

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

**MINUTES**

**161<sup>st</sup> Meeting**

**Volume 79**

**HARRISBURG, PENNSYLVANIA  
JANUARY 27, 2025**

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Commonwealth of Pennsylvania  
Pennsylvania Fish and Boat Commission

**MINUTES<sup>1</sup>**

The 161st Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, January 27, 2025, at the Pennsylvania Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, Pennsylvania 17110.

The public session for review of this agenda began on January 27, 2025, at approximately 10:00 a.m.

**Call to Order**

This meeting was called to order at 10:03 a.m. by Commission President Daniel Pastore. The roll was called by Chief Counsel Renae Kluk Kiehl and was followed by the Pledge of Allegiance.

**Roll Call**

Daniel J. Pastore, President  
John E. Mahn, Jr., Vice President  
Donald K. Anderson  
William C. Brock  
Charles J. Charlesworth  
William J. Gibney  
Eric C. Hussar  
Richard S. Kauffman  
Robert B.J. Small

**Members Excused**

Richard Lewis

**Staff and Volunteer Recognition**

Executive Director Timothy Schaeffer recognized Representative Anita Kulik and Representative David Maloney for their leadership on Act 129 of 2024 and their unwavering support to the Commonwealth's anglers, boaters, and aquatic resources. Each representative was presented with a framed print as a token of appreciation.

**Public Comments to Commissioners and Staff**

The following individuals provided public comments:

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<sup>1</sup>All items that have been or will be published in the Pennsylvania Bulletin are formatted in accordance with the [Pennsylvania Code & Bulletin Style Manual](#).



Jared Manning from Bellefonte, Pennsylvania, was again in attendance to request a return of the stocking of Freeman Run in Southern Potter County. Freeman Run was removed from stocking due to the Class A biomass of brown trout in the watershed. Mr. Manning referenced the petition, signed by various individuals, which he presented at the July 2024 meeting and the impact this change has had on the angler community. He requested that the Commission reconsider the return of stocking to Freeman Run.

Dave Rothrock, representing the Pennsylvania Council for Trout Unlimited, commented on the proposal to amend stocking policy for Class A stream sections. He related their opposition to the stocking of hatchery-raised trout in any Class A stream section. The organization believes that the proposed changes will significantly liberalize the criteria used to grant approval of an exemption to stock. He also commented on the proposed change related to moving the authority to approve an exemption from the Board of Commissioners to the Executive Director. For purposes of transparency, the organization believes that all decision-making on a request for exemption to the prohibition of stocking a Class A stream section should remain with the Board of Commissioners.

### **Review and Approval of Minutes**

President Pastore asked if there were any corrections or additions to the minutes that were distributed from the October 21 meeting. Hearing none, a motion was made by Commissioner Kauffman and seconded by Commissioner Small to approve minutes of the October 21, 2024, meeting as written. Motion carried by unanimous vote.

### **Executive Director's Report**

Executive Director Timothy Schaeffer provided his quarterly report to the commissioners. He highlighted a number of topics including the 26<sup>th</sup> Waterways Conservation Officer class, new boats within the agency, customer enhancements, website migration, the Pennsylvania Wildlife Action Plan, access area improvements, and the updated Trout Plan for 2025-2029.

### **Reports of Commissioner Committees**

The following committees reported on activities since the last Commission meeting:

Boating (Commissioner Charlesworth) – The Boating Committee met virtually on January 7, 2025. The committee heard four presentations from staff: 1) a summary of the 2025 Boating Facility Grant Round; 2) an overview and analysis of the recreational boating incidents that were reported in 2024; 3) an overview of outreach to boat rental businesses regarding the regulation changes that went into effect on January 1, 2025; and 4) upcoming legislation related to the Commission's boating program.

Commissioner Charlesworth also noted that the next meeting of the Boating Advisory Board will be held in-person at the Pennsylvania Fish and Boat Commission headquarters on February 3 at 10:00 a.m. The agenda is available on FishandBoat.com.

**Fisheries and Hatcheries (Commissioner Kauffman)** – The Fisheries and Hatcheries Committee met on January 7, 2025. The meeting was conducted at the PFBC headquarters in Harrisburg, Pennsylvania, and via webinar with some commissioners participating remotely.

There were four discussion items on the agenda: 1) potential revisions to the Statement of Policy at 58 Pa. Code § 57.8a (Class A wild trout streams) and criteria for consideration of requests for continued stocking; 2) the *Strategic Plan for Management of Trout Fisheries in Pennsylvania: 2025-2029*; 3) factors influencing the prevalence of blotchy bass syndrome in Smallmouth Bass in the Susquehanna and Juniata rivers; and 4) a brief overview of Fisheries voting items planned for today's quarterly Commission meeting.

During the meeting, the following actions were taken by the committee where staff was charged: 1) to bring the proposal pertaining to 58 Pa. Code § 57.8a to the full Board for consideration of proposed rulemaking at the January 2025 Commission Meeting; and 2) to develop a study to evaluate the effects of stocking trout and use of special regulations on resident wild trout populations in small Class A wild trout streams.

**Law Enforcement (Commissioner Mahn)** –

The Law Enforcement Committee met virtually on January 7, 2025. The committee was presented with a discussion item regarding 58 Pa. Code § 63.16 (Fishing in the vicinity of fishways) with a focus on whether there is a need to have a regulation that makes it unlawful to 'interfere' with fish that are actively in a fish passage structure or to 'interfere' with fish that are actively entering a fish passage structure. It was determined that more information was needed on the issue and no formal action was taken on the matter.

The committee was provided an overview on an update to the definitions of officially recognized commercial and noncommercial fish cleaning stations and the elimination of the requirement for users of noncommercial officially-recognized fish cleaning stations to leave a 2-inch by 2-inch piece of skin on processed fillets for identification purposes.

**Announcement of Executive Sessions**

Commission President Daniel Pastore announced that an executive session was held at 8:00 a.m. today to discuss ongoing union negotiations regarding our Waterways Conservation Officers; potential and ongoing litigation, including the Thomas and O'Neill lawsuits and two pollution cases; and various real estate acquisitions and dispositions, including those items listed on today's agenda.

**Announcement of Notational Vote**

Chief Counsel Renae Kluk Kiehl announced that the Commission voted on one item by notational vote since the October 2024 meeting. That notational vote is included in today's materials. The information in the Commentary was circulated to all the commissioners at the

end of November. A unanimous vote was taken via email to approve the staff recommendation to extend the agreement with the United States Fish and Wildlife Services for the collection of shad eggs.

**Notice of Temporary Change to Fishing Regulations**

Chief Counsel Kluk Kiehl reported that the Executive Director used his authority to temporarily change the fishing regulations on Tobyhanna Lake in Monroe County lifting all seasons, sizes and daily limits for all species, except trout, in order to prepare that body of water for repair work.

## NOTATIONAL VOTE

- A. Grant to the United States Fish and Wildlife Service for the collection of American Shad eggs from the Potomac River to support American Shad restoration in the Susquehanna River basin.

### Commentary:

This proposal seeks to extend by one year an agreement with the United States Fish and Wildlife Service (Service) for the collection of American Shad eggs from the Potomac River during the spring spawning run of 2025. Payment for services would come from an Atlantic Coastal Fisheries Cooperative Management Act award and a Pennsylvania Fish and Boat Commission (Commission) restricted revenue account. The current agreement expires before the end of the year, which is the reason for the notational vote.

Since 2006, the Commission has maintained a Memoranda of Agreement with the Service for the collection of fertilized American Shad eggs from the Potomac River for use in American Shad stock restoration efforts in the Susquehanna River basin. The Commission voted unanimously in October 2019 to enter into a three-year agreement with the Service with the expected total project costs of \$459,662, funded primarily through the Atlantic Coastal Fisheries Cooperative Management Act award. The agreement was extended once due to the Covid-19 Pandemic without increasing the total project costs.

The Potomac River is a substantial source of American Shad eggs for hatchery operations and shad restoration efforts on the Susquehanna River basin. Between 2006 and 2024, the Potomac River supplied millions of viable eggs for larval shad culture which resulted in millions of larval shad released into the Susquehanna River basin. Additionally, nearly half of adult American Shad sampled at Conowingo Dam since 2012 were of hatchery origin. Further, adult American Shad population estimates in the lower Susquehanna River, as determined by the number of fish trapped at the Conowingo Dam fish lifts and transported to upriver locations, remain at depressed levels. As such, hatchery stocking efforts remain critical to American Shad restoration efforts.

The 2025 project will cost \$162,504 and will be paid through two funding sources: \$155,064 from an Atlantic Coastal Fisheries Cooperative Management Act award, and \$7,440 from a Commission restricted revenue account. There are two primary objectives of this project:

- 1) Adult alosine biomonitoring and egg collections – Collection of fertilized eggs from wild American Shad brood fish collected from the Potomac River to

support restoration stockings of juvenile American Shad in the Susquehanna River basin.

- 2) Juvenile alosine biomonitoring and otolith analysis for hatchery evaluation – Collect juvenile alosines from the Susquehanna River upstream from Conowingo Dam to monitor abundance, distribution, species composition, growth, out-migration timing, and to provide specimens for otolith analysis to determine hatchery contribution to stock restoration. Additionally, analysis of otoliths from adult American Shad will be conducted to estimate hatchery contribution, population age structure, and recruitment of hatchery-origin shad to the Susquehanna River.

Briefer:

Kristopher Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission authorize the Executive Director to enter into a one-year extension of the agreement with the United States Fish and Wildlife Service for the purposes and costs described in the Commentary.

Action:

As of December 6, 2024, all ten Commissioners voted in favor of the staff recommendation. The staff recommendation is approved.

**EXECUTIVE AND ADMINISTRATIVE  
OTHER MATTERS**

**A. Cooperative Nursery Grant Program: Grant to the Morris Rod and Gun Club, Tioga County.**

**Commentary:**

The Morris Rod and Gun Club raises approximately 20,000 trout, which are stocked in Lycoming and Tioga counties. The Morris Rod and Gun Club is requesting grant funding to construct a roof structure to cover the nursery raceway. The construction of a roof structure will reduce predation, decrease the abundance of leaves and debris in the raceway, reduce stress on the trout raised in the nursery, and improve fish health. Additionally, the roof structure will improve the working conditions for the nursery volunteers during inclement weather. Funding is also requested for three aerators and a water pump, three raceway aerators, and wire mesh used for constructing raceway divider screens. The total estimated cost of the project is \$46,160. The Morris Rod and Gun Club is requesting \$45,330 to complete this project.

The Commission authorized the Executive Director to approve individual grants of \$25,000 or less per cooperative nursery, per year. For grants in excess of \$25,000, staff will seek separate Commission approval.

**Briefer:**

Brian McHail, Chief, Division of Fish Production Services

**Recommendation:**

Staff recommend that the Commission approve a grant not to exceed \$45,330 to the Morris Rod and Gun Club, Tioga County, as described in the Commentary.

**Action:**

A discussion ensued regarding numerous items, including the amount of the grant request and the amount of funds contributed by the co-op; how many years the club has been in existence; the condition of the raceway; and whether there were any co-ops that did not receive fund requests due to a lack of budgeted funds. After all the questions and concerns were addressed, a motion was made by Commissioner Brock and seconded by Commissioner Anderson to approve a grant not to exceed \$45,330 to the Morris Rod and Gun Club, Tioga County, as described in the Commentary. Motion carried by unanimous vote.

**EXECUTIVE AND ADMINISTRATIVE  
PROPERTY SERVICES**

**A. Easement Acquisition, Kettle Creek, Clinton County, Voluntary Public Access and Habitat Incentive Program.**

**Commentary:**

The Pennsylvania Fish and Boat Commission (Commission) has been offered the opportunity to acquire an easement on Kettle Creek in Clinton County, south of the Alvin R. Bush Dam, as depicted on Exhibit B (Location Map). This easement would offer approximately 1,050 linear feet of fishing access along the eastern side of the property, as depicted on Exhibit C (Site Map). The easement will be for public fishing and riparian and fishery management and includes the stream corridor 35 feet from the top of the bank to the extent of the ownership of the seller. Kettle Creek provides excellent stocked trout opportunities in this section.

The seller is expected to sign an option agreement that will allow staff to perform due diligence for the purchase of the easement area. The Commission's exercise of the option agreement will be subject to the initial easement area 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. Staff recommend that the Commission consent to the acquisition of this easement for a purchase price of \$35,000.

This project will be completely funded by Voluntary Public Access and Habitat Incentive Program (VPA-HIP) funds. In 2020, the Commission was awarded \$668,361 in grant funding for the VPA-HIP administered by the United States 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 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.

**Briefer:**

Penny Ayers, Chief, Division of Public Access and Property Services

**Recommendation:**

Staff recommend that the Commission table this matter.

Action:

A motion was made by Commissioner Small and seconded by Commissioner Charlesworth to table the acquisition of the easement along the Kettle Creek in Leidy Township, Clinton County. Motion carried by unanimous vote.



**EXECUTIVE AND ADMINISTRATIVE  
PROPERTY SERVICES**

**B. Easement Acquisition, North Blacklick Creek, Cambria County, Voluntary Public Access and Habitat Incentive Program.**

**Commentary:**

The Pennsylvania Fish and Boat Commission (Commission) has been offered the opportunity to acquire an easement on North Blacklick Creek in Cambria County, depicted on Exhibit D (Location Map). This easement would offer approximately 2,440 linear feet of fishing access along both sides of the creek as depicted on Exhibit E (Site Map). The easement will be for public fishing and riparian and fishery management and includes the stream corridor 35 feet from the top of the bank to the extent of the ownership of the seller. It is anticipated that the unique level grounds at the parking and stream access sites will allow for fishing by people with a range of physical abilities.

The Commission has installed a number of stream habitat improvements throughout this section from 2019 through 2023, and the owner has kept it open to the public. The stream runs along a forested hillside that provides an excellent stream side buffer. Several cold-water springs enter the stream along the property. These springs, along with the habitat structures installed, provide exceptional fishing opportunities for stocked trout. Acquiring a permanent easement will keep the fishing area open in perpetuity, as well as provide for a parking area to be installed for better access to the stream.

The seller is expected to sign an option agreement that will allow staff to perform due diligence for the purchase of the fishing easement area as well as a parking easement area. The Commission's exercise of the option agreement will be subject to the initial easement area 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. Staff recommend that the Commission consent to the acquisition of this easement for a purchase price of \$35,000.

This project will be completely funded by Voluntary Public Access and Habitat Incentive Program (VPA-HIP) funds. In 2020, the Commission was awarded \$668,361 in grant funding for the VPA-HIP administered by the United States 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 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.

Briefer:

Penny Ayers, Chief, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission consent to the acquisition of the fishing and parking easements along North Blacklick Creek, Cambria County, as described in the Commentary, for \$35,000 from VPA-HIP funds.

Action:

Commissioner Charlesworth asked for clarification on the Habitat Incentive Program, to which Penny Ayers responded. A motion was then made by Commissioner Anderson and seconded by Commissioner Gibney to consent to the acquisition of the fishing and parking easements along the North Blacklick Creek, Cambria County, as described in the Commentary, for \$35,000 from VPA-HIP funds. Motion carried by unanimous vote.

## **EXECUTIVE AND ADMINISTRATIVE PROPERTY SERVICES**

### **C. Easement Acquisition, Pine Creek, Potter County, Voluntary Public Access and Habitat Incentive Program.**

#### **Commentary:**

The Pennsylvania Fish and Boat Commission (Commission) has been offered the opportunity to acquire an easement on Pine Creek in Potter County. See Exhibit F (Location Map). The easement will provide access along 3,980 feet of Pine Creek on both sides of the creek, as well as space for a parking area adjacent to the road, as depicted on Exhibit G (Site Map). The easement will be for public fishing, boating, and riparian and fishery management and includes the stream corridor 35 feet from the top of the bank to the extent of ownership of the seller. The current owner of the property owns 50 contiguous acres. The western section of the property is adjacent to the state game lands, and the Pennsylvania Game Commission (PGC) has indicated an intent to purchase the parcel if (and only if) the Commission is able to acquire the fishing easement. The federal funds provided from the Voluntary Public Access and Habitat Incentive Program (VPA-HIP) for this linear public fishing access parcel will leverage Commission funds as well as the PGC funds to preserve the entire property in perpetuity for the goal of natural lands preservation, habitat restoration, and overall public good into the future.

Pine Creek is a popular destination fishery located in northcentral Pennsylvania. It is well known for its high-quality trout angling and rail trail that parallels much of the creek. Pine Creek supports Class A wild trout populations in its upper reaches, and then as the stream gets larger as it approaches the town of Galeton, it transitions from a cold-water to cool-water fishery and is stocked with trout by the Commission. The proposed easement is located a short distance upstream of Galeton in Section 03, which is managed as a stocked trout water. This reach receives high angler use, and good road access is provided by U.S. Route 6. Section 03 is primarily in private-ownership and securing this easement will help ensure long-term angler access to Section 03.

The seller is expected to sign an option agreement that will allow staff to perform due diligence for the purchase of the fishing easement area as well as the parking easement area. The Commission's exercise of the option agreement will be subject to the initial easement area 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. Staff recommend that the Commission consent to the acquisition of this easement for a purchase price of \$55,000.

This project will be completely funded by VPA-HIP funds. In 2020, the Commission was awarded \$668,361 in grant funding for the VPA-HIP administered by the United States 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 Pennsylvania waters.

Briefer:

Penny Ayers, Chief, Division of Public Access and Property Services

Recommendation:

Staff recommend that the Commission consent to the acquisition of the fishing and parking easements along Pine Creek in Potter County, as described in the Commentary, for \$55,000 from VPA-HIP funds.

Action:

A motion was made by Commissioner Mahn and seconded by Commissioner Hussar to consent to the acquisition of the fishing and parking easements along the Pine Creek in Potter County, as described in the Commentary, for \$55,000 from VPA-HIP funds. Motion carried by unanimous vote.

**EXECUTIVE AND ADMINISTRATIVE  
PROPERTY SERVICES**

**D. Permanent Easement, Hunters Lake, Sullivan County.**

**Commentary:**

The Pennsylvania Fish and Boat Commission (Commission) owns approximately 2,472 acres of land in the Townships of Davidson and Shrewsbury in Sullivan County, containing an impoundment known as Hunters Lake. See Exhibit H (Location Map). State Road 42 runs parallel to the lake to its east, as does Rines Road. Located at the intersection of the two roads in Shrewsbury Township is a bridge in need of repair. See Exhibit I (Site Map). The Township is undertaking bridge reconstruction and, as a result, will need two permanent rights of way, one on each side of Rines Road, for a combined area of approximately .013 acres on the eastern side of State Road 42. In return for this right of way, the bridge project will create better fish passage, match streambed slope, and will not destabilize the streambed at the structure outlet, resulting in an overall improvement in habitat. The Commission has participated in the creation of these plans and has required incorporation of the streambed into the plans. Any trees removed during construction will be replaced.

Commission staff believe that the requested right of way is the least amount of property that could be taken to accomplish the project. Additionally, staff believe that the underlying waterway will be positively impacted by the rehabilitation project. Staff recommend conveying two permanent rights of way to Shrewsbury Township in the amount of .013 acres for the bridge rehabilitation project, as depicted on the Site Map.

**Briefer:**

Penny Ayers, Chief, Division of Public Access and Property Services

**Recommendation:**

Staff recommend that the Commission approve the conveyance of two rights of way to Shrewsbury Township, Sullivan County as described in the Commentary.

**Action:**

A motion was made by Commissioner Kauffman and seconded by Commissioner Anderson to approve the conveyance of two rights of way to Shrewsbury Township, Sullivan County as described in the Commentary. Motion carried by unanimous vote.

**EXECUTIVE AND ADMINISTRATIVE  
PROPERTY SERVICES**

E. Timber Harvesting Contract, Oswayo State Fish Hatchery, Potter County.

**Commentary:**

Oswayo State Fish Hatchery is located in Oswayo Township, Potter County, on approximately 1,250 acres of land as identified on Exhibit J (Location Map).

In 2017, the Pennsylvania Fish and Boat Commission (Commission) harvested timber at this property. In 2021, a weather event resulted in a blowdown of trees that required clean-up. Some of that clean-up work from 2021 still needs to be addressed.

A consulting forester of the Commission has identified and marked additional timber on 16+/- acres in this area as well as 55 cords of pulpwood trees and 50 cull trees (hereinafter known as "timbering block") as identified on Exhibit K (Site Map). The timbering would occur in 2025 and would result in sale proceeds of approximately \$53,000.

Staff recommend that the Commission approve the disposal of timber as described above.

**Briefer:**

Penny Ayers, Chief, Division of Public Access and Property Services

**Recommendation:**

Staff recommend that the Commission approve disposing of the marked timber on approximately 16 acres as described in the Commentary.

**Action:**

A motion was made by Commissioner Brock and seconded by Commissioner Anderson to approve disposing of the marked timber on approximately 16 acres as described in the Commentary. Motion carried by unanimous vote.

**EXECUTIVE AND ADMINISTRATIVE  
PROPERTY SERVICES**

**F. Flowage Easement Donation, Miller Pond, Wayne County.**

**Commentary:**

The Pennsylvania Fish and Boat Commission (Commission) owns a +/-104-acre property in Mount Pleasant Township, Wayne County, containing a +/-61-acre lake known as Miller Pond. Miller Pond is located approximately 35 miles northeast of Scranton, Pennsylvania, on Miller Pond Road, as depicted on Exhibit L (Location Map). When the Commission acquired the property from the Wayne Storage Water Power Company in 1917, the conveyance also included the right to flow water to the top of the existing dam as originally constructed. This flowage right is known as a flowage easement, which is the right to periodically flow water on, inundate and flood an area without liability for damages resulting from such action.

Miller Pond Dam was constructed by the Delaware & Hudson Canal Company prior to 1860. The dam is currently classified as a high hazard, unsafe dam by the Pennsylvania Department of Environmental Protection. The lake was drained in June 2015 in advance of the anticipated rehabilitation of the dam, which is required to bring the dam into compliance with current regulatory dam safety standards. To bring the dam into compliance, the dam breast will be moved 75 feet upstream from its original location, the top of dam will be lowered, and the dam breast widened. Design for the rehabilitation of the dam is complete, and construction is expected to begin in 2025.

When the dam was originally constructed, flowage rights were acquired as previously described. With the new design, additional flowage rights will not be required, but recent research and surveys revealed that a small area (.166 acres) was previously missed during the original acquisition and is not covered by the existing flowage rights. A flowage easement will need to be acquired on that small area. The current owner has agreed to donate the easement to the Commission, as depicted on Exhibit M (Site Map).

**Briefer:**

Penny Ayers, Chief, Division of Public Access and Property Services

**Recommendation:**

Staff recommend that the Commission consent to the acquisition of the .166-acre flowage easement as described in the Commentary.

**Action:**

A motion was made by Commissioner Gibney and seconded by Commissioner Hussar to consent to the acquisition of the .166-acre flowage easement as described in the Commentary. Motion carried by unanimous vote.

**LAW ENFORCEMENT**  
**FINAL RULEMAKING**

**A. Amendment to 58 Pa. Code § 63.15a (Officially-recognized fish cleaning stations).**

**Commentary:**

The Pennsylvania Fish and Boat Commission (Commission) recognizes two types of fish cleaning stations. These fish cleaning stations are either Commercial stations or Non-Commercial stations. In addition to recognizing the different types of fish cleaning stations, this section also highlights how fish are to be processed at Non-commercial fish cleaning stations.

After the Commission received comments from the public regarding the requirement to leave a 2-inch by 2-inch piece of skin on processed fillets at Non-commercial officially-recognized fish cleaning stations, staff conducted a review that included internal discussions, a meeting in Erie in September with interested stakeholders to hear and discuss their feedback, and consideration at two Law Enforcement Committee meetings. As a result of this process, Commission staff determined that resource conservation goals could be achieved by eliminating the 2-inch by 2-inch piece of skin requirement in favor of requiring that fillets remain fully intact.

A notice of proposed rulemaking was published at 54 Pa.B. 7677 (November 30, 2024) (Exhibit N). Please review the "Summary of Proposal" in Exhibit N for further details. No public comments were received.

**Briefer:**

Colonel Jeffrey Sabo, Bureau of Law Enforcement

**Recommendation:**

Staff recommend the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, this amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

**Action:**

Commissioner Hussar asked why the 2-inch by 2-inch piece of skin was regulated several years ago. Colonel Sabo explained that it was initially for purposes of fish identification.

Commission President Pastore thanked staff for traveling to Erie to meet with stakeholders and get their input on this issue, noting that the fish cleaning stations installed by the Commission have been a tremendous success in Erie.



A motion was made by Commissioner Charlesworth and seconded by Commissioner Anderson to adopt the amendment as set forth in the notice of proposed rulemaking. Motion carried by unanimous vote.

The President called for a ten-minute break and the meeting resumed at 11:20 a.m.

**FISHERIES**  
**FINAL RULEMAKING**

A. Amendments to 58 Pa. Code Chapter 69 (Fishing in Lake Erie and boundary lakes).

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The proposed amendments to § 69.26, 69.33, and 69.37 through 69.39 update the Commission's regulations relating to addressing changing conditions and current best practices.

A notice of proposed rulemaking was published at 54 Pa.B. 7866 (December 7, 2024) (Exhibit O). Please review the "Summary of Proposal" in Exhibit O for further details. The Commission received one public comment opposing a specific section of the proposal. A copy of the public comment was provided to the Commissioners.

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission adopt the amendments as set forth in the notice of proposed rulemaking. If adopted, these amendments will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Gibney to adopt the amendments as set forth in the notice of proposed rulemaking. Motion carried by unanimous vote.

## FISHERIES PROPOSED RULEMAKING

### A. Amendment to 58 Pa. Code § 57.8a (Class A wild trout streams).

#### Commentary:

Class A wild trout streams represent the best of Pennsylvania's wild trout resources, and as of November 2, 2024, approximately 4% of all flowing waters in the Commonwealth have been designated as such by the Pennsylvania Fish and Boat Commission (Commission). Following designation by the Commission, Class A wild trout streams enter a process whereby the Department of Environmental Protection will ultimately designate these streams 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 58 Pa. Code § 57.8a (Class A wild trout streams) (Policy) 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 (i.e., large streams) and character (i.e., 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, staff developed criteria that provide direction and guide decisions regarding stocking trout in Class A wild trout streams (Criteria). 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 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 was 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.

Commission staff proposes that 58 Pa. Code § 57.8a be amended as follows:

\* \* \* \* \*

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.

- (1) Criteria developed for Class A Wild Trout fisheries are species specific.
- (2) Wild 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 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.

\* \* \* \* \*

Briefer:

Kristopher Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

A lengthy discussion ensued regarding the criteria and process of approving requests for continued stocking at newly designated Class A wild trout streams as set forth in the current edition of the *Operational Guidelines for the Management of Trout Fisheries in Pennsylvania Waters*. Following the discussion, a motion was made by Commissioner Kauffman and seconded by Commissioner Anderson to approve the publication of a notice of proposed rulemaking containing the proposed amendment described in the Commentary. Commissioners Charlesworth and Hussar voted in opposition. Motion carried.

**FISHERIES**  
**DESIGNATIONS**

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

Commentary:

During recent surveys, Pennsylvania Fish and Boat Commission (Commission) staff documented six additional stream sections to have Class A wild trout populations. Exhibit P provides information on the locations and a data summary for each of these waters.

A notice of proposed designation was published at 54 Pa.B. 7537 (November 16, 2024) (Exhibit Q). The Commission received a total of four public comments regarding the proposed additions: all support the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the addition of six 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 Brock and seconded by Commissioner Anderson to recommend the addition of six stream sections to its Class A wild trout streams list as set forth in the notice of proposed designations. Motion carried by unanimous vote.



**FISHERIES**  
**DESIGNATIONS**

**B. Proposed changes to the list of wild trout streams (58 Pa. Code § 57.11)**

**Commentary:**

During recent surveys, staff documented naturally reproducing wild trout populations in six new waters, qualifying them for listing as wild trout streams under 58 Pa. Code § 57.11. Exhibit R provides information on the locations and a data summary for each of these waters.

A notice of proposed designation was published at 54 Pa.B. 7537 (November 16, 2024) (Exhibit S). The Commission received a total of five public comments regarding the proposed additions: all support the proposal. Copies of all public comments were provided to the Commissioners.

**Briefer:**

David Nihart, Chief, Division of Fisheries Management

**Recommendation:**

Staff recommend the Commission add six streams or portions of streams 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 Small and seconded by Commissioner Anderson to recommend the Commission add six streams or portions of streams to the Commission's list of wild trout streams as set forth in the notice of proposed designations. Motion carried by unanimous vote.

**FISHERIES**  
**DESIGNATIONS**

C. Removal of Lower Woods Pond, Wayne County, from the Big Bass program (58 Pa. Code § 65.9).

Commentary:

Lower Woods Pond, a 91-acre impoundment owned by the Commonwealth and managed by the Pennsylvania Fish and Boat Commission (Commission), is located in Lebanon Township, Wayne County, approximately 10 miles north of the Borough of Honesdale. This reservoir was partially dewatered in 2012 to complete dam and spillway repairs and modifications per the Pennsylvania Department of Environmental Protection dam safety standards. Prior to the partial drawdown in 2012, the lake offered angling opportunities for multiple warm-water species. Rehabilitation of the dam and spillway was completed in 2023, and the lake was refilled in 2024. The Commission initiated stocking the lake in late summer 2024 with fingerling plants of select fish species to establish a high-quality, warm-water and cool-water fishery.

During the process of rebuilding the fish community, the lake will be temporarily opened to angling under the Catch and Release Lakes program (58 Pa. Code § 65.17) beginning in 2025 which allows for catch-and-release-only fishing for all species. Staff believe this approach will facilitate the most rapid development of a balanced warm-water and cool-water fish community, while offering acceptable levels of recreational angling. Fisheries Management Division staff will monitor the fish populations as needed while they develop, make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high-quality recreational angling opportunities. Once the fish populations can sustain limited harvest, the lake will be recommended for removal from the Catch and Release Lakes program and moved to one or more of the Commission's existing regulation programs. To facilitate the transition of Lower Woods Pond to the Catch and Release Lakes program, the lake must be removed from the Big Bass program.

A notice of proposed designation was published at 54 Pa.B. 7777 (November 30, 2024) (Exhibit T). The Commission did not receive any public comments relating to this proposal.

Briefer:

David Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend the Commission remove Lower Woods Pond, Wayne County, from the Big Bass program (58 Pa. Code § 65.9). If approved, the designation will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Mahn and seconded by Commissioner Charlesworth to recommend the removal of Lower Woods Pond, Wayne County, from the Big Bass program (58 Pa. Code § 65.9). Motion carried by unanimous vote.

**Other New Business**

Commissioner Mahn reported that he received two letters that will be discussed at the next Law Enforcement Committee meeting. The first letter is concerning fishing hours on Lake Erie tributaries; they are requesting the elimination of dusk to dawn fishing. The second letter is from a fishing boat operator on the Ohio River who is requesting a proposed rulemaking change allowing him to harvest carp and other fish to produce pet treats.

**Time and Place of April 2025 Commission Meeting**

President Pastore announced that the next quarterly commission meeting will be held on April 28, 2025, at the Pennsylvania Fish and Boat Commission headquarters located at 1601 Elmerton Avenue in Harrisburg, Pennsylvania.

**Adjournment**

A motion was made by President Pastore and seconded by Commissioner Anderson to adjourn the meeting at 12:20 p.m. Motion carried by unanimous vote.

**NOTICES****FISH AND BOAT COMMISSION****Temporary Change to Fishing Regulations; Tobyhanna Lake, Monroe County****[55 Pa.B. 178]****[Saturday, January 4, 2025]**

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to temporarily modify fishing regulations at Tobyhanna Lake, Monroe County, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes and daily limits for all species, except trout. The season, sizes and daily limits for trout at Tobyhanna Lake will remain under 58 Pa. Code § 61.1(d) (relating to Commonwealth inland waters). The Executive Director has found that this action is necessary and appropriate for the management of the fish at this lake.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until January 1, 2026, unless the Commission shall by then, by appropriate action, have approved the designation or redesignation of waters or shall have approved the revision of the regulation in question.

TIMOTHY D. SCHAEFFER,  
Executive Director

**[Pa.B. Doc. No. 25-24. Filed for public inspection January 3, 2025, 9:00 a.m.]**

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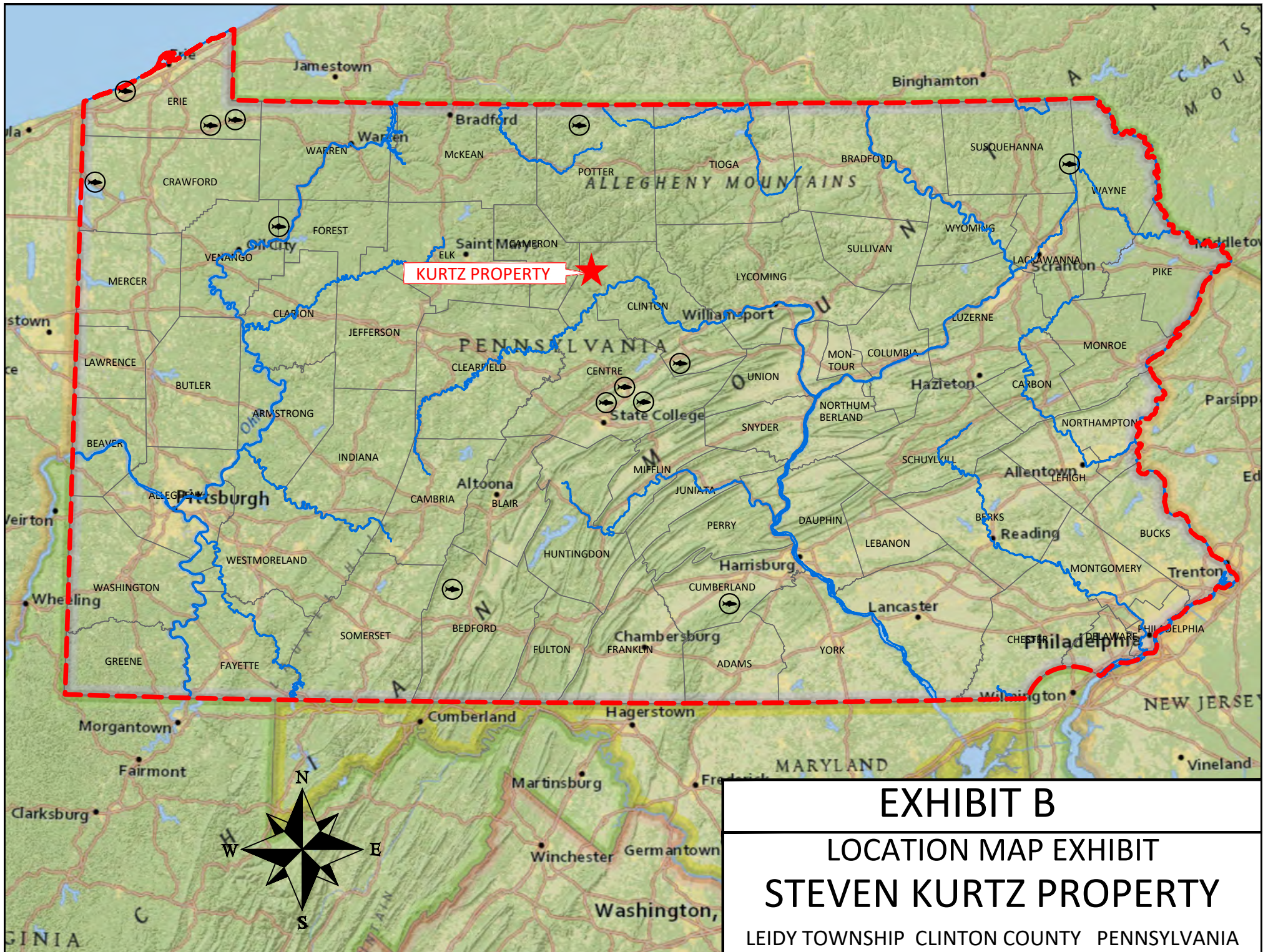
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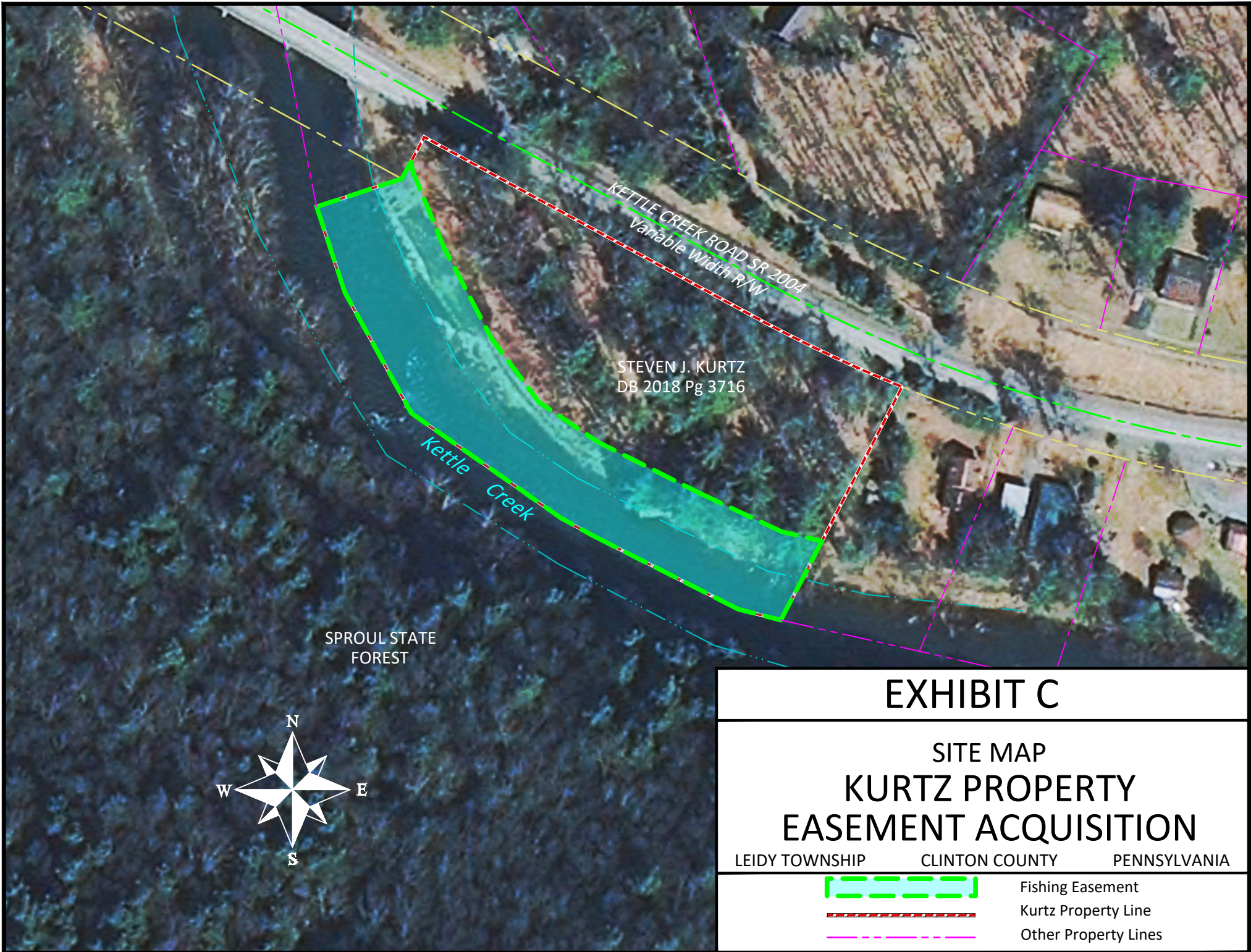


## EXHIBIT B

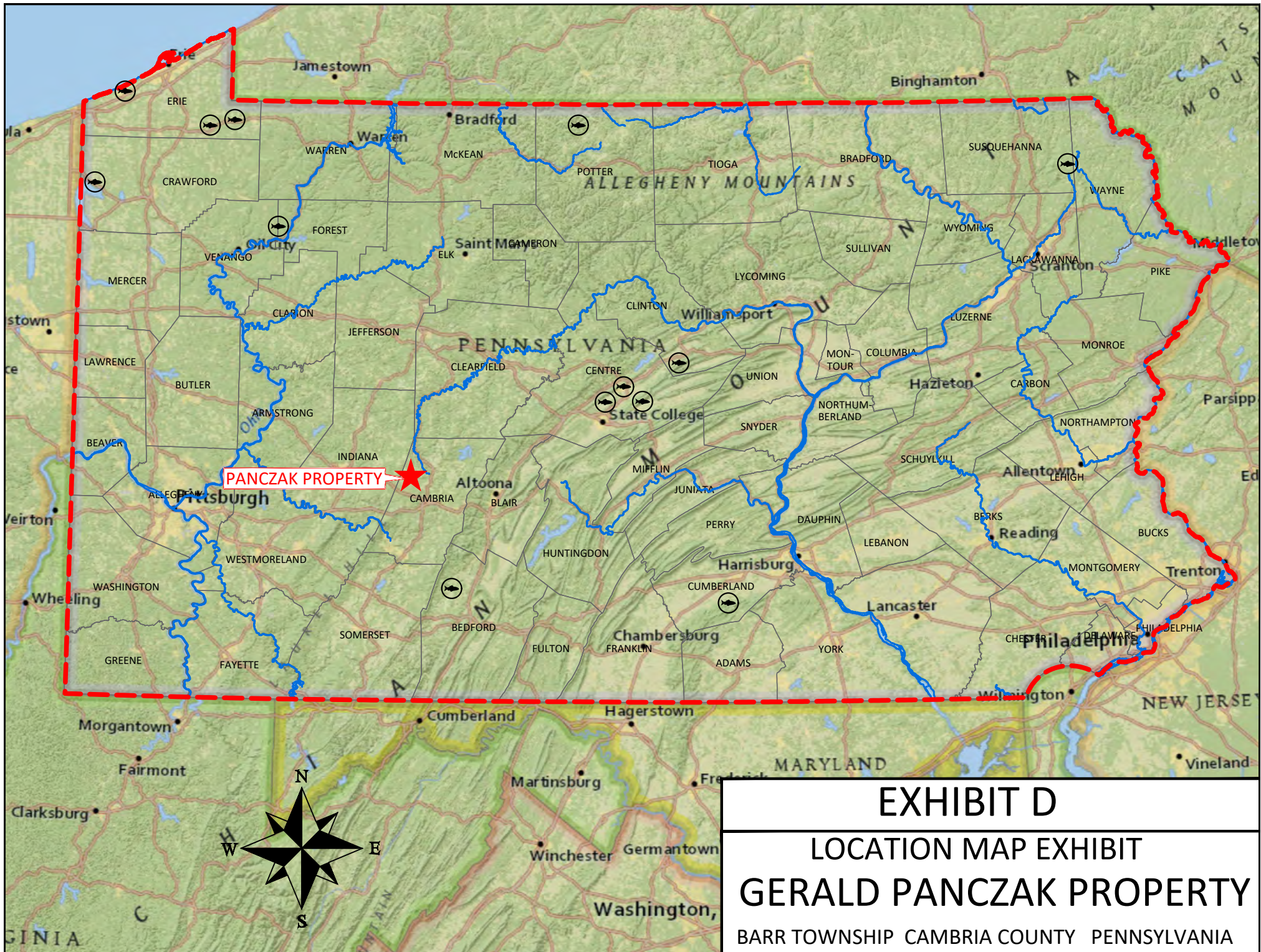
### LOCATION MAP EXHIBIT STEVEN KURTZ PROPERTY

LEIDY TOWNSHIP CLINTON COUNTY PENNSYLVANIA

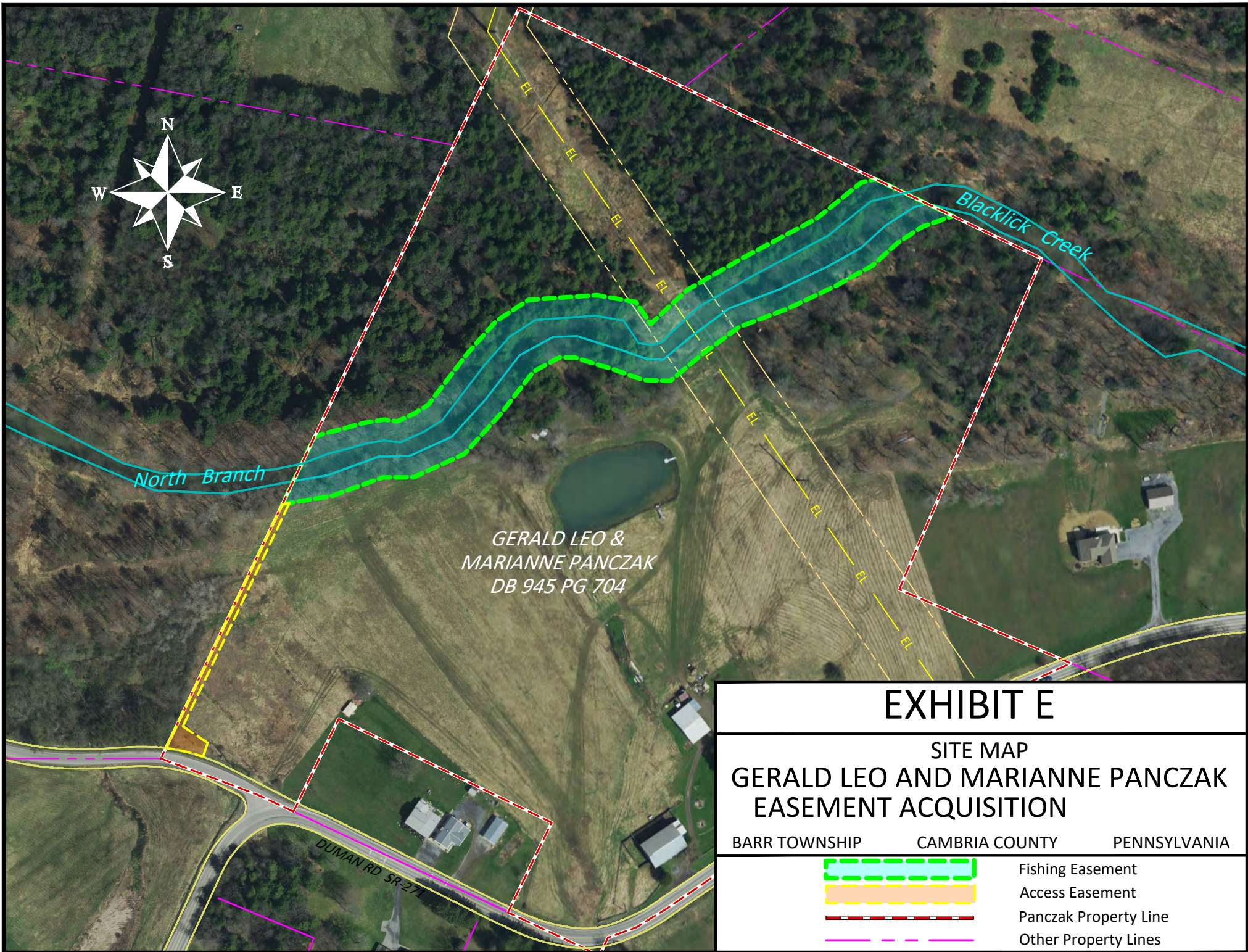
















GERALD LEO &  
MARIANNE PANCZAK  
DB 945 PG 704

## EXHIBIT E

### SITE MAP GERALD LEO AND MARIANNE PANCZAK EASEMENT ACQUISITION

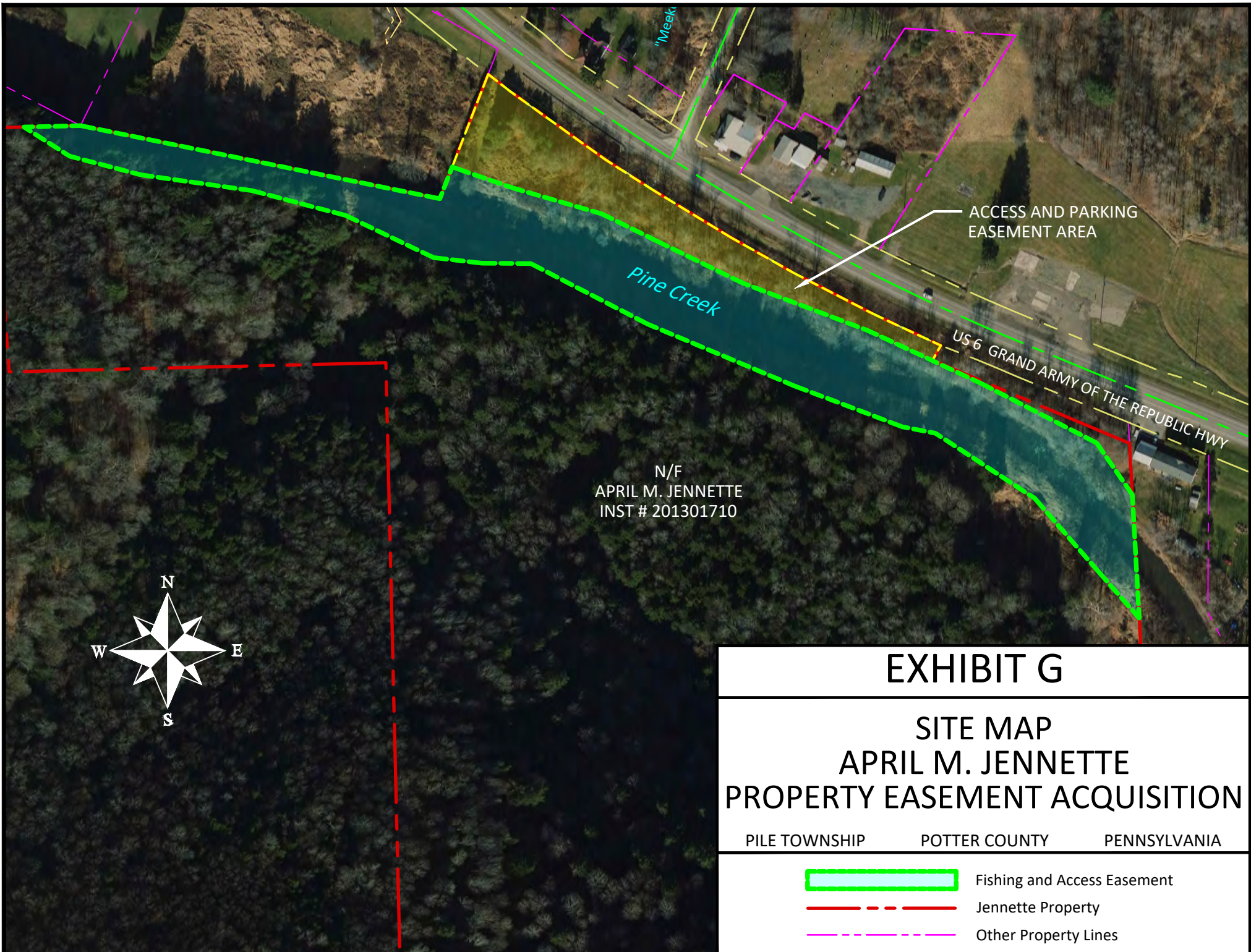
BARR TOWNSHIP CAMBRIA COUNTY PENNSYLVANIA

-  Fishing Easement
-  Access Easement
-  Panczak Property Line
-  Other Property Lines

















## EXHIBIT I

# SITE MAP EXHIBIT

Hunters Lake - Shrewsbury Twp Disposition

SHREWSBURY TOWNSHIP

SULLIVAN COUNTY

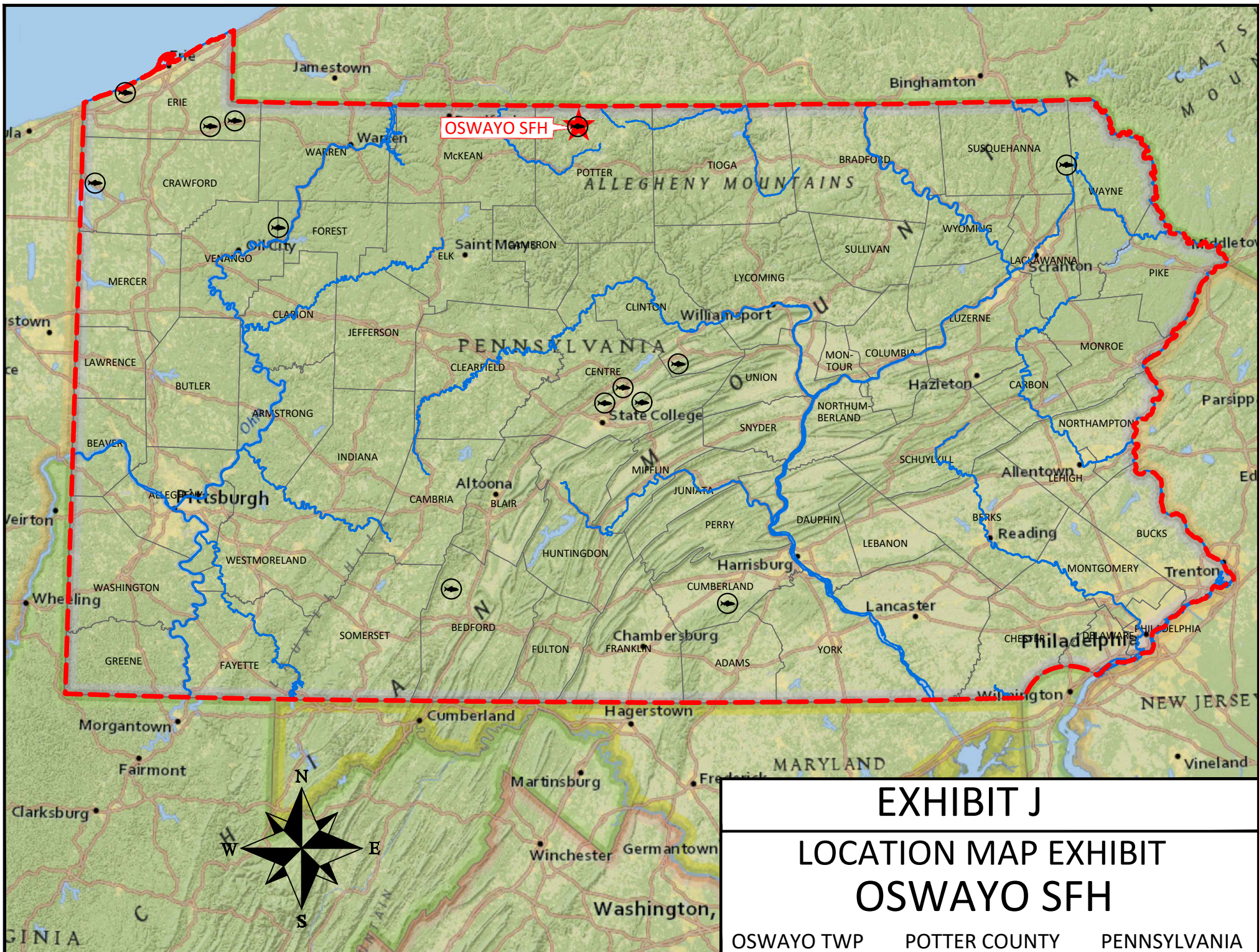
PENNSYLVANIA



Required Right of Way

Required Temporary Construction Easement

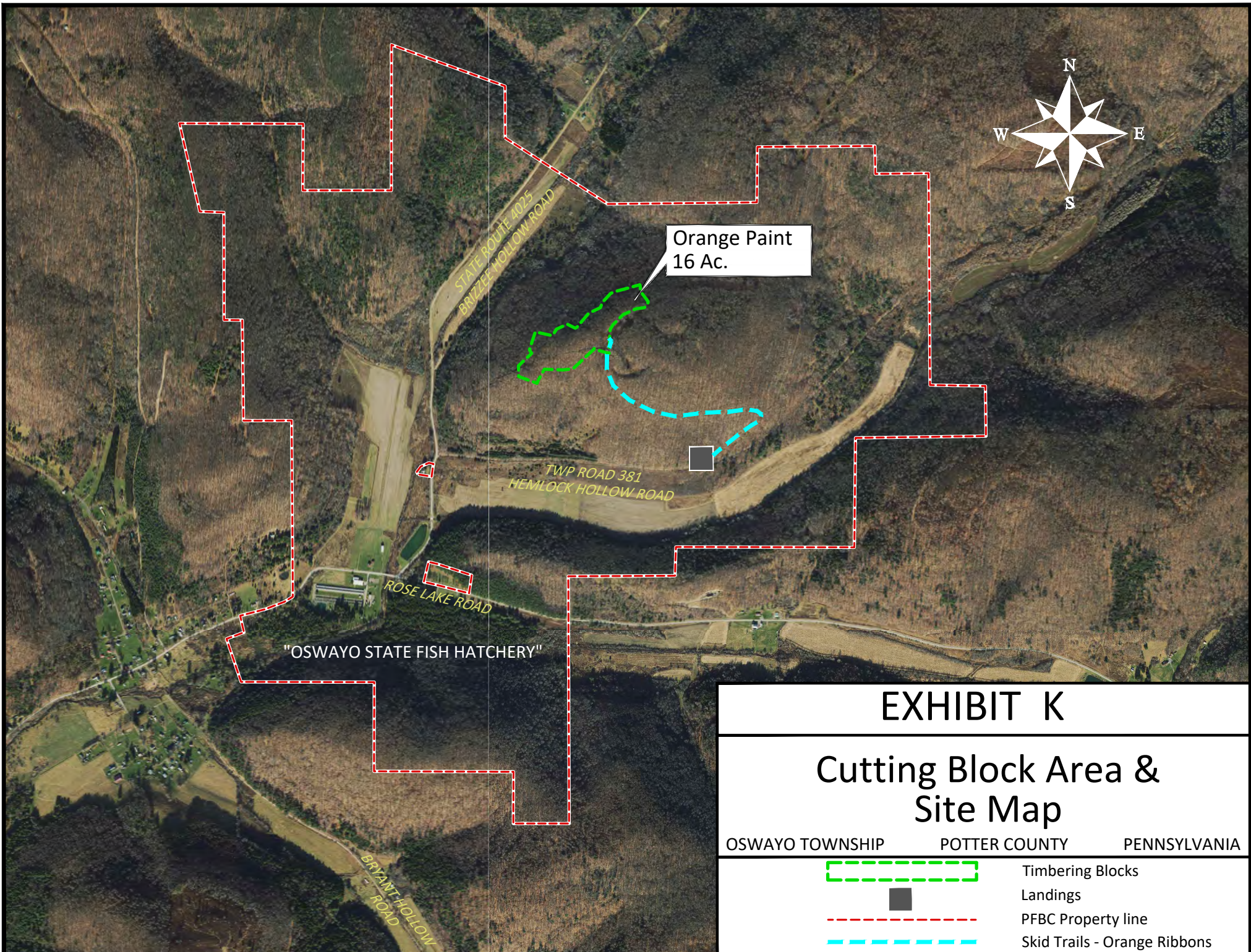




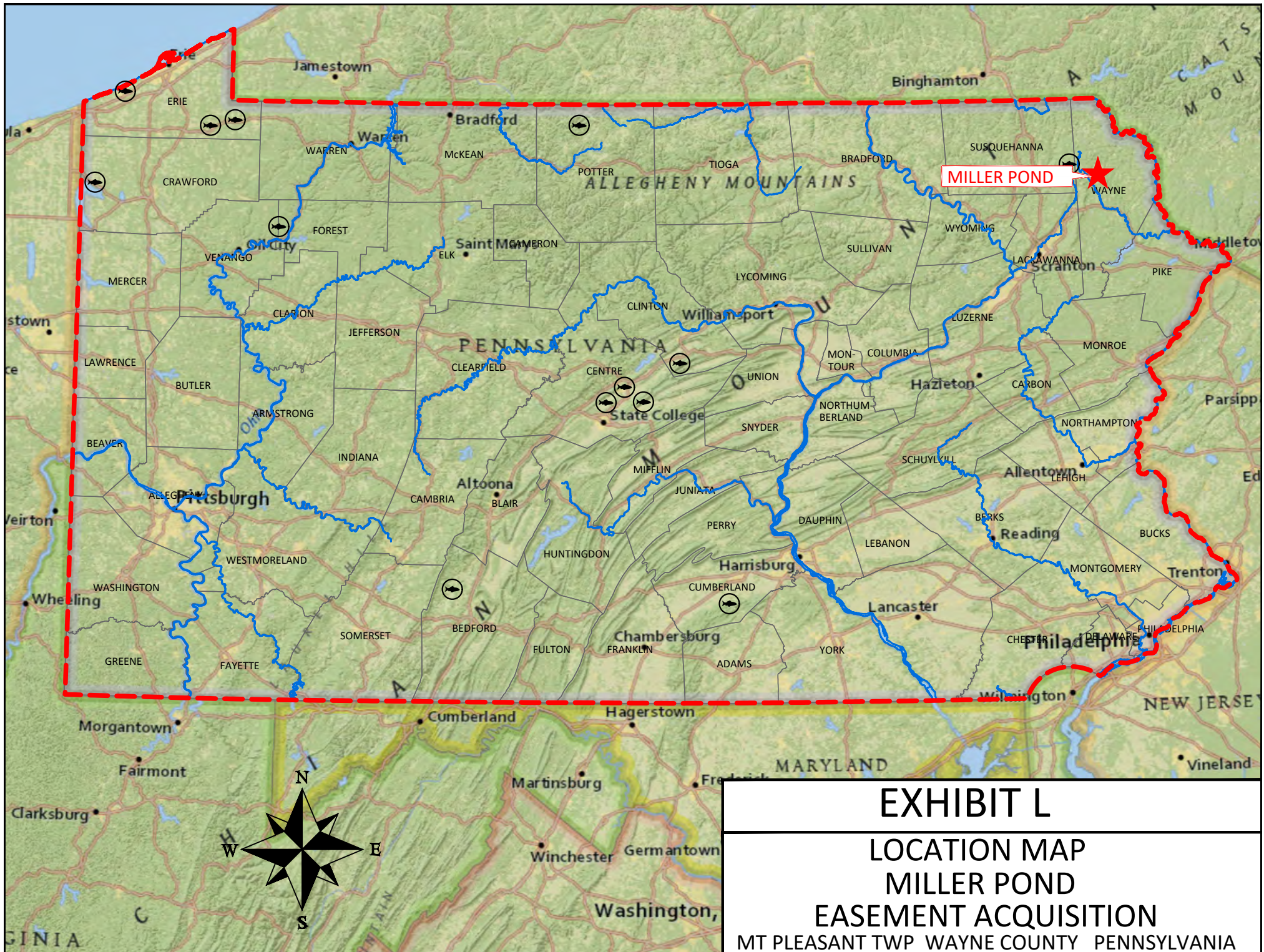
## EXHIBIT J

### LOCATION MAP EXHIBIT OSWAYO SFH

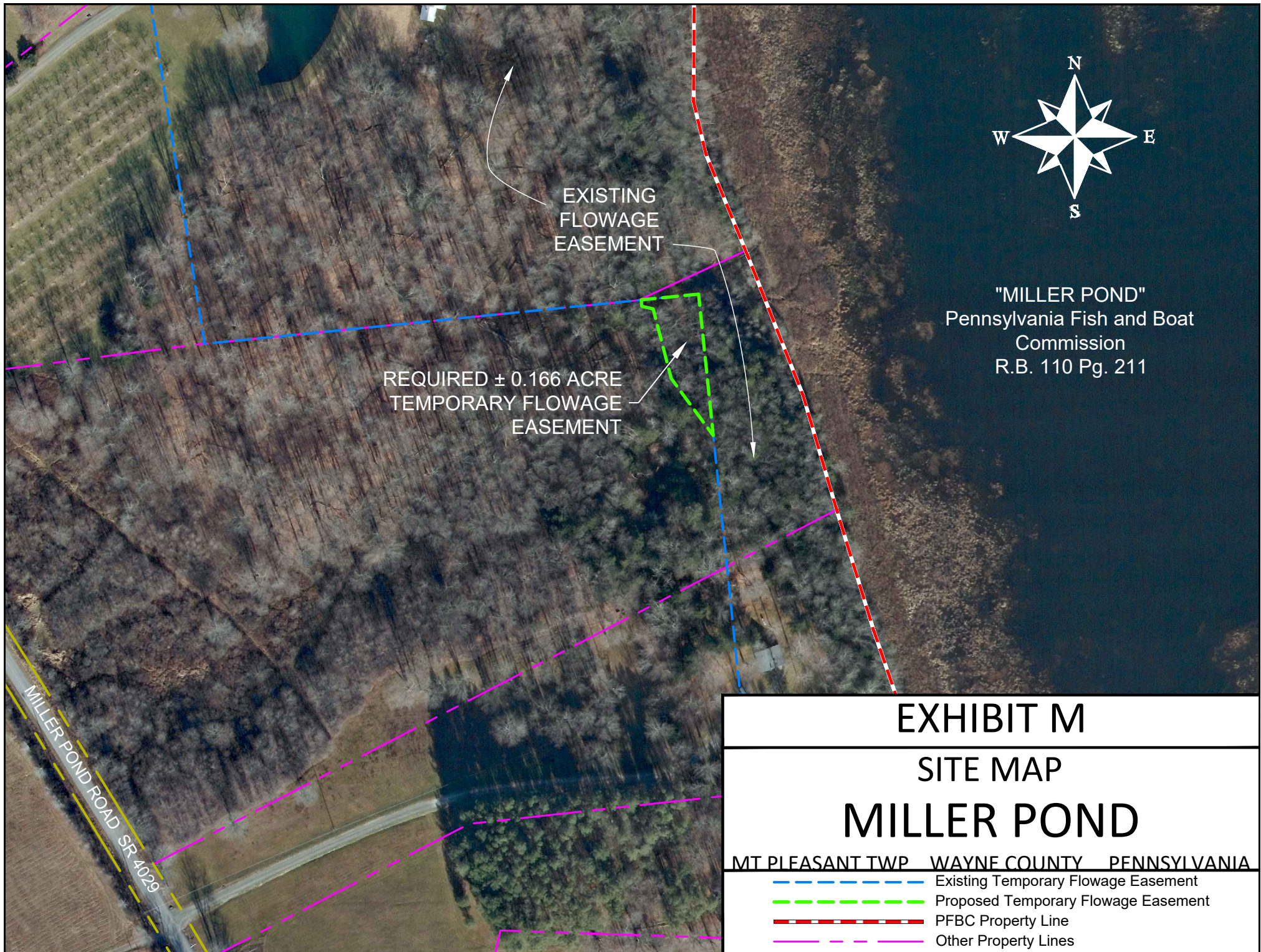












"MILLER POND"  
Pennsylvania Fish and Boat  
Commission  
R.B. 110 Pg. 211

REQUIRED ± 0.166 ACRE  
TEMPORARY FLOWAGE  
EASEMENT

EXISTING  
FLOWAGE  
EASEMENT

## EXHIBIT M

### SITE MAP

# MILLER POND

MT PLEASANT TWP WAYNE COUNTY PENNSYLVANIA

- Existing Temporary Flowage Easement
- Proposed Temporary Flowage Easement
- PFBC Property Line
- Other Property Lines



# **PROPOSED RULEMAKING**

## **FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 63 ]**

### **Fishing; General Fishing Regulations**

**[54 Pa.B. 7677]**

**[Saturday, November 30, 2024]**

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general 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 updates the Commission's regulations pertaining to recognizing the different types of fish cleaning stations and how fish are to be processed at noncommercial fish cleaning stations.

#### *A. Effective Date*

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

#### *B. Contact Person*

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

#### *C. Statutory Authority*

The proposed amendment to § 63.15a (relating to officially-recognized fish cleaning stations) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

#### *D. Purpose and Background*

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

#### *E. Summary of Proposal*

The Commission has the authority under section 2102 of the code to create rules and regulations pertaining to fish and fishing. Under § 63.15a, the Commission recognizes two types of fish cleaning stations. These fish cleaning stations are either commercial stations or non-commercial stations. In addition to recognizing the different types of fish cleaning stations, this section also highlights how fish are to be processed at noncommercial fish cleaning stations.

After a review of the regulatory language for commercial and noncommercial stations, Commission staff determined a more accurate depiction of how stations operate, who is responsible

# **PROPOSED RULEMAKING**

## **FISH AND BOAT COMMISSION**

**[58 PA. CODE CH. 69]**

### **Fishing; Fishing in Lake Erie and Boundary Lakes**

**[54 Pa.B. 7866]**

**[Saturday, December 7, 2024]**

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's regulations relating to addressing changing conditions and current best practices.

#### *A. Effective Date*

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

#### *B. Contact Person*

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

#### *C. Statutory Authority*

The proposed amendments to §§ 69.26, 69.33 and 69.37—69.39 are published under the statutory authority of section 2903 of the code (relating to boat and net licenses for boundary lakes).

#### *D. Purpose and Background*

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

#### *E. Summary of Proposal*

This Commonwealth's portion of Lake Erie supports a thriving yellow perch commercial fishery, and there are three commercial trap net licenses issued by the Commission. The commercial fishery is regulated by the Commission in Subchapters C and D (relating to commercial fishing licenses; and commercial fishing, seasons and nets); however, these regulations need to be updated to address changing conditions and current best practices.

Commission staff systematically reviewed current regulations and identified potential amendments that would streamline regulatory compliance while continuing to provide resource protection to the Lake Erie fishery. Commission staff also consulted the three licensed commercial

fishers throughout the review process. Commission staff presented these proposed changes to the Fisheries and Hatcheries Committee at its October 2024 meeting.

The substantive changes to each amended section are as follows:

1.) § 69.26—*Reports*

Subsection (a) is proposed to be amended to refine reporting of daily and monthly catches allowing for a thorough understanding of spatial and temporal catches associated with the commercial fishery. Amendments also provide additional mechanisms by which reports can be filed by allowing for electronic (for example, e-mail) submission instead of mailing reports to the Commission. In addition to the Northwest Region Law Enforcement Office, the Lake Erie Unit should receive reports as it is responsible for tracking and summarizing commercial catches which are used to inform lake-wide, multijurisdictional harvest quotas.

2.) § 69.33—*Use of commercial trap nets*

This section is proposed to be amended to align scientific and common names of fish species that are permitted for harvest under a commercial trap net license with the American Fisheries Society nomenclature. Species defined in §§ 75.1 and 75.2 (relating to endangered species; and threatened species), as well as nondesirable species (for example, goldfish) were removed from the list of species that are permitted for harvest under a commercial trap net license. Marking of buoys and tags allows law enforcement to check compliance without negatively impacting commercial fishing operations. Amendments to the time in which fishing is permitted are necessary to align with time as defined in § 69.31 (relating to seasons).

3.) § 69.37—*Prohibited acts*

This section is proposed to be amended to ensure all commercial trap net catch is accounted for, regardless if the fish are alive or dead at the time of harvest, which is critical to regulating a quota-managed fishery. Language to further protect commercial fishing gear from tampering will improve commercial fishing operations.

4.) § 69.38—*Clearing of nets*

This section is proposed to be amended to avoid wanton waste of undesirable, undersized, or threatened or endangered species that could perish due to prolonged net sets.

5.) § 69.39—*Landing of catch*

This section is proposed to be amended to improve enforcement and monitoring of daily catch by species prior to the catch being transported for processing.

The Commission proposes that §§ 69.26, 69.33 and 69.37—69.39 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-359. No fiscal impact; recommends adoption.

## Annex A

### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart B. FISHING

#### CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

#### Subchapter C. COMMERCIAL FISHING LICENSES

#### § 69.26. Reports.

(a) The holder of a license described in this chapter or section 2903 of the code (relating to boat and new licenses for boundary lakes), shall file a monthly report with the Commission describing the licensee's daily catch **and latitude and longitude coordinates** for each grid fished during the period. When a trap net licensee holds multiple trap net licenses, the licensee shall only file one consolidated report each month for catches with all trap nets. Separate reports shall be filed for other types of licensed gear. Reports shall be made on forms furnished by the Commission and shall be received on or before the 5th day of the month following the month to which the report pertains. **Reports filed electronically with a digital signature will be acceptable.** Reports shall be sent to the [Fish and Boat Commission,] **Commission's Lake Erie Unit and** Northwest Region Law Enforcement Office.

\* \* \* \* \*

#### Subchapter D. COMMERCIAL FISHING, SEASONS AND NETS

#### § 69.33. Use of commercial trap nets.

\* \* \* \* \*

(b) *Species*. A commercial trap net licensee may not possess or sell a fish except in compliance with the following size limits and seasons. **Species, as listed in §§ 75.1 and 75.2 (relating to endangered species; and threatened species), encountered shall be released unharmed.** The

following size limits apply to commercial trap net licensees except that 5% of each licensee's daily catch by number per species may be undersized fish that may be lawfully sold:

<b>Species</b>	<b>Size Limit</b>	<b>Season</b>
Yellow perch ( <i>Perca flavescens</i> )	None	No closed season until the total allowable catch is taken. See § 69.31 (relating to seasons).
Walleye [( <i>Stizostedion vitreum</i> )] ( <i>Sander vitreus</i> )	15 inches	January 1 to March 14 and <b>[May 1] the first Saturday in May</b> to December 31. This season will close when the total allowable catch for walleye is taken. See § 69.31.
<b>[White fish (<i>Coregonus spp.</i>)</b>	<b>17 inches</b>	<b>No closed season]</b>
White perch ( <i>Morone americana</i> )	No size limit	No closed season
<b>[Cisco (<i>Coregonus spp. except C. artedii</i>)</b>	<b>No size limit</b>	<b>No closed season]</b>
White bass ( <i>Morone chrysops</i> )	No size limit	No closed season
Burbot ( <i>Lota lota</i> )	No size limit	No closed season
<b>[Sheepshead] <u>Freshwater Drum</u></b> ( <i>Aplodinotus grunniens</i> )	No size limit	No closed season
Gizzard shad ( <i>Dorosoma cepedianum</i> )	No size limit	No closed season
<b>[Goldfish (<i>Carassius auratus</i>)</b>	<b>No size limit</b>	<b>No closed season]</b>
Lake whitefish ( <i>Coregonus clupeaformis</i> )	No size limit	No closed season
Brown bullhead ( <i>Ictalurus nebulosus</i> )	No size limit	No closed season
Yellow bullhead ( <i>Ictalurus natalis</i> )	No size limit	No closed season
<b>[Rainbow smelt (<i>Osmerus mordax</i>)</b>	<b>No size limit</b>	<b>No closed season]</b>
Channel catfish ( <i>Ictalurus punctatus</i> )	No size limit	No closed season
Suckers [( <i>Carpides sp</i> ] <u><i>Carpiodes spp.</i></u> , <i>Catostomus [sp.] commersonii</i> , <i>[Ictiobus sp.]</i> and <i>Moxmostoma [sp.] spp.</i> )	No size limit	No closed season
Carp ( <i>Cyprinus carpio</i> )	No size limit	No closed season

(c) *Buoys/tags*. Marker buoys shall be attached to the beginning of each lead and to the back of the crib. A staff extending 8 feet above the water with a minimum size flag of 18 inches by 18

inches secured near the top shall be attached to the anchor for the beginning of the lead and a staff extending 8 feet above the water with 2 minimum size flags of 18 inches by 18 inches (double flags) shall be attached to the anchor for the crib. **An orange buoy float ball with a minimum diameter of 15 inches shall be attached to the anchor line of wing walls that are attached to the trap.** The licensee shall affix a metal, numbered tag provided by the Commission to each of the **[required staffs showing the name and address of the owner or the lessee] traps and mark buoys and staffs with the tag number.** Licensees shall report **vandalism to a trap net**, a seal that is lost, misplaced or stolen orally within 24 hours of discovery **[and in writing]** to the Commission at Northwest Law Enforcement Region **[within 2 business days]**. **Trap nets shall be properly tagged and marked and buoys, floats, staffs and flag markings shall be in good serviceable condition at all times. [Improperly marked or tagged nets] Trap nets not properly marked and maintained** shall be subject to confiscation by the Commission. Officers authorized to enforce the code and this part may mark trap nets for the purpose of determining the number of trap nets being used by a particular licensee.

\* \* \* \* \*

(f) *Time.* Trap nets may be fished 24 hours a day, but it is unlawful to set or lift them during the period from 30 minutes after sunset to 30 minutes before sunrise. **[Trap nets may be set or fished, or both, from March 1 to November 30.]**

\* \* \* \* \*

## § 69.37. Prohibited acts.

\* \* \* \* \*

(d) It is unlawful to fish by hook and line from a boat engaged in commercial fishing under this chapter.

**(e) It is unlawful while fishing under a commercial license to dispose of dead, legally caught fish within the trap net and dispose of them in waters of this Commonwealth. These fish shall be disposed of properly and will count towards the licensee's quota.**

**(f) Anglers and boaters may not interfere with properly marked commercial trap nets.**

## § 69.38. Clearing of nets.

Nets fished **[under] pursuant to** a commercial fishing license or subject to licensing under this chapter and section 2903 of the code (relating to boat and net licenses for boundary lakes), shall be lifted and cleared of catch **[on a schedule as the] every 7 days or less after the net is set. Live undersized fish or live fish with no market value may be returned to the lake.** The Executive Director may establish **additional time frames** to provide for the better protection and management of fish, except under circumstances where the Executive Director or his designee, upon a showing of good cause by the licensee, authorizes the licensee to lift and clear his nets on an alternate schedule.

## § 69.39. Landing of catch.

\* \* \* \* \*

(c) Fish caught under a Commonwealth commercial fishing license may not be off-loaded onto a boat other than a boat on which they were caught.

**(d) A licensee shall notify the Commission's Lake Erie Unit and Northwest Region Law Enforcement Office within 24 hours prior to each time nets are lifted and cleared of catch. All of the following conditions shall be met:**

- (1) Fish shall be separated in containers by species.**
- (2) Containers shall be labeled with the trap net tag number from which they were caught.**
- (3) The weight of the containers shall be estimated while on the water.**
- (4) Containers that are being off-loaded with fish at the dock shall have an accurate weight attached to them.**
- (5) Weights shall be posted in or on the containers and documented on reports at the time the containers are off-loaded and prior to transport.**
- (6) Containers and reports shall be subject to inspection by officers authorized to enforce the code.**

[Pa.B. Doc. No. 24-1727. Filed for public inspection December 6, 2024, 9:00 a.m.]

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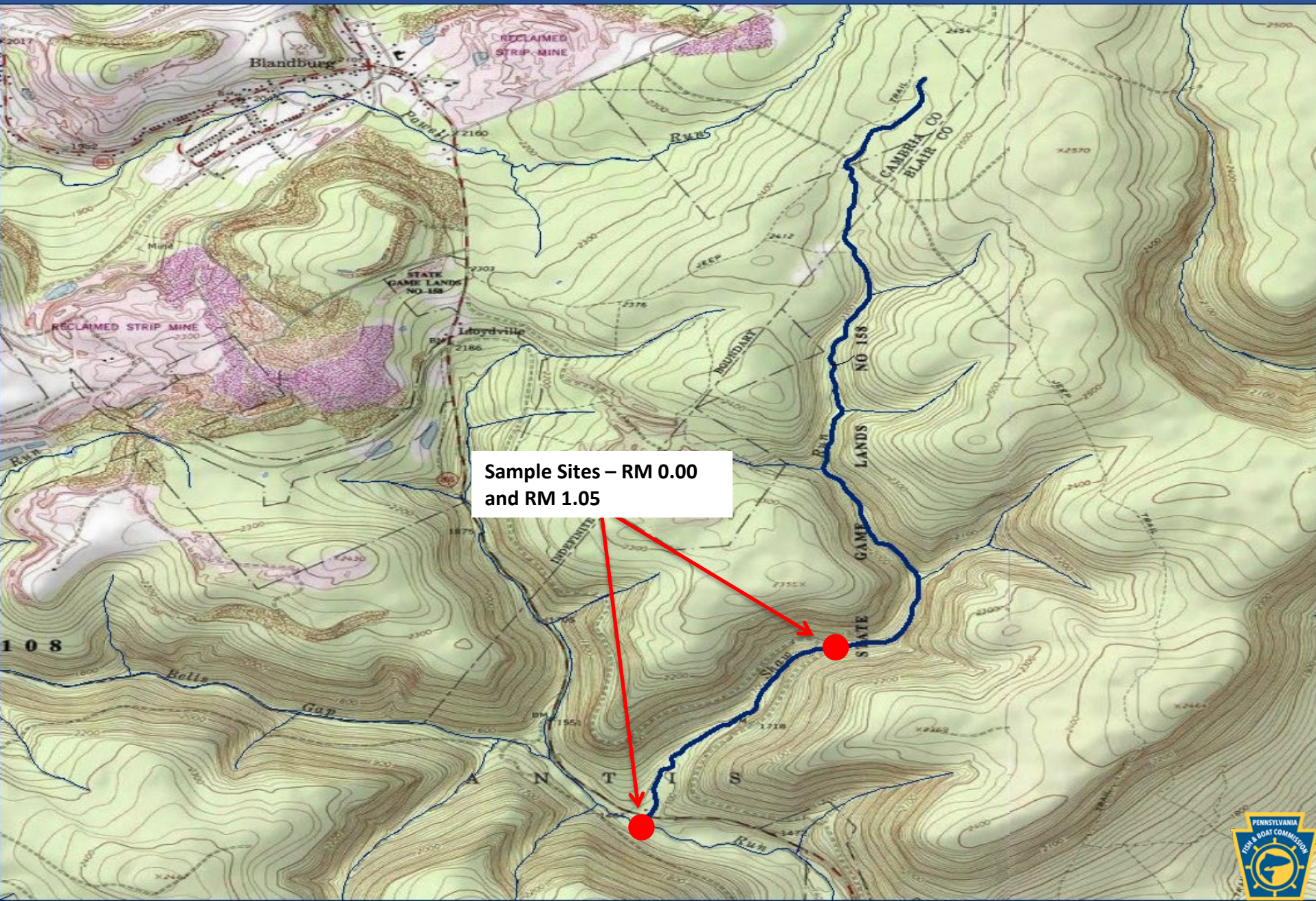
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# Proposed Class A Additions

# Shaw Run, Blair-Cambria Counties



# Shaw Run, Blair-Cambria Counties

**Brook Trout RM – 0.00**  
**Site Length – 475 meters**

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	5	0.04	11
2	8	0.14	17
3	1	0.04	2
4	11	1.04	23
5	7	1.19	15
6	3	0.86	6
7	4	1.78	8
8	2	1.29	4
Total	41	6.38	86

**Brown Trout RM – 0.00**  
**Site Length – 475 meters**

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
3	2	0.09	4
4	13	1.29	27
5	9	1.64	19
6	9	2.74	19
7	6	2.80	13
8	2	1.35	4
9	4	3.76	8
10	4	5.07	8
11	1	1.65	2
12	1	2.11	2
15	1	4.01	2
Total	52	26.51	108



# Shaw Run, Blair-Cambria Counties

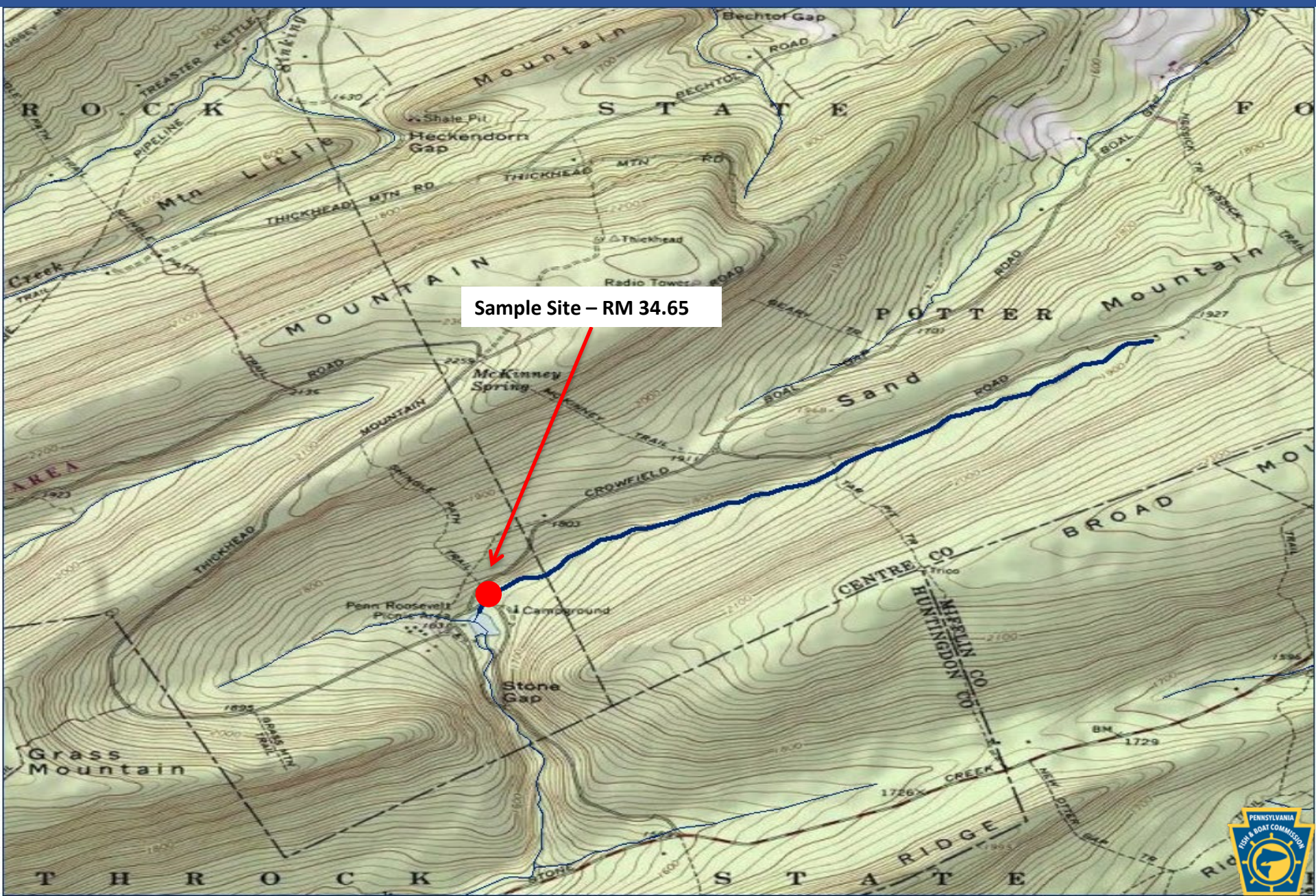
## Brook Trout RM – 1.05 Site Length – 250 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	16	0.62	64
3	3	0.27	12
4	37	7.85	148
5	15	5.69	60
6	7	4.47	28
7	6	5.96	24
8	3	4.32	12
Total	87	29.18	348

## Brown Trout RM – 1.05 Site Length – 250 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
4	6	1.34	24
5	3	1.22	12
6	5	3.41	20
7	5	5.22	20
8	2	3.02	8
11	1	3.68	4
12	1	4.72	4
Total	23	22.61	92

# Standing Stone Creek, Centre County





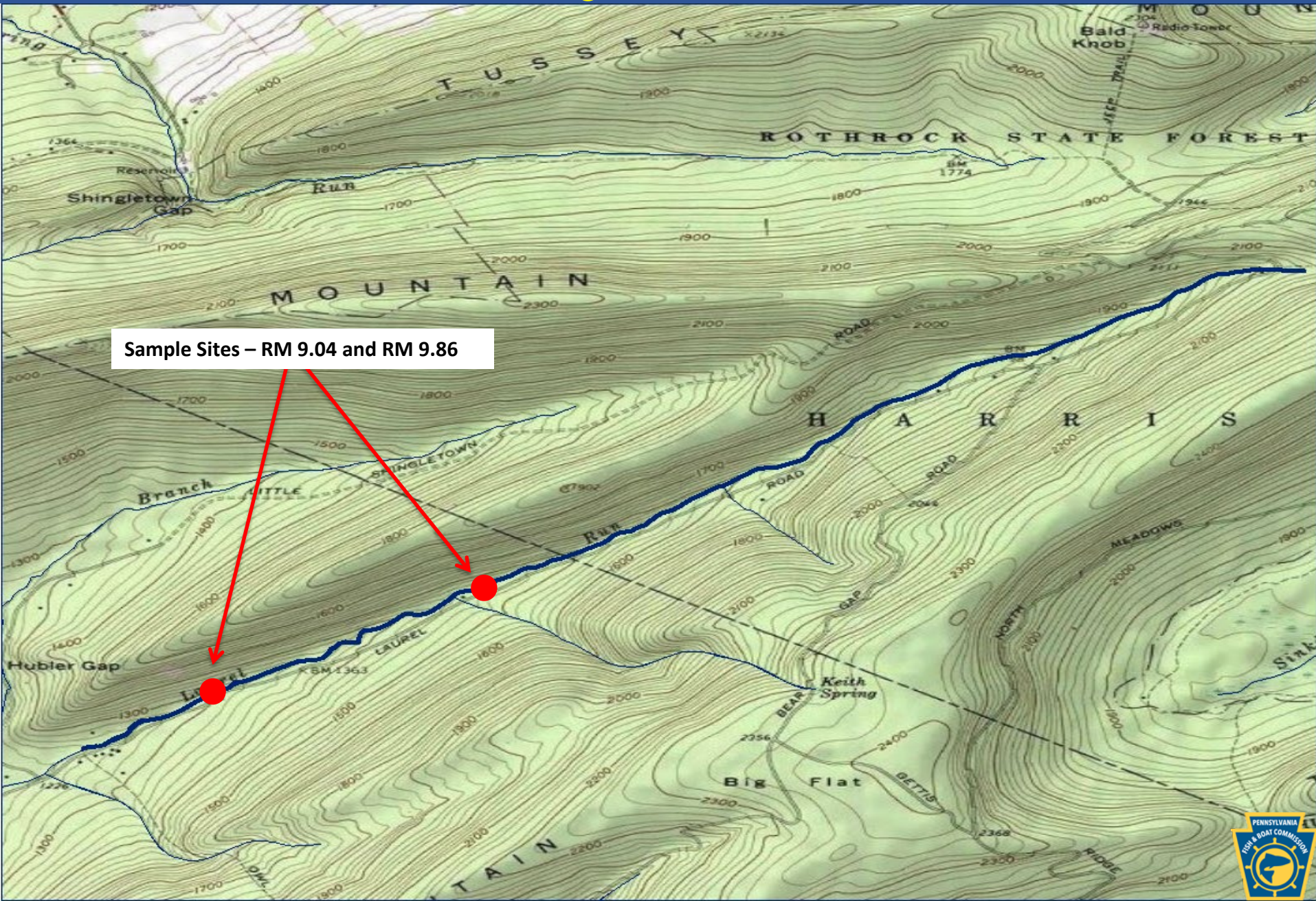
# Standing Stone Creek, Centre County

Brook Trout RM – 34.65

Site Length – 318 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	3	0.05	9
2	15	0.56	47
3	47	4.16	148
4	64	13.13	201
5	37	13.58	116
6	9	5.56	28
7	1	0.96	3
Total	176	38.00	552

# Laurel Run, Centre-Huntingdon Counties



# Laurel Run, Centre-Huntingdon Counties

Brook Trout RM – 9.04  
Site Length – 320 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	6	0.07	19
2	4	0.11	13
3	11	1.03	50
4	40	9.25	194
5	45	16.00	188
6	15	8.53	59
7	6	4.19	19
8	2	2.02	6
Total	129	41.20	548

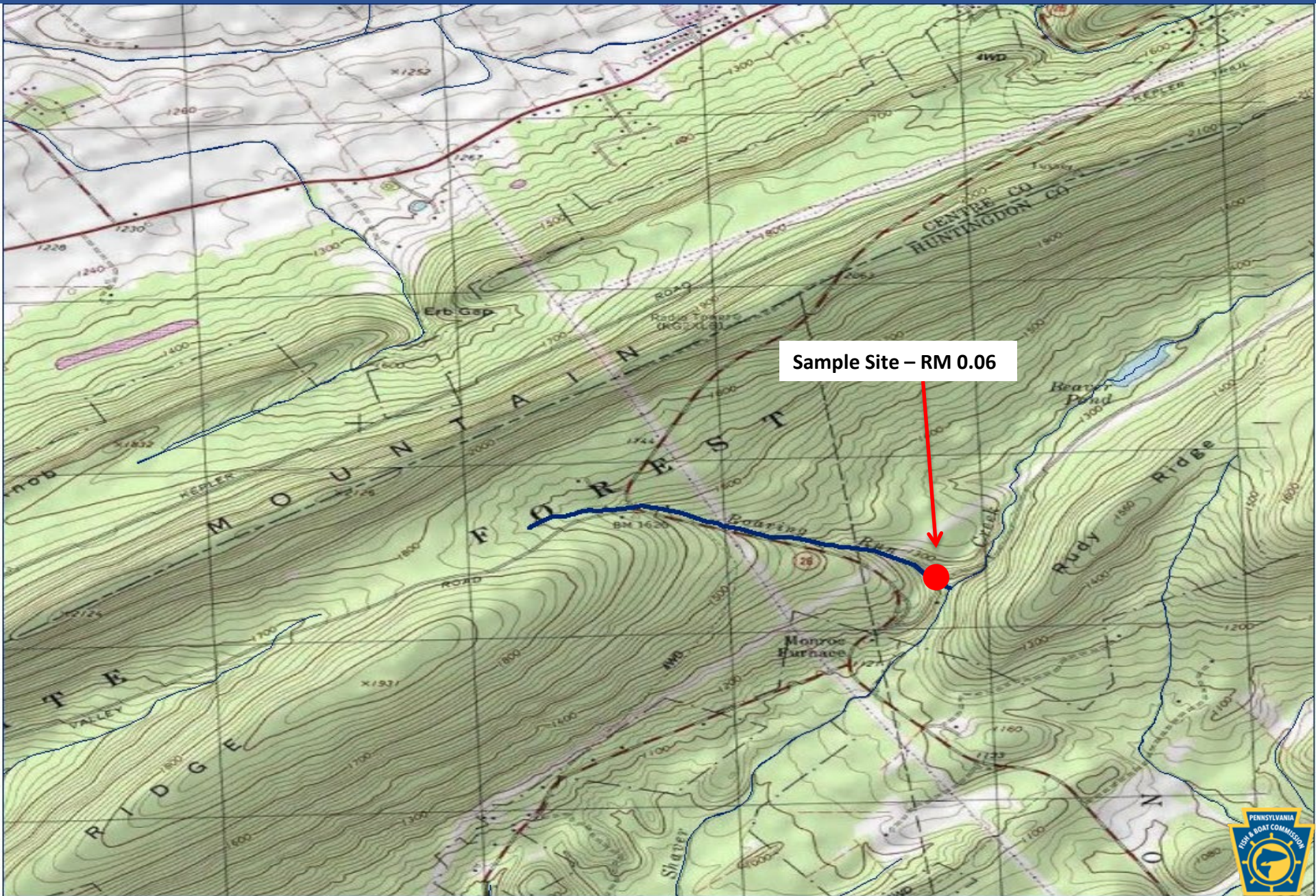


# Laurel Run, Centre-Huntingdon Counties

Brook Trout RM – 9.86  
Site Length – 305 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	3	0.04	10
2	3	0.10	10
3	20	2.20	89
4	58	13.78	239
5	34	19.58	190
6	9	6.25	36
7	3	2.65	10
Total	130	44.60	584

# Roaring Run, Huntingdon County



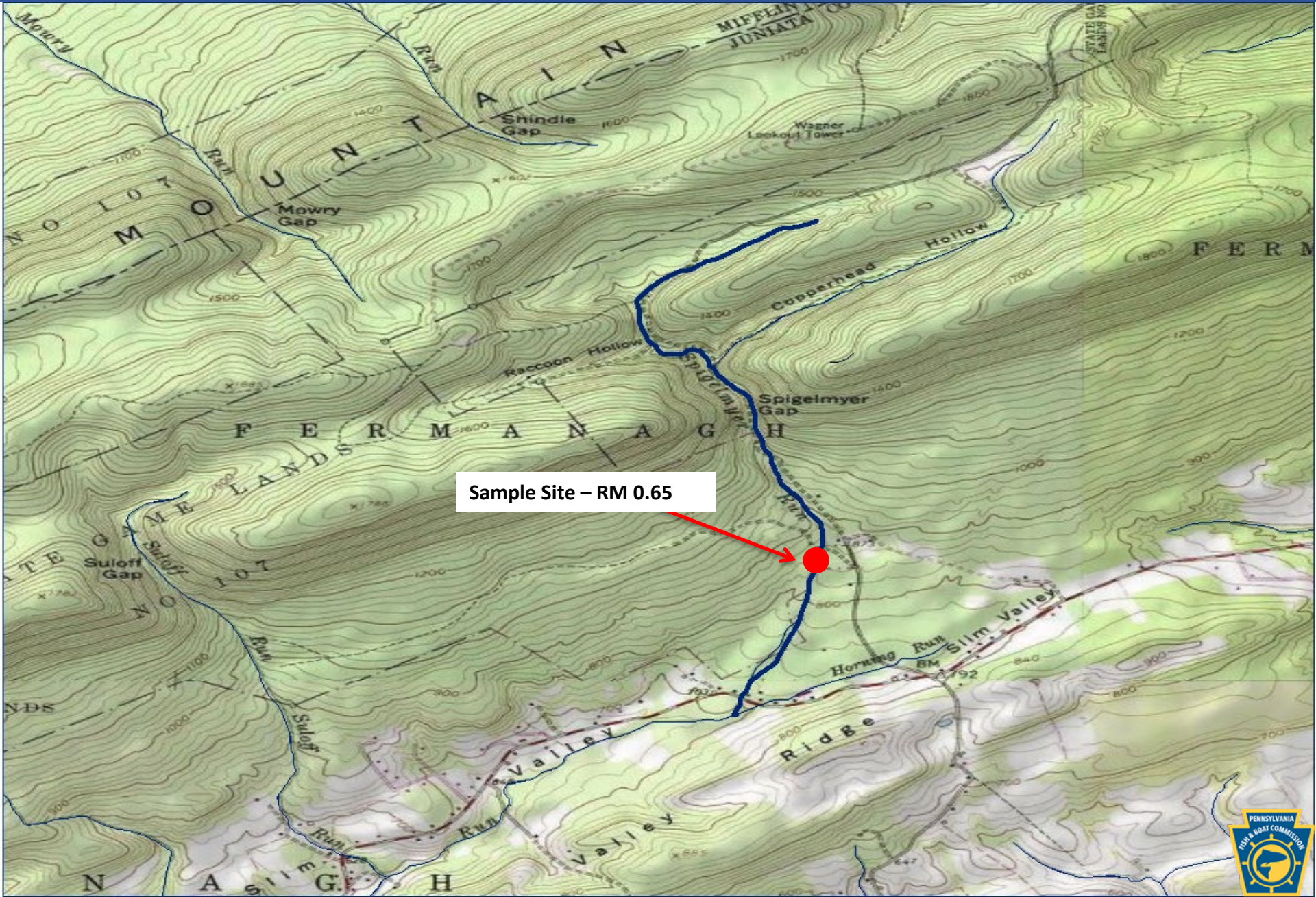


# Roaring Run, Huntingdon County

Brook Trout RM – 0.06  
Site Length – 180 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	6	0.20	33
2	18	1.39	100
4	22	9.38	122
5	17	12.96	94
6	6	7.70	33
7	1	2.00	6
Total	70	33.63	388

# Spigelmyer Run, Juniata County



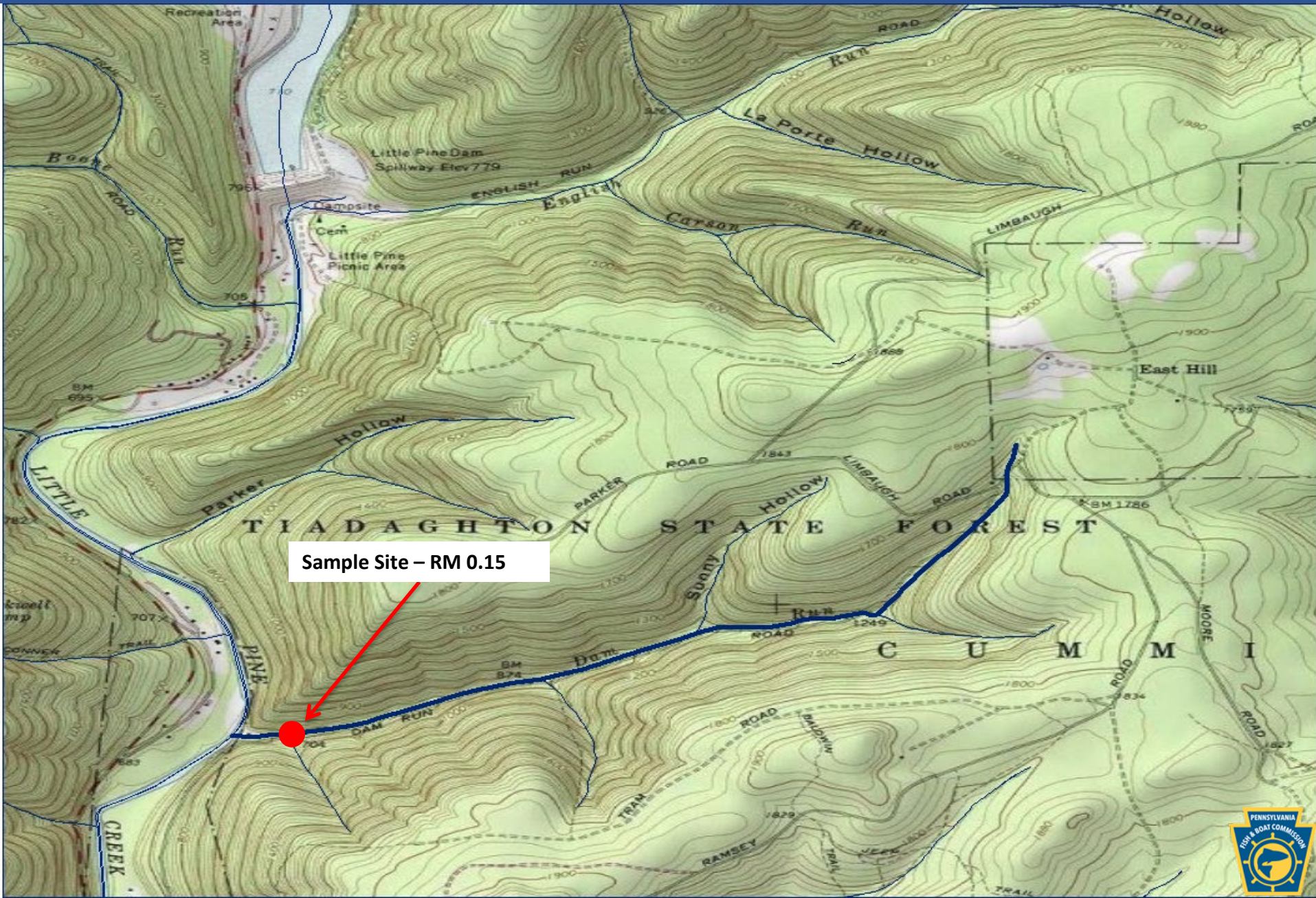
# Spigelmyer Run, Juniata County

Brook Trout RM – 0.65  
Site Length – 385 meters

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
1	4	0.03	10
2	14	0.24	36
3	23	1.40	88
4	146	19.63	535
5	48	10.05	153
6	22	7.45	68
7	14	7.14	42
9	1	0.92	3
Total	272	46.86	935



# Dam Run, Lycoming County





# Dam Run, Lycoming County

**Brook Trout RM – 0.15**  
**Site Length – 380 meters**

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
2	86	3.03	226
3	16	1.34	42
4	111	21.55	292
5	44	15.27	116
6	27	15.77	71
7	14	12.72	37
8	6	7.90	16
9	1	1.87	3
Total	305	79.45	803

**Brown Trout RM – 0.15**  
**Site Length – 380 meters**

Length Group (inches)	Catch	Estimated Kg/Ha	Estimated Number/Km
4	1	0.20	3
5	1	0.37	3
7	1	0.96	3
Total	3	1.53	9

# NOTICES

## FISH AND BOAT COMMISSION

### Proposed Changes to List of Class A Wild Trout Waters; January 2025

[54 Pa.B. 7537]

[Saturday, November 16, 2024]

The Fish and Boat Commission (Commission) is considering changes to its list of Class A wild trout streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

(1) Criteria developed for Class A Wild Trout fisheries are species specific.

(2) Wild 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 must 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 must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must 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.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A wild trout streams at its meeting on January 27, 2025.

County	Stream	Section	Limits	Tributary to	Mouth Lat/Lon	Brook Trout	Brown Trout	Rainbow Trout	Length (miles)	Survey year
						(kg/ha)	(kg/ha)	(kg/ha)		
Blair/Cambria	Shaw Run	1	Headwaters to Mouth	Bells Gap Run	40.637589 78.395538	17.78	24.57	—	4.11	2024
Centre	Standing Stone Creek	1	Headwaters to Penn Roosevelt Dam	Juniata River	40.480556 78.004722	38.00	—	—	1.75	2024
Centre/Huntingdon	Laurel Run	1	Headwaters to Owl Gap Trail	Standing Stone Creek	40.638889 77.837222	42.90	—	—	3.76	2024
Huntingdon	Roaring Run	1	Headwaters to Mouth	Shaver Creek	40.699753 77.889313	33.63	—	—	1.11	2024
Juniata	Spigelmyer Run	1	Headwaters to Mouth	Horning Run	40.623266 77.390715	46.86	—	—	2.29	2024
Lycoming	Dam Run	1	Headwaters to Mouth	Little Pine Creek	41.326389 77.357778	79.45	1.53	—	2.33	2024

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, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments, objections or suggestions may also be submitted electronically to RA-pfbcregulations@pa.gov.

TIMOTHY D. SCHAEFFER,  
Executive Director

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# **EXHIBIT R**

## **Proposed Wild Trout Additions**

**NOTICES****FISH AND BOAT COMMISSION****Classification of Wild Trout Streams; Proposed Additions; January 2025****[54 Pa.B. 7537]****[Saturday, November 16, 2024]**

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on January 27, 2025, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<b>County of Mouth</b>	<b>Stream Name</b>	<b>Section Limits</b>	<b>Tributary to</b>	<b>Mouth Lat/Lon</b>
Clearfield	Unknown tributary (UNT) to Cole Run (RM 1.73)	Headwaters to Mouth	Cole Run	41.153459 78.171158
Lackawanna	Willow Creek	Headwaters to Mouth	Leggetts Creek	41.483830 78.680210
Lycoming	Coal Run	Headwaters to Mouth	Little Pine Creek	41.425316 77.314911
Lycoming	Rock Hollow Run	Headwaters to Mouth	Bonnell Run	41.468037 77.280884
Tioga	East Branch Stony Fork	Headwaters to Mouth	Stony Fork	41.620556 77.368611
Tioga	UNT (RM 0.72) to UNT to East Branch Stony Fork (RM 3.50)	Headwaters to Mouth	UNT to East Branch Stony Fork (RM 3.50)	41.661720 77.350850

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, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments, objections or suggestions may also be submitted electronically to RA-pfbcregulations@pa.gov.

TIMOTHY D. SCHAEFFER,  
Executive Director

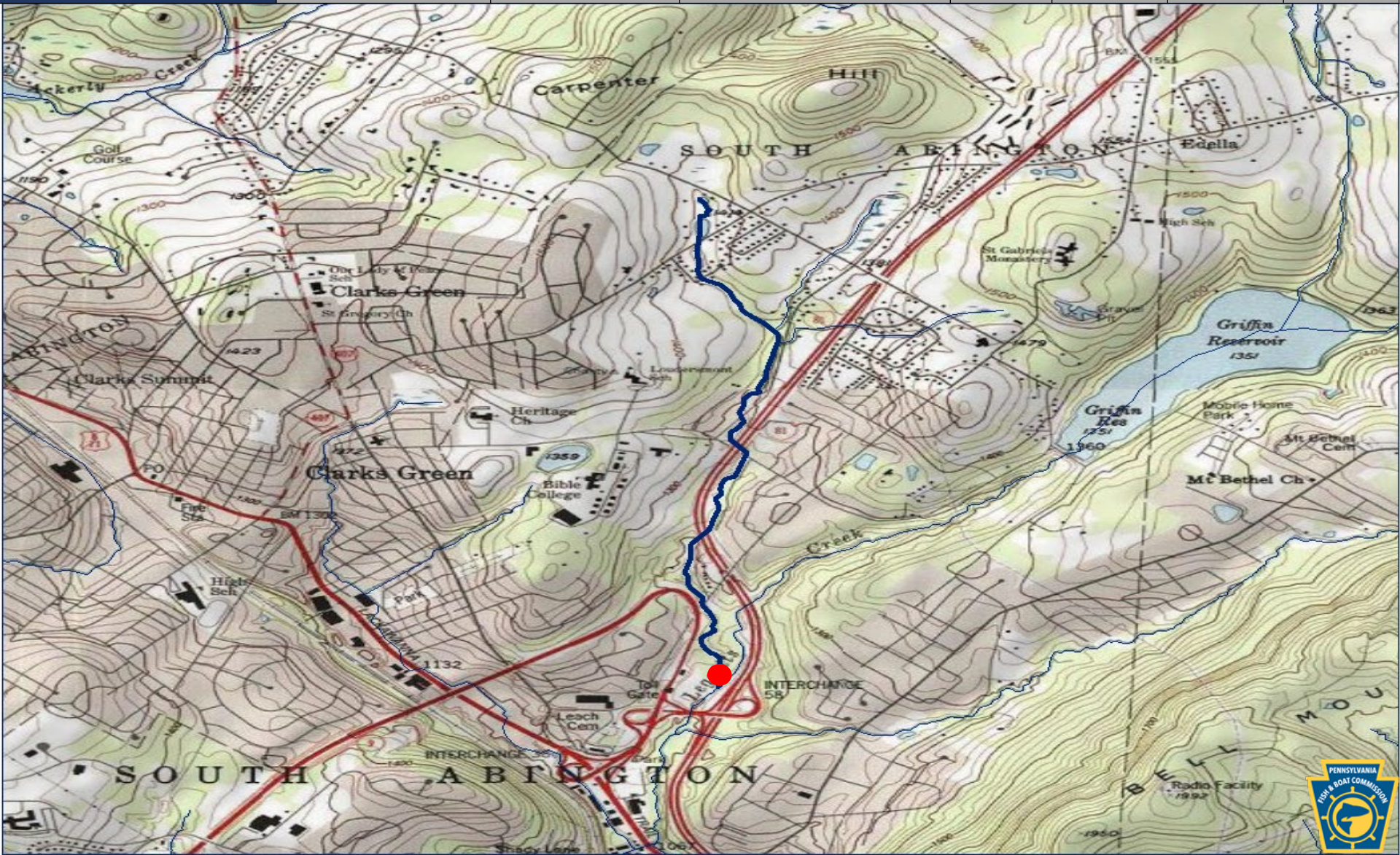


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Clearfield	UNT to Cole Run (RM 1.73)	Cole Run	Headwaters to mouth	0.00	Brook	26	3-6





County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Lackawanna	Willow Creek	Leggetts Creek	Headwaters to mouth	0.18	Brown	6	5-7



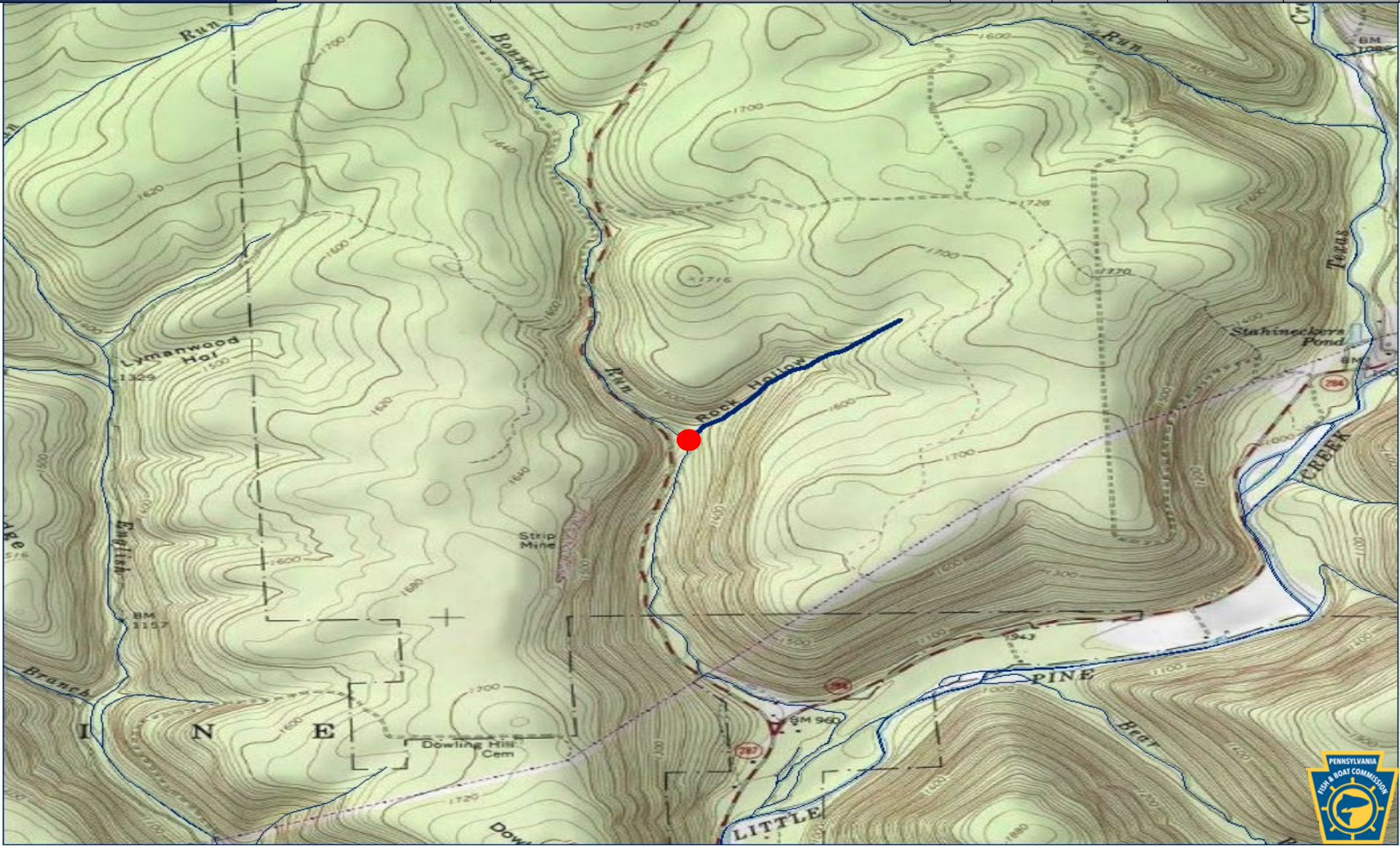


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile	Species	Catch	Length (inches)
Lycoming	Coal Run	Little Pine Creek	Headwaters to mouth	0.02	Brook	28	1-6



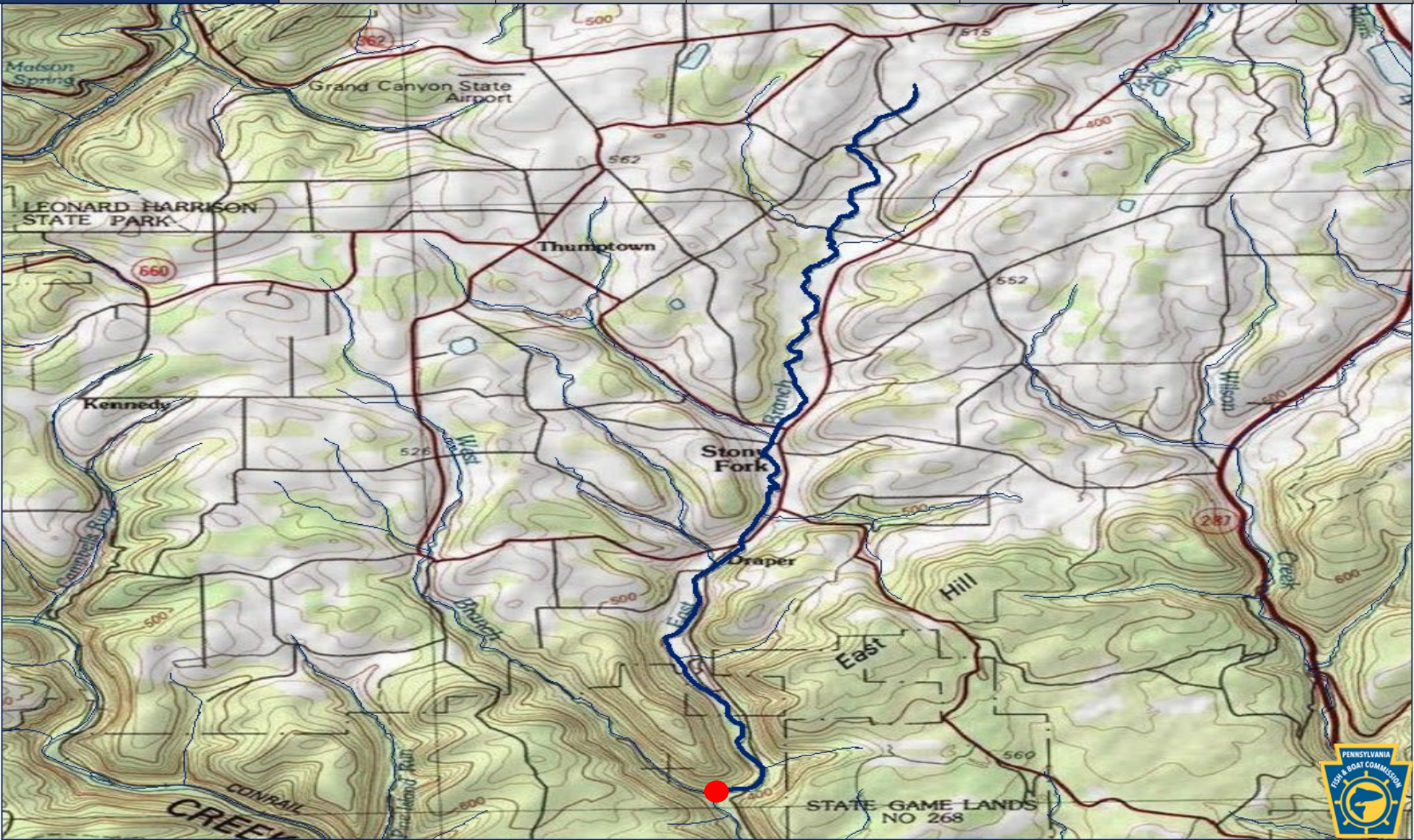


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Lycoming	Rock Hollow Run	Bonnell Run	Headwaters to mouth	0.01	Brook	40	1-7



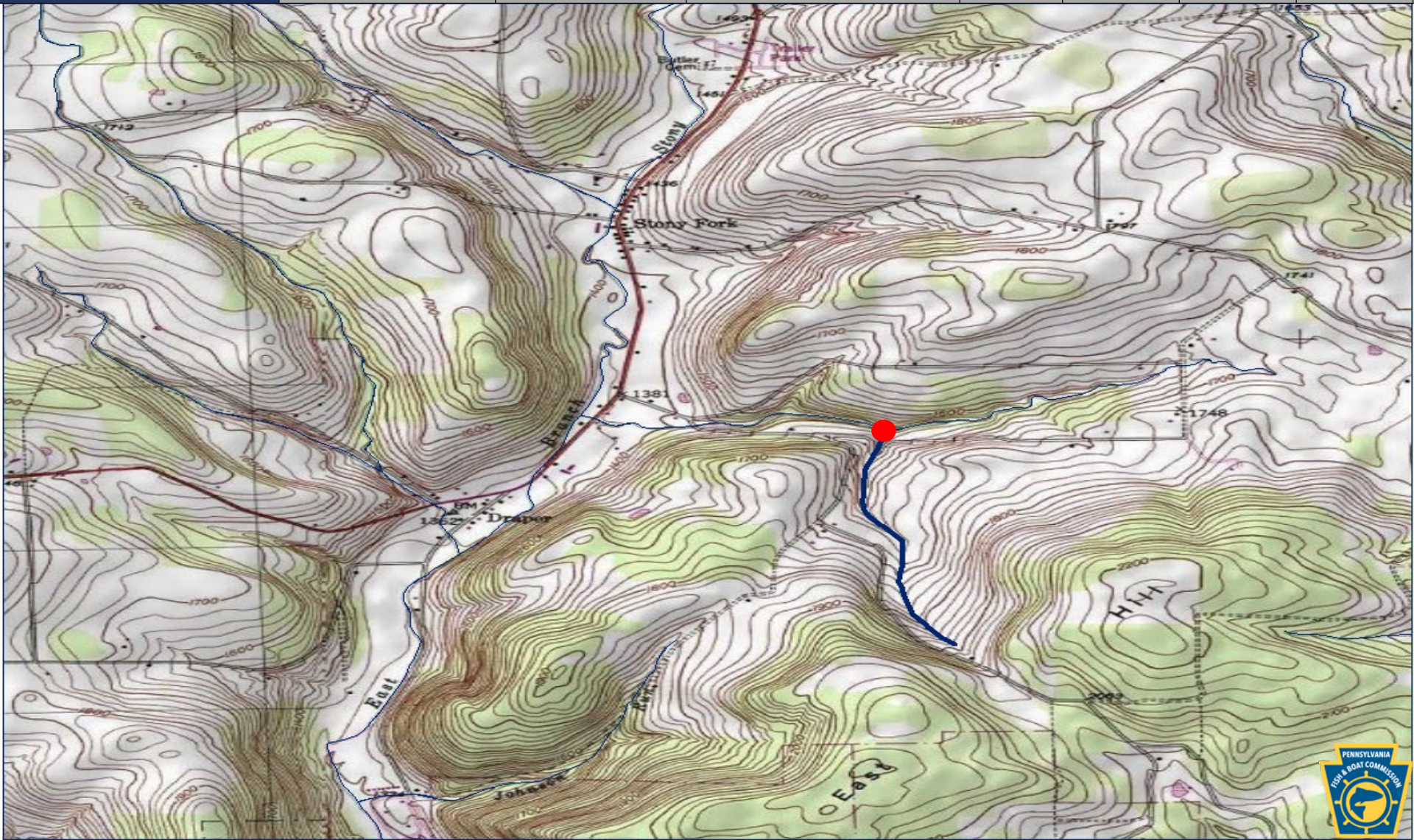


County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Tioga	East Branch Stony Fork	Stony Fork	Headwaters to mouth	0.00	Brown	14	1-13





County of Mouth	Stream Name	Tributary To	Wild Trout Limits	Site River-mile ●	Species	Catch	Length (inches)
Tioga	UNT (RM 0.72) to UNT to East Branch Stony Fork (RM 3.50)	UNT to East Branch Stony Fork (RM 3.50)	Headwaters to mouth	0.00	Brown	22	3-9





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# NOTICES

## FISH AND BOAT COMMISSION

### Proposed Removal of Lower Woods Pond Big Bass Program

[54 Pa.B. 7777]

[Saturday, November 30, 2024]

The Fish and Boat Commission (Commission) has approved guidelines regarding encouraging public participation on possible changes to the designation of streams, stream sections or lakes for special regulation programs. Under 58 Pa. Code Chapter 65 (relating to special fishing regulations), the Commission designates or redesignates certain streams, stream sections and lakes as being subject to special fishing regulations. These designations and redesignations are effective after Commission approval when they are posted at the site and a notice is published in the *Pennsylvania Bulletin*. Under the Commission's guidelines, a notice concerning the proposed designation or redesignation of a stream, stream section or lake under special regulations ordinarily will be published in the *Pennsylvania Bulletin* before the matter is reviewed by the Board of Commissioners.

At the next Commission meeting on January 27, 2025, the Commission will consider taking the following action with respect to waters subject to special fishing regulations under 58 Pa. Code Chapter 65, effective upon publication in the *Pennsylvania Bulletin*.

#### *58 Pa. Code § 65.9. Big bass*

The Commission will consider removing the following water from its list of "Big bass" waters regulated and managed under 58 Pa. Code § 65.9 (relating to big bass):

#### **County Water**

Wayne Lower Woods Pond

Persons with comments, objections or suggestions concerning the designation are invited to submit comments in writing 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 may also be submitted electronically to RA-pfbcregulations@pa.gov.

TIMOTHY D. SCHAEFFER,  
Executive Director

[Pa.B. Doc. No. 24-1714. Filed for public inspection November 27, 2024, 9:00 a.m.]

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