

STATEMENTS OF POLICY

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Class A Wild Trout Streams; Statements of Policy

[55 Pa.B. 1926]

[Saturday, March 8, 2025]

The Fish and Boat Commission (commission) proposes to amend Chapter 57 (relating to statements of policy). The commission is publishing this proposed statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendment updates the internal policy for the commission pertaining to stocking of Class A wild trout streams.

A. Effective Date

This proposed statement of policy, if approved, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Person

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

C. Statutory Authority

The proposed amendment to § 57.8a (relating to Class A wild trout streams) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

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

E. Summary of Proposal

Class A wild trout streams represent the best of this Commonwealth's wild trout resources, and as of November 2, 2024, approximately 4% of all flowing waters in this Commonwealth have been designated as Class A wild trout streams by the commission. Following designation by the commission, Class A wild trout streams enter a process whereby the Department of Environmental Protection will ultimately designate these stream sections as high quality, cold water fishes under 25 Pa. Code Chapter 93 (relating to water quality standards). This designation provides additional water quality protection under the Commonwealth's environmental laws and regulations. As such, a Class A designation is an important mechanism to properly protect, conserve and enhance wild trout populations and the quality of their habitats.

On September 30, 2014 (effective January 1, 2015), the statement of policy at § 57.8a was amended to require the Executive Director to obtain approval from the commission's Board of Commissioners (board) prior to granting permission to stock a Class A wild trout stream. Previously, the Executive Director had the authority to do so independently. Subsequently, 13 stream sections that supported strong Class A wild brown trout populations were designated Class A between 2015 and 2017, and commission stocking was continued. These stream sections are heavily fished waters, mostly located in high-density human population centers, and are of a size (that is, large streams) and character (that is, fertile) that can support a high-quality fishery for both stocked and wild trout.

There are very few Class A wild trout streams where supplemental trout stocking has been considered or warranted. However, there are rare circumstances beyond the original 13 stream sections where stocking a Class A could be considered. As such, commission staff developed criteria that provide direction and guide decisions regarding stocking trout in Class A wild trout streams. These criteria do not automatically result in the Executive Director granting an exemption to stock a Class A wild trout stream but rather serve as guidance for consideration. Most Class A wild trout streams are best managed solely for wild trout with no stocking.

On January 25, 2021 (effective April 3, 2021), the statement of policy was amended to reflect that the Executive Director will consult the criteria set forth in the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters* (Guidelines) to consider the need for seeking Board approval for continued stocking. The criteria were published in February 2022 in the fifth edition of the Guidelines and published on the commission's website.

The criteria to be included in the sixth edition of the Guidelines will be updated to improve the process for considering Class A stockings based on lessons learned while using the original criteria and are intended to keep exemptions rare and prioritize the wild trout resource. If any of the criteria are met, the Executive Director would have the authority to grant an exemption to stock a Class A wild trout stream. However, these criteria do not account for all circumstances where stocking could be considered. To grant an exemption to stock a Class A wild trout stream section that does not meet any of the criteria, the Executive Director shall obtain the approval of the board.

The commission proposes that § 57.8a be amended to read as set forth in Annex A.

F. *Paperwork*

This proposed statement of policy will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This proposed statement of policy 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 statement of policy 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-361. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter A. FISHERIES POLICIES

§ 57.8a. Class A wild trout streams.

It is the policy of the Commission to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, these stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking. However, there may be circumstances that justify stocking a Class A wild trout stream section.

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 **[internal decision-making]** **the stocking** criteria set forth in the **current edition of the** *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters* **[to consider the need for continued stocking at newly designated Class A wild trout streams and obtain the approval of the Commission. Consideration will only be given to requests for continued stocking in stream sections within 1 year of the section being designated as Class A and posted in the** *Pennsylvania Bulletin*; **however, entities that previously received an exemption or a Special Activities Permit for continued stocking from the Commission between 2010 and the effective date of this amendment will be eligible for consideration].** **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. The following apply:**

- (1) Criteria developed for Class A **[Wild Trout]** **wild trout** fisheries are species specific.
- (2) Wild **[Trout Biomass Class Criteria]** **trout biomass class criteria** include provisions for:
 - (i) *Wild brook trout fisheries.*
 - (A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).
 - (B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).
 - (C) Brook trout biomass must comprise at least 75% of the total trout biomass.
 - (ii) *Wild brown trout fisheries.*

- (A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).
- (B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).
- (C) Brown trout biomass shall comprise at least 75% of the total trout biomass.
- (iii) *Mixed wild brook and brown trout fisheries.*
- (A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).
- (B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).
- (C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).
- (D) Brook trout biomass shall comprise less than 75% of the total trout biomass.
- (E) Brown trout biomass shall comprise less than 75% of the total trout biomass.
- (iv) *Wild rainbow trout fisheries.* Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).
- (v) *Mixed wild brook and rainbow trout fisheries.*
- (A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).
- (B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).
- (C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).
- (D) Brook trout biomass shall comprise less than 75% of the total trout biomass.
- (E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.
- (vi) *Mixed wild brown and rainbow trout fisheries.*
- (A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).
- (B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).
- (C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).
- (D) Brown trout biomass shall comprise less than 75% of the total trout biomass.
- (E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.
- (3) A water will not be removed from the Class A [**Wild Trout Streams**] **wild trout streams** designation unless the cause leading to the reduction in the wild trout population has been clearly identified and it has been determined that the water is beyond remediation to re-establish the Class A wild trout population. Possible reasons include the following:

(i) Human caused conditions or sources of pollution prevent the attainment of a Class A wild trout fishery and cannot be remedied or will cause more environmental damage to correct than to leave in place.

(ii) Dams, diversions or other types of hydrologic modifications preclude the attainment of a Class A wild trout fishery, and it is not feasible to restore the water body to its original condition or to operate the modification in a way that will result in the attainment of a Class A wild trout fishery.

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