

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective November 20, 2013.

The organization chart at 43 Pa.B. 7102 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-2266. Filed for public inspection December 6, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective November 20, 2013.

The organization chart at 43 Pa.B. 7103 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-2267. Filed for public inspection December 6, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective November 20, 2013.

The organization chart at 43 Pa.B. 7104 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-2268. Filed for public inspection December 6, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

The Executive Board approved a reorganization of the Governor's Office of Administration effective November 20, 2013.

The organization chart at 43 Pa.B. 7105 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-2269. Filed for public inspection December 6, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of the Budget

The Executive Board approved a reorganization of the Governor's Office of the Budget effective November 20, 2013.

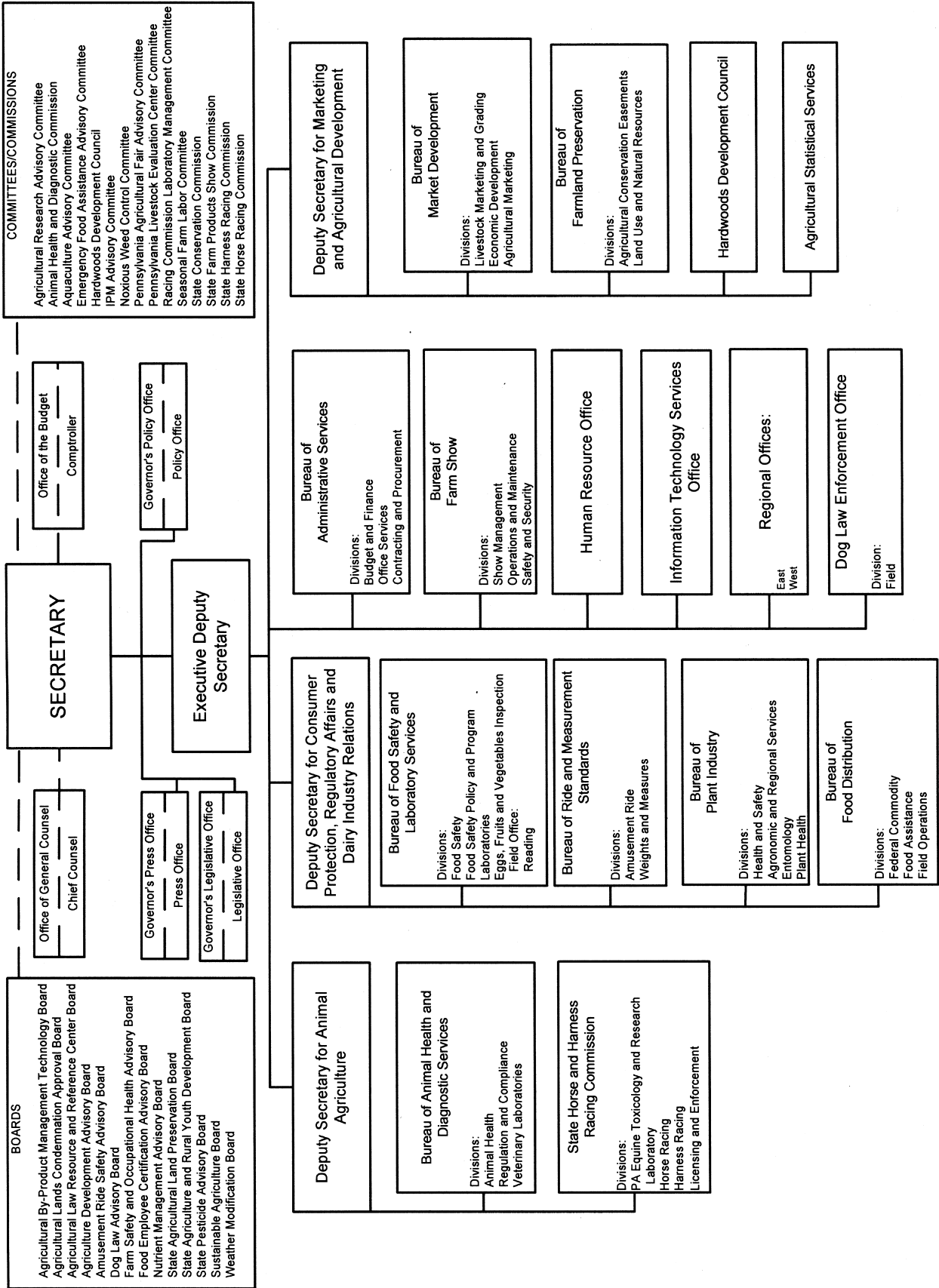
The organization chart at 43 Pa.B. 7106 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

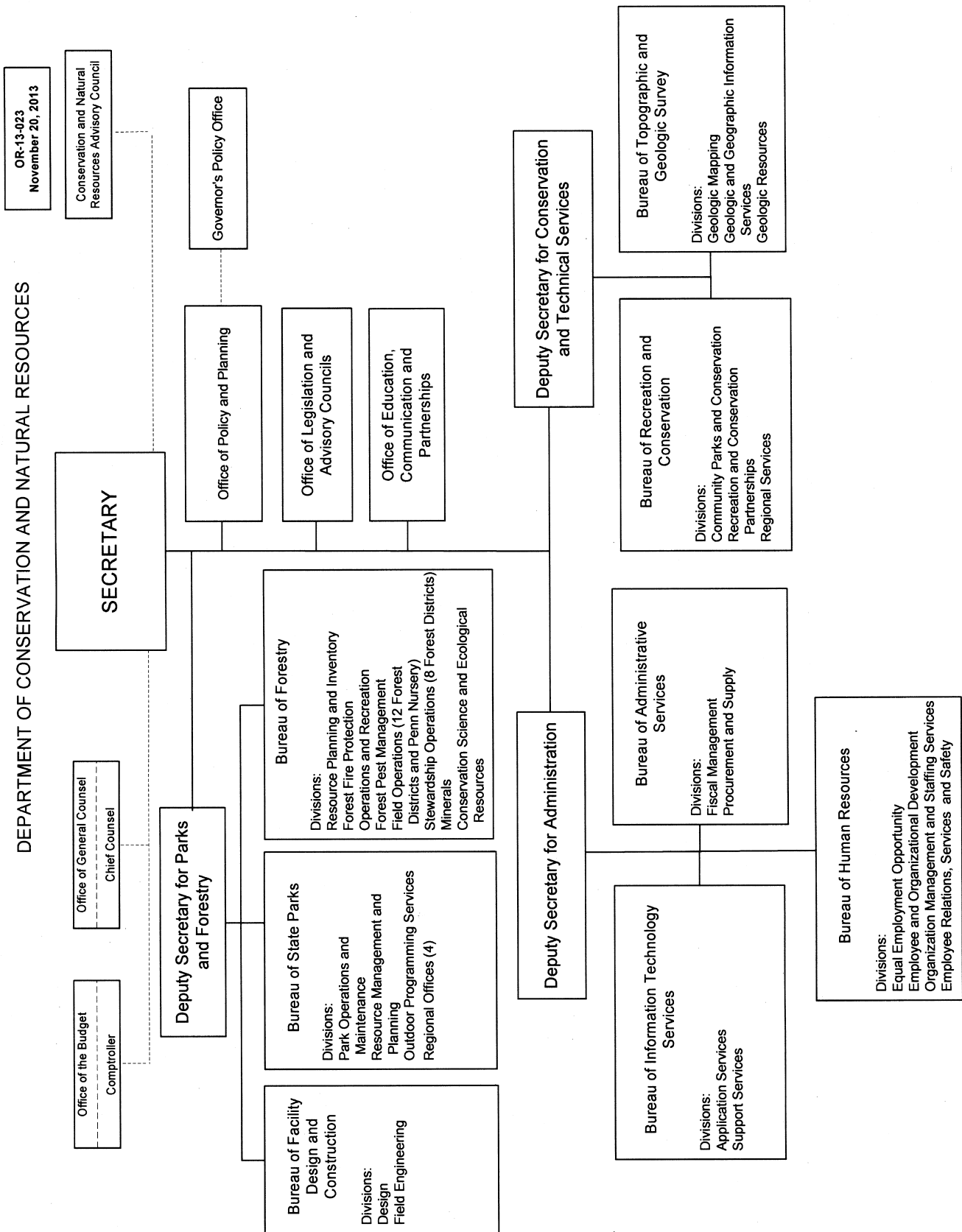
[Pa.B. Doc. No. 13-2270. Filed for public inspection December 6, 2013, 9:00 a.m.]

OR-13-025
November 20, 2013

DEPARTMENT OF AGRICULTURE

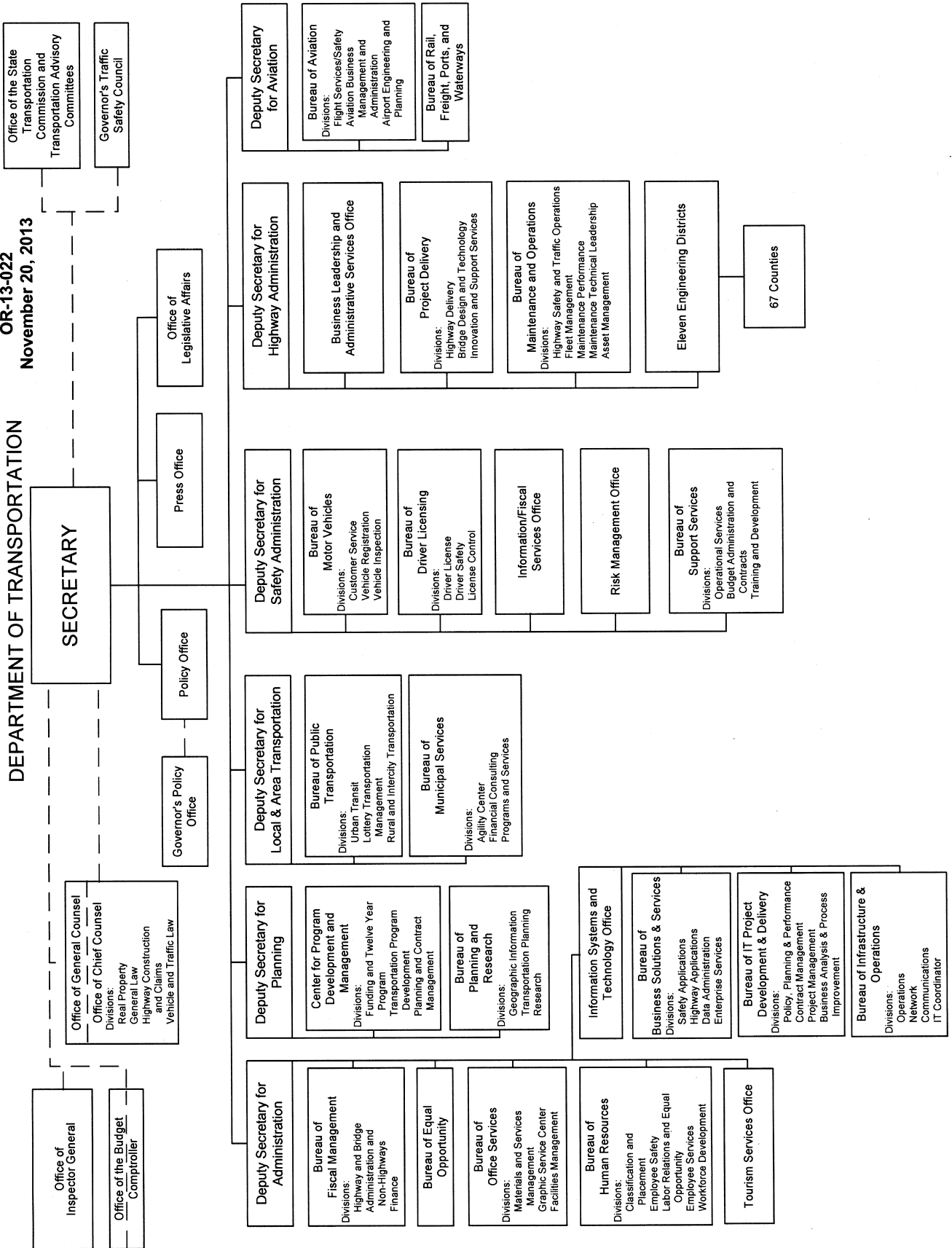


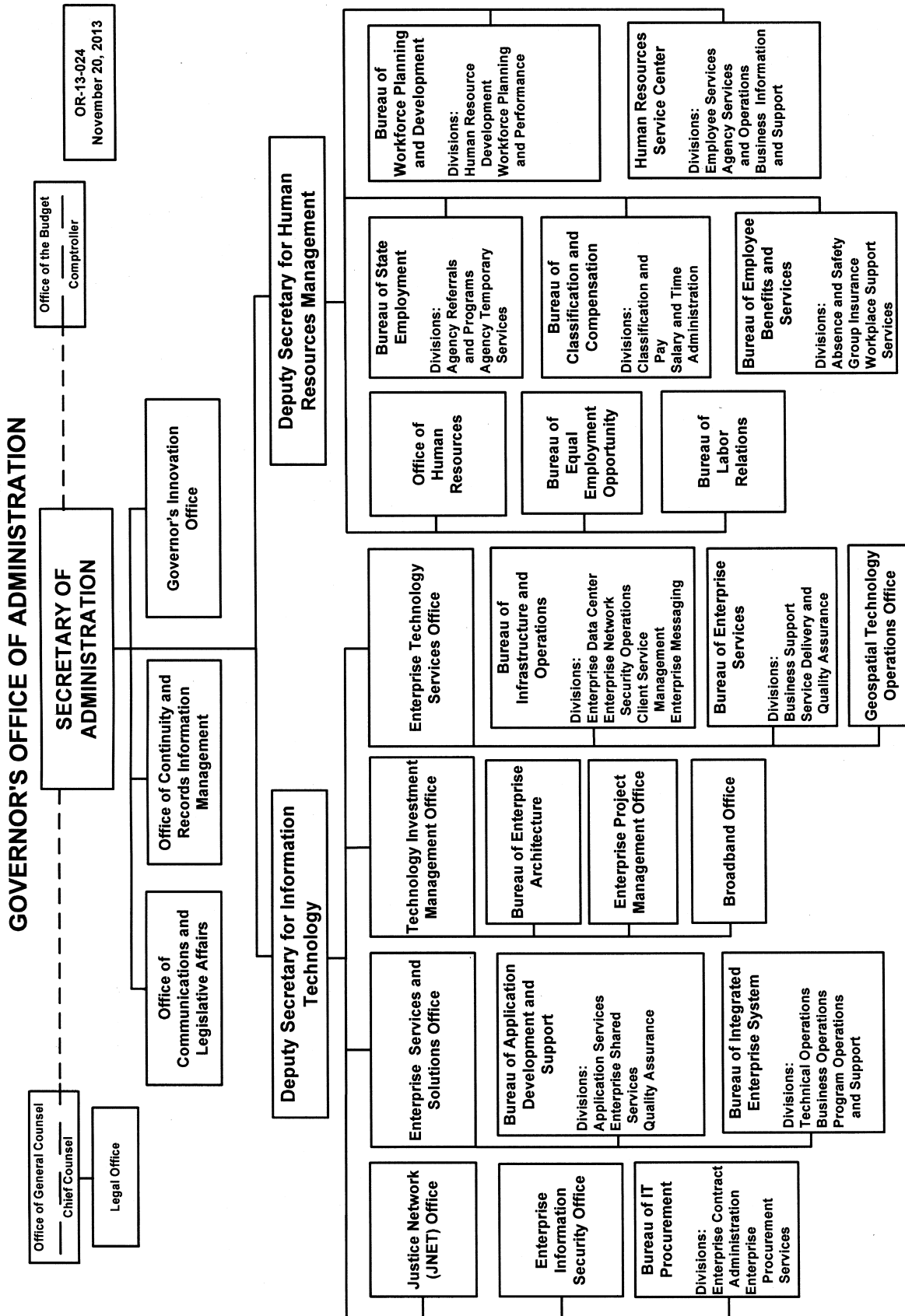
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



OR-13-022
November 20, 2013

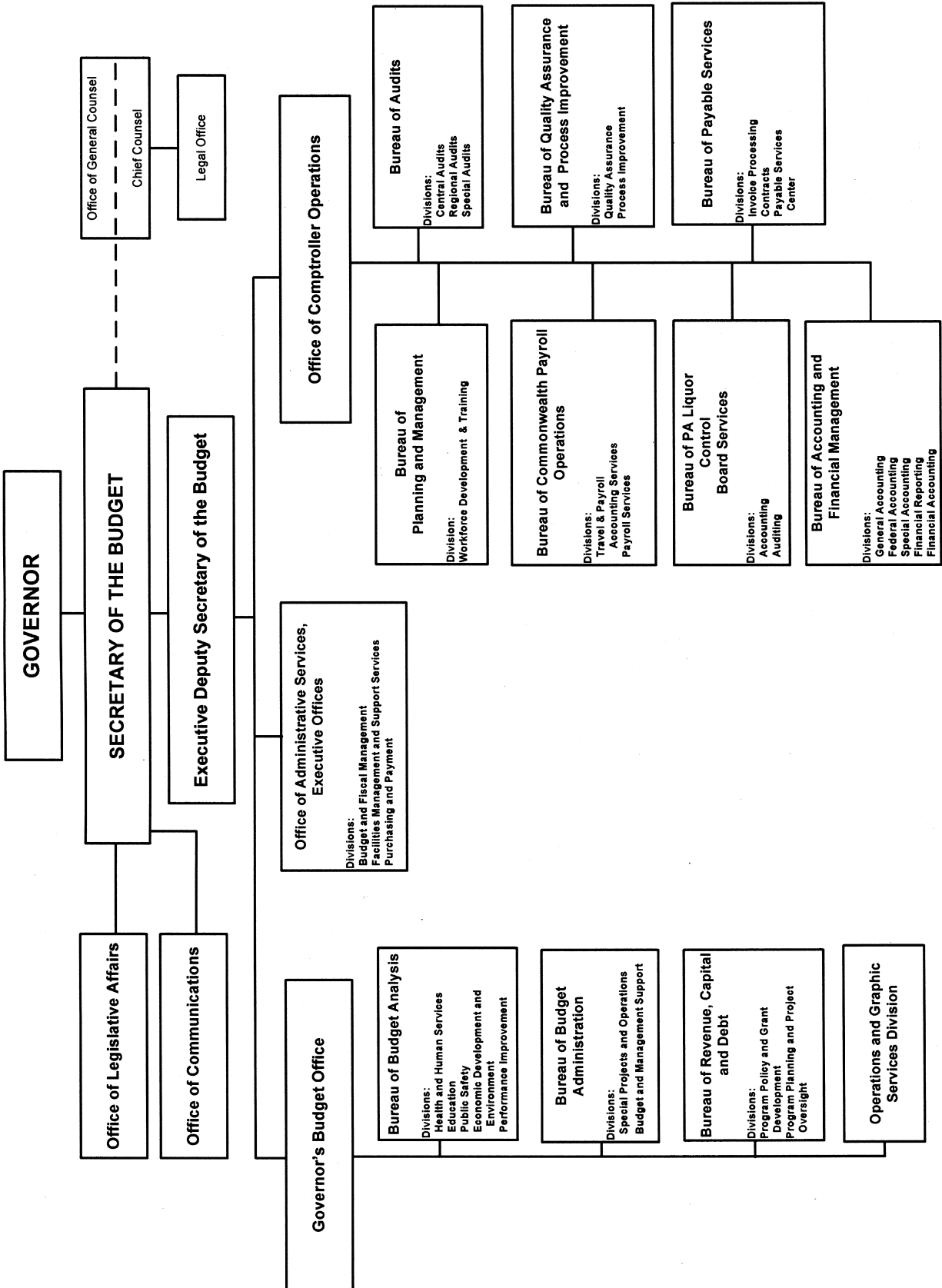
DEPARTMENT OF TRANSPORTATION





OR-13-021
November 20, 2013

GOVERNOR'S OFFICE OF THE BUDGET



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, the Commission is publishing the proposed amendments to § 57.8a 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 Fish and Boat Code) (code).

A. *Effective Date*

The proposed statement of policy, if approved, will go into effect upon publication of the final-form statement of policy 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 proposal is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed statement of policy is 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 affected those improvements and strategies for addressing those issues. One of the key issues addressed in the plan was 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 PFBC staff as likely to support a Class A wild trout biomass and designate appropriately." 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 refers are waters in which historical data was present but which have not been officially designated as Class A.

To date, the Commission has identified ten potential high biomass waters per Issue 2 of the plan. The

Commission completed new inventories on these waters and each has been sampled once since 2010. A second survey is planned this year. Those that are confirmed to support Class A populations will be proposed for designation as Class A wild trout streams consistent with the plan.

Currently, each of these waters is stocked. Most of them support heavy angler use for the stocked trout component of the fishery. A recent analysis of all stocked trout waters in this Commonwealth resulted in the development of three stocked trout "efficiency classes." These classes of streams were differentiated statistically relative to the angler use resulting from the numbers of trout stocked (efficiency). High human population density or high accessibility (number of parking places per mile of stream), or both, were two of the variables that resulted in waters being classified into the highest efficiency classes. Others with high use were "so called" destination waters, which may have been more rural in nature but which traditionally have supported high angler use. The lowest efficiency class (Class 3) was primarily comprised of rural waters; there are statistical outliers in this class that also have high angler use. Of the ten stream sections identified, nine fall into the top 75th percentile of angler use for all the stocked stream sections that have been evaluated by the Commission.

E. *Summary of Proposed Revisions*

To address the high angler use levels for stocked trout on these waters, the Commission proposes amendments to its Class A policy. These amendments will permit stocking to continue on Class A waters that meet certain conditions. These exceptions will be limited to those waters that had been stocked the year preceding the Class A designation and where angler use is greater than or equal to the 75th percentile of angler use (number of anglers/mile on Opening Day) for stocked trout waters in this Commonwealth. Waters designated as a Class A wild brook trout, Class A mixed wild brook and brown trout or Class A mixed wild brook and rainbow trout stream will not be considered for stocking. Prior to implementing a decision to stock a Class A water, the Executive Director will obtain the approval of the Commission's Board.

The Commission proposes to amend § 57.8a to read as set forth in Annex A.

F. *Paperwork*

The proposed amendments to § 57.8a 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 90 days after publication of this proposed statement of policy 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/regcomments. 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

(Editor's Note: See 43 Pa.B. 7097 (December 7, 2013) for a proposed rulemaking relating to this proposed statement of policy.)

Fiscal Note: 48A-255. 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] With rare exceptions, these** stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking.

* * * * *

(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.

(4) Stream sections that the Commission designates as Class A wild trout streams after December 31, 2013, may remain eligible for fingerling stocking of trout or preseason-only stocking of adult trout by the Commission or Commission-approved preseason-only stocking of adult trout by Commission cooperative nurseries to provide additional early season angling opportunities provided the following conditions are met:

(i) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

(ii) Angler use (anglers/mile of stream) in the stream section equals or exceeds the 75th percentile, Statewide, of angler use for the opening weekend of trout season as documented by Commission staff.

(iii) The trout species to be stocked are not the same species as the primary component of the wild trout population.

(5) A stream section designated as a Class A wild brook trout, Class A mixed wild brook and brown trout or Class A mixed wild brook and rainbow trout stream will not be considered for stocking.

(6) Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Board.

[Pa.B. Doc. No. 13-2271. Filed for public inspection December 6, 2013, 9:00 a.m.]