

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

MINUTES

153rd Meeting

Volume 74

**HARRISBURG, PENNSYLVANIA
April 24, 2023**

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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Agenda

The 153rd Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, April 24 at the Pennsylvania Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, PA 17110.

The public session for review of this agenda began on April 24, 2023, at approximately 1:30 p.m.

Call to Order

This meeting was called to order by the Commission President Robert B.J. Small and was followed by the Pledge of Allegiance.

Roll Call

Robert B.J. Small, President
William C. Brock
Eric C. Hussar
Richard S. Kauffman
Richard Lewis
John E. Mahn, Jr.
Daniel J. Pastore

Public Comments to Commissioners and Staff

Ken Maurer commented on the 6 months loss of access to fish the passageway on the Susquehanna River (Sunbury side of the river).

Staff and Volunteer Recognition

The Commission recognized WCO Kyle R. Robinson and presented him with the 2022 Top Gun Award.

The Commission recognized WCO Erin R. Czech and presented her with the 2022 Greiner Award.

WCO Erin R. Czech was also awarded and named the 2022 Northeast Conservation Chiefs Officer of the Year.

Review and Approval of Minutes from the January 23, 2023 and March 1, 2023 Meetings

A motion was made by Commissioner Hussar and seconded by Commissioner Kauffman to approve the January 23, 2023, and March 1, 2023, minutes as written. Motion carried by unanimous vote.

Executive Director's Report

Executive Director Timothy Schaeffer discussed numerous programs and projects on which staff are currently focused. A Strategic Plan update was provided to the Commissioners.

Reports of Commissioner Committees**Boating Committee (Commissioner Mahn)**

The Boating Committee met both in person and virtually on January 23, 2023, and discussed updates to § 93.1 (Registration), § 93.3 (Display of registration number and validation decal), and § 93.5 (Application for boat registration), as well as recreational boating incidents and fatalities, and life jacket loaner stations. The Committee also discussed the upcoming May 20-26 National Safe Boating Week, and Operation Dry Water national kick-off at Point State Park in Pittsburgh scheduled for June 29, 2023. The Committee announced the next Boating Advisory Board Meeting scheduled for June 5 at 9:00 a.m. at Harrisburg HQ.

Executive and Administrative (Commissioner Small)

The Executive and Administrative Committee met on February 15, 2023, both in person and virtually to discuss personnel, real estate, and legal matters.

Fisheries and Hatcheries (Commissioner Lewis)

The Fisheries and Hatcheries Committee met virtually on April 5, 2023 (received 1 public comment that did not pertain to the meeting agenda) to discuss a proposed rule to create a new chapter of the Commission's regulations aimed at aquatic invasive species prevention, fish health, and stocking fish in waters of the Commonwealth, as well as a proposed alternate management strategy for Class A wild Brown Trout stream sections stocked with trout by the Commission. A stocking update for 2023 was also discussed.

Habitat and Environmental (Commissioner Hussar)

The Habitat and Environmental Committee met virtually on February 15, 2023 to discuss lake and stream habitats 2022 year in review; conservation and management of Pennsylvania crayfish, and to discussed stream habitat from prioritization to implantation.

Law Enforcement (Commissioner Kauffman)

The Law Enforcement Committee met both in person and virtually on January 23, 2023 and was presented with two revocations that the Committee approved by unanimous vote.

Announcement of Executive Session

Commission President Robert B.J. Small announced that an executive session was held on April 24, 2023 at approximately 8:00 a.m. to discuss personnel, real estate, and legal matters.

Announcement of Notational Vote

Director of Policy, Planning, and Communications Robert Caccese announced that the Commission voted on one item by notational vote since the January 23 and March 1, 2023 meetings. On March 7, 2023, the Commission, in a 10-0 vote, approved the item found in Appendix A.

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

A. Voluntary Public Access and Habitat Incentive Program: Hoegerl Property Easement Acquisition, Summerhill Township, Crawford County.

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) was awarded \$668,361 in grant funding for the Voluntary Public Access and Habitat Incentive Program (VPA-HIP) administered by the U.S. Department of Agriculture's Natural Resources Conservation Service. This competitive grant program provides funding to help state and tribal governments encourage landowners to allow public access to their land for hunting, fishing, and other wildlife-dependent recreation. The Commission is using the VPA-HIP funding to expand its existing Public Fishing Access and Conservation Easement Program, which was created to improve public fishing access along Commonwealth waters.

The Commission has been offered a public fishing access and conservation easement for \$50,000 on +/- 4,710 linear feet along Conneaut Creek as it flows across a parcel of property in Summerhill Township, Crawford County. 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. In addition, the Commission acquired a parking area easement that will accommodate five to ten vehicles on the property. A map depicting the subject parcel is attached as Exhibit A.

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

Conneaut Creek provides significant steelhead and stocked trout fishing opportunities in the area. *Pennsylvania's Fishing and Boating Access Strategy* indicates a need for more access on this section of Conneaut Creek. Commission staff from across the agency have reviewed this opportunity and recommend that the easement be acquired.

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Conneaut Creek in Summerhill Township, Crawford County, utilizing \$50,000 from the VPA-HIP program, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Mahn to authorize the acquisition of an easement along Conneaut Creek in Summerhill Township, Crawford County, utilizing \$50,000 from the VPA-HIP program, as more particularly described in the Commentary. Motion carried by unanimous vote.

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

B. Voluntary Public Access and Habitat Incentive Program: Wolfrom Property Easement Acquisition, Sylvania Township, Potter County.

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) was awarded \$668,361 in grant funding for the Voluntary Public Access and Habitat Incentive Program (VPA-HIP) administered by the U.S. Department of Agriculture's Natural Resources Conservation Service. This competitive grant program provides funding to help state and tribal governments encourage landowners to allow public access to their land for hunting, fishing, and other wildlife-dependent recreation. The Commission is using the VPA-HIP funding to expand its existing Public Fishing Access and Conservation Easement Program, which was created to improve public fishing access along Commonwealth waters.

The Commission has been offered a public fishing access and conservation easement for \$90,000 on +/- 8,820 linear feet along the First Fork of the Sinnemahoning Creek as it flows across a parcel of property in Sylvania Township, Potter County. 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. A map depicting the subject parcel is attached as Exhibit B.

The seller and the Commission have signed an option agreement that will allow staff to perform 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.

The First Fork of the Sinnemahoning Creek provides significant stocked trout fishing opportunities in the area. *Pennsylvania's Fishing and Boating Access Strategy* indicates a need for more access on this section of the First Fork of the Sinnemahoning Creek. Commission staff from across the agency have reviewed this opportunity and recommend that the easement be acquired.

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along the First Fork of the Sinnemahoning Creek in Sylvania Township, Potter County, utilizing \$90,000 from the VPA-HIP program, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Mahn and seconded by Commissioner Kauffman to authorize the acquisition of the First Fork of the Sinnemahoning Creek in Sylvania Township, Potter County, utilizing \$90,000 from the VPA-HIP program, as more particularly described in the Commentary. Motion carried by unanimous vote.

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

C. Voluntary Public Access and Habitat Incentive Program: Drabert Property Easement Acquisition, Roulette Township, Potter County.

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) was awarded \$668,361 in grant funding for the Voluntary Public Access and Habitat Incentive Program (VPA-HIP) administered by the U.S. Department of Agriculture's Natural Resources Conservation Service. This competitive grant program provides funding to help state and tribal governments encourage landowners to allow public access to their land for hunting, fishing, and other wildlife-dependent recreation. The Commission is using the VPA-HIP funding to expand its existing Public Fishing Access and Conservation Easement Program, which was created to improve public fishing access along Commonwealth waters.

The Commission has been offered a public fishing access and conservation easement for \$50,000 on +/- 4,010 linear feet along the Allegheny River as it flows across three parcels of property in Roulette Township, Potter County. 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. A map depicting the subject parcel is attached as Exhibit C.

The seller and the Commission have signed an option agreement that will allow staff to perform 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.

The Allegheny River provides significant stocked trout fishing opportunities in the area. *Pennsylvania's Fishing and Boating Access Strategy* indicates a need for more access on this section of the Allegheny River. Commission staff from across the agency have reviewed this opportunity and recommend that the easement be acquired.

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along the Allegheny River in Roulette Township, Potter County, utilizing \$50,000 from the VPA-HIP program, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Mahn and seconded by Commissioner Pastore to authorize the acquisition of an easement along the Allegheny River in Roulette Township, Potter County, utilizing \$50,000 from the VPA-HIP program, as more particularly described in the Commentary. Motion carried by unanimous vote.

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

D. Voluntary Public Access and Habitat Incentive Program: Austin Dam Memorial Association Property Easement Acquisition, Keating Township, Potter County.

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) was awarded \$668,361 in grant funding for the Voluntary Public Access and Habitat Incentive Program (VPA-HIP) administered by the U.S. Department of Agriculture's Natural Resources Conservation Service. This competitive grant program provides funding to help state and tribal governments encourage landowners to allow public access to their land for hunting, fishing, and other wildlife-dependent recreation. The Commission is using the VPA-HIP funding to expand its existing Public Fishing Access and Conservation Easement Program, which was created to improve public fishing access along Commonwealth waters.

The Commission has been offered a public fishing access and conservation easement for \$105,000 on +/- 12,340 linear feet along Freeman Run as it flows across a parcel of property in Keating Township, Potter County. 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. In addition, the Commission acquired a parking area easement that will accommodate five to ten vehicles on the property. 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 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.

Freeman Run provides significant wild trout fishing opportunities in the area. *Pennsylvania's Fishing and Boating Access Strategy* indicates a need for more access on this section of Freeman Run. Commission staff from across the agency have reviewed this opportunity and recommend that the easement be acquired.

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Freeman Run in Keating Township, Potter County, utilizing \$105,000 from the VPA-HIP program, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Kauffman to authorize the acquisition of an easement along Freeman Run in Keating Township, Potter County, utilizing \$105,000 from the VPA-HIP program, as more particularly described in the Commentary. Motion carried by unanimous vote.

**EXECUTIVE AND ADMINISTRATIVE
OTHER MATTERS**

A. Erie Access Improvement Program: Grant to Pennsylvania State University, Cascade Creek Stream Restoration, Cascade Creek, Erie County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access. Specific program criteria for the Erie Access Improvement Program were established to be consistent with the legislative intent of 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 from the sale of the combination trout permits and Lake Erie permits are to be deposited into a restricted revenue account within the Fish Fund, and that this restricted revenue 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 may also be used for other projects that support public fishing on or at Lake Erie, Presque Isle Bay and their tributaries." The funds generated through this program are deposited into the Lake Erie restricted revenue account, where they are restricted now and into the future for their legislatively intended purposes. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

The Pennsylvania Sea Grant through the Pennsylvania State University is requesting grant funds to finalize the design and construct habitat improvements on a 600-foot severely degraded section of Cascade Creek, a tributary of Presque Isle Bay. In 2020, the Commission awarded a \$54,800 grant to the Pennsylvania Sea Grant to complete a preliminary design and engineering study to determine the best restoration alternative for this section of Cascade Creek. The study confirmed that the channel and its floodplain are in need of repair and in-stream habitat is poor due to failing Reno mats, gabion baskets, and concrete structures throughout the stream reach. The failing and exposed infrastructure poses a significant barrier to fish migration. The goals of the current restoration effort are to reduce sedimentation into Cascade Creek, restore connectivity for migratory fish, increase angling opportunities within the City of Erie, and improve wildlife habitat. The project will include removing the impediments to migration, re-establishing a naturalized stream bottom, and installing rock to create small step pools that will provide fish passage.

Since 2004, the Pennsylvania Sea Grant and other project partners have facilitated the completion of six individual phases of stream restoration on Cascade Creek. Two phases of restoration were completed downstream of the project location and four were completed upstream, resulting in the restoration of approximately 3,900 linear feet of Cascade Creek. Currently, steelhead are not stocked in Cascade Creek, but some fish are migrating upstream from Presque Isle Bay. Once this project is complete and the barriers to migration have been removed, the Commission may allocate a portion of the annual Presque Isle Bay steelhead stocking to Cascade Creek.

Matching funds for the project have been secured from the Pennsylvania Department of Environmental Protection through their Growing Greener Program.

Total Project Cost: \$600,000

Recommended Grant Amount: \$300,000

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$300,000 to the Pennsylvania State University for stream habitat improvements along Cascade Creek, Erie County, as more particularly described in the Commentary.

Action:

Staff chose not to present this agenda item to the Board of Commissioners because of further research is needed on property due diligence. No vote was taken by the Board at this time.

BOATING OTHER MATTERS

A. Boating Facility Grant Program: Grant to the Borough of Dickson City, Bernard Siminski Park Access, Lackawanna River, Lackawanna County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

The Borough of Dickson City is requesting \$272,600 to design and construct an ADA accessible canoe/kayak launch at the Bernard Siminski Park along the Lackawanna River. The improvements will include the installation of a pre-cast concrete launch ramp and an ADA accessible trail from the parking area to the existing River Access Trail and the proposed boat launch. Other funding sources will be used to provide additional parking and install restrooms. The closest boat launch facilities are located approximately 3/4 mile upstream at the Dickson City Riverfront Park Access and two miles downstream at Parker's Landing.

Matching funds for the project have been secured from the Pennsylvania Department of Conservation and Natural Resources (\$250,000), Pennsylvania Department of Community and Economic Development (\$122,000), and the Lackawanna County Office of Economic and Community Development (\$22,400).

Total Project Cost: \$690,000

Recommended Grant Award: \$272,600

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$272,600 to the Borough of Dickson City, Lackawanna County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Pastore to approve a grant not to exceed \$272,600 to the Borough of Dickson City, Lackawanna County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

B. Boating Facility Grant Program: Grant to North Coventry Township, Riverside Park Boat Launch Facility, Schuylkill River, Chester County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Projects in the Pennsylvania portion of the Delaware River Watershed are eligible for Federal funding through the National Fish and Wildlife Foundation's grant to the Commission for improving boating and fishing access. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

In 2020, the Commission awarded a \$29,750 grant to North Coventry Township to remove the old, deteriorated boat docks at Riverside Park along the Schuylkill River and replace them with new ADA accessible boat docks. In addition, the Township installed a five-foot-wide ADA accessible walkway from the parking area to the docks.

North Coventry Township is requesting \$100,200 to make additional improvements to Riverside Park including the replacement of the existing deteriorated concrete boat launch ramp and installation of an adaptive kayak launch at the dock that was previously constructed. The closest public boat launch facilities are located 4.1 miles upriver at Genshawny Park and 2.4 miles downriver at Towpath Park in East Coventry Township.

Matching funds for the project will be provided by North Coventry Township.

Total Project Cost: \$200,400

Recommended Grant Award: \$100,200

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$100,200 to North Coventry Township, Chester County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Hussar to approve a grant not to exceed \$100,200 to North Coventry Township, Chester County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

C. Boating Facility Grant Program: Grant to Northampton County, Minsi Lake Access, Minsi Lake, Northampton County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Projects in the Pennsylvania portion of the Delaware River Watershed are eligible for Federal funding through the National Fish and Wildlife Foundation's grant to the Commission for improving boating and fishing access. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

Northampton County is requesting \$175,000 to make improvements to the boat launch facility on the east side of Minsi Lake. The County leases the lake and the property surrounding it from the Commission. The County plans to design and construct new restrooms, an improved parking area with ADA parking spaces, an ADA accessible trail connecting all the amenities, and install solar lighting to the existing parking area on the east side of the reservoir. In addition, the County plans on using other funding sources to construct a pedestrian bridge across the spillway of the dam to connect the facilities on west side of the lake to those on the east side. An adaptive canoe/kayak launch exists on the east side of Minsi lake. The Friends of Minsi Lake provides adaptive paddling programs for people of all abilities at this location.

Northampton County intends to apply to the Pennsylvania Department of Conservation and Natural Resources for additional funding in the amount of \$479,168.50 for the project.

Total Project Cost: \$690,100

Recommended Grant Award: \$175,000

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$175,000 to Northampton County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Kauffman to apply to the Pennsylvania Department of Conservation and Natural Resources for additional funding in the amount of \$479,168.50 for the project. Motion carried by unanimous vote.

BOATING OTHER MATTERS

D. Boating Facility Grant Program: Grant to Pennsylvania Organization for Watersheds and Rivers, Improving Public Access to Rivers and Streams Mini-Grant Program, Statewide.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Projects in the Pennsylvania portion of the Delaware River Watershed are eligible for Federal funding through the National Fish and Wildlife Foundation's grant to the Commission for improving boating and fishing access. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

In 2021, the Commission awarded a \$165,000 grant to Pennsylvania Organization for Watersheds and Rivers (POWR) to administer a focused mini-grant program to improve public access and recreation on rivers and streams in western Pennsylvania, specifically those in the Ohio River Watershed. The mini-grant program is available to local government entities and non-profit groups for the construction of new or improvement of existing public non-motorized boating facilities.

POWR is requesting \$165,000 to administer a statewide mini-grant program to improve public access and recreation on rivers and streams in Pennsylvania. The mini-grant program will again be available to local government entities and non-profit groups for the construction of new or improvement of existing public non-motorized boating facilities. POWR will model the mini-grant program after the Commission's BFG Program and consult with Commission staff on proposed projects to be funded by the program.

Matching funds in the amount of \$165,000 will be provided through a grant from the Pennsylvania Department of Conservation and Natural Resources. The grant program

will require applicants to provide a 50% match which will further leverage the Commission's contribution to the program.

Total Project Cost: \$330,000

Recommended Grant Award: \$165,000

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$165,000 to the Pennsylvania Organization for Watersheds and Rivers to develop and administer a statewide mini-grant program to improve public access and recreation on rivers and streams in Pennsylvania, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Pastore and seconded by Commissioner Hussar to approve a grant not to exceed \$165,000 to the Pennsylvania Organization for Watersheds and Rivers to develop and administer a statewide mini-grant program to improve public access and recreation on rivers and streams in Pennsylvania, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

E. Boating Facility Grant Program: Grant to Philadelphia Parks and Recreation Department, West Fairmont Park Dragon Boat Access, Schuylkill River, Philadelphia County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Projects in the Pennsylvania portion of the Delaware River Watershed are eligible for Federal funding through the National Fish and Wildlife Foundation's grant to the Commission for improving boating and fishing access. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

The Philadelphia Parks and Recreation Department is requesting \$220,000 for improvements to the Dragon Boat Dock at West Fairmont Park on the Schuylkill River. The popularity of unpowered boat use in this area has increased significantly, and the existing dock can no longer support the demand. In addition, the existing dock is not ADA accessible. The applicant plans on installing a larger ADA accessible dock to keep up with the growing demand for public access at this site. The current dock is used by 14 dragon boat clubs and many members of the public use the dock for access to the river for fishing and other water dependent uses. Parking and portable toilets are available at the project site. The closest public boat launch facilities are located one mile upriver at the East Park Canoe House Ramp and 2.6 miles downriver at the Walnut Street Landing.

The City of Philadelphia plans on providing matching funds in the amount of \$250,000.

Total Project Cost: \$470,000

Recommended Grant Award: \$220,000

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$220,000 to the Philadelphia Parks and Recreation Department, Philadelphia County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Brock to approve a grant not to exceed \$220,000 to the Philadelphia Parks and Recreation Department, Philadelphia County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

F. Boating Facility Grant Program: Grant to Rivers of Steel Heritage Corporation, Carrie Blast Furnaces National Historic Landmark Boat Dock Design, Monongahela River, Allegheny County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

The Rivers of Steel Heritage Corporation is requesting \$127,000 for the design and engineering of a public boat dock at the Carrie Blast Furnaces National Historic Landmark. This project will result in the inclusion of a public boat dock as part of the site's master plan for park amenities. It will provide the only public docking facility in the area and expand public access to the historic site, in addition to accommodating the Riverboat Explorer which serves thousands of students with its "Environmental Science on the Three Rivers" program. The Rivers of Steel Heritage Corporation will adhere to all ADA requirements in the design of the dock. The closest public boat launch facilities are located 7.3 miles downstream at the South Side Marina and 2.2 miles upstream at the Braddock Boat Launch.

The Rivers of Steel Heritage Corporation will provide \$77,000 towards the project and has applied for \$308,006 in matching funds from the Pennsylvania Department of Conservation and Natural Resources.

Total Project Cost: \$512,000

Recommended Grant Award: \$127,000

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$127,000 to the Rivers of Steel Heritage Corporation, Allegheny County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Kauffman to approve a grant not to exceed \$127,000 to the Rivers of Steel Heritage Corporation, Allegheny County, as more particularly described in the Commentary. Motion carried with one abstention (Commissioner Mahn).

BOATING OTHER MATTERS

G. Boating Facility Grant Program: Grant to the Town of Bloomsburg, Bloomsburg West End Boat Launch, North Branch of the Susquehanna River, Columbia County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

The Town of Bloomsburg is requesting \$118,900 to design and construct a new boat launch facility on their property at the confluence of Fishing Creek and the Susquehanna River in Columbia County. The Town plans on installing a motorized and non-motorized boat launch ramp, access road, paved parking area with two ADA accessible parking spaces, paved path to the launch ramp, and signage. The closest public boat launch facilities are located 2.5 miles upstream at the Bloomsburg Boat Launch and 1.7 miles downstream at Catawissa Borough.

The Town of Bloomsburg intends to apply to the Pennsylvania Department of Conservation and Natural Resources for \$118,900 in matching funds.

Total Project Cost: \$237,800

Recommended Grant Award: \$118,900

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$118,900 to the Town of Bloomsburg, Columbia County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Mahn to approve a grant not to exceed \$118,900 to the Town of Bloomsburg, Columbia County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

H. Boating Facility Grant Program: Grant to the Lackawanna Heritage Valley Authority, Mayfield Recreation Park, Lackawanna River, Lackawanna County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

The Lackawanna Heritage Valley Authority (Authority) is requesting \$156,000 to design and construct a fishing and boating access along the Lackawanna River in the Mayfield Recreation Park. The Authority plans on installing a parking area with ADA accessible parking spaces, an ADA accessible asphalt walkway from the parking area to the boat access, a J-hook deflector to facilitate safe boat egress, and educational signage. This is part of a larger project to convert an old brownfield site into a multi-use recreational park for the community and the region. The closest boat launch is located 12 miles downstream at Parkers Landing. There are no boat launch facilities located upstream.

The Authority has secured funding from the Pennsylvania Department of Conservation and Natural Resources (\$150,000), the Lackawanna County Community Re-Invest (\$5,000), and the Willary Foundation (\$30,000). In addition, the Authority will provide \$110,195 towards the project.

Total Project Cost: \$345,165

Recommended Grant Award: \$156,000

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$156,000 to the Lackawanna Heritage Valley Authority, Lackawanna County, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Pastore to approve a grant not to exceed \$156,000 to the Lackawanna Heritage Valley Authority, Lackawanna County, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING OTHER MATTERS

I. Boating Facility Grant Program: Grant to Masontown Borough, Riverside Recreation Area, Monongahela River, Fayette County.

Commentary:

At its October 2012 meeting, the Pennsylvania Fish and Boat Commission (Commission) approved the creation of the Statewide Public Access Grant Program to fund eligible projects for the planning, acquisition, development, and expansion of public fishing and boating access facilities. The goal of the program is to ensure Pennsylvania's recreational anglers and boaters, today and in the future, are provided with access to the highest quality facilities on the Commonwealth's waterways. The Statewide Public Access Grant Program was established by administratively combining the Commission's existing Boating Facility Grant (BFG) Program and Erie Access Improvement Program into a single grant program to provide a consistent approach for identifying, evaluating, and funding opportunities to enhance public access.

Prior to the Statewide Public Access Grant Program, the Commission's BFG Program became well known as the primary mechanism for awarding funds for boating-related access improvements from 2005 through 2010. As such, and in keeping with the goals outlined in the Commission's current Strategic Plan, funding for the BFG Program was reallocated in 2019 to continue to improve boating opportunities and convenience in the Commonwealth through partnerships that update and maintain public boating access.

Funds for the BFG program are derived primarily from boat registration fees, state motorboat fuels tax, restricted revenue accounts, and when available, through various Federal assistance or grant awards. Grant requests exceeding \$100,000 per grantee, per year require Commission approval.

Masontown Borough is requesting \$116,200 to make improvements to the Riverside Recreation Area along the Monongahela River. The Borough recently completed Phase I of the project, which included the construction of a boat launch ramp and parking area. The Borough is requesting funds to complete Phase II of the project, which includes the installation of floating docks with an ADA accessible gangway, a kayak launch, security lighting, and signage. The closest public boat launch facilities are located 4.5 miles upstream at the Glassworks facility and over 7 miles downstream at Isabella.

Masontown Borough intends to apply for \$116,200 in matching funds from the Department of Community and Economic Development.

Total Project Cost: \$232,400

Recommended Grant Award: \$116,200

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission approve a grant not to exceed \$116,200 to Masontown Borough, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Pastore and seconded by Commissioner Hussar to approve a grant not to exceed \$116,200 to Masontown Borough, as more particularly described in the Commentary. Motion carried by unanimous vote.

**BOATING
PROPOSED RULEMAKING**

A. Amendment to 58 Pa. Code § 107.5 (Streams less than 200 feet across).

Commentary:

In 58 Pa. Code § 103.3(a), “boats are limited to slow, no wake speed when within 100 feet of the shoreline; docks; launching ramps; swimmers or downed skiers or other boat-towed watersports participants; persons wading in the water; anchored, moored, or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked. This subsection does not apply in a zoned ski area or authorized ski return areas when those areas are found within the areas described in this subsection.” According to this regulation, boats operating in a waterway less than 200 feet across would be within 100 feet of either shoreline and restricted to slow, no wake speed operation. Therefore, Section 107.5 of the Pennsylvania Fish and Boat Commission’s (Commission) regulations is redundant and can be eliminated.

Staff propose the following changes to § 107.5:

§ 107.5. Streams less than 200 feet across.

(a) **[A boat may not exceed slow, no wake speed on an area of a stream that measures less than 200 feet across except where special regulations have been promulgated by the Commission that provide for zoned areas where higher speeds are permitted under controlled conditions.**

(b) It is unlawful for a person to operate an air-propeller driven boat, an all-terrain vehicle, an air cushion effect vehicle or similar craft on an area of a stream that is less than 200 feet in width except when special regulations provide otherwise.

* * * * *

On February 6, 2023, 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

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Mahn to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go

into effect upon publication in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

**BOATING
PROPOSED RULEMAKING**

B. Amendments to 58 Pa. Code § 111.42 (McKean County) and § 111.62 (Warren County).

Commentary:

Allegheny River Reservoir, also known as Kinzua Dam, is a 7,647-acre impoundment in McKean and Warren counties operated by the U.S. Army Corps of Engineers (USACE). Many of the controlled areas on the lake are indicated in the Pennsylvania Boat and Fish Commission’s (Commission) regulations and are marked with aids to navigation (i.e., buoys) by the USACE. The area near Elijah Run, in the southeastern portion of the reservoir in McKean County, is currently marked by USACE as slow, no wake to protect the boat launch area; however, it is not part of the Commission’s regulations. Adding this location to the existing regulations for Allegheny River Reservoir in 58 Pa. Code will assist with enforcement of this restriction. Commission staff also recommend adding a generic subsection (vii below) to the McKean and Warren County regulations that appears in regulations on some other USACE waters which allows them to respond quickly to areas that become problematic by marking them accordingly.

Staff propose the following changes to § 111.42 and § 111.62:

§ 111.42. McKean County.

Allegheny River Reservoir (Kinzua Dam).

- (1) Boats are limited to slow, no wake speed in the following areas:
 - (i) Chappel Bay.
 - (ii) Morrison Run Bay.
 - (iii) From the sewer plant at Kiasutha to the headwaters above Red Bridge.
 - (iv) Willow Bay.
 - (v) Sugar Bay.
 - (vi) Elijah Run boat launch.**
 - (vii) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.**

* * * * *

§ 111.62. Warren County.

Allegheny River Reservoir (Kinzua Dam).

- (1) Boats are limited to slow, no wake speed in the following areas:
 - (i) In the vicinity of camping areas and boat launch areas.
 - (ii) Dew Drop Bay.
 - (iii) Wolf Run Bay.
 - (iv) Hodge Bay, North and South Branch.
 - (v) Cornplanter Bay.

- (vi) Billies Bay.
- (vii) Willow Bay beginning at the boat launch ramp.
- (viii) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.**

* * * * *

On February 6, 2023, 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

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, these amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Lewis and seconded by Commissioner Mahn to approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary. If adopted on final rulemaking, these amendments will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

**BOATING
PROPOSED RULEMAKING**

C. Amendment to 58 Pa. Code § 111.60 (Union County).

Commentary:

Boating has historically been prohibited at Halfway Lake at R.B. Winter State Park due to the small size of the lake (approximately 6 acres). In recent years, the Pennsylvania Department of Conservation and Natural Resources (DCNR) agreed to allow unpowered boats to operate on the lake. Therefore, the Pennsylvania Fish and Boat Commission must update its regulations.

Staff propose the following changes to § 111.60:

§ 111.60. Union County.

Halfway Lake—R.B. Winter State Park. **[Boating is prohibited.] It is unlawful to operate a boat powered by a motor.**

* * * * *

On February 6, 2023, 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

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Lewis and seconded by Commissioner Hussar to approve the publication of a notice of proposed rulemaking containing the amendment described in the Commentary. If adopted on final rulemaking, this amendment will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

A. Proposed changes to the list of Class A wild trout streams (58 Pa. Code § 57.8a).

Commentary:

Pursuant to 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Pennsylvania Fish and Boat Commission's (Commission) 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 Trout and Brown Trout, wild Rainbow Trout, mixed wild Brook Trout and Rainbow Trout, and mixed wild Brown Trout and Rainbow Trout populations.

Staff recommend the addition of 18 stream sections to the Commission's list of Class A wild trout streams. These changes are the result of a recent surveys conducted on these waters and subsequent data review. Exhibit E provides information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 53 Pa.B. 918 (February 11, 2023) (Exhibit F). The Commission received a total of 52 public comments regarding the proposed designation: all support the proposed designations. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add 18 stream sections to its Class A wild trout streams list as set forth in the notice of proposed designations. 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 Lewis and seconded by Commissioner Hussar to add 18 stream sections to its Class A wild trout streams list as set forth in the notice of proposed designations. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

B. Classification of wild trout streams (58 Pa. Code § 57.11): Proposed additions.

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 (Commission) under 58 Pa. Code § 57.11 (relating to listing of wild trout streams)." This term has regulatory significance because wetlands that are 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 32 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 53 Pa.B. 916 (February 11, 2023) (Exhibit H). The Commission received a total of 52 public comments regarding the proposed designations: all support the proposed designations. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add 32 new waters to the Commission's list of wild trout streams as set forth in the notice of proposed designations. 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 Pastore and seconded by Commissioner Mahn to add 32 new waters to the Commission's list of wild trout streams as set forth in the notice of proposed designations. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

C. Classification of wilderness trout streams (58 Pa. Code § 57.4): Proposed additions.

Commentary:

Originally established in April 1969, the Wilderness Trout Streams program represents the Pennsylvania Fish and Boat Commission's (Commission) first formal wild trout program. The program was originally conceived to protect and promote native (Brook Trout) fisheries, the ecological requirements necessary for natural reproduction of trout, and wilderness aesthetics. The superior quality of these watersheds is considered an important part of the overall angling experience on Wilderness Trout Streams. Therefore, all stream sections included in this program qualify for the Exceptional Value (EV) special protected water use classification, which represents the highest protection status provided by the Pennsylvania Department of Environmental Protection under 25 Pa. Code Chapter 93 (Water Quality Standards).

As stated in 58 Pa. Code § 57.4, "It is the policy of the Commission to maintain the wilderness trout streams program where stream remoteness and populations of naturally reproducing trout combine to offer sport fishing opportunity for the recreation of anglers in a wilderness setting away from roads or vehicular access. It is the Commission's intent to advocate proper watershed management to maintain the wilderness setting and to advance and seek the highest water quality standards through the Department of Environmental Protection."

The Wilderness Trout Streams program was updated in July 2022, which was the first update to the program since 2002. As a result of the Unassessed Waters Initiative and wild trout stream re-inventories over the past two decades, numerous streams have been identified that meet the criteria for inclusion in the Wilderness Trout Streams program. The need to develop listing packages and propose designation of qualifying streams was identified in the *Strategic Plan for Management of Trout Fisheries in Pennsylvania 2020-2024* (Issue 21).

Staff recommend the addition of 20 stream sections to the Commission's list of wilderness trout streams. All the proposed stream sections are currently designated as Exceptional Value or High Quality-Cold Water Fishes under 25 Pa. Code Chapter 93 and are located on Department of Conservation and Natural Resources land. Exhibit I provides information on the locations and a data summary for each of these waters.

A notice of proposed designations was published at 53 Pa.B. 1491 (March 11, 2023) (Exhibit J). The Commission received a total of 2 public comments regarding the proposed designations: all support the proposed designations. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add 20 stream sections to the Commission's list of wilderness trout streams as set forth in the notice of proposed designations. 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 Brock and seconded by Commissioner Mahn to add 20 stream sections to the Commission's list of wilderness trout streams as set forth in the notice of proposed designations. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

PENNSYLVANIA FISH AND BOAT COMMISSION
NOTATIONAL VOTE MEASURES

The Commission voted on one item by notational vote since the January 23, 2023, and March 1, 2023 meetings. On March 7, 2023, the Commission, in a 10-0 vote, approved the item found in Appendix A.

APPENDIX A

PENNSYLVANIA FISH AND BOAT COMMISSION
NOTATIONAL VOTE

Amendments to 58 Pa. Code § 93.1 (Registration) and § 93.5 (Display of registration number and validation decal).

Commentary:

Act 28 of 2022 (Act 28), signed into law on June 27, 2022, amended section 5308 of Title 30 (Fish) of the Pennsylvania Consolidated Statutes, relating to registration and titling of boats. Act 28 establishes a calendar-year boat registration cycle that is valid from January 1 through December 31.

Act 28 requires the Pennsylvania Fish and Boat Commission (Commission) to promulgate final regulations to implement the amendments and publish them in the *Pennsylvania Bulletin* within 18 months of the effective date of the Act. Commission staff have identified two relevant sections of Title 58 Pa. Code that require amendments to be consistent with the Act.

Additionally, Commission staff have identified language in § 93.1(a) relating to “state owned” boat registrations which is inconsistent with the statutory registration period and Commission practices. State owned boats are issued two-year registration certificates.

Staff propose the following changes to 58 Pa. Code § 93.1 and § 93.5:

§ 93.1. Registration.

(a) With the exception of a “Manufacturer/Dealer/Jobber” registration certificate, which is valid for 1 year, **[and a “State Owned” registration certificate, which is valid until the removal of the property from inventory,]** all other boat registration certificates issued under this chapter are valid for a period not exceeding 2 years. The Commission will not issue 1-year registration certificates except to “Manufacturer/Dealer/Jobbers.” The registration period expires on **[March] December** 31 of the second year following issuance.

* * * * *

§ 93.5. Display of registration number and validation decal.

* * * * *

(b) A set of two color-coded validation decals will be issued for display with each registration number. The decal shall be displayed within 6 inches of the registration number and on a level with the number. The decals shall be approximately 3 inches by 3 inches and color-coded to indicate the registration period. Registration numbers and validation decals shall be displayed in the following manner: PA 12 AM or PA 12 AM. A validation decal may be displayed prior to **[April] January** 1 of the period for which it is issued.

* * * * *

The Boating Advisory Board considered these amendments in its December 5, 2022, meeting and also responded to a notational vote conducted on February 27, 2023. The Board recommends the amendments to the Commission.

Briefer:

Robert T. Caccese, Acting Chief Counsel

Recommendation:

Staff recommend that the Commission approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary.

Action:

On March 7, 2023, the Commission, in a 10-0 vote, approved the item.

Other New Business

Personal Flotation Devices

Commission President Small noted the effectiveness of the wearing of life jackets in saving lives and requested that the Boating Advisory Board and Commission staff research the possibility of extending the period for required life jacket wear in Pennsylvania.

Time and Place of July 2023 Commission Meeting

Announcement of the July 24-25, 2023 quarterly Commission Meeting in Harrisburg, PA at the Pennsylvania Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, PA 17110.

Adjournment

With no further business to discuss, the meeting adjourned.