

NOTICES

FISH AND BOAT COMMISSION

Proposed Exemption to 58 Pa. Code § 57.8a (Class A wild trout streams) to Allow for the Stocking of Trout at Freeman Run, Section 04

[55 Pa.B. 6807]

[Saturday, September 20, 2025]

The Fish and Boat Commission (Commission) will consider at its meeting on October 27, 2025, whether to allow trout stocking in the Class A wild trout stream at Freeman Run, Section 04, Potter County. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), prior to granting permission to stock a Class A wild trout stream section under § 71a.8 (relating to stocking of designated waters), the Executive Director will consult the stocking criteria set forth in the current edition of the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters* available at pa.gov/agencies/fishandboat. If any of the stocking criteria are met, the Executive Director may grant an exemption to stock a Class A wild trout stream section. To grant an exemption to stock a Class A wild trout stream section that does not meet any of the stocking criteria, the Executive Director shall obtain the approval of the Commission.

Freeman Run, a tributary to the First Fork Sinnemahoning Creek in Potter County, is 12.23 miles in length and managed in four stream sections. The waterway is characteristic of a small, high-gradient, infertile, freestone stream. Section 01 extends 2.83 miles from the headwaters to Postalweight Hollow, is managed for wild trout with no stocking and was designated as a Class A wild trout stream section in February 2019. Section 02 extends 2.00 miles from Postalweight Hollow to Bark Shanty Hollow, is managed for wild trout with no stocking and was designated as a Class A wild trout stream section in January 1983.

Section 03 extends 4.50 miles from Bark Shanty Hollow to West Branch Freeman Run, and Section 04 extends 2.90 miles from West Branch Freeman Run to the mouth. Prior to 2021, Sections 03 and 04 were included in the Commission's Stocked Trout Water (STW) program. Trout stocking was discontinued in 2021 following designation as Class A wild trout stream sections after wild brown trout biomass was estimated to be 56 kg/ha and 67 kg/ha, respectively, during 2018 surveys. To qualify for Class A wild trout stream designation based on wild brown trout, biomass must be greater than or equal to 40 kg/ha. Subsequent surveys conducted in 2022, 2 years following stocking cessation, estimated the wild brown trout biomass to be 94 kg/ha in Section 03 and 103 kg/ha in Section 04.

The impacts of stocking on wild trout populations are well documented in the literature and through Commission surveys of wild trout streams in this Commonwealth. Commission monitoring and evaluation of wild trout populations in this Commonwealth demonstrate that stocking depresses wild trout populations for a variety of reasons, including competition for habitat and food, interference competition, increased harvest, increased hooking and handling, among other factors. However, the Commission does not have strong Commonwealth-specific data regarding the use of special regulations to mitigate the negative impacts of stocking over Class A wild trout populations.

As such, the Commission applied a Miscellaneous Special Regulation (58 Pa. Code § 65.24 (relating to miscellaneous special regulations)) in 2024 to 12 of 13 Class A stream sections stocked by the Commission that allows for the harvest of stocked rainbow trout and brook trout but catch and release of wild brown trout. Staff are currently monitoring and evaluating the effect of this regulation on the wild brown trout populations over a 5-year to 7-year period at which time staff will either recommend continuing the management strategy applied to these fisheries or recommend an alternate approach to optimize these fisheries. The results of this evaluation will provide valuable management insight regarding the use of these regulations on large, productive streams with high angler use that are of size and character sufficient to support a fishery comprised of both Class A wild trout and stocked trout components.

At the January and April 2025 Fisheries and Hatcheries Committee meetings, Commission staff were tasked with developing an approach to evaluate a similar management strategy on small-to-moderate-sized, infertile, freestone streams and Freeman Run, Section 04, was selected for this purpose. Freeman Run, Section 04, provides a unique opportunity to evaluate a stream section that was stocked previously, designated as a Class A wild trout stream section and removed from the STW program, and then added back to the STW program and managed with special regulations.

To accomplish this, Freeman Run, Section 04, must be added back to the STW program beginning in 2026, and stocked only with rainbow trout at the same rate and frequency consistent with its resource classification from when it was last stocked in 2020. This would include reinstating rainbow trout only cooperative nursery stockings. It was recommended that Section 04 then be managed under a similar Miscellaneous Special Regulation applied to the 12 Class A wild trout streams that are stocked by the Commission: catch and release for all trout species except Rainbow Trout. Sections 01, 02 and 03 from the headwaters downstream to the confluence of Freeman Run and the West Branch Freeman Run would continue to be managed for wild trout with no stocking under Commonwealth Inland Waters regulations (58 Pa. Code § 61.1 (relating to Commonwealth inland waters)). Commission staff would monitor the stream over a 5-year period from 2026—2030 while evaluating the biological and social data against interim and final management triggers that would inform staff recommendations to the Commission regarding the fate of continued stocking in Section 04 and application of special regulations. If wild trout abundance declines significantly, or if angler use does not justify the continued stocking during the 5-year evaluation, the study could be terminated, stocking discontinued and regulations revised. If data available during the interim evaluation is not sufficient to adequately assess trends, then the study would continue for the full 5-year period and be evaluated against final biological and social management triggers, after which a recommendation would be made to the Commission as to whether Section 04 should remain in the STW program and regulations revised.

To facilitate the use of special regulations to mitigate the negative impacts of stocking trout on the wild trout populations in Freeman Run, Section 04, staff proposed implementing a Miscellaneous Special Regulation that would manage brown trout and brook trout with catch-and-release regulations and maintain Commonwealth inland waters regulations for all other species with all tackle types permitted. At its meeting on July 28, 2025, the Commission approved publication of a notice of proposed rulemaking for this Miscellaneous Special Regulation. If adopted on final rulemaking, this amendment will go into effect on January 1, 2026.

Commission staff now recommends that the Commission approve an exemption to stock trout as Freeman Run, Section 04, does not meet any of the criteria that provide direction and guide decisions regarding stocking trout in Class A wild trout streams published in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters*. Should an exemption be granted, the Commission will determine the species of trout, number of trout and frequency of stocking consistent with stocking strategies and historical stocking rates of the stream section to minimize impacts to the Class A wild trout population. Stocking provisions will be communicated in writing by the Commission to the entity receiving the exemption for continued stocking in Class A designated waters. Stocking exemptions will be valid for no more than 5 years at which time the

need for continuance may be evaluated.

Other matters

- Proposed exemption to 58 Pa. Code § 57.8a to allow for the stocking of trout at Freeman Run, Section 04, Potter County.

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, prior to the October 27, 2025, Commission meeting. Comments submitted by facsimile will not be accepted.

Comments may also be submitted electronically to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

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Top

Bottom