

STATEMENTS OF POLICY

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Fishing

The Fish and Boat Commission (Commission) by this order adopts a statement of policy at §§ 57.8a and 57.9a (relating to Class A wild trout streams; and publicizing stocking of legal-size trout). The Commission is publishing this statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The statement of policy relates to fishing.

A. Effective Date

This statement of policy will go into effect immediately upon publication of this order.

B. Contact Person

For further information on the statement of policy, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. Statutory Authority

This statement of policy is published under the statutory authority of sections 322(l) and 2102 of the code (relating to rules and regulations).

D. Purpose and Background.

Under the regulations, policies and guidelines of the Department of Environmental Protection, classification of a water as a Class A wild trout water affects the water quality designation of a stream, qualifying it for special protection status. A formal statement of policy on the factors involved in identifying streams as Class A wild trout waters will better define this status.

A review of the history of Commission policies on publicizing trout stocking reveals that prior to 1965, these stockings were kept "secret." In 1965, the Commission adopted a policy that all stockings should be publicly announced. This was modified in 1974. The current policy was approved by the Commission in 1978, and it was confirmed on several occasions thereafter with minor modifications in 1986. The policy provides that in-season stocking of trout will be publicized by announcement of the water area to be stocked and the week of the stocking. The policy of only announcing the week of in-season stockings was designed to address problems in landowner relations, traffic, adverse angler reactions, and the like. These problems caused the Commission to abandon the former policy of announcing the date and time of most in-season stocking.

On several occasions since 1978, committees and workgroups of Commission staff, the FUTURE taskforce, Commission committees and the Commission itself discussed changes to the policy for announcing in-season stocking. There have been strong recommendations for announcing some or all in-season stockings on public lands and consideration of announced in-season Saturday stockings. Everyone recognizes that the current policy has problems related to truck-following and the inability of many anglers to take advantage of in-season plantings of catchable trout. However, after past consideration, the policy was left unchanged. License sales increased in the years after the Commission stopped announcing in-season stockings, and a large majority (72%) of trout anglers

surveyed in the Trout Angler Telephone Survey (TATS) opposed announcing the date of trout stockings. Indeed a majority (65%) expressed the belief that the Commission should not even announce the week of stocking.

At the same time, field officers report increasing problems with the current policy, which is perceived as unfair and unnecessary with respect to public waters. Anglers and sportsmen have reported to our officers that the current policy discourages anglers from participation. Accordingly, at its January 1997 meeting, the Commission adopted a revised statement of policy on in-season stocking of legal-size trout.

E. Summary of the Statement

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, and the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking. Section 57.8a defines the factors involved in identifying streams as Class A wild trout waters.

Section 57.9a reaffirms the Commission's long-standing policy on trout stockings and changes its policy on announcing Saturday stockings on lakes owned or controlled by the Commonwealth, Federal or local governments.

F. Paperwork

This statement of policy will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

This statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions. This statement of policy imposes no new costs on the private sector or the general public.

H. Public Involvement

Because this order adopts a statement of policy, and not regulations, the Commission was not required to publish a notice of proposed rulemaking in the *Pennsylvania Bulletin* or to solicit public comments.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 57, are amended by adding §§ 57.8a and 57.9a to read as set forth in Annex A.

(b) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-66. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart. A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter A. FISHERIES POLICIES

§ 57.8a. Class A wild trout streams.

It is the policy of the Commission to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. These stream sections are managed 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 Abundance 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).

(3) For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass shall be documented below the set criteria for two consecutive stream examinations.

§ 57.9a. Publicizing stocking of legal-size trout.

(a) It is the policy of the Commission that all stockings of legal-size trout be publicly announced.

(b) Announcements of preseason and winter stockings of legal-size trout may include the date, time and a description of the waters to be stocked.

(c) Announcements of in-season stockings of legal-size trout will include the week of stocking and the name of waters to be stocked. The Executive Director or a designee may announce the day and time of certain in-season stocking of legal-size trout on Saturdays on lakes owned or controlled by the Commonwealth, Federal or local governments when an announcement will enhance fishing opportunities and will not cause undue congestion, crowd control or traffic problems. On lakes other than those under the direct control of the Commission, the day of in-season stockings will not be announced without the acquiescence of the government agency, official or officer responsible for ownership and control of the site of the stockings.

(d) The Executive Director may implement the policy stated in subsection (c) with regard to announcing the day of in-season stocking on publicly owned or controlled waters on a phased basis by establishing pilot sites and test announcements.

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