

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Special Fishing Regulations; Miscellaneous Special Regulations

[55 Pa.B. 6541]

[Saturday, September 13, 2025]

The Fish and Boat Commission (commission) proposes to amend Chapter 65 (relating to special fishing regulations). The commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment relates to the addition of Freeman Run, Section 04, Potter County, to the commission's list of waters that are subject to a miscellaneous special regulation to 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.

A. Effective Date

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2026.

B. Contact Person

For further information on this proposed rulemaking, contact Robert J. Schefter, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the commission's website at <https://www.pa.gov/agencies/fishandboat.html>.

C. Statutory Authority

The amendment to § 65.24 (relating to miscellaneous special regulations) is proposed under the authority of 30 Pa.C.S. § 2307(a) (relating to waters limited to specific purposes).

D. Purpose and Background

The specific purpose and background of this proposed rulemaking are described in more detail under the summary of proposal.

E. Summary of Proposal

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 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 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, we do not have strong Pennsylvania-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 (see § 65.24) 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 the wild brown trout. Commission staff are currently monitoring and evaluating the effect of this regulation on the wild brown trout populations over a 5-to-7-year period, at which time we will either recommend continuing the management strategy applied to these fisheries or recommend an alternative 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 composed 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 stocking program, and then added back to the 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 is 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 (see § 61.1 (relating to Commonwealth inland waters)). Commission staff would monitor the stream over a 5-year period from 2026 through 2030 while evaluating the biological and social data against interim and final management triggers that would inform commission staff recommendations to the Board of Commissioners (Board) 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 Board 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, commission staff propose 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. Should this miscellaneous special regulation be adopted on final-form rulemaking, commission staff will recommend at a future meeting that the Board 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*.

The commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about this proposed rulemaking to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-366. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

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

County	Name of Water	Special Regulations
	* *	* * *
Northampton	Monocacy Creek, Section 08, from Illicks Mill Dam downstream to Schoenersville Road bridge	All tackle types are permitted. Brown trout—catch and release/no harvest; it is unlawful to take, kill or possess brown trout at any time. All other trout species—7 inches minimum size limit—5 trout daily limit (combined species) from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year. Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout. All species except trout—inland regulations apply. See § 61.1.
<u>Potter County</u>	<u>Freeman Run, Section 04, from the confluence with West Branch Freeman Run downstream to the mouth</u>	<u>All tackle types are permitted.</u> <u>Brown trout and brook trout—catch and release/no harvest; it is unlawful to take, kill, or possess brown trout or brook trout at any time.</u> <u>Rainbow trout—7 inches minimum size limit—5 trout daily limit from 8 a.m. on the opening day of the regular season for trout to midnight on Labor Day. Catch and release/no harvest—it is unlawful to take, kill, or possess any trout from 12:01 a.m. the day after Labor Day to midnight the third Sunday in February the following year.</u> <u>Closed to all fishing from 12:01 a.m. the third Monday in February until 8 a.m. on the opening day of the regular season for trout.</u> <u>All species except trout—inland regulations apply. See § 61.1.</u>
Somerset, Fayette, Westmoreland and Allegheny	Youghiogheny River from confluence with Casselman River downstream to the confluence with Ramcat Run Youghiogheny River from the pipeline crossing at the confluence with Lick Run downstream to the mouth of the river.	Trout (all species)—no closed season. Daily limit: opening day of the regular season for trout until Labor Day—5 trout per day; day after Labor Day to opening day of the regular season for trout of the following year—3 trout per day. Inland regulations apply to warmwater/coolwater species.
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