

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

MINUTES

150th Meeting

Volume 73

**HARRISBURG, PENNSYLVANIA
October 24, 2022**

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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 150th Meeting of the Pennsylvania Fish and Boat Commission was held on Monday, October 24 at the Pennsylvania Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, PA 17110.

The public session for review of this agenda began on October 24, 2022 at approximately 10:00 a.m.

Call to Order

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

Roll Call

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

Public Comments to Commissioners and Staff

Dave Rothrock, Trout Policy Committee Chair for PATU (PA Chapter of Trout Unlimited) provided commentary on his support for the addition of Penns Creek, Section 03 in Centre and Mifflin Counties to the All-Tackle Trout Slot Limit Program. He also provided commentary on his support for the removal of Codorus Creek, Section 04 in York County, Monocacy Creek, Section 07 in Northampton County and Saucon Creek, Section 05 in Northampton County from the Trophy Trout Artificial Lures Only program.

Rick Taylor, State Liason Officer for the U.S. Coast Guard Auxiliary provided commentary regarding the U.S. Coast Guard Auxiliary's mission to promote boating safety. He reported 2,074 vessel inspections in Pennsylvania, and noted 40 assists needed at Lake Clark, which was

up from the previous year. He is looking forward to working with the Commissioners and congratulated them on their 150th meeting.

Staff Recognition

The Bureau of Law Enforcement presented WCO Mark Sweppenheiser with the NASBLA Boater of the Year award.

The Commission recognized Ann Swanson of the Chesapeake Bay Foundation for her commitment to clean water and healthy habitats work.

The Commission recognized Representative Keith Gillespie, Chairman, House Game and Fish Committee for the work he has done with the Commission over the years, and congratulated him on his retirement from the PA House of Representatives.

Review and Approval of Minutes from the July 26, 2022, and August 18, 2022 Meetings

A motion was made by Commissioner Anderson and seconded by Commissioner Mahn to approve the July 26, 2022 and August 18, 2022 minutes as written. Motion carried by unanimous vote.

Executive Director's Report

Executive Director Timothy Schaeffer discussed numerous programs and projects staff are currently focused on. He also announced the opening of multiple grant programs the Commission is accepting applications for.

Reports of Commissioner Committees

Fisheries and Hatcheries Committee (Commissioner Richard Lewis)

The Fisheries and Hatcheries Committee met on September 28, 2022 both in-person and virtually to discuss the Chapter 71a rewrite and items for the October 2022 meeting.

Announcement of Executive Session

Commission President Robert B.J. Small announced that an executive session was held on October 24 at approximately 9:00 a.m. to discuss real estate matters and pending litigation.

EXECUTIVE AND ADMINISTRATIVE OTHER MATTERS

A. Dates for Pennsylvania Fish and Boat Commission Meetings in 2023.

Commentary:

At the fall meeting each year, the Pennsylvania Fish and Boat Commission (Commission) historically has established a schedule for regular meetings for the following year. Under the Fish and Boat Code, the Commission is required to have two meetings each year, one in January and the other in July. These meetings must be held in the Harrisburg area. Traditionally, the Commission has held two additional meetings each year in April or May, and September or October.

Staff have reviewed the available dates and possible conflicts for scheduling regular Commission meetings for 2023. This review included a look at holidays, hunting and fishing seasons, and other conflicting events.

Based upon this review, the following dates are proposed for regular Commission meetings in 2023:

January 23-24, 2023 (Monday and Tuesday);
April 24-25, 2023 (Monday and Tuesday);
July 24-25, 2023 (Monday and Tuesday); and
October 23-24, 2023 (Monday and Tuesday).

The January and July 2023 meetings will be held at the Harrisburg headquarters. The April and October 2023 meetings will be held at locations designated by the Commission for the transaction of business.

Briefer:

Timothy D. Schaeffer, Executive Director

Recommendation:

Staff recommend that the Commission approve the dates for the regular meetings of the Commission for 2023 as set forth in the Commentary.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Kauffman to approve the dates for the regular meetings of the Commission for 2023 as set forth in the Commentary. Motion carried by unanimous vote.

EXECUTIVE AND ADMINISTRATIVE PUBLIC ACCESS AND REAL ESTATE MATTERS

A. Lease of Jockey Hollow Launch Area, Youghiogheny River Lake, Henry Clay Township, Fayette County.

Commentary:

The United States Army Corps of Engineers (ACOE) owns and administers the Youghiogheny River Lake, a 2,840- acre flood control reservoir located in southwestern Pennsylvania and western Maryland. The location is depicted on Exhibit A (Location Map). The lake is inhabited by a large variety of gamefish and panfish and is known as a premier location for walleye and smallmouth bass fishing. There are six boat launch sites on the Youghiogheny River Lake.

In 1993, the ACOE leased a +/- 7-acre portion of their Youghiogheny River Lake property to the Pennsylvania Fish and Boat Commission (Commission), for the development and use as a public fishing and boat launch site. The site is known as the Jockey Hollow Launch Area (Lease Area) and is located on the westerly side of the lake, at the north side of State Route 40 in Henry Clay Township, Fayette County. The leased area is depicted on Exhibit B (Site Map). The lease term was for 25 years, and expired in October 2018. The Commission is currently in possession of the Lease Area, by mutual agreement, as a holdover tenant. The Parties wish to enter into a new lease agreement consistent with the original lease. Additionally, the Commission has a license agreement with the ACOE for fisheries management purposes in the Youghiogheny River Lake, which expires in 2025.

The Commission will be responsible for the routine maintenance, operation, repair, and supervision of the Lease Area. The continuation of the Commission's leasing of the property is in its best interest of the public and will continue to provide free public access to the Youghiogheny River Lake.

The new lease will be for a 25-year term and requires the site to remain open for public fishing and boating free of charge. Fishing and boating will take precedence over all other recreational activities, and responsibilities for the Lease Area will remain consistent with the historical practice under a new lease. Staff will adhere to the Commission's standard practices for leasing property.

Briefer:

Linda Adler, Chief, Property Services Section, Division of Public Access & Property Services

Recommendation:

Staff recommend that the Commission authorize the leasing of the Jockey Hollow Launch Area at Youghiogheny River Lake from ACOE, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Mahn and seconded by Commissioner Anderson to authorize the leasing of the Jockey Hollow Launch Area at Youghioghenny River Lake from ACOE, as more particularly described in the Commentary. Motion carried by unanimous vote.

EXECUTIVE AND ADMINISTRATIVE PUBLIC ACCESS AND REAL ESTATE MATTERS

B. Lease of Lake Winola Access, Lake Winola, Overfield Township, Wyoming County.

Commentary:

In 1969, the Pennsylvania Fish and Boat Commission (Commission) acquired a +/- 32-acre property containing a portion of Lake Winola. This property includes a public fishing and boating access area in Overfield Township, Wyoming County, known as Lake Winola Access. The Lake Winola Access property is located on the south end of Lake Winola and is 15 miles northeast of Scranton, as depicted on Exhibit C (Location Map).

Since 1974, the Commission has entered into various agreements with several groups, including Overfield Township (Township), to allow them to provide public recreation opportunities on a portion of the Lake Winola Access property located south of Lake Road (State Route 2031). This portion of the property does not border the lake and does not offer fishing and boating opportunities.

Currently, the Commission is leasing the portion of Lake Winola Access property located south of Lake Road (Lease Area) to the Township, which allows the Township to manage it and provide public recreation in the area. The Lease Area contains +/- 25 acres, as depicted on Exhibit D (Site Map). Additionally, the lease includes a small portion of land at the lake with access from Lake Road for a dry hydrant, which is subleased by the Township to the Lake Winola Fire Company. The current lease agreement is set to expire May 10, 2030.

The Commission and the Township have been approached by Countryside Conservancy (Conservancy), a non-profit organization working in Lackawanna, Susquehanna, and Wyoming counties, with a proposal to develop trails that terminate in the Township's Leased Area at Spring Road. To facilitate the Conservancy's request, it was determined that the Conservancy would need to enter into a sublease with the Township allowing for the development, construction, and maintenance of the proposed trails, subject to review and approval by staff.

The Commission and the Township wish to enter into a new lease agreement that will clarify the Township's subleasing abilities. The new lease will be prepared utilizing the Commission's current leasing language with a 25-year term. The new lease area will be consistent with the original leased area and will require that the Township be responsible for the routine maintenance, operation, repair, and supervision of the leased area. Entering a new lease with the Township for the Lake Winola Access property is in the best interest of the Commission.

The new lease will be for a 25-year term and require the site to remain open for public use free of charge. Fishing and boating will take precedence over all other recreational

activities, and responsibilities will remain consistent with the historical practice under a new lease. Staff will adhere to the Commission's standard practices for leasing property.

Briefer:

Linda Adler, Chief, Property Services Section, Division of Public Access & Property Services

Recommendation:

Staff recommend that the Commission authorize the leasing of the Lake Winola Access to Overfield Township, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Charlesworth and seconded by Commissioner Gibney to authorize the leasing of the Lake Winola Access to Overfield Township, as more particularly described in the Commentary. Motion carried by unanimous vote.

EXECUTIVE AND ADMINISTRATIVE PUBLIC ACCESS AND REAL ESTATE MATTERS

C. White Oak Pond Property Disposition for a PennDOT Culvert Replacement Clinton Township, Wayne County.

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) owns +/-241 acres in fee simple known as White Oak Pond (Site) in Clinton Township, Wayne County. The Site contains a 225-acre impoundment that is currently drawn down for an ongoing dam rehabilitation project being managed by the Commonwealth's Department of General Services. The location is depicted on Exhibit E (Location Map).

State Route 4004 crosses over an outlet stream on the Site's southside. The culvert crossing and its approaches are deficient in structure and design and need to be replaced (Project). Pennsylvania Department of Transportation (PennDOT) would like to perform the Project as part of the dam rehabilitation project. The roadway around the culvert will remain on its existing alignment but will be improved by widening and stabilizing the banks of the creek. PennDOT will need certain property rights from the Commission to conduct the Project.

The Project requires a total of +/-0.06 acres of required right of way as shown for each side of the culvert replacement. The areas are shown on Exhibit F.

The Project will not have a long-term adverse impact on the Site and will improve public safety. The Commission will receive fair market value for the rights it conveys and any impact on the Site. The Site will be restored to the Commission's satisfaction. This conveyance will be subject to staff performing the necessary due diligence.

Briefer:

Linda Adler, Chief, Property Services Section

Recommendation:

Staff recommend that the Commission authorize the disposition of the property as described in the Commentary.

Action:

A motion was made by Commissioner Gibney and seconded by Commissioner Charlesworth to authorize the disposition of the property as described in the Commentary. Motion carried by unanimous vote.

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

D. Voluntary Public Access and Habitat Incentive Program: Bennett Property Easement Acquisition, Jackson Township, Venango County.

Commentary:

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

The Commission has been offered a public fishing access and conservation easement for \$13,000 on +/-930 linear feet along Sugar Creek as it flows across a parcel of property in Jackson Township, Venango County. The easement will be for public fishing, boating, and riparian and fishery management, and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. A map depicting the subject parcel is attached as Exhibit G.

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

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

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Sugar Creek in Jackson Township, Venango County, utilizing \$13,000 from the VPA-HIP program, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Kauffman to authorize the acquisition of an easement along Sugar Creek in Jackson Township, Venango County, utilizing \$13,000 from the VPA-HIP program, as more particularly described in the Commentary. Motion carried by unanimous vote.

EXECUTIVE AND ADMINISTRATIVE PUBLIC ACCESS AND REAL ESTATE MATTERS

E. Voluntary Public Access and Habitat Incentive Program: Steiner Property Easement Acquisition, Jackson Township, Venango County.

Commentary:

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

The Commission has been offered a public fishing access and conservation easement for \$20,000 on +/-1,825 linear feet along Sugar Creek as it flows across a parcel of property in Jackson Township, Venango County. The easement will be for public fishing, boating, and riparian and fishery management, and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. In addition, a parking area that accommodates five to ten vehicles exists on the property and is included in the easement area. A map depicting the subject parcel is attached as Exhibit H.

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

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

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Sugar Creek in Jackson Township, Venango County, utilizing \$20,000 from the VPA-HIP program, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Mahn to authorize the acquisition of an easement along Sugar Creek in Jackson Township, Venango County, utilizing \$20,000 from the VPA-HIP program, as more particularly described in the Commentary. Motion carried by unanimous vote.

EXECUTIVE AND ADMINISTRATIVE PUBLIC ACCESS AND REAL ESTATE MATTERS

F. Voluntary Access and Habitat Incentive Program: Walker Property Easement Acquisition, Antis Township, Blair County.

Commentary:

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

The Commission has been offered a public fishing access and conservation easement for \$55,000 on +/-3,485 linear feet along the Little Juniata River as it flows across a parcel of property in Antis Township, Blair County. The easement will be for public fishing, boating, and riparian and fishery management, and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. A map depicting the subject parcel is attached as Exhibit I.

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

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

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along the Little Juniata River in Antis Township, Blair County, utilizing \$55,000 from the VPA-HIP program, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Anderson and seconded by Commissioner Gibney to authorize the acquisition of an easement along the Little Juniata River in Antis Township, Blair County, utilizing \$55,000 from the VPA-HIP program, as more particularly described in the Commentary. Motion carried by unanimous vote.

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

G. Voluntary Access and Habitat Incentive Program: Wheeler Property Easement Acquisition, Conneaut Township, Erie County.

Commentary:

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

The Commission has been offered a public fishing access and conservation easement for \$16,000 on +/-1,120 linear feet along Conneaut Creek as it flows across a parcel of property in Conneaut Township, Erie County. The easement will be for public fishing, boating, and riparian and fishery management, and will include the stream corridor and extend at least 35 feet back from the top of the bank to the extent of the ownership of the seller. A map depicting the subject parcel is attached as Exhibit J.

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

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

Briefer:

Scott Bollinger, Statewide Public Access Program Manager

Recommendation:

Staff recommend that the Commission authorize the acquisition of an easement along Conneaut Creek in Conneaut Township, Erie County, utilizing \$16,000 from the VPA-HIP program, as more particularly described in the Commentary.

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Gibney to authorize the acquisition of an easement along Conneaut Creek in Conneaut Township, Erie County, utilizing \$16,000 from the VPA-HIP program, as more particularly described in the Commentary. Motion carried by unanimous vote.

BOATING FINAL RULEMAKING

A. Amendments to 58 Pa. Code § 53.8 (Boats), § 107.1 (Horsepower restrictions), and § 107.2 (Electric motors).

Commentary:

Current regulations limit boat propulsion to electric motors only on Pennsylvania Fish and Boat Commission (Commission) owned or controlled lakes, some State Park lakes, and water bodies specified in Chapter 111 (relating to special regulations counties). These regulations were originally intended to reduce noise, excessive wakes, shoreline erosion and property damage, and the risk of petroleum-based water pollution on certain water bodies. Boats powered by small electric motors (such as trolling motors) and unpowered boats are popular on Pennsylvania water bodies with electric motor only restrictions.

Some exceptions exist for State Park lakes and certain other waters specified in Chapter 111 where internal combustion motors are permitted but with horsepower limitations. Boats propelled by small gas outboard motors and unpowered boats are popular on these waterways.

Recent technological advancements with battery-powered electric boat motors have produced a variety of higher-powered options up to 180 horsepower and 60 miles per hour. While these new units are currently expensive and have limited battery capacity, it is anticipated they will become more affordable and widely available in the future. Boating stakeholders, partner organizations, other state agencies, and staff have expressed concern about the potential increased availability and popularity of high-powered electric motors, which would be legal to be operated on waters under current regulations that allow electric motors only. Additionally, law enforcement staff have expressed concern about the complexity of enforcing horsepower limitations for electric motors to meet the original intent of current regulations.

Manufacturer and retailer specifications for electric motors frequently refer to kilowatt-hours rather than horsepower, whereas Commission regulations refer only to horsepower. Therefore, staff recommend adding clarification to § 107.1 (relating to horsepower restrictions) that horsepower limitations in Chapter 111 apply to both electric and internal combustion motors. In enforcing horsepower limitations, Waterways Conservation Officers (WCOs) typically rely on horsepower ratings that are marked on the boat's cowl (motor cover). If the horsepower rating is not marked on the cowl or the marking is not legible, WCOs may instead rely on documentation provided by the boat operator (such as an owner's manual), the results of an internet search of motor make and model, or, if the kilowatt-hour (kW) rating is known, use a conversion calculation to determine horsepower (HP). The widely accepted conversion calculation is $\text{kW} \times 1.341 = \text{HP}$. For example, a 15-kilowatt-hour electric motor converts to approximately 20 horsepower, which is a common horsepower limitation across Pennsylvania.

During the comment period, it was discovered that in order to effect the changes in the proposal and avoid contradictory language, a parallel change is needed to Chapter 53. Chapter 53 establishes regulations for Commission property and indicates that internal combustion motors may not be used on Commission lakes. An exception to this rule is indicated in § 111.40 (Luzerne County) for Lily Lake where internal combustion motors are permitted with a maximum horsepower of 60. In addition, seven State Park lakes are indicated in Chapter 111 as allowing internal combustion motors with a maximum horsepower limitation. On these eight waters, staff recommend that electric motors must also comply with maximum horsepower limitations or equivalent kilowatt-hour ratings (see paragraph above). On all other electric motor only lakes (i.e., those that do not permit internal combustion motors or have horsepower restrictions in Chapter 111), staff recommend that electric motors shall not be operated at greater than slow no wake speed. Therefore, staff recommend that § 53.8 (Boats) be amended to clarify and simplify that on Commission lakes that are electric motors only, operation is restricted to slow no wake speed.

The recommended amendments in Chapter 107 (relating to boating restrictions) set the conditions by which Chapter 111 regulations are qualified, as noted in § 111.71 (relating to general requirements), therefore these amendments do not need to be incorporated into or repeated in each relevant subsection of that chapter.

Staff propose the following changes:

§ 53.8. Boats.

(a) An internal combustion engine may not be used to propel a boat or to provide energy to the motor on Commission lakes. Boats propelled by battery-powered electric motors and nonmechanically propelled boats, subject to restrictions on sailboats and inflatables, may be used either with or without internal combustion engines attached. **Boats propelled by battery-powered electric motors shall not be operated at greater than slow no wake speed.** Notwithstanding this subsection, internal combustion engines may be used in the performance of official duties by persons authorized by the Commission.

* * * * *

§ 107.1. Horsepower restrictions.

On waters where horsepower limitations are prescribed, as set forth in Chapter 111 (relating to special regulations counties), **horsepower limitations apply to both internal combustion motors and electric motors.** ~~[boats]~~**Boats** with motors larger than the maximum horsepower shall be permitted but the motors may not be used.

§ 107.2. Electric motors.

Except as otherwise specified in Chapter 111 (relating to special regulations counties):

(1) Electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted. **On waters where horsepower limitations are prescribed in Chapter 111, electric motors in excess of maximum horsepower limitations or equivalent kilowatt-hour ratings shall not be used.**

(2) On Commission owned or controlled lakes, State Park lakes and water bodies in Chapter 111 where boating is permitted and internal combustion motors are prohibited, electric motors shall not be operated at greater than slow, no-wake speed.

[(2)] (3) On Commission and State Park owned or controlled lakes, internal combustion motors attached to or installed in boats need not be removed, but the operation of engines is specifically prohibited.

[(3)] (4) Officers authorized to enforce the code and this part and, in the case of State Park lakes, officers and officials of the Bureau of State Parks and operators of emergency vessels may operate boats powered by internal combustion motors in the performance of their official duties on waters otherwise restricted to electric motors only.

On June 21, 2022, the Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

A notice of proposed rulemaking was published at 52 Pa.B. 5651 (September 3, 2022) (Exhibit K). The Commission received one public comment that did not pertain to the proposal.

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect January 1, 2023.

Action:

A motion was made by Commissioner Lewis and seconded by Commissioner Charlesworth to adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect January 1, 2023. Motion carried by unanimous vote.

BOATING FINAL RULEMAKING

B. Amendment to 58 Pa. Code § 111.17 (Clearfield County).

Commentary:

Treasure Lake is a 379-acre lake within the grounds of a semi-private resort-style residential development of the same name. It is the largest of three lakes on the property and is designated for motorboats. It has a speed limit of 35 mph. Treasure Lake is popular for boat-towed watersports, as well as fishing and kayaking. The lake has a marina with 200 boat rental slips and four boat launches.

In March 2022, the Treasure Lake Board of Directors voted to amend its policies to extend the maximum boat length on Treasure Lake from 25 feet to 26 feet, consistent with the U.S. Coast Guard's definition of a Class 1 vessel (16 feet to 25.9 feet). The Treasure Lake Board of Directors has requested the Pennsylvania Fish and Boat Commission (Commission) adopt the same regulatory amendment in Title 58 so that Waterways Conservation Officers can continue to assist in enforcement of this boating regulation.

During the comment period, a minor edit was suggested to the description of length to better align the change with the references to Class 1 vessels found elsewhere in Title 58.

Staff propose the following change to § 111.17:

§ 111.17. Clearfield County.

(a) *Treasure Lake.*

* * * * *

(3) Boats **26 feet in length or** longer **[than 25 feet in length]** are prohibited.

* * * * *

On June 21, 2022, the Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

A notice of proposed rulemaking was published at 52 Pa.B. 5652 (September 3, 2022) (Exhibit L). The Commission did not receive any public comments regarding the proposal.

Briefer:

Laurel L. Anders, Director, Bureau of Boating

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect January 1, 2023.

Action:

A motion was made by Commissioner Lewis and seconded by Commissioner Anderson to adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect January 1, 2023. Motion carried by unanimous vote.

LAW ENFORCEMENT FINAL RULEMAKING

A. Amendment to 58 Pa. Code § 63.8 (Long bows, crossbows, spears and gigs).

Commentary:

The Pennsylvania Fish and Boat Commission (Commission), specifically the Bureau of Law Enforcement, has received an increasing number of comments from bow fishing anglers who want to see snakeheads added to the list of approved species that can be targeted with long bows, crossbows, spears, and gigs. Snakeheads are an invasive species that are found in many Commonwealth waters and continue to spread across the state. Many of the states surrounding Pennsylvania already allow this activity.

After receiving feedback from agency staff, property owners, anglers, and fishing guides, staff have conferred and support a clarification of the regulation as listed below.

§ 63.8. Long bows, crossbows, spears and gigs.

(a) *General.* Except as otherwise provided in this part, **snakeheads**, carp, suckers, and catfish may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs any hour of the day or night aided by a light at night if so desired, in Commonwealth waters and waters bounding and adjacent thereto.

* * * * *

A notice of proposed rulemaking was published at 52 Pa.B. 5650 (September 3, 2022) (Exhibit M). The Commission received one public comment opposing this proposal.

Briefer:

Colonel Clyde N. Warner, Jr., Director, Bureau of Law Enforcement

Recommendation:

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

Action:

A motion was made by Commissioner Kauffman and seconded by Commissioner Hussar to adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES FINAL RULEMAKING

A. Amendment to 58 Pa. Code § 61.2 (Delaware River, West Branch Delaware River and River Estuary) to address the Atlantic Striped Bass fishery.

Commentary:

At its May 2022 quarterly meeting, the Atlantic States Marine Fisheries Commission (ASMFC), which includes the Commonwealth as a member, approved Amendment 7 to the Interstate Fishery Management Plan for Atlantic Striped Bass. The most recent Striped Bass stock assessment determined the stock was overfished and that overfishing was occurring. Based on these findings, the ASMFC's Striped Bass management plan calls for management actions to rebuild the stock. As part of Amendment 7, new requirements were established to address recreational release mortality, among other management plan components. Recreational release mortality is a large component of annual fishing mortality, and Amendment 7 establishes a new gear restriction which prohibits gaffing Striped Bass when fishing recreationally. This new restriction, along with the existing circle hook requirement when fishing recreationally with bait, are intended to increase the chance of survival after a Striped Bass is released alive. To align with the provisions of Amendment 7, it is recommended to prohibit the use of a gaff when fishing for Striped Bass in the Delaware River, West Branch Delaware River, and Delaware River Estuary.

In addition to the ASMFC mandated amendment, staff identified an opportunity to further clarify language in § 61.2 (b) pertaining to the legal harvestable size range for Striped Bass. The current language describes the minimum legal harvestable length but does not account for the maximum legal harvestable length in the Striped Bass slot limit. Although the harvest slot limit in the regulation chart clearly defines the upper and lower limits to the legal harvestable length range, it is recommended to add clarifying language to the body of the text in the regulation.

Staff propose that 58 Pa. Code § 61.2 be amended as follows:

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

* * * * *

(a) It is unlawful to take, catch, kill or possess fish, except during the seasons specified in this section. It is not a violation of this section if a fish caught out of season from water where fishing for other species is lawful is immediately returned unharmed to the waters from which it was taken.

(b) It is unlawful to take, catch, kill or possess fish of less than the minimum size **or greater than the maximum size** specified in this section. It is not a violation of this section if an undersized **or oversized** fish taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(c) It is unlawful to take, catch or kill more than 1 day's limit of any species of fish as specified in the following chart during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of fish as specified in the following chart except under the following circumstances:

(1) A person may possess any number of lawfully caught fish at the person's residence.

(2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may, while transporting fish from the place where caught to his residence, possess a number of fish equal to no more than two times the daily creel limit for that species of fish. In prosecution for violation of this section, it shall be a rebuttable presumption that a person transporting fish from a fishing site caught all of the fish during 1 calendar day.

(3) A fish will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.

(4) A fish caught that is not to be counted in the creel limit shall be immediately released unharmed into the water from which it was taken. Except as otherwise provided in § 53.24 or § 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies), a fish placed on a stringer, or confined by any type of container, structure or device, or not returned immediately to the water, will be considered as part of the daily creel or possession limits. Fish returned to the water shall be handled carefully and be returned unharmed to the water from which taken.

(5) Fish may be given to another person, but the fish shall be counted in the donor's creel limit and neither the donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.

(d) It is unlawful to fish with bait for any species of fish in the tidal Delaware Estuary, including tributaries from the mouths of the tributaries upstream to the limit of tidal influence using any hook type other than non-offset (in-line) circle hooks. The definition of a non-offset (in-line) circle hook is a non-offset hook where the point is pointed perpendicularly back towards the shank. The term "non-offset" means the point and the barb are in the same plane as the shank.

(e) It is unlawful for any person to gaff or attempt to gaff any Striped Bass at any time when fishing.

[(e)] (f) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

* * * * *

A notice of proposed rulemaking was published at 52 Pa.B. 5649 (September 3, 2022) (Exhibit N). The Commission did not receive any public comments regarding the proposed rulemaking.

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

Staff recommend that the Commission adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect on January 1, 2023.

Action:

A motion was made by Commissioner Brock and seconded by Commissioner Anderson to adopt the amendment as set forth in the notice of proposed rulemaking. If adopted, the amendment will go into effect on January 1, 2023. Motion carried by unanimous vote.

FISHERIES
PROPOSED RULEMAKING

A. Amendment to 58 Pa. Code § 65.24 (Miscellaneous Special Regulations): Add Sheppard-Meyers Reservoir, York County.

Commentary:

Sheppard-Meyers Reservoir, a 47-acre impoundment owned by the Borough of Hanover, is located in West Manheim Township, York County, approximately four miles south from the Borough of Hanover. This reservoir was completely dewatered during spring 2020 to upgrade the dam and spillway structures per Pennsylvania Department of Environmental Protection dam safety standards. The earth-fill dam, constructed in 1932, impounds the South Branch Conewago Creek at river mile (RM) 19.6 upstream from its confluence with Conewago Creek at RM 51.6. Prior to the drawdown in 2020, the lake offered angling opportunities for multiple warm-water and cool-water fish species, as well as adult trout stocked by the Pennsylvania Fish and Boat Commission (Commission). Repairs are expected to be completed by spring 2023 with refilling initiated soon after.

The Commission plans to initiate stocking the lake beginning in summer 2023 with fingerling plants of select fish species to establish a high-quality, warm-water and cool-water fishery. Immediately upon refilling the lake, staff propose to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth Inland Waters regulations (58 Pa. Code § 61.1) but allow only catch-and-release fishing for all other species. Staff believe that this approach will allow for the most rapid development of a balanced warm-water and cool-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management Division staff will monitor the fish populations as needed while they develop and 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 opportunities at Sheppard-Meyers Reservoir. Once the warm-water fishery is re-established, the lake will be recommended for removal from the miscellaneous special regulation and inclusion in one of the Commission's existing warm-water regulation programs.

Staff propose that 58 Pa. Code § 65.24 be amended as follows:

§ 65.24. Miscellaneous special regulations.

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

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
* * * * *		
<u>York</u>	<u>Sheppard-Meyers Reservoir</u>	<u>All species except trout—catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—inland regulations apply. See § 61.1 (relating to Commonwealth inland waters). This miscellaneous special regulation will remain in effect until further notice.</u>
* * * * *		

Briefer:

Kristopher M. Kuhn, Director, Bureau of Fisheries

Recommendation:

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

Action:

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

FISHERIES DESIGNATIONS

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

Commentary:

Pursuant to 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Pennsylvania Fish and Boat Commission's (Commission) policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of Pennsylvania's naturally reproducing trout populations. Criteria developed for Class A wild trout populations are species specific. Wild trout biomass class criteria include provisions for wild Brook Trout, wild Brown Trout, mixed wild Brook Trout and Brown Trout, wild Rainbow Trout, mixed wild Brook Trout and Rainbow Trout, and mixed wild Brown Trout and Rainbow Trout populations.

Staff recommend the addition of one stream section to the Commission's list of Class A wild trout streams. This change is the result of a recent survey conducted on this water and subsequent data review. Exhibit O provides information on the location and a data summary for the water.

A notice of proposed designation was published at 52 Pa. B. 5041 (August 13, 2022) (Exhibit P). The Commission received a total of 180 public comments regarding the proposed designation: all support the proposed designation. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add one stream section to its Class A wild trout streams list as set forth in the notice of proposed designation. If approved, this addition will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Brock to add one stream section to its Class A wild trout streams list as set forth in the notice of proposed designation. If approved, this addition will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

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

Commentary:

The Department of Environmental Protection's regulations at 25 Pa. Code § 105.1 define the term "wild trout stream" as "a stream identified as supporting naturally reproducing trout populations by the Fish and Boat Commission (Commission) under 58 Pa. Code § 57.11 (relating to listing of wild trout streams)." This term has regulatory significance because wetlands that are in or along the floodplain of the reach of a wild trout stream and the floodplain of streams tributary thereto are considered "exceptional value" and are thus entitled to the highest level of protection.

The Commission adopted a statement of policy at 58 Pa. Code § 57.11 that sets forth the basis for the classification of streams supporting the natural reproduction of trout. Under § 57.11, it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how the stream is managed. The statement of policy provides that the Commission's Fisheries Management Division will maintain the list of wild trout streams and that the Executive Director, with approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin* and solicit public comments.

Staff recommend the addition of 45 new waters to the Commission's list of wild trout streams and the revision of the section limit of one water currently listed. These changes are the result of recent surveys conducted on these waters. Exhibit Q provides information on the locations and a data summary for each of these waters. Surveying unassessed waters and documenting wild trout populations are consistent with the Commission's Strategic Plan for Management of Trout Fisheries in Pennsylvania, the statewide Strategic Plan, and the agency's Resource First philosophy.

A notice of proposed designations was published at 52 Pa. B. 5038 (August 13, 2022) (Exhibit R). The Commission received a total of 178 public comments regarding the proposed designations: 178 support the proposal and one comment does not pertain to the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add 45 new waters to the Commission's list of wild trout streams and revise the section limit of one water currently listed 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 Charlesworth and seconded by Commissioner Brock to add 45 new waters to the Commission's list of wild trout streams and revise the section limit of one water currently listed as set forth in the notice of proposed designations. If approved, these additions will go into effect upon publication of a second notice in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

C. Addition of Penns Creek, Section 03, Centre and Mifflin Counties, to the All-Tackle Trout Slot Limit program (58 Pa. Code § 65.4c).

Commentary:

Penns Creek is a large, limestone-influenced stream that supports a robust wild Brown Trout fishery in its upstream reaches. The stream is approximately 67 miles in length and is delineated into eight stream sections for fisheries management purposes. Penns Creek, Section 03, extends for 7.0 miles from the confluence with Elk Creek in Coburn downstream to 600 meters downstream of the confluence with Swift Run. Section 03 was managed as a stocked trout fishery until 1992 when it was designated by the Pennsylvania Fish and Boat Commission (Commission) as a Class A wild trout stream and the stocking of hatchery-reared trout was discontinued in favor of wild trout management.

To address landowner and angler feedback, increase the abundance of large wild Brown Trout in the population, and provide the opportunity to use all tackle types and harvest some trout, a new Miscellaneous Special Regulation (58 Pa. Code § 65.24; slot limit) was established on Penns Creek, Section 03, beginning January 1, 2014. The slot limit regulation allows for year-round fishing, use of all tackle types, and the harvest of two trout per day that are at least seven inches but less than 12 inches in length, from the opening day of the regular season for trout through Labor Day, with no harvest permitted the remainder of the year.

The Penns Creek trout population was monitored before and after implementation of the slot limit regulation. Results of the monitoring revealed a substantial increase in the electrofishing catch rates of larger Brown Trout (greater than or equal to 16 inches in length) during the slot limit regulation implementation period (2014-2019). Additionally, staff conducted an angler use, harvest, and opinion survey to evaluate the social aspects of the regulation change and estimate angler harvest in 2019. Results documented low harvest of trout during the survey and high angler support for continuance of the slot limit regulation.

Given the success of the experimental slot limit regulation program on Penns Creek, Section 03, and potential opportunities to utilize this regulation at other suitable wild trout waters, the Commission established a new special regulation program known as Trout Slot Limit in 2021. The Trout Slot Limit program has two subprograms: All-Tackle Trout Slot Limit and Artificial Lures Only Trout Slot Limit. To facilitate transition of Section 03 into the All-Tackle Trout Slot Limit program, the Board approved the removal of Section 03 from Miscellaneous Special Regulations at the July 2022 Commission meeting effective January 1, 2023. As such, it is recommended that Penns Creek, Section 03, be managed under the newly established All-Tackle Trout Slot Limit program. If approved, the name of the regulation applied to Penns Creek, Section 03, will change; however, the regulation itself would remain the same.

A notice of proposed designation was published at 52 Pa. B. (September 17, 2022) 6015 (Exhibit S). The Commission received a total of 28 public comments regarding the proposed designation: 25 support the proposal, two oppose the proposal, and one comment does not pertain to the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission add Penns Creek, Section 03, Centre and Mifflin counties, to the All-Tackle Trout Slot Limit program (58 Pa. Code § 65.4c). If approved, this designation will go into on January 1, 2023.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Brock to add Penns Creek, Section 03, Centre and Mifflin counties, to the All-Tackle Trout Slot Limit program (58 Pa. Code § 65.4c). If approved, this designation will go into on January 1, 2023. Motion carried by unanimous vote.

FISHERIES DESIGNATIONS

D. Removal of Codorus Creek, Section 04, York County; Monocacy Creek, Section 07, Northampton County; and Saucon Creek, Section 05, Northampton County; from the Trophy Trout Artificial Lures Only program (58 Pa. Code § 65.7) and addition to the Artificial Lures Only Trout Slot Limit program (58 Pa. Code § 65.4d).

Commentary:

Codorus Creek, Section 04, extends 2.0 miles from the confluence with the West Branch Codorus Creek downstream to 0.4 miles downstream from Thoman Drive; Monocacy Creek, Section 07, extends 2.21 miles from the upstream boundary of the Gertrude Fox Conservation Area downstream to Illick's Mill Dam; and Saucon Creek, Section 05, extends 2.1 miles from 0.38 miles upstream from the Seidersville Road bridge downstream to the Hellertown Road bridge. These stream sections are designated Class A wild trout streams by the Pennsylvania Fish and Boat Commission (Commission) and managed with Trophy Trout Artificial Lures Only regulations (58 Pa. Code § 65.7). This regulation allows for year-round angling and harvest of one trout per day greater than or equal to 18 inches in length from the opening day of the regular season for trout through Labor Day with catch-and-release the remainder of the year.

The Commission completed a biological assessment of the wild Brown Trout population in Codorus Creek, Section 04, in 2021; and assessments of Monocacy Creek, Section 07, and Saucon Creek, Section 05, were completed in 2022. Survey results indicated that the adult Brown Trout populations were comprised primarily of trout less than 12 inches in length with few large trout present. Trophy Trout regulations focus any potential harvest on the largest fish in the population; however, due to lack of fish greater than or equal to 18 inches in length in some of these populations, the current regulations are essentially managing the fisheries for catch-and-release angling.

The Commission established a new special regulation program known as the Trout Slot Limit program in 2021. The Trout Slot Limit program has two subprograms: All-Tackle Trout Slot Limit and Artificial Lures Only Trout Slot Limit. These subprograms provide the Commission with the ability to select the most appropriate tackle option to achieve biological and social objectives for waters considered for inclusion in the program. The slot limit regulations allow for year-round fishing, and the harvest of two trout per day that are at least seven inches but less than 12 inches in length from the opening day of the regular season for trout through Labor Day with no harvest permitted the remainder of the year.

To improve size structure, increase the number of large trout (greater than or equal to 16 inches in length), and reduce fishing mortality on the largest fish in the populations; a change in regulations is warranted. As such, it is recommended to manage these waters under Artificial Lures Only Trout Slot Limit (58 Pa. Code § 65.4d) regulations. These regulations provide anglers with the opportunity to harvest intermediate-size trout if desired, while providing protection to large fish in the population. To facilitate transition

of these waters into the Artificial Lures Only Trout Slot Limit program, these waters must first be removed from the Trophy Trout Artificial Lures Only program. Therefore, staff recommend the Commission remove these three stream sections from the Trophy Trout Artificial Lures Only program and add them to the Artificial Lures Only Trout Slot Limit program.

A notice of proposed designations was published at 52 Pa.B. 6015 (September 17, 2022) (Exhibit S). The Commission received a total of 45 public comments regarding the proposed designation: 18 support the proposal, seven support specific waters, three oppose the proposal, 15 oppose specific waters, and two comments do not pertain to the proposal. Copies of all public comments were provided to the Commissioners.

Briefer:

David C. Nihart, Chief, Division of Fisheries Management

Recommendation:

Staff recommend that the Commission remove Codorus Creek, Section 04, York County; Monocacy Creek, Section 07, Northampton County; and Saucon Creek, Section 05, Northampton County; from the Trophy Trout Artificial Lures Only program (58 Pa. Code § 65.7) and add these waters to the Artificial Lures Only Trout Slot Limit program (58 Pa. Code § 65.4d) as described in the Commentary. If adopted, this designation will go into on January 1, 2023.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Charlesworth to remove Codorus Creek, Section 04, York County; Monocacy Creek, Section 07, Northampton County; and Saucon Creek, Section 05, Northampton County; from the Trophy Trout Artificial Lures Only program (58 Pa. Code § 65.7) and add these waters to the Artificial Lures Only Trout Slot Limit program (58 Pa. Code § 65.4d) as described in the Commentary. If adopted, this designation will go into on January 1, 2023. Motion carried by unanimous vote.

Other New Business

Time and Place of January 2023 Commission Meeting

Announcement of the January 23-24, 2023 quarterly Commission Meeting in Harrisburg, PA at 10:00 a.m.

Adjournment

A motion was made by Commissioner Brock and seconded by Commissioner Lewis to adjourn the meeting at 12:05 p.m. Motion carried by unanimous vote.