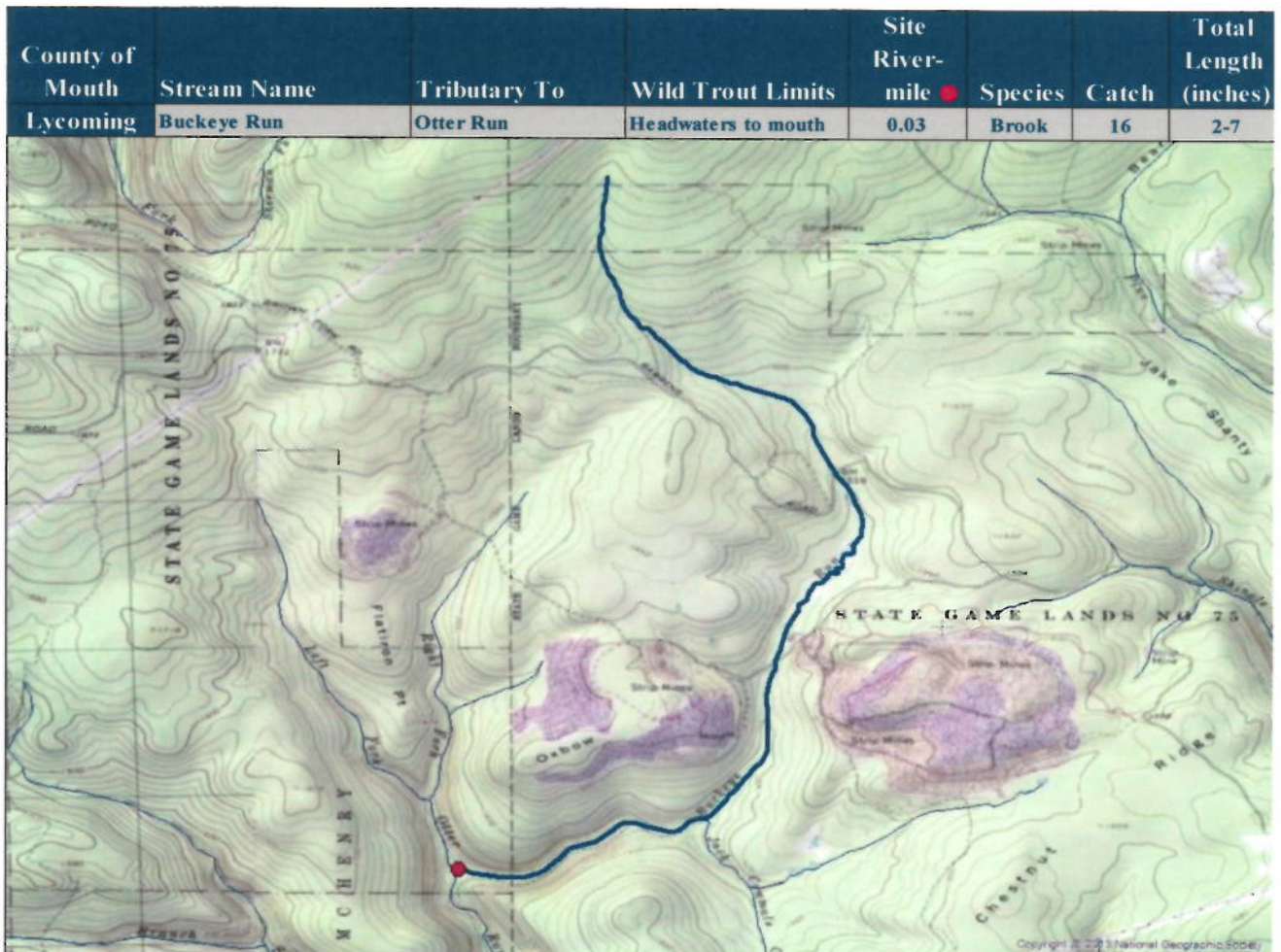


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Lancaster	Haines Branch	Susquehanna River	Headwaters to mouth	0.26	Brown	20	2-8

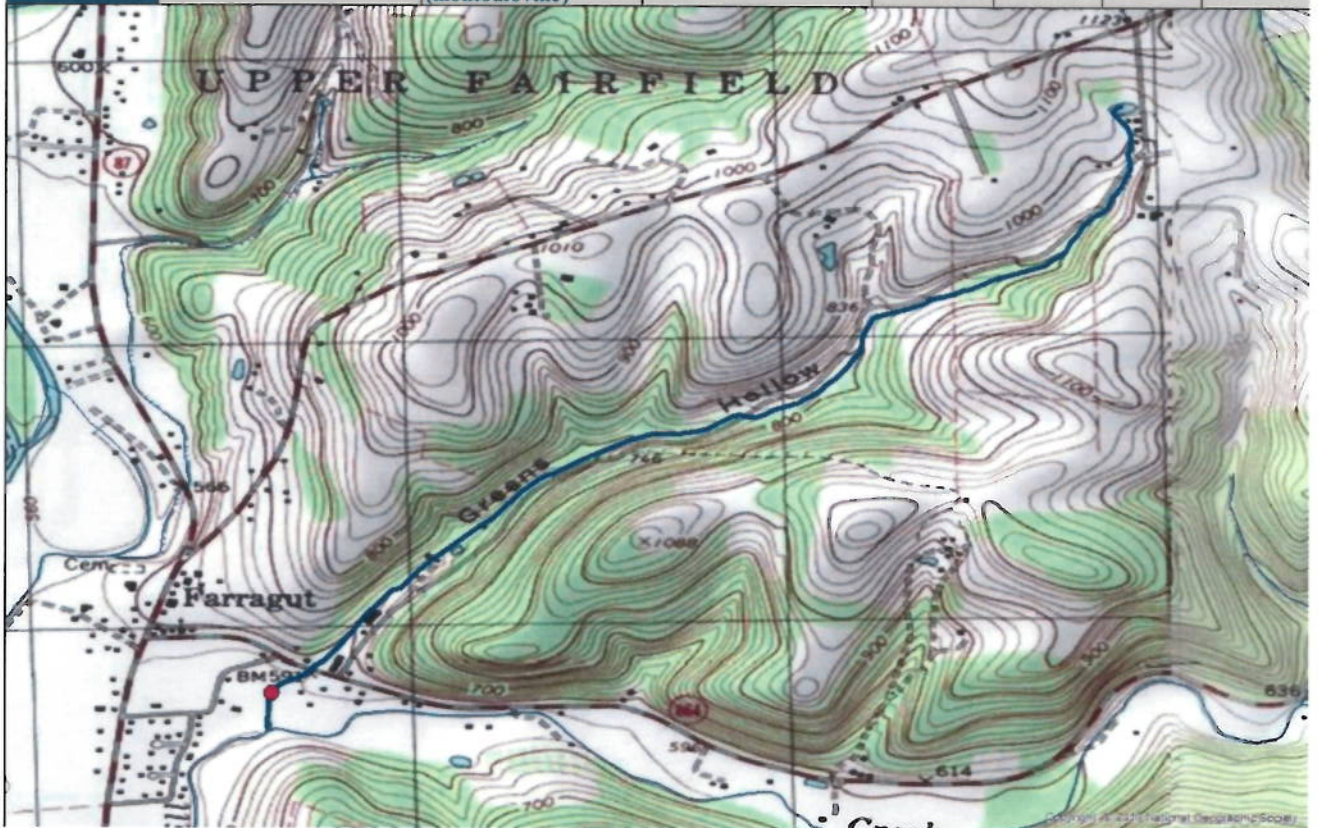


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Lancaster	Unt To Susquehanna River (wild pres rd/bald e rd)	Susquehanna River	Headwaters to mouth	0.52	Brown	35	2-13

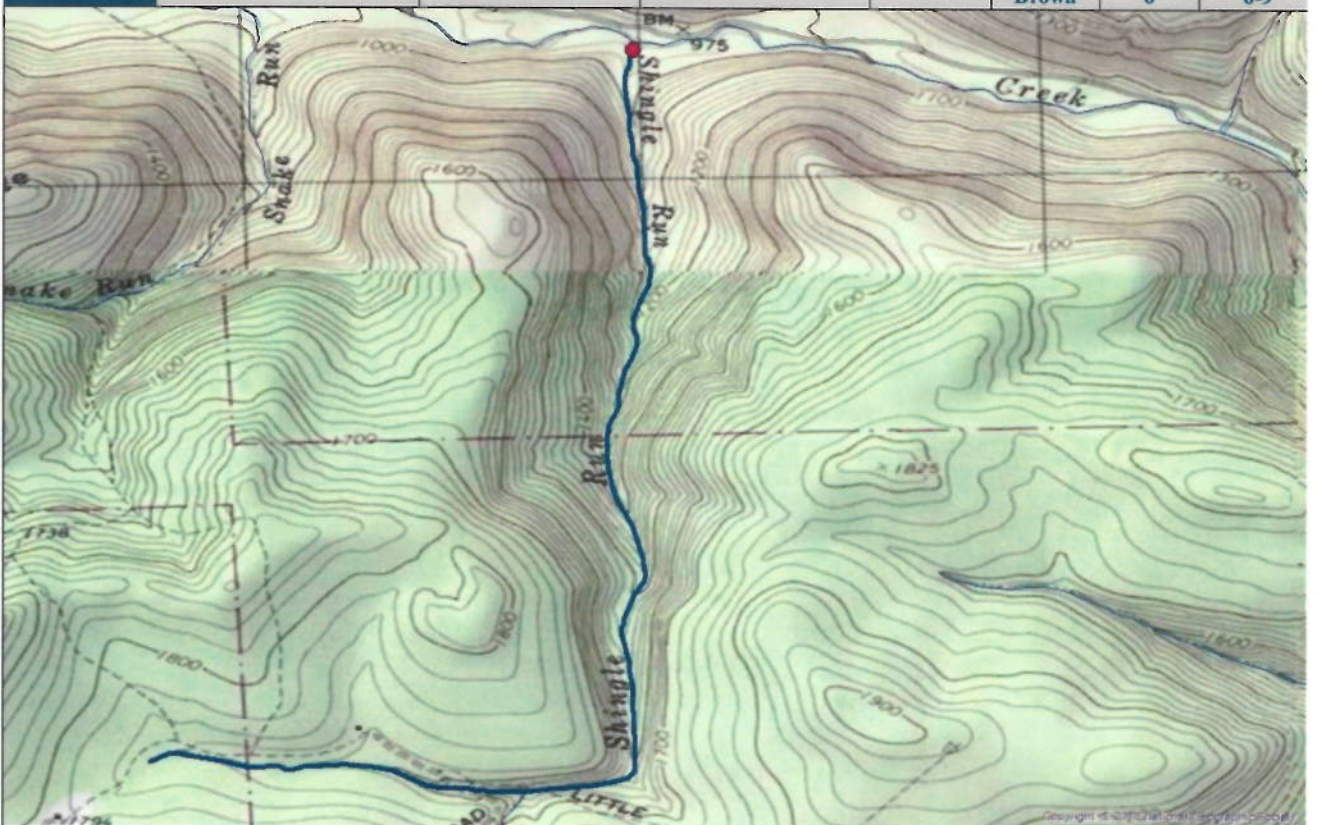




County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Lycoming	Greens Hollow Run	Mill Creek (montoursville)	Headwaters to mouth	0.09	Brown	9	2-3



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Lycoming	Shingle Run	Bear Creek	Headwaters to mouth	0.01	Brook	38	3-8
					Brown	6	6-9



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Lycoming	Snake Run	Bear Creek	Headwaters to mouth	0.08	Brook	8	2-6



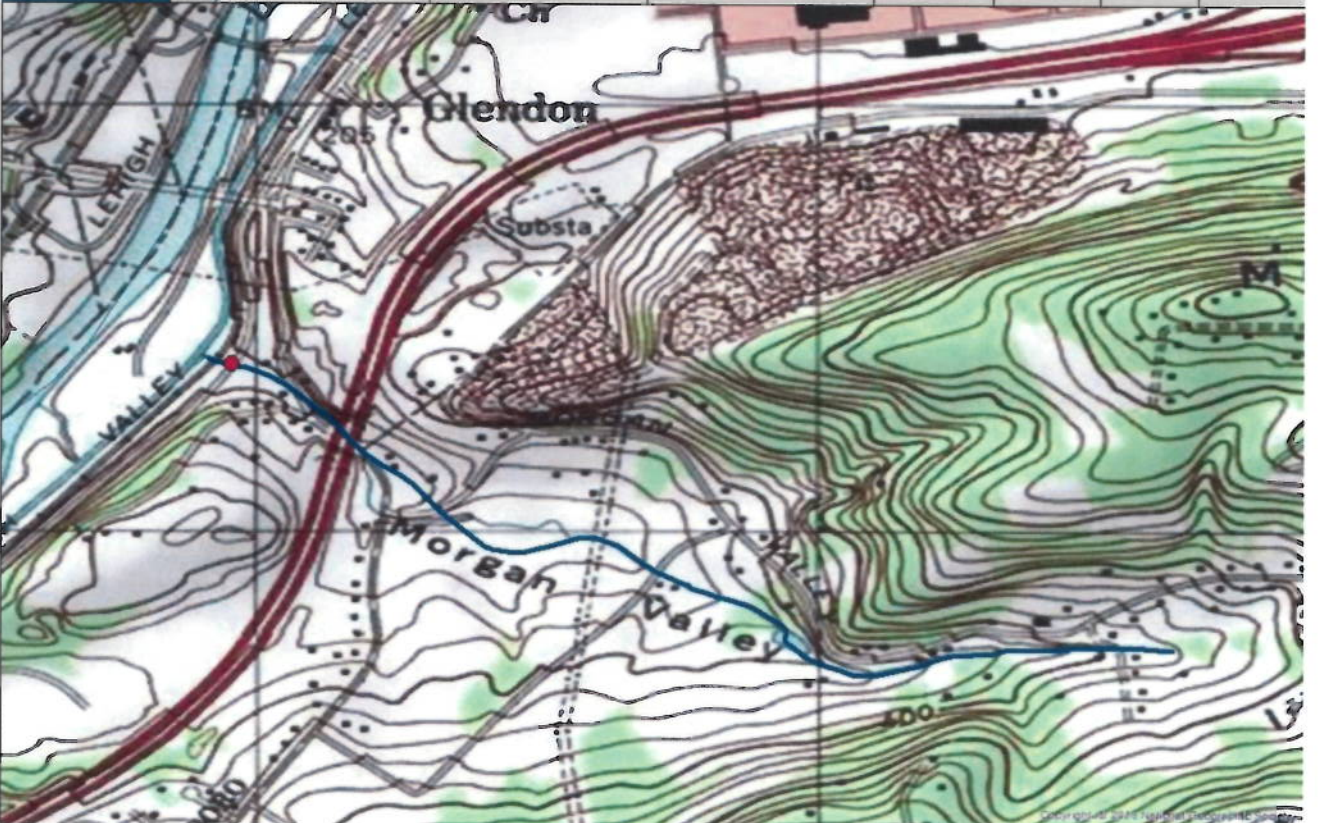
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
Lycoming	South Fork Bear Creek	Bear Creek	Headwaters to mouth	0.04	Brook	30	2-7
					Brown	12	5-9

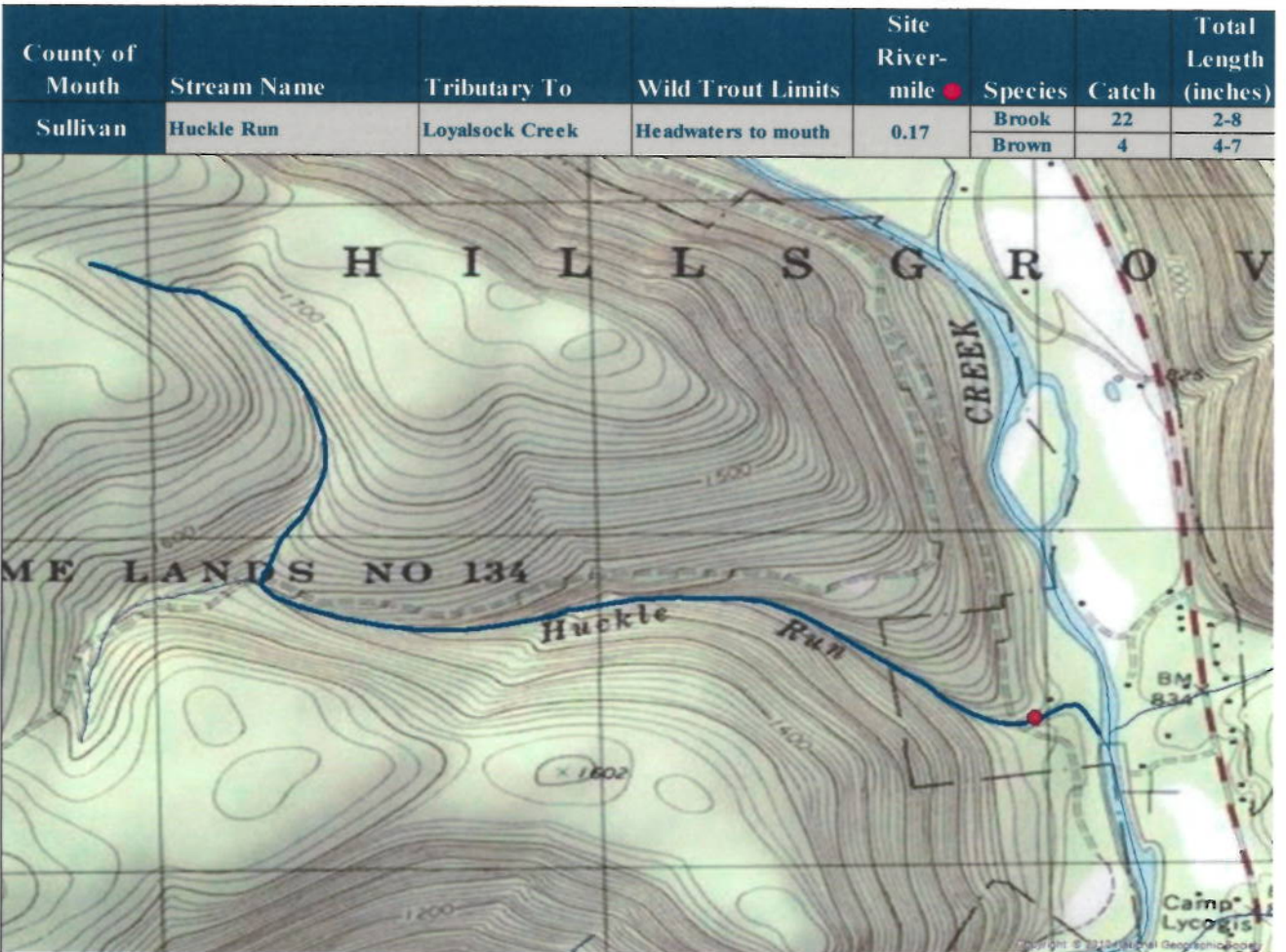
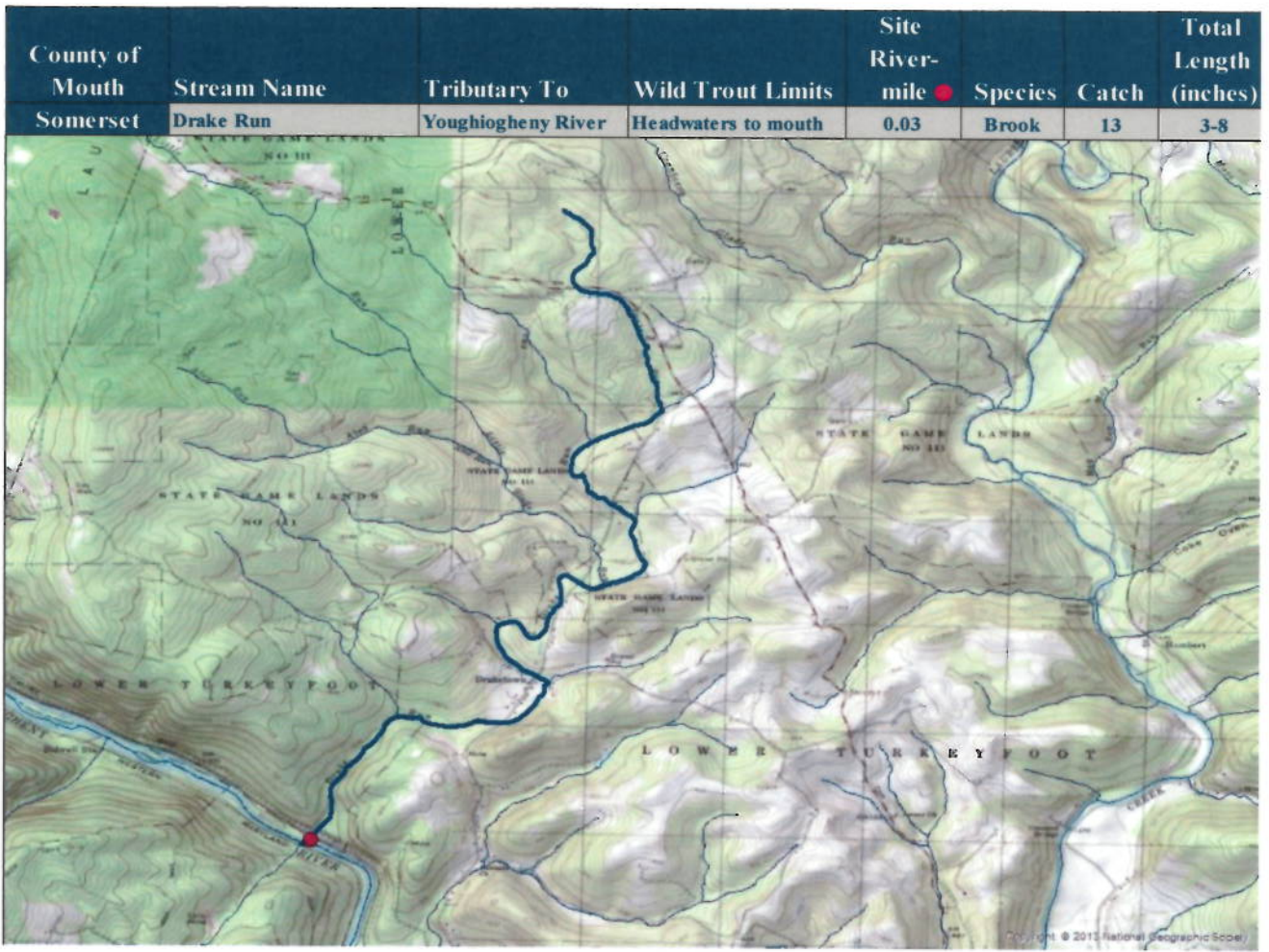


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Monroe	High Swamp Run	Bush Kill	Headwaters to mouth	0.01	Brook	83	2-9

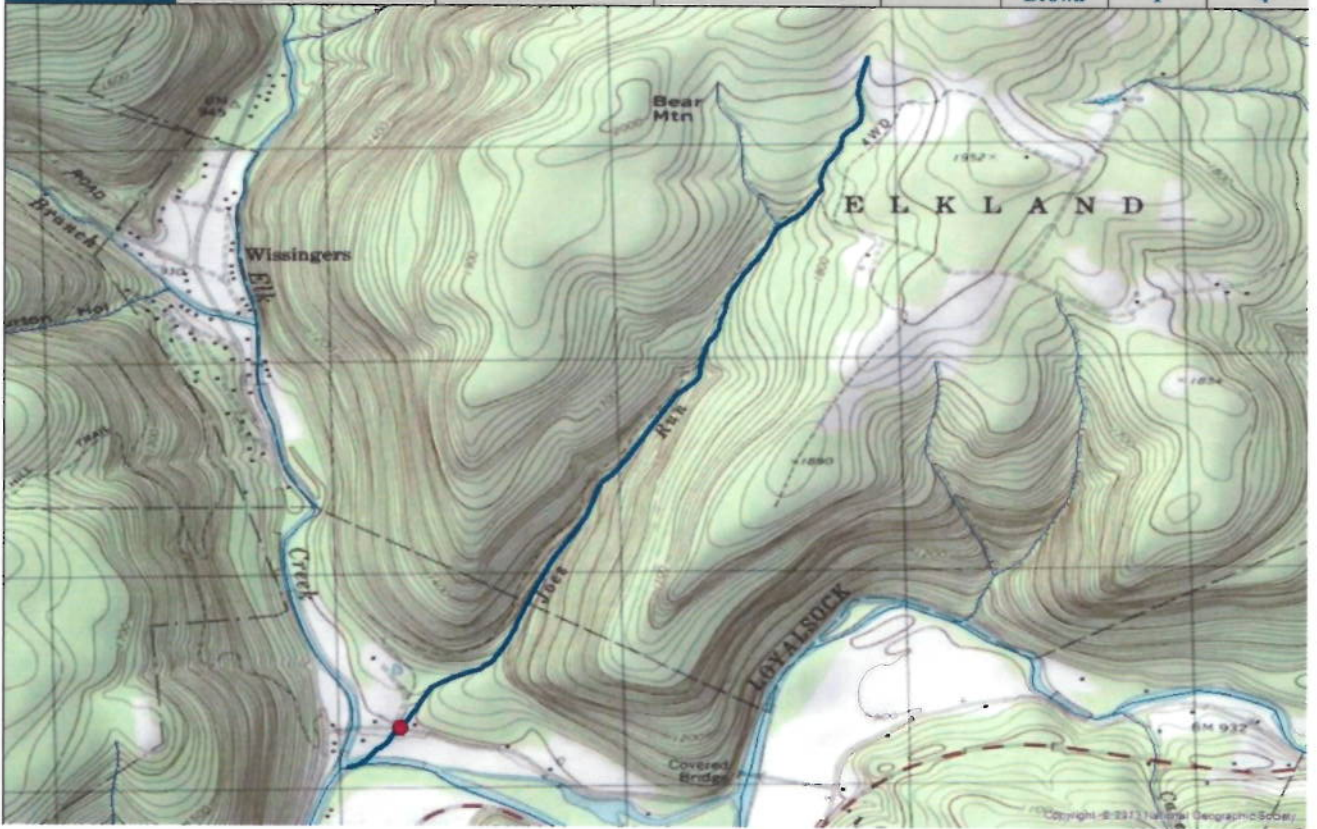


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Northampton	Unt To Lehigh Canal (rm 2.18)	Lehigh Canal	Headwaters to mouth	0.04	Brown	103	2-7

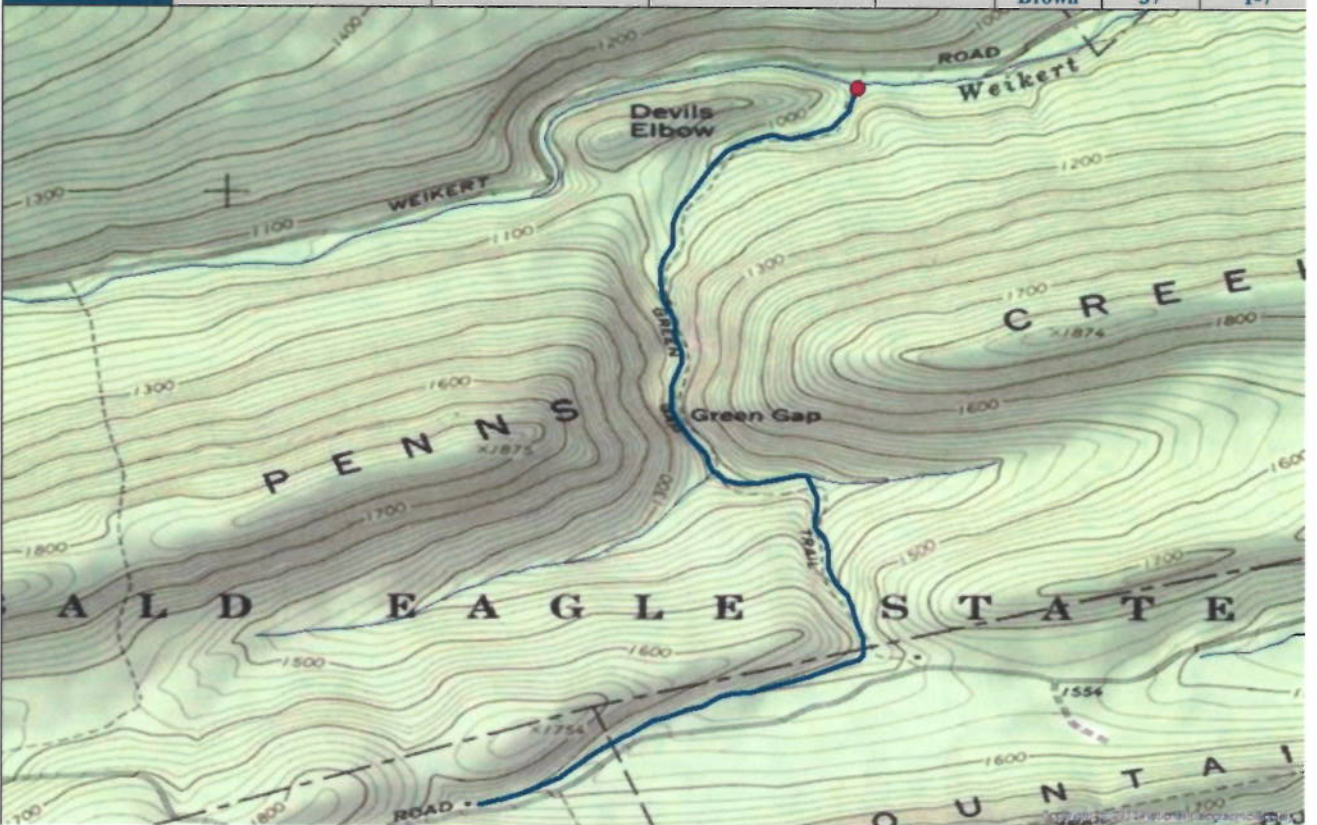




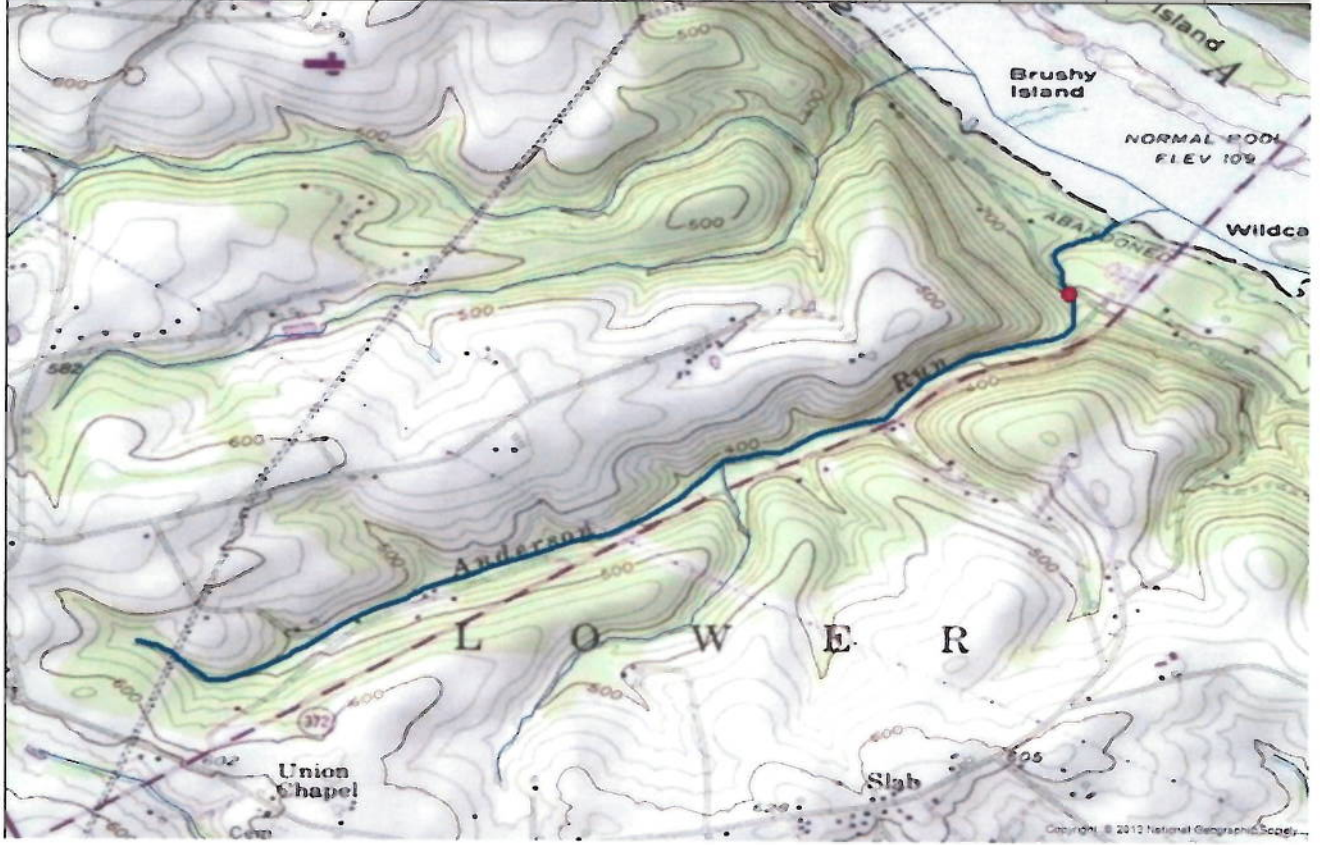
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Sullivan	Joes Run	Loyalsock Creek	Headwaters to mouth	0.14	Brook Brown	11 1	1-2 4



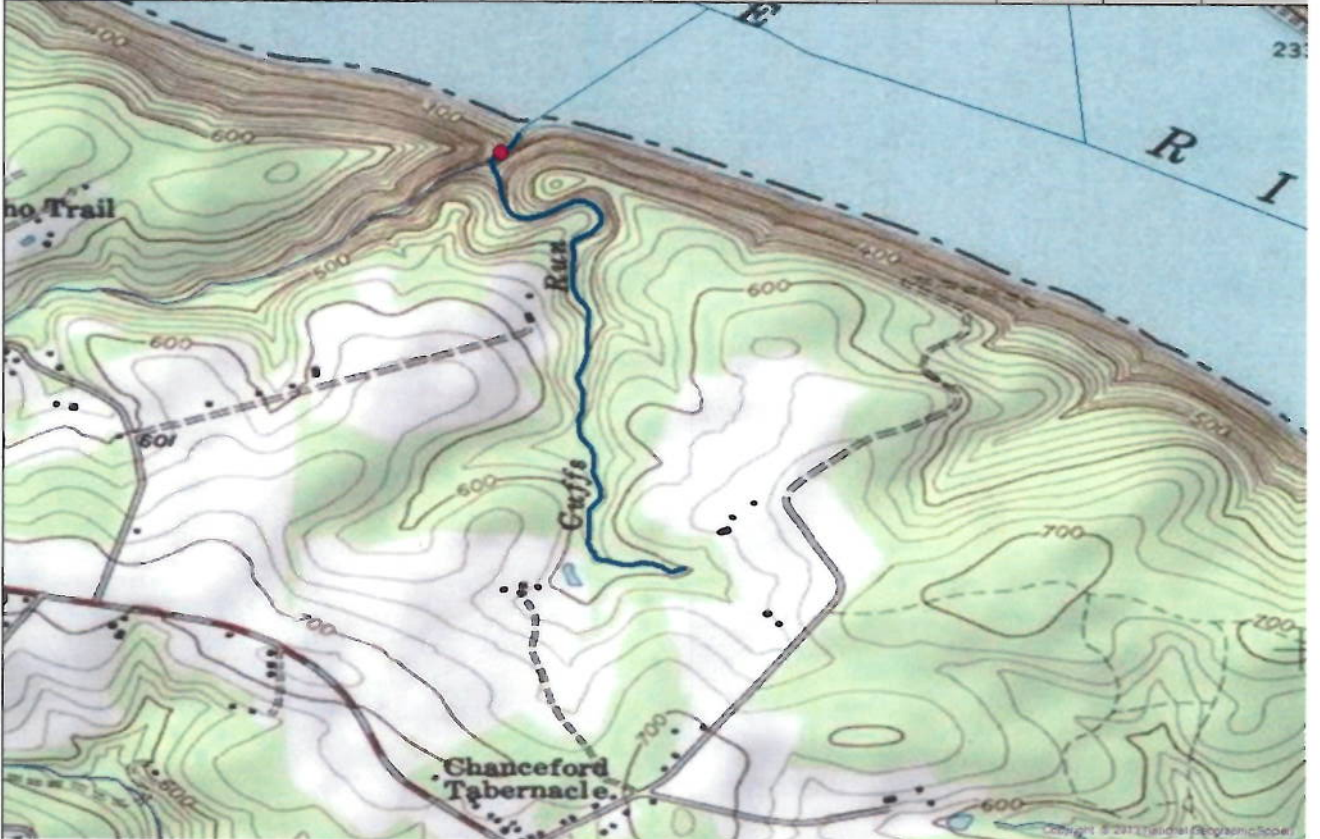
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
Union	Green Gap Run	Weikert Run	Headwaters to mouth	0.02	Brook Brown	55 37	1-10 1-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
York	Anderson Run	Susquehanna River	Headwaters to mouth	0.32	Brook	20	2-7



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
York	Cuffs Run	Susquehanna River	Headwaters to mouth	0.06	Brook	12	3-12



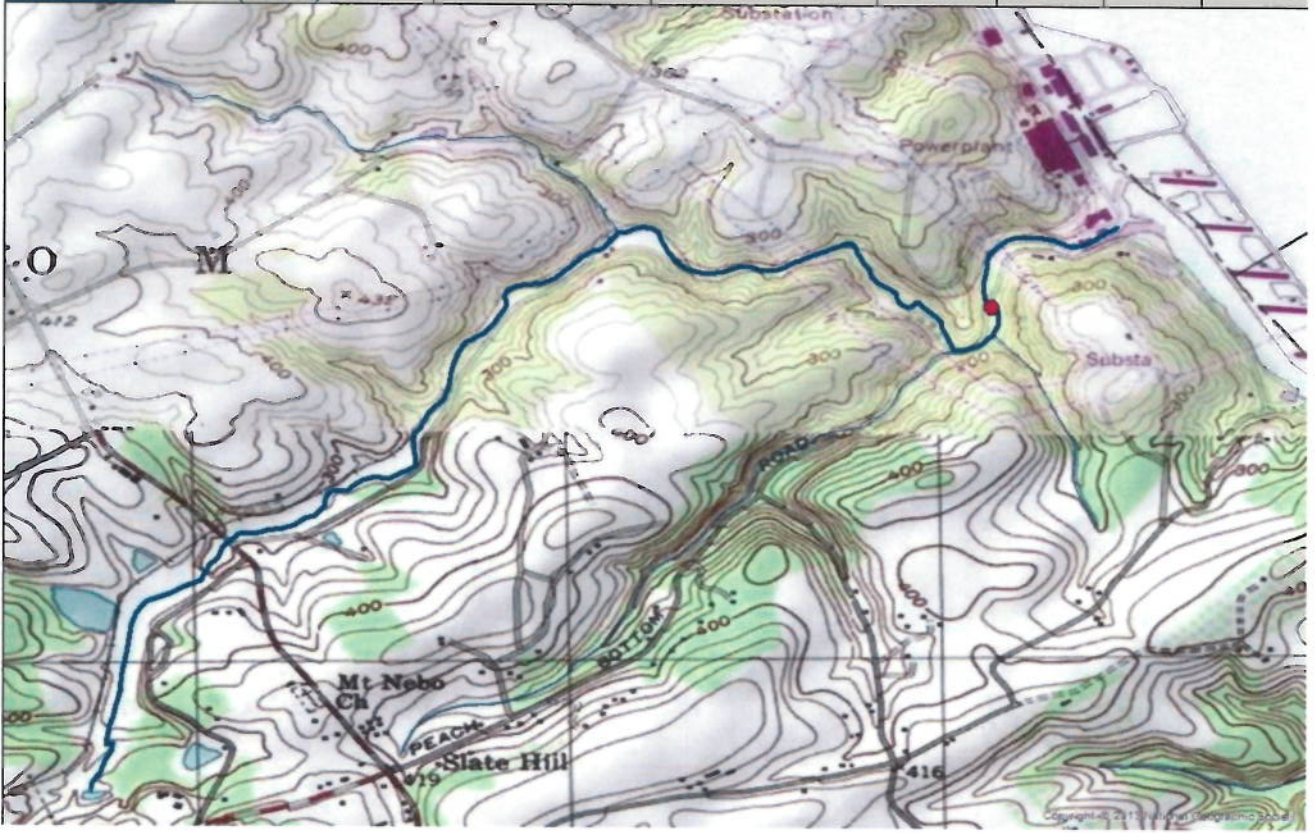
County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
York	Green Branch	Susquehanna River	Headwaters to mouth	0.26	Brown	141	3-14



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
York	Robinson Run	Susquehanna River	Headwaters to mouth	0.04	Brown	23	2-3



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
York	Unt To Susquehanna River (atom rd)	Susquehanna River	Headwaters to mouth	0.38	Brown	36	2-10



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Total Length (inches)
York	Unt To Susquehanna River (cold cabin rd)	Susquehanna River	Headwaters to mouth	0.07	Brook	1	8
					Brown	8	3-11



County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Total Length (inches)
York	Wilson Run	Susquehanna River	Headwaters to mouth	0.05	Brown	47	2-4



Classification of Wild Trout Streams; Proposed Additions; May 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 May 4 and 5, 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</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Cameron	UNT to Wykoff Run (24056)	Wykoff Run	Headwaters to mouth
Cameron	UNT to Wykoff Run (24061)	Wykoff Run	Headwaters to mouth
Cameron	UNT to Wykoff Run (24062)	Wykoff Run	Headwaters to mouth
Cameron	UNT to Wykoff Run (24064)	Wykoff Run	Headwaters to mouth
Carbon	UNT to Lehigh Canal RM 40.42 (Weissport)	Lehigh Canal	Headwaters to mouth
Centre	UNT to Penns Creek (Green Briar Gap)	Penns Creek	Headwaters to mouth
Clarion	UNT to Mill Creek (RM 3.63)	Mill Creek	Headwaters to mouth
Clearfield	UNT to Moose Creek (Shed Antler Hollow)	Moose Creek	Headwaters to mouth
Clinton	UNT to Young Womans Creek (Sevenmile Hollow)	Young Womans Creek	Headwaters to mouth
Fayette	Ramcat Run	Youghiogheny River	Headwaters to mouth
Forest	Troutman Run	Clarion River	Headwaters to mouth
Forest	Piney Run	Tionesta Creek	Headwaters to mouth
Forest	Mccauley Run	East Branch Hemlock Creek	Headwaters to mouth
Huntingdon	UNT to Standing Stone Creek (RM 15.36)	Standing Stone Creek	Headwaters to mouth
Huntingdon	Croyle Run	Greenlee Run	Headwaters to mouth
Huntingdon	Greenlee Run	Standing Stone Creek	Headwaters to mouth
Huntingdon	Roaring Run	Shaver Creek	Headwaters to mouth
Huntingdon	Shingletown Branch	Laurel Run	Headwaters to mouth
Indiana	Mardis Run	Blacklick Creek	Headwaters to mouth
Jefferson	UNT to Mill Creek (RM 14.80)	Mill Creek	Headwaters to mouth
Jefferson	Kyle Run	Little Mill Creek	Headwaters to mouth
Jefferson	UNT to Little Mill Creek (RM 6.45)	Little Mill Creek	Headwaters to mouth
Lancaster	Haines Branch	Susquehanna River	Headwaters to mouth
Lancaster	UNT to Susquehanna River (Wild Pres Road/Bald Eagle Road)	Susquehanna River	Headwaters to mouth
Lancaster	Wissler Run	Susquehanna River	Headwaters to mouth
Luzerne	Coal Creek	North Branch Susquehanna River	Headwaters downstream to Plymouth Borough Line
Lycoming	Grandad Run	Hessler Branch	Headwaters to mouth
Lycoming	Shingle Run	Bear Creek	Headwaters to mouth
Lycoming	Snake Run	Bear Creek	Headwaters to mouth
Lycoming	South Fork Bear Creek	Bear Creek	Headwaters to mouth
Lycoming	Buckeye Run	Otter Run	Headwaters to mouth
Lycoming	Greens Hollow Run	Mill Creek (Montoursville)	Headwaters to mouth
Monroe	High Swamp Run	Bush Kill	Headwaters to mouth
Northampton	UNT to Lehigh Canal (RM 2.18)	Lehigh Canal	Headwaters to mouth
Somerset	Drake Run	Youghiogheny River	Headwaters to mouth
Sullivan	Joes Run	Loyalsock Creek	Headwaters to mouth
Sullivan	Huckle Run	Loyalsock Creek	Headwaters to mouth

County	Stream Name	Tributary To	Section Limits
Union	Green Gap Run	Weikert Run	Headwaters to mouth
York	UNT to Susquehanna River (Atom Road)	Susquehanna River	Headwaters to mouth
York	Anderson Run	Susquehanna River	Headwaters to mouth
York	Green Branch	Susquehanna River	Headwaters to mouth
York	Robinson Run	Susquehanna River	Headwaters to mouth
York	UNT to Susquehanna River (Cold Cabin Road)	Susquehanna River	Headwaters to mouth
York	Cuffs Run	Susquehanna River	Headwaters to mouth
York	Wilson Run	Susquehanna River	Headwaters to mouth

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. 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. 15-382. Filed for public inspection February 27, 2015, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. 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 lb/acre).

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

(ii) *Wild Brown Trout Fisheries*

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

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

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

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

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

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

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

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

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

(iv) *Wild Rainbow Trout Fisheries*

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

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

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

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

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

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

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

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

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

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

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

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

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

During recent surveys, Commission staff documented the following stream section to have a Class A wild trout population. The Commission intends to consider adding this water to its list of Class A Wild Trout Streams at its meeting on May 4 and 5, 2015.

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County	Stream Name	Tributary To	Section Limits
Union	Green Gap Run	Weikert Run	Headwaters to mouth
York	UNT to Susquehanna River (Atom Road)	Susquehanna River	Headwaters to mouth
York	Anderson Run	Susquehanna River	Headwaters to mouth
York	Green Branch	Susquehanna River	Headwaters to mouth
York	Robinson Run	Susquehanna River	Headwaters to mouth
York	UNT to Susquehanna River (Cold Cabin Road)	Susquehanna River	Headwaters to mouth
York	Cuffs Run	Susquehanna River	Headwaters to mouth
York	Wilson Run	Susquehanna River	Headwaters to mouth

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. 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. 15-382. Filed for public inspection February 27, 2015, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. 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 lb/acre).

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

(ii) Wild Brown Trout Fisheries

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

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

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

(iii) Mixed Wild Brook and Brown Trout Fisheries

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

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

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

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

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

(iv) Wild Rainbow Trout Fisheries

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

(v) Mixed Wild Brook and Rainbow Trout Fisheries

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

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

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

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

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

(vi) Mixed Wild Brown and Rainbow Trout Fisheries

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

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

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

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

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

During recent surveys, Commission staff documented the following stream section to have a Class A wild trout population. The Commission intends to consider adding this water to its list of Class A Wild Trout Streams at its meeting on May 4 and 5, 2015.

County	Stream	Section	Limits	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Carbon	UNT to Lehigh Canal Rm 40.42 (Weissport)	01	Headwaters to Phifer Ice Dam inlet	12.15	49.44	—	1.30	2012

Persons with comments, objections or suggestions concerning the addition 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 also may be submitted electronically by completing the form at 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. 15-383. Filed for public inspection February 27, 2015, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meetings: Wednesday, March 4, 2015—Data Systems Committee Meeting at 10 a.m. and Thursday, March 5, 2015—Council Meeting at 10 a.m.

The meetings will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability who wish to attend the meeting should contact Reneé Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 15-384. Filed for public inspection February 27, 2015, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Jovani L. Chappel; Doc. No. SC14-10-024

Notice is hereby given of the Order to Show Cause issued on February 18, 2015, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(2), (14), (19) and (20) and 678-A(b) of The Insurance Department Act of 1921 (40 P. S. §§ 310.11(2), (14), (19) and (20) and 310.78(b)).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention,

if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

TERESA D. MILLER,
Acting Insurance Commissioner

[Pa.B. Doc. No. 15-385. Filed for public inspection February 27, 2015, 9:00 a.m.]

Alleged Violation of Insurance Laws; Scott Shapiro; Doc. No. SC15-01-015

Notice is hereby given of the Order to Show Cause issued on February 18, 2015, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(2), (8) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P. S. §§ 310.11(2), (8) and (20) and 310.78(a)).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 75]

Fishing; Endangered Species

The Fish and Boat Commission (Commission) proposes to amend Chapter 75 (relating to endangered species). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's list of threatened species.

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendments to § 75.2 (relating to threatened species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

(1) **Bluebreast Darter (*Etheostoma camurum*):** The Bluebreast Darter is a small species that inhabits rivers and large streams, preferring fast, clean riffles and runs having large gravel, rubble and boulder substrate. It occurs in the Ohio River basin from western New York to eastern Illinois, and south to the Tennessee River in Tennessee and Alabama. It is locally common but absent from large portions of its range. In this Commonwealth, it occurs throughout French Creek, the middle and lower sections of the Allegheny River and the Ohio River as well as additional tributaries to these waterways. It formerly occurred in the Shenango River as well but is now considered extirpated there.

The Bluebreast Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from near the Erie County/New York border to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River (40 river miles) as far downriver as the tailrace of Montgomery Lock and Dam, Beaver County. It also occurs in much of the following areas: Tionesta Creek and a tributary; Big Sandy Creek, Venango County; Redbank Creek, Clarion County; Mahoning Creek, Armstrong County; Kiskiminetas River, Armstrong and

Westmoreland Counties; and Bull Creek, Deer Creek and Pine Creek, Allegheny County. In addition, it has experienced a similar expansion in Ohio, where it has been collected as far downriver as the Cincinnati area and was delisted in 2012 (Zimmerman, 2014). It has also been collected in Oswayo Creek, Cattaraugus County, New York.

The 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 its population is significantly increasing. Since the Bluebreast Darter now occupies more than 200 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 (Criswell, 2014) and received a State Conservation Rank of S4S5, meaning it is apparently secure to secure in this Commonwealth with a fairly low to very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of the Pennsylvania Biological Survey (PABS) reviewed this documentation and rank assignment and recommended that the Bluebreast Darter be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that the Bluebreast Darter be removed from the Commonwealth's list of threatened species.

(2) **Gilt Darter (*Percina evides*):** The Gilt Darter is a small species that inhabits clear rivers and large streams, where it prefers deeper riffles and runs with moderate to swift current over silt-free sand, gravel, cobble and rubble. It occurs in the Mississippi River basin from New York to Minnesota and south to northern Alabama and northern Arkansas. It also occurs in the Maumee River system of the Lake Erie drainage in Ohio and Indiana. In this Commonwealth, it occurs throughout French Creek, the middle and lower sections of the Allegheny River, and the Ohio River.

The Gilt Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from Erie County to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Dashields Lock and Dam, Allegheny County.

It is now common in French Creek and abundant in sections of the Allegheny River. At least 7 benthic trawl events from the latter have resulted in the collection of more than 100 individuals, and 2 of those trawls included nearly 200 specimens.

The 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 its population is significantly increasing. Since the Gilt Darter now 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 (Criswell, 2014) and received a State Conservation Rank of S4, meaning it is apparently secure in this Commonwealth with a fairly low to 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 Gilt Darter be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that the Gilt Darter be removed from the Commonwealth's list of threatened species.

(3) Spotted Darter (*Etheostoma maculatum*): The Spotted Darter is a small species that inhabits large streams and rivers, where it prefers the faster, deeper portions of riffles possessing gravel and rubble substrates. It occurs in the Ohio River basin from western New York and Pennsylvania to northern Indiana and south to West Virginia and Kentucky. It is extremely localized and uncommon in much of its range. In this Commonwealth, it occurs in French Creek and the Allegheny River and Ohio River.

The Spotted Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, including its West Branch, from near the Erie County/New York border to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Dashields Lock and Dam, Allegheny County. It also occurs in Oil Creek and South Sandy Creek.

Benthic trawls in the Allegheny River included yields of as many as 89 and 202 individuals. It is well distributed and relatively common, although not necessarily abundant, through its Pennsylvania range. The Spotted Darter was recently considered for Federal protection under the Endangered Species Act but a review published in 2011 concluded that "threats to spotted darter are not of sufficient imminence, intensity, or magnitude that would cause substantial losses of population distribution or viability."

The 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 its population is significantly increasing. Since the Spotted Darter now occupies more than 200 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 (Criswell, 2014) and received a State Conservation Rank of S4, meaning it is apparently secure in this Commonwealth with a fairly low to 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 Spotted Darter be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that the Spotted Darter be removed from the the Commonwealth's list of threatened species.

(4) Tippecanoe Darter (*Etheostoma tippecanoe*): The Tippecanoe Darter is a small species that inhabits rivers and large streams, where it requires clean gravel or sand/gravel substrates. It occurs in the Ohio River basin from western Pennsylvania to Indiana, and south to the Cumberland River drainage in Tennessee. It is extremely localized but locally common. In this Commonwealth, it occurs throughout French Creek, the middle and lower sections of the Allegheny River, the Ohio River and additional tributaries to these waterways.

The Tippecanoe Darter has experienced a considerable range expansion since it was listed as threatened in 1999. At that time it was spottily distributed in French Creek and the middle Allegheny River. It is now known to occur throughout French Creek, from near the Erie County/New York border to its mouth in Venango County (88 river miles). It occurs in the Allegheny River from Warren to its mouth in Pittsburgh, including the lock-and-dam section (189 river miles), and has been documented in the Ohio River as far downriver as the tailrace of Montgomery Lock and Dam, Beaver County. It also occurs in the following areas: Oil Creek, Venango County; Kiskiminetas River, Armstrong and Westmoreland Counties; and Bull Creek, Deer Creek and Pine Creek, Allegheny County.

Hundreds of Tippecanoe Darters were easily captured in a riffle below Lock and Dam 3 on the Allegheny River (Koryak et al., 2009), and at least 17 stations have produced 20 or more individuals. It is locally common at many locations within its Pennsylvania range.

The status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds criterion A1 (Population Reduction) in that its population is significantly increasing. Since the Tippecanoe Darter now occupies more than 150 river miles of waterway, it also significantly exceeds Criterion B3 (Extent of Occupancy). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator (Criswell, 2014) and received a State Conservation Rank of S4, meaning it is apparently secure in this Commonwealth with a fairly 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 Tippecanoe Darter be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that the Tippecanoe Darter be removed from the the Commonwealth's list of threatened species.

The Commission therefore proposes to amend § 75.2 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/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

Fiscal Note: 48A-261. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.2. Threatened species.

* * * * *

- (b) *Fish*. The following species are threatened:
- (1) Mountain brook lamprey, *Ichthyomyzon greeleyi*.
 - (2) Bigmouth shiner, *Notropis dorsalis*.
 - (3) Southern redbelly dace, *Phoxinus erythrogaster*.
 - (4) Spotted sucker, *Minytrema melanops*.
 - (5) Brindled madtom, *Noturus miurus*.
 - [(6) Bluebreasted darter, *Etheostoma camurum*.
 - (7) Spotted darter, *Etheostoma maculatum*.
 - (8) Tippecanoe darter, *Etheostoma tippecanoe*.
 - (9) Gilt darter, *Percina evides*.
 - (10)] (6) Chesapeake Logperch, *Percina bimaculata*.

* * * * *

[Pa.B. Doc. No. 14-2621. Filed for public inspection December 19, 2014, 9:00 a.m.]

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

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

Lake Perez, a 72-acre impoundment owned by The Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately 3 miles north-east from the Village of Neffs Mills. This lake was completely dewatered during late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. The earth-fill dam, constructed in 1959, impounds Shaver Creek at river mile 13.6 upstream from the mouth at the Juniata River. Prior to the drawdown in 2009, access to the shoreline was primarily provided at two discrete access points as well as from numerous walking trails surrounding the lake. Approximately 80% of this shoreline was considered fishable. Additionally, one boat ramp provided boat access for nonpowered and electric motor crafts. The lake offered angling opportunities for multiple warm and coolwater fish species and adult trout stocked by the Commission during spring, fall and winter offered seasonal angling opportunities for trout. Dam and spillway repairs were completed during early summer 2014, and the reservoir began refilling at that time.

The Commission plans to stock the lake and establish a high quality warmwater and coolwater fishery through fingerling plants of select species. Immediately upon refilling of the lake, the Commission proposes to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth inland regulations but allow only catch and release fishing for all other fish species. The Commission believes that this approach will allow the development of a balanced warmwater and coolwater fish community to rapidly develop while offering acceptable levels of recreational angling opportunities. The Commission will monitor the fish populations as needed while 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 Lake Perez.

The Commission proposes to amend § 65.24 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