

STATEMENTS OF POLICY

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Class A Wild Trout Streams

The Fish and Boat Commission (Commission) amends § 57.8a (relating to Class A wild trout streams). The Commission publishes this statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The amendments to § 57.8a will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

The amendments to § 57.8a 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 Revisions*

One 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 change addresses the criteria for removing a water from the Class A list. With the 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 adopts these changes to § 57.8a as set forth in proposed statement of policy published at 43 Pa.B. 5469 (September 14, 2013).

F. *Paperwork*

This final-form statement of policy will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form statement of policy will not have an adverse fiscal impact on the Commonwealth or its political subdivisions. This final-form statement of policy will not impose new costs on the private sector or the general public.

H. *Public Involvement*

Although not required to publish a proposed statement of policy to adopt revisions to a statement of policy, the Commission published the proposed amendments at 43 Pa.B. 5469 and sought public comments because of the heightened public interest in this issue. The Commission did not receive public comments concerning the proposed statement of policy.

Finding

The Commission finds that the adoption of the amendments to § 57.8a is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The statements of policy of the Commission, 58 Pa. Code Chapter 57, are amended by amending § 57.8a to read as set forth at 43 Pa.B. 5469.

(b) The Executive Director shall certify this order and 43 Pa.B. 5469 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-251 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 14-590. Filed for public inspection March 21, 2014, 9:00 a.m.]