

# STATEMENTS OF POLICY

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 57 ]  
**Class A Wild Trout Streams**

The Fish and Boat Commission (Commission) proposes to amend § 57.8a (relating to Class A wild trout streams). Although not required to publish a proposed statement of policy to adopt revisions to a statement of policy, the Commission is publishing the proposed amendments and seeking public comments because of the heightened public interest in this issue. The Commission is publishing this proposed statement of policy under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

### A. *Effective Date*

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

### B. *Contact Person*

For further information on the proposed statement of policy, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed statement of policy is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

### C. *Statutory Authority*

The proposed statement of policy are published under the statutory authority of section 321 of the code (relating to administration and enforcement) that provides that the Commission shall administer and enforce the code and other laws of the Commonwealth regarding the protection, propagation and distribution of fish.

### D. *Purpose and Background*

In October 2009, the Commission approved the Strategic Plan for Management of Trout Fisheries in Pennsylvania 2010-2014 (plan). The plan was developed based on input provided by a work group that consisted of Commission staff, anglers affiliated with a variety of sportsmen's organizations and independent trout anglers that are not affiliated with an organized group. This plan has guided the direction of trout management for the Commission since that time.

The plan identifies opportunities for improvement of trout management in this Commonwealth, issues that affect the improvements and strategies for addressing those issues. One of the key issues addressed in the plan is the protection of Class A wild trout waters. Issue 2 of the plan states "There are a number of streams that may hold Class A biomass trout populations that have not been officially designated as Class A streams by the [Commission]. This leads to inadequate water quality protection for these waters and inconsistent application of fisheries management strategies." The identified strategy to address this specific issue is "By 2014, sample waters identified by [Commission] staff as likely to support a Class A wild trout biomass and designate appropriately." These evaluations have been ongoing. It should be noted that this issue is separate from the identification of unassessed Class A waters, which the Commission has been addressing since adoption of the plan. The waters to which Issue 2 of the plan applies are waters for which

historical data is present but which have not been officially designated as Class A.

A work group, comprised of several Commissioners and Commission staff, was formed to gather background information related to the Class A issue. Using this information, the Commission identified several changes to the current policy that should be made so that Class A waters can be properly identified and protected.

### E. *Summary of Proposed Revisions*

One proposed change to § 57.8a addresses the criteria that must be met to designate a stream section with a mixed wild brown trout/rainbow trout or wild brook trout/rainbow trout population as a Class A water. These populations are not addressed in the current policy.

Another proposed change addresses the criteria for removing a water from the Class A list. With the proposed change, removal of a water from Class A status will be limited to those waters in which some environmental or human induced physical change has occurred that is highly unlikely to be reversible and thus renders the stream incapable of sustaining a Class A trout population.

The Commission proposes the amendments to § 57.8a as set forth in Annex A.

### F. *Paperwork*

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

### G. *Fiscal Impact*

The proposed statement of policy will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed statement of policy will not impose new costs on the private sector or the general public.

### H. *Public Comments*

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

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** 48A-251. 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.

\* \* \* \* \*

(2) Wild Trout Abundance Class Criteria include provisions for:

\* \* \* \* \*

(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) [ For a water to ] A water will not 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 ] 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.

[Pa.B. Doc. No. 13-1671. Filed for public inspection September 13, 2013, 9:00 a.m.]