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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 127th Meeting of the Pennsylvania Fish and Boat Commission was held on Monday and Tuesday, April 23 and 24, 2018 at the Pennsylvania Fish and Boat Commission headquarters, Harrisburg, PA 17110.

Commission committees met on April 23 beginning at approximately 9:08 a.m. and on April 24 beginning at approximately 8:20 a.m. The public session for review of this agenda began on or about 11:10 a.m. on April 24.

Call to Order

The meeting was called to order by Commission President Rocco S. Ali and followed by the Pledge of Allegiance to the Flag.

Roll Call

Members Present

Rocco S. Ali, President
Eric C. Hussar, Vice-President
William C. Brock
Norman R. Gavlick
Richard S. Kauffman
Richard Lewis
Leonard L. Lichvar
Edward P. Mascharka III

Members Not Present

G. Warren Elliott
Robert B.J. Small

Review and Approval of Minutes from the January 23, 2018 Meeting

A motion was made by Commissioner Kaufman and seconded by Commissioner Lewis to approve the January 23, 2018 minutes as written. Motion carried.

Awards and Presentations

The “Gerald L. Greiner Environmental Protection” Award was presented to Troy Merrell, Waterways Conservation Officer, Southeast Region. His initiative and strong relationships with the County Conservation District and DEP resulted in WCO Merrell investigating 12 environmental cases in 2017. Officer Merrell responded to complaints for incidents ranging from sediment pollutions to dam breaches, including several sediment pollutions resulting from a major pipeline installation.

The “North East Conservation Law Enforcement Association (NECLECA) Officer of the Year” Award was presented to Matthew Raetsch, Waterways Conservation Officer. WCO Raetsch has been assigned to Western Allegheny County, District 2018 since 2016. He was also a DWCO for several years. Matt had an outstanding year in law enforcement activity, exceeding expectations in both BUI and apprehension. He has established exemplary law enforcement, education/information, and environmental programs within his current district. He led the region with 5 BUI arrests and 4 additional assists. He investigated 3 boat accidents, including a double fatality and 4 environmental cases.

Laurie Shepler, Chief Council, was recognized for her years of outstanding service to the Board of Commissioners, Commission staff and the anglers and boaters of Pennsylvania. She had 22 years of service with the PFBC. Executive Director Arway presented her with a Jefferson Cup.

Executive Director’s Report

The “January- March 2018 Quarterly Report” (Exhibit A) was provided to Commissioners. Director Arway also spoke about Recreational Boating & Fishing Foundation (RBFF) and the R3 report highlighting strategies for recruitment, retention and reactivation of anglers.

Announcement of Executive Sessions

Commissioner Ali announced that an executive session was held on Sunday, March 4, at approximately 8:30 a.m. to discuss personnel and potential real estate acquisitions. An executive session was also held on Monday, April 23, at approximately 8:00 a.m. to discuss pending litigation and pending real estate acquisitions.

Reports of Commissioner Committees

Executive and Administrative (Commissioner Ali) –

The Executive and Administrative Committee met on Monday, April 23, at approximately 9:18 a.m. Agenda items were discussed. A 2018 license sales and boat registration sales report was provided as well as a 2018 Fishing License Button sales update. Paul Urbanik gave an engineering update. Funding concepts presentation was given by Brian Barner.

Boating (Commissioner Masharka) –

The Boating Committee met on Tuesday, April 24, at approximately 9:06 a.m. Discussion items included highlights from the NASBLA BLA workshop; Cut off switches, USCG update, State Dashboard and Uber Boat. Tiki Boats were also covered.

Fisheries (Commissioner Mascharka) –

The Fisheries Committee met on Monday, April 23, at approximately 3:49 p.m. and reconvened on Tuesday, April 24 at 8:15 a.m. Agenda items were discussed. The Penns Creek Wild Trout Survey and management options were presented by Jason Deter. Commissioner Lichvar provided a Wild Trout Workgroup update. Juniata College gave a presentation on the Little Juniata River Brown Trout Radio Tracking Study. Coastal Fisheries Management and the PFBC as well as largemouth bass topics were presented by Andy Shiels.

Habitat and Environmental (Commissioner Lichvar) –

The Habitat and Environmental Committee met on Monday, April 23, at approximately 2:39 p.m. An annual update was provided on the Timber Rattlesnake and the Save Our Susquehanna (SOS) Project. Tom Shervinskis discussed the proposed Nestle Waters, Inc. Bottling Plant near Spring Creek, Centre County.

Hatcheries (Commissioner Ali) –

The Hatcheries Committee met on Tuesday, April 24, at approximately 9:28 a.m. Updates were provided on the Linesville State Fish Hatchery, COOP Nursery Unit and Trout stocking.

Law Enforcement (Commissioner Hussar) –

The Law Enforcement Committee met on Tuesday, April 24, at approximately 8:30 a.m. Agenda items were discussed. Colonel Corey Britcher gave an update on the Fishkil hotline, BLE Annual report, and Children's Area. The Committee also acted upon proposed revocations. The Committee revoked the fishing privileges of one individual for a period of two years.

Legislation and Public Outreach (Commissioner Hussar) –

The Legislation and Public Outreach Committee met on Monday, April 23, at approximately 11:42 a.m. Michael Nerrozi gave presentations on Fee Delegation Authority and License increase bills (SB 30, HB 554, SB 460, HB 609), Lake Erie Permit (HB 1686) and H.R. 4647. Public Outreach presented the Southwick Associates Study results, West Branch Susquehanna Stocking Program, a Marketing and Outreach update, the 2018 trout season marketing, and Youth and Women's Program update.

Public Comment to Commissioners and Staff

There were no comments or questions from the public.

EXECUTIVE AND ADMINISTRATIVE

A. Grant to Lake Erie Region Conservancy, Inc. and Gilmore Farm Property Acquisition, Girard Township, Erie County.

Commentary:

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

There are two parcels of land for sale totaling approximately 182.1 acres, currently known as the Gilmore Farm, located along Elk Creek in Girard Township, Erie County. The property provides access to approximately 6,325 linear feet of frontage along Elk Creek. The property is located immediately south of Interstate 90 off of Beckman Road. A map depicting the parcels to be acquired is attached as Exhibit B.

Lake Erie Region Conservancy, Inc. (LERC) plans to purchase the property and transfer ownership to the Commission. The property was appraised at \$911,000, and LERC has entered into an option agreement with the seller for that amount. LERC has applied to the Department of Conservation and Natural Resources (DCNR) for half of the appraised cost of the property plus acquisition costs. LERC has requested a grant in the amount of \$460,943 from the Commission’s Erie Access Improvement Program to complete the acquisition.

Once LERC acquires the property, it will convey fee title to the property to the Commission. The Commission’s acceptance of the conveyance will be contingent on receiving good and marketable title to the property, free and clear of all liens and encumbrances, and an acceptable environmental site assessment. The deed of conveyance will contain DCNR’s standard language regarding the transfer of property purchased with DCNR grant funds. Namely, no change in use and no transfer of ownership, control or interest in the property acquired with DCNR grant funds may occur, and no encumbrance may be placed on the property without DCNR’s consent.

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

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize a grant not to exceed \$460,943 to Lake Erie Region Conservancy, Inc. and authorize the acquisition of 181.2 acres along Elk Creek in Girard Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Gavlick to authorize a grant not to exceed \$460,943 to Lake Erie Region Conservancy, Inc. and authorize the acquisition of 181.2 acres along Elk Creek in Girard Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

B. Salisbury Property Acquisition, Springfield Township, Erie County.

Commentary:

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

The Commission has been offered fee title to +/- 8.27 acres of land with a house and several outbuildings owned by Brad and Melissa Salisbury and having frontage on Crooked Creek in Springfield Township, Erie County, for \$176,500. The property provides access to approximately 1,300 linear feet of frontage on Crooked Creek. The property is located at the intersection of Happy Valley Road and Lucas Road near East Springfield. A map depicting the subject parcel is attached as Exhibit C.

The Commission plans to acquire the property with all improvements. Once acquired, staff will subdivide the property and sell approximately 2.0 acres of land that will include the house and outbuildings. The Commission will retain the remaining 6.27 acres of property that includes the Crooked Creek frontage.

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

Crooked Creek provides significant steelhead and trout fishing opportunities in the area. The Commission’s regional Law Enforcement and Fisheries staff have recommended that the property be acquired.

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the acquisition of the +/- 8.27 acres of land and the house and outbuildings in Springfield Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Gavlick to authorize the acquisition of the +/- 8.27 acres of land and the house and outbuildings in Springfield Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

C. Long Easement Acquisition, Fairview Township, Erie County.

Commentary:

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

The Commission has been offered an easement on 760 linear feet along Elk Creek as it flows across a parcel of property in Fairview Township, Erie County, for \$11,500. The easement will be for public fishing, boating, and riparian and fishery management and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. The easement area is located off of Luther Road downstream of the Route 98 bridge over Elk Creek. A map depicting the subject parcel is attached as Exhibit D.

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

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

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

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

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Gavlick to authorize the acquisition of an easement along Elk Creek in Fairview Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

D. Edwards Property Acquisition, West Springfield Township, Erie County.

Commentary:

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

The Commission has been offered fee title to +/- 8.00 acres of land owned by the Edwards family and having frontage on Conneaut Creek in West Springfield Township, Erie County, for \$24,500. The property provides access to approximately 1,165 linear feet of frontage on Conneaut Creek. The property is located off Griffey Road near West Springfield, PA. A map depicting the subject parcel is attached as Exhibit E.

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

Conneaut Creek provides significant steelhead fishing opportunities in the area. The Commission’s regional Law Enforcement and Fisheries staff have recommended that the property be acquired.

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the acquisition of the +/- 8.00 acres of land in West Springfield Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Kauffman to authorize the acquisition of the +/- 8.00 acres of land in West Springfield Township, Erie County, as more particularly described in the Commentary, utilizing monies in the Lake Erie restricted account. Motion carried.

E. Interagency Transfer of Real Property for the Pennsylvania Army National Guard Center located in West Pittston Borough, Luzerne County.

Commentary:

The Commonwealth of Pennsylvania owns a +/-3.33-acre parcel of land located at 1308 Susquehanna Avenue in West Pittston Borough, as depicted on Exhibit F. Since the late 1950's and until recently, the Department of Military and Veterans Affairs (DMVA) has operated an Army National Guard Center at this site. The DMVA has decided to close the Army National Guard Center, and the DMVA and the Department of General Services (DGS) have been actively seeking to dispose of the property. The Commission was offered the opportunity to acquire and redevelop the property as a regional office.

A single building on the property was constructed in 1959 by the DMVA and was used as an Army National Guard Center until 2016. The building consists of a two-story concrete masonry structure, with finished a basement, that has approximately 3,000 square feet of office space, 15,000 square feet of warehouse space and 5,000 square feet of incidental space. The facility appears to be in good condition and very well maintained. However, the facility is located within the FEMA 1% annual flood risk zone (previously known as the 100-year storm event), and the basement floor has been flooded five times and the first floor has been flooded two times in the past 20 years.

To minimize the impact from any future flooding, funds in the amount of \$1.2 million have been allocated by the Governor's Budget Office to DGS to redevelop the property for the Commission's use as a regional office pursuant to the Capital Budget Project Itemization Act of 2017-2018, Act 52 of 2017. These funds will be used to replace and relocate the existing aged HVAC and other utility related infrastructure to the second floor, minimize the impact of future flooding, make the facility ADA accessible for sales and operations, and provide sufficient storage areas for the Commission's northeast law enforcement and property maintenance related field operations.

To transfer jurisdiction and control of the property to the Commission, the affected agencies will enter into an interagency land transfer agreement. This interagency transfer will be at no cost to the Commission.

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the Executive Director to enter into an interagency land transfer agreement with the Department of Military and Veterans Affairs and the Department of General Services for the transfer of the property located at 1308 Susquehanna Avenue in West Pittston Borough, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Gavlick and seconded by Commissioner Mascharka to authorize of Military and Veterans Affairs and the Department of General Services for the transfer of the property located at 1308 Susquehanna Avenue in West Pittston Borough, as more particularly described in the Commentary. Motion carried.

F. Property Disposition at Briar Creek Lake for the State Route 1017 Culvert Replacement Project, Columbia County.

Commentary:

The Commission owns +/- 174 acres of land and +/- 24 acres of flowage easements in Briar Creek Township, Columbia County, which contain a +/- 52-acre lake known as Briar Creek Lake (Site), as depicted on Exhibit G 1 of 2. The Site is located about two miles west of Berwick. The Site is leased to Columbia County for use as a county park. The lake is stocked with trout four times a year.

The existing State Route 1017 culvert for the inflow of the lake and its approaches are deficient and targeted for replacement during the 2019 construction season. The culvert is owned by Pennsylvania Department of Transportation (PennDOT) and will be replaced on its existing alignment but will be improved by widening and stabilizing the banks of the drainage course.

The project will require +/-0.191 acres of permanent right of way and +/- 0.161 acres of temporary construction easement, as depicted on Exhibit G 2 of 2. The temporary construction easement will revert to the Commission at the end of construction.

PennDOT will pay fair market value for the rights and will allow the Site to remain open and will accommodate all Commission operational needs during construction. The project area will be restored to a condition equal to or better than its current condition at the end of the project. The project will not have any long-term impacts on the Site.

The disposition will be subject to staff performing the necessary due diligence and addressing any issues that arise during that process.

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the disposition of the property rights to the Pennsylvania Department of Transportation as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Gavlick to authorize the disposition of the property rights to the Pennsylvania Department of Transportation as more particularly described in the Commentary. Motion carried.

G. Property Disposition at Mifflintown Access for the State Route 3002 Bridge Replacement Project, Juniata County.

Commentary:

The Commission owns +/- 10.8 acres of land in Fermanagh Township, Juniata County, known as Mifflintown Access Area (Access). The Access runs along the Juniata River and Horning Run as depicted on Exhibit H 1 of 2. The Access is located about 1½ mile down river from the southern end of the Lewistown Narrows of the Juniata River. The river in this area is a warm water fishery and is also used for powered and nonpowered boating. Horning Run is a stocked trout water. There is a paved access drive, paved parking lot and concrete boat ramp at the Access.

The existing SR 3002 (William Penn Highway, old State Route 22/322) bridge over Horning Run is deficient and is targeted for replacement during the 2018 – 2019 construction season. The bridge is owned by the Pennsylvania Department of Transportation (PennDOT) and it will be replaced on its existing alignment. The bridge is located at the northwest corner of the property, and its replacement will have no impact on the Access except for during construction, when the Access will only be accessible from the south.

The project will require +/- 8,733 square feet of permanent right of way as depicted on Exhibit H 2 of 2. PennDOT will pay fair market value for the right of way that has been determined to be \$4,400. PennDOT will allow the Access to remain open during construction and will accommodate all Commission operational needs during construction. The project area will be restored to a condition equal to or better than its current condition at the end of the project. The project will have no long-term impacts on the Access.

The disposition will be subject to staff performing the necessary due diligence and addressing any issues that arise during that process.

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission authorize the disposition of the property rights to the Pennsylvania Department of Transportation as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Brock to authorize the disposition of the property rights to the Pennsylvania Department of Transportation as more particularly described in the Commentary. Motion carried.

H. Subscription Rate Increase of *Pennsylvania Angler and Boater Magazine*.

Commentary:

Section 323 of the Fish and Boat Code, 30 Pa. C.S. § 323, provides that the Commission shall “from time to time establish the subscription rate for the *Pennsylvania Angler* and charges for its other publications.” At the July 2004 meeting, the Commission authorized the Executive Director to establish charges for most Commission publications and products. However, the Commission chose to retain control over the subscription rate of the magazine.

The *Pennsylvania Angler and Boater* magazine is published by the Commission, and in its 87-year history, it has remained the "Keystone State's Official Fishing and Boating Magazine." Subscriptions are currently offered at \$12 for one year (6 issues) and \$30 for three years (18 issues). The last increase went into effect 11 years ago with the January/February 2007 issue.

The following increase for the *Pennsylvania Angler & Boater* magazine is proposed:

1-year price	3-year price	Issues per year	Avg. page count per issue
\$20	\$48	6	64

To both offset ever-increasing production costs and to remain consistent with other outdoor periodical pricing, staff recommend increasing the *Pennsylvania Angler and Boater* subscription rate to \$20 for one year (6 issues) and \$48 for three years (18 issues). Correspondingly, single issue retail pricing will also increase from \$3.00 per issue to \$5.00 per issue. The new subscription rate, if approved, will go into effect on September 1, 2018 with the September/October 2018 issue. All subscriptions purchased at the current price through August 31, 2018, will be honored at the prior rate for the term of the subscription, up to three years.

Briefer:

Brian P. Barner, Deputy Director, Office of Administration

Recommendation:

Staff recommend that the Commission approve the subscription rate increases effective September 1, 2018, beginning with the September/October 2018 issue.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Brock to approve the subscription rate increases effective September 1, 2018, beginning with the September/October 2018 issue. Motion carried.

FISHERIES DESIGNATIONS

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

Commentary:

Pursuant to 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout populations. Criteria developed for Class A Wild Trout populations are species specific. Wild Trout Biomass Class Criteria include provisions for wild Brook Trout, wild Brown Trout, mixed wild Brook and Brown Trout, wild Rainbow Trout, mixed wild Brook and Rainbow Trout and mixed wild Brown and Rainbow Trout populations.

Staff recommend the addition of 38 stream sections to the Commission's list of Class A wild trout streams. These changes are the result of recent surveys conducted on these waters. Exhibit I provides information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 48 Pa. B. 1069 (February 17, 2018) (Exhibit J). The Commission received a total of 88 public comments regarding the proposed designations, all of which support all of them. Copies of all public comments have been provided to the Commissioners.

Briefer:

Andrew L. Shiels, Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission add 38 stream sections to the Commission's Class A wild trout streams list as described in the Commentary. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Gavlick to add 38 stream sections to the Commission's Class A wild trout streams list as described in the Commentary. These additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried.

B. Classification of Wild Trout Streams: Proposed Additions and Revisions.

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 99 new waters to the Commission's list of wild trout streams and revision to the section limit of one water. These changes are the result of recent surveys conducted on these waters. Exhibit K 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 48 Pa. B. 1065 (February 17, 2018) (Exhibit L). The Commission received a total of 92 public comments regarding the proposed designations – 90 support all the proposed designations and two support the designation of a specific water. Copies of all public comments have been provided to the Commissioners.

Briefer:

Andrew L. Shiels, Director, Bureau of Fisheries

Recommendation:

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

C. Designation of Shenango River Lake as a Panfish Enhancement Water for Crappie.

Commentary:

Shenango River Lake is a 3,561-acre impoundment located in Mercer County currently managed with Commonwealth inland waters regulations. These regulations allow anglers to harvest 50 panfish (all species combined) per day with no size restrictions. Historically, the crappie fishery at Shenango River Lake was equally divided between fast growing White Crappie and slow growing Black Crappie. This mix produced a fishery that was satisfactory to anglers with respect to both quantity and quality of crappies. However, since 2010, Black Crappie have increased dramatically in abundance while White Crappie have decreased, resulting in a fishery considered unsatisfactory to anglers due to a lack of larger crappies.

A 2017 angler survey determined that 41% of Black Crappie and 10% of White Crappie harvested by anglers were less than 9 inches, suggesting a 9-inch minimum size limit would protect a substantial number of small crappie from harvest. Two of 138 anglers interviewed harvested more than 20 crappies, suggesting that the 20-crappie creel limit under the panfish enhancement regulations would limit the harvest of few anglers at Shenango River Lake. Additionally, this survey determined that 89% of anglers interviewed preferred the 9-inch minimum size limit and 71% preferred a 20 crappie per day creel limit corresponding to the panfish enhancement regulations.

Application of panfish enhancement regulations improved size structure and density of crappies in other Pennsylvania lakes where applied. Additionally, certain characteristics of Shenango River Lake's crappie populations suggest that panfish enhancement regulations are likely to have a similarly positive effect in Shenango River Lake. Based on trap net catch rates, age and growth data, and angler opinion survey results, staff recommend the application of panfish enhancement regulations to the Shenango River Lake crappie fishery. The effect of these regulations on the Shenango River Lake crappie fishery will be monitored.

A notice of proposed designation was published at 48 Pa. B. 1653 (March 17, 2018) (Exhibit M). As of the date of agenda preparation, the Commission had not received any public comments regarding the proposed designation.

Briefer:

Andrew L. Shiels, Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission designate Shenango River Lake as a panfish enhancement water for crappies under 58 Pa. Code § 65.11. If approved, this designation will go into effect on January 1, 2019.

Action:

A motion was made by Commissioner Lichvar and seconded by Commissioner Hussar to designate Shenango River Lake as a panfish enhancement water for crappies under 58 Pa. Code § 65.11. This designation will go into effect on January 1, 2019. Motion carried.

D. Removal of Lake Chillisquaque as a Panfish Enhancement Water.

Commentary:

Lake Chillisquaque is a 165-acre impoundment located in Montour County. It was built to provide a backup water supply to the PPL power generation plant near Washingtonville. The lake is managed by the Montour Area Recreation Commission and is open to public fishing and boating. Beginning in 1999, panfish enhancement regulations were applied to crappie and sunfish at Lake Chillisquaque.

Crappie and sunfish populations in the lake were monitored for five years from 2003 to 2007 as part of the panfish enhancement program evaluation. Trap net catch rates and size structure of crappie remained the same while those of sunfish declined throughout the program evaluation and continued to be at these levels during a follow-up survey in 2017. Given the continued low numbers and reduced size structure of panfish in the reservoir, the lake is not meeting the program objective of providing high-quality panfish angling opportunities. Therefore, staff recommend its removal from the program.

A notice of proposed designation was published at 48 Pa. B. 1653 (March 17, 2018) (Exhibit L). As of the date of agenda preparation, the Commission had not received any public comments regarding the proposed removal.

Briefer:

Andrew L. Shiels, Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission remove the designation as a panfish enhancement water under 58 Pa. Code § 65.11 from Lake Chillisquaque. If approved, the removal will go into effect on January 1, 2019.

Action:

A motion was made by Commissioner Mascharka and seconded by Commissioner Hussar to remove the designation as a panfish enhancement water under 58 Pa. Code § 65.11 from Lake Chillisquaque. The removal will go into effect on January 1, 2019. Motion carried.

Other New Business

None.

Time and Place of July 2018 Commission Meeting

The next meeting will be held on July 9-10, 2018 in Harrisburg.

Adjournment

A motion was made by Commissioner Lewis to adjourn the meeting at approximately 11:50 a.m.
Motion carried.