

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 93]

Water Quality Standards; Class A Stream Redesignations

The Environmental Quality Board (Board) amends §§ 93.9a, 93.9c, 93.9d, 93.9e, 93.9f, 93.9h, 93.9i, 93.9k, 93.9l, 93.9n, 93.9o, 93.9p, 93.9q and 93.9t to read as set forth in Annex A. This final-form rulemaking fulfills the Commonwealth's obligations under State and Federal law to review and revise, as necessary, water quality standards that are protective of surface waters.

This final-form rulemaking is given under Board order at its meeting of June 20, 2017.

A. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

B. Contact Persons

For further information, contact Thomas Barron, Bureau of Clean Water, 11th Floor, Rachel Carson State Office Building, P.O. Box 8774, 400 Market Street, Harrisburg, PA 17105-8774, (717) 787-9637; or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)").

C. Statutory Authority

This final-form rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement The Clean Streams Law (35 P.S. §§ 691.1—691.1001), and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C.A. § 1313) sets forth requirements for water quality standards.

D. Background and Purpose

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as treatment requirements, effluent limits and best management practices (BMP)) on individual sources of pollution. Section 303(c)(1) of the Federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. Water quality standards include designated uses, numeric and narrative criteria, and antidegradation requirements for surface waters. This final-form rulemaking is the result of stream evaluations conducted by the Department.

The Department may identify candidate streams for redesignation of uses during routine waterbody investigations. Requests for consideration may also be initiated by other agencies. Members of the public may submit a rulemaking petition to the Board as well. This final-form rulemaking is the result of stream evaluations conducted by the Department in response to a submittal of data from the Fish and Boat Commission (FBC) under § 93.4c (relating to implementation of antidegradation requirements). Section 93.4c(a)(1) pertains to the process for changing a designated use of a stream. In this final-form rulemaking, redesignations rely on § 93.4b(a)(2)(ii) (relating to qualifying as High Quality or Exceptional Value Waters) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the FBC, based on species-specific biomass standards, and following public notice and comment, qualifies for HQ designation. The FBC published notice and requested comments on the Class A designation of these streams. The Commissioners of the FBC approved these waters after public notice and comment.

The Department considers candidates for HQ or Exceptional Value (EV) Waters (collectively referred to as special protection waters) and all other designations in its ongoing review of water quality standards. In general, HQ and EV Waters must be maintained at their existing quality, and permitted activities shall ensure the protection of designated and existing uses. The purpose of this final-form rulemaking is to update the designated uses so that the surface waters of the Commonwealth are afforded the appropriate level of protection.

Existing use protection is provided when the Department determines, based on its evaluation of the best available scientific information, that a surface water attains water uses identified in § 93.3 (relating to protected water uses). Examples of water uses protected include Cold Water Fishes (CWF), Warm Water Fishes (WWF), HQ and EV. A final existing use determination is made on a surface water at the time the Department takes a permit or approval action on a request to conduct an activity that may impact surface water. If the determination demonstrates that the existing use is different than the designated use, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. A stream will then be "redesignated" through the rulemaking process to match the existing uses with the designated uses. For example, if the designated use of a stream is listed as protecting WWF but the redesignation evaluation demonstrates that the water attains the use of CWF, the stream would immediately be protected for CWF prior to a rulemaking. After the Department determines the water uses attained by a surface water, the Department will recommend to the Board that the existing uses be made "designated" uses, through rulemaking, and be added to the list of uses identified in § 93.9 (relating to designated water uses and water quality criteria).

Prior to the development of the proposed rulemaking, Department staff conducted an independent review of the trout biomass data in the FBC's fisheries management reports for streams throughout this Commonwealth. This review was conducted to ensure that the HQ criteria were met. The Department gave notice in the *Pennsylvania Bulletin* and on its web site that an evaluation was to be

conducted on all or portions of the subject streams to determine the proper Aquatic Life Use or Special Protection designations in the Commonwealth's Water Quality Standards. Persons who had technical data concerning the water quality, instream habitat or biological conditions of these stream sections were encouraged to make the data available to the Department for consideration in the assessment. Potentially affected municipalities were also notified by letter of the stream evaluations and asked to provide any readily available data. Data was not received in response to these notices. The affected municipalities, county planning commissions, County Conservation Districts and other State agencies were later notified of the availability of a draft stream evaluation report for their review and comment. The draft stream evaluation report was also made available on the Department's web site for public review and comment. All data and comments received in response to these notifications were considered in the determination of the Department's recommendations for the amendments in this final-form rulemaking.

Copies of the Department's stream redesignation evaluation report for these waterbodies are available on the Department's web site or from the contact persons listed in Section B of this preamble. Copies of the FBC fisheries management reports for these streams and the FBC's sampling protocols for Wadeable Streams are available on the Department's web site or from Thomas Barron, whose address and telephone number are listed in Section B of this preamble. The data and information collected on these waterbodies support this final-form rulemaking.

E. Summary of Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking

Rulemaking summary

During the Department's review of stream data, listing errors were discovered in § 93.9. The Board is correcting an error in § 93.9d (relating to Drainage List D). The listing in § 93.9d for a very short segment of Pohopoco Creek main stem which extends from the mouth of Middle Creek to the US 209 bridge at Kresgeville says that it is HQ-CWF, Migratory Fishes (MF) and it also incorrectly states that the same segment is CWF, MF. The correct designation for this portion of Pohopoco Creek is HQ-CWF, MF based on its current classification by the FBC, and the Department's review of the data, as a Class A Wild Trout Water.

The Board is also correcting an error in § 93.9k (relating to Drainage List K). Portions of Little Nescopeck Creek (above State Route 309) and Creasy Creek were included with the data submittal from the FBC. However, these portions of the upper Nescopeck Creek basin are already designated HQ-CWF, MF; therefore, a change is not necessary. The entire upper Nescopeck Creek basin above the State Route 309 bridge is HQ-CWF, MF according to the first entry for the Nescopeck Creek in § 93.9k. This entry designates the main stem of the Nescopeck Creek and all of its tributaries upstream of SR 309 as HQ-CWF, MF. When reviewing the drainage list, the Department discovered duplicative listings for Creasy Creek, Little Nescopeck Creek and Oley Creek which were improperly in § 93.9k located below the SR 309 bridge. The listing errors for Creasy, Little Nescopeck and Oley Creeks are amended because their mouths are geographically located upstream of the SR 309 bridge and, therefore, already have the HQ designated use.

The Board is correcting some stream names in § 93.9k. The United States Geologic Survey maintains the Na-

tional Hydrography Dataset (NHD) Flowline. The stream nomenclature and the fluvial geomorphology given in the *Pennsylvania Code* are governed by the NHD Flowline. These corrections will maintain consistency between the *Pennsylvania Code* and the NHD Flowline. The NHD Flowline now recognizes some portions of the upper Wapwallopen Creek basin as Balliet Run and some of the lower portions of the Wapwallopen Creek are now Big Wapwallopen Creek.

Finally, the Board is converting all references to river mile indexes (RMI) in this final-form rulemaking to a set of coordinates (latitude and longitude), with the eventual goal to be the conversion of all RMI in the drainage lists in §§ 93.9a—93.9z to the coordinate system. Department staff recognizes the RMI system to be antiquated. When determining the RMI, it is possible to derive differing RMI depending on the technique used. In contrast, it is easy to consistently determine the latitude and longitude along any point of a stream or river while an individual is in the field with a hand-held GPS unit or using a GIS software application (the Department standard projected coordinate system is PA_Albers_Equal_Area_Conic; the geographic coordinate system is North American Datum 1983 or NAD 1983). It is very difficult to determine the RMI while in the field. Referring to the latitude and longitude will make it much easier for the regulated community to apply the zone description in § 93.9 to their particular project and determine whether their project discharges within the referenced stream zone.

Changes from proposed to final-form rulemaking

One minor edit in § 93.9f (relating to Drainage List F) is made to the redesignations recommended in the proposed rulemaking. Department staff noted that this section referenced the T 707 bridge in the zone descriptions for both of the Willow Creek entries. This is actually the T 708 bridge that crosses Willow Creek. Both entries for Willow Creek in this section are corrected in this final-form rulemaking.

F. Summary of Major Comments and Responses

The Board approved the proposed rulemaking for the Class A Stream Redesignation Package at its November 17, 2015, meeting. On February 23, 2016, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment in accordance with section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)). The proposed rulemaking was published at 46 Pa.B. 1205 (March 5, 2016), with a 45-day comment period that closed on April 18, 2016, as corrected at 46 Pa.B. 1324 (March 12, 2016).

The Department received 307 supportive comments for the proposed rulemaking. Commentators provided many reasons for their support of this rulemaking either for specific stream redesignations or for all of the amendments. Commentators highlighted the following: these streams have met the necessary qualification for HQ; citizens support the redesignation of streams to protect all of their uses; redesignations help Pennsylvania meet requirements of the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1388); redesignations preserve Pennsylvanians' constitutionally protected right to "pure water"; the aquatic biota and the recreational opportunities are supported by the redesignations; economic benefit results from maintaining these resources; trout angling opportunities and the community that engages in angling will be additionally supported by the redesignations; protection of

smaller streams promotes the health of the larger watershed; and redesignations protect the water supply. Further, commentators encouraged the Department to continue to be diligent in evaluating other streams that are potential candidates for redesignation and to prioritize the protection of water quality for both those within and outside of this Commonwealth.

All public comments were supportive of the proposed amendments. IRRC also submitted comments requesting amendments to the Regulatory Analysis Form (RAF) for this final-form rulemaking. The RAF was amended accordingly and included as part of this final-form rulemaking package. A more detailed summary of the comments submitted to the Board and the Department's responses to those comments is available in the comment and response document that also accompanies this final-form rulemaking package.

G. *Benefits, Costs and Compliance*

Benefits

Overall, the Commonwealth, its citizens and natural resources will benefit from this final-form rulemaking because it provides the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of a clean water supply for human consumption, wildlife, irrigation and industrial use; recreational opportunities such as fishing (also for consumption), water contact sports and boating; and aquatic life protection. It is important to realize these benefits and to ensure opportunities and activities continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

The Department identified three public water supply facilities with raw water intakes that are no further downstream than 16.5 stream miles of the candidate stream sections for redesignation in this final-form rulemaking. These 3 public water suppliers, which serve over 115,000 citizens, will benefit from this final-form rulemaking because their raw source water will be afforded a higher level of protection. This is an economic benefit because the source water treatment costs for the drinking water may be less costly to customers if less treatment is needed due to the high quality of the water in the stream.

Businesses in the recreation industry will be positively affected by this final-form rulemaking. The maintenance and protection of the water quality will ensure the long-term availability of Class A wild trout fisheries.

Compliance costs

This final-form rulemaking is necessary to maintain existing water quality and effective control of potential pollution in the stream segments being redesignated in Chapter 93 (relating to water quality standards). The amendments to Chapter 93 will not impose new compliance costs on persons engaged in regulated activities under existing permits or approvals from the Department. Additional compliance costs may arise when permits or approvals are necessary for new or expanded regulated activities.

The Department will implement the stream redesignations through permit and approval actions. A person adding or expanding a discharge to a stream may need to provide a higher level of treatment or additional BMPs to meet the designated and existing uses of the stream, which could result in higher engineering, construction or

operating costs. Treatment costs and BMPs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. The Department cannot accurately estimate these costs because of the variability associated with each discharge. The initial costs resulting from the installation of technologically advanced wastewater treatment processes and BMPs may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

Over 7,000 facilities across this Commonwealth hold permits issued under Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance). Only 39 of these facilities are known to hold National Pollutant Discharge Elimination System (NPDES) permits within the stream segments redesignated in this final-form rulemaking. The types of NPDES discharges identified include industrial waste, sewage and stormwater. Discharges in existence at the time of the stream survey have been considered in the evaluation of the existing water quality of the stream and the subsequent recommendation for redesignation to special protection. Since the presence of these discharge activities did not preclude the attainment of special protection status, the discharges may continue as long as the discharge characteristics (both quality and quantity) remain the same. Thus, redesignation to special protection does not impose any additional special requirements on the existing discharges from these 39 NPDES permitted entities.

A person proposing a new, additional or increased point source discharge would need to satisfy the requirements in § 93.4c(b)(1). A new, additional or increased point source discharge to special protection waters must evaluate nondischarge alternatives and use an alternative that is environmentally sound and cost-effective when compared with the cost of the proposed discharge. The permit applicant shall demonstrate in the permit application that the new or expanded activities will not lower the existing water quality of special protection streams. If an applicant cannot meet nondegrading discharge requirements, a person who proposes a new, additional or increased discharge to HQ Waters is given an opportunity to demonstrate that there is a social or economic justification (SEJ) for lowering the quality of the stream, rather than maintaining the existing water quality.

Discharge activities to special protection streams typically do not qualify for general permits and, therefore, will require individual permits. Where on-lot sewage systems are planned, compliance with the sewage facilities planning and permitting regulations in Chapters 71, 72 and 73 (relating to administration of sewage facilities planning program; administration of sewage facilities permitting program; and standards for onlot sewage treatment facilities) will continue to satisfy § 93.4c in these redesignated HQ Waters. Proponents of sewage facilities in HQ Waters who demonstrate SEJ at the sewage facilities planning stage need not re-demonstrate SEJ at the discharge permitting stage. The SEJ demonstration process is available to sewage and nonsewage discharge applicants.

When earth disturbance activities occur within the basins of the stream segments redesignated in this final-form rulemaking, additional BMPs may be necessary to protect water quality under Chapter 102 (relating to erosion and sediment control).

Compliance assistance plan

This final-form rulemaking will not impose new compliance requirements on persons engaged in regulated activities under existing permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, the Department will provide compliance assistance.

Paperwork requirements

This final-form rulemaking will not impose new paperwork requirements on persons engaged in regulated activities under existing permits or approvals from the Department. When applying for permits or approvals for new, additional or increased discharges, additional information may need to be submitted to the Department as part of the permit application or approval request to demonstrate how the proposed activity will be conducted to maintain existing water quality. If water quality cannot be maintained, additional paperwork to provide a social and economic justification for the proposed activity would be necessary. NPDES general permits are not currently available for new or expanded discharges to these streams. Thus, an individual permit, and its associated paperwork, would be required.

H. Pollution Prevention

The Federal Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This final-form rulemaking has incorporated the following pollution prevention incentives.

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanding wastewater discharges, nondischarge alternatives must be evaluated and are required to be used when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and may reduce the overall level of pollution to the environment by remediation of the effluent through the soil. In addition, if no environmentally sound and cost-effective alternatives are available, discharges must be nondegrading except when in accordance with § 93.4c(b)(1)(iii).

I. Sunset Review

The Board is not establishing a sunset date for these regulations because they are needed for the Department to carry out its statutory authority. The Department will continue to closely monitor these regulations for their effectiveness and recommend updates to the Board as necessary.

J. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on February 23, 2016, the Department submitted a copy of the notice of proposed rulemaking, published at 46 Pa.B. 1205, to IRRC and the Chairper-

sons of the House and Senate Environmental Resources and Energy Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department shall submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing this final-form rulemaking, the Department has considered all comments from IRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on August 23, 2017, this final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 24, 2017, and approved this final-form rulemaking.

K. Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law, and all comments were considered.

(3) This final-form regulation does not enlarge the purpose of the proposed rulemaking published at 46 Pa.B. 1205.

(4) This final-form rulemaking is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) This final-form rulemaking does not contain standards or requirements that exceed requirements of the companion Federal regulations.

L. Order

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

(a) The regulations of the Department, 25 Pa. Code Chapter 93, are amended by amending §§ 93.9a, 93.9c, 93.9d, 93.9e, 93.9f, 93.9h, 93.9i, 93.9k, 93.9l, 93.9n, 93.9o, 93.9p, 93.9q and 93.9t to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Chairperson of the Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form, as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Senate and House Environmental Resources and Energy Committees, as required under the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

(d) The Chairperson shall certify this order and Annex A, as approved for legality and form, and deposit them with the Legislative Reference Bureau, as required by law.

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

PATRICK McDONNELL,
Chairperson

(*Editor's Note:* See 47 Pa.B. 5761 (September 9, 2017) for IRRC's approval order.)

Fiscal Note: Fiscal Note 7-528 remains valid for the final adoption of the subject regulations.

Annex A
TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION
Subpart C. PROTECTION OF NATURAL RESOURCES
ARTICLE II. WATER RESOURCES
CHAPTER 93. WATER QUALITY STANDARDS
DESIGNATED WATER USES AND WATER QUALITY CRITERIA

§ 93.9a. Drainage List A.

Delaware River Basin in Pennsylvania
Delaware River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Delaware River				
2—West Branch Delaware River (NY)				
3—Unnamed Tributaries to West Branch Delaware River	Basins (all sections in PA)	Wayne	HQ-CWF, MF	None
3—Sherman Creek	Basin (all sections in PA)	Wayne	HQ-CWF, MF	None
2—West Branch Delaware River	Main Stem, PA-NY State Border to Confluence with East Branch	Wayne	CWF, MF	See DRBC regulations—Water Quality Zone 1A
	* * * * *			

§ 93.9c. Drainage List C.

Delaware River Basin in Pennsylvania
Delaware River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—West Fork Martins Creek	Basin, Source to Confluence with East Fork	Northampton	CWF, MF	None
2—Martins Creek	Main Stem, Confluence of East and West Forks to UNT 63237 at 40°47'36.9"N; 75°11'32.0"W	Northampton	TSF, MF	None
3—UNTs to Martins Creek	Basins, Confluence of East and West Forks to Mouth	Northampton	TSF, MF	None
3—Brushy Meadow Creek (UNT 64106)	Basin, Source to East Bangor Dam	Northampton	TSF, MF	None
3—Brushy Meadow Creek	Main Stem, East Bangor Dam to Mouth	Northampton	CWF, MF	None
4—UNTs to Brushy Meadow Creek	Basins, East Bangor Dam to Mouth	Northampton	TSF, MF	None
3—Waltz Creek	Basin, Source to Greenwalk Creek	Northampton	CWF, MF	None
4—Greenwalk Creek	Basin	Northampton	CWF, MF	None
3—Waltz Creek	Basin, Greenwalk Creek to Mouth	Northampton	HQ-CWF, MF	None
2—Martins Creek	Main Stem, UNT 63237 to Mouth	Northampton	HQ-CWF, MF	None
3—Little Martins Creek	Basin	Northampton	CWF, MF	None
2—Mud Run	Basin	Northampton	CWF, MF	None
2—Bushkill Creek	Main Stem	Northampton	HQ-CWF, MF	None
3—Unnamed Tributaries to Bushkill Creek	Basins	Northampton	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Little Bushkill Creek	Basin	Northampton	HQ-CWF, MF	None
3—Shoeneck Creek	Basin	Northampton	WWF, MF	None

§ 93.9d. Drainage List D.

Delaware River Basin in Pennsylvania
Lehigh River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—Pohopoco Creek	Basin, Source to SR 3016 Bridge at Merwinsburg	Monroe	CWF, MF	None
3—Pohopoco Creek	Main Stem, SR 3016 Bridge to US 209 Bridge at Kresgeville at 40°53'51.0"N; 75°30'8.8"W	Monroe	HQ-CWF, MF	None
4—Unnamed Tributaries to Pohopoco Creek	Basins, SR 3016 Bridge to US 209 Bridge at Kresgeville	Monroe	CWF, MF	None
4—Sugar Hollow Creek	Basin	Monroe	CWF, MF	None
4—Weir Creek	Basin	Monroe	CWF, MF	None
4—Middle Creek	Basin, Source to T 444 Bridge	Monroe	CWF, MF	None
4—Middle Creek	Basin, T 444 Bridge to Mouth	Monroe	HQ-CWF, MF	None
3—Pohopoco Creek	Basin, US 209 Bridge at Kresgeville to Wild Creek	Carbon	CWF, MF	None
4—Wild Creek	Basin	Carbon	EV, MF	None
3—Pohopoco Creek	Basin, Wild Creek to Mouth	Carbon	CWF, MF	None
3—Fireline Creek	Basin	Carbon	CWF, MF	None
3—Lizard Creek	Basin, Source to T-922 Bridge	Schuylkill	CWF, MF	None
3—Lizard Creek	Basin, T-922 Bridge to Confluence of UNT 03876 at RM 7.90	Carbon	TSF, MF	None
4—UNT 03876 at RM 7.90	Basin	Carbon	EV, MF	None
3—Lizard Creek	Basin, UNT 03876 to Mouth	Carbon	TSF, MF	None
3—Aquashicola Creek	Basin, Source to Buckwha Creek	Carbon	HQ-CWF, MF	None
4—Buckwha Creek	Basin, Source to Hunter Creek	Carbon	CWF, MF	None
5—Hunter Creek	Basin	Carbon	HQ-CWF, MF	None
4—Buckwha Creek	Basin, Hunter Creek to Mouth	Carbon	CWF, MF	None
3—Aquashicola Creek	Main Stem, Buckwha Creek to Mouth	Carbon	TSF, MF	None
4—Unnamed Tributaries to Aquashicola Creek	Basins, Buckwha Creek to Mouth	Carbon	CWF, MF	None
4—Mill Creek	Basin	Carbon	CWF, MF	None
3—Trout Creek	Basin	Lehigh	CWF, MF	None
3—Bertsch Creek	Basin	Northampton	CWF, MF	None
3—Rockdale Creek	Basin	Lehigh	CWF, MF	None
3—Fells Creek	Basin	Lehigh	CWF, MF	None
3—Spring Creek	Basin	Lehigh	CWF, MF	None
3—Hokendauqua Creek	Basin	Northampton	CWF, MF	None
3—Dry Run	Basin	Northampton	CWF, MF	None
3—Coplay Creek	Basin	Lehigh	CWF, MF	None
3—Catasauqua Creek	Basin, Source to East Wood Street Bridge at 40°39'13.1"N; 75°28'0.9"W	Lehigh	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Catasauqua Creek	Main Stem, East Wood Street Bridge to a point downstream of the Lehigh Street Bridge at 40°38'51.8"N; 75°28'6.1"W	Lehigh	HQ-CWF, MF	None
4—Tributaries to Catasauqua Creek	Basins, East Wood Street Bridge to the point downstream of the Lehigh Street Bridge	Lehigh	CWF, MF	None
3—Catasauqua Creek	Basin, from the point downstream of the Lehigh Street Bridge to the Mouth	Lehigh	CWF, MF	None
2—Lehigh River	Main Stem, Allentown Dam to Mouth	Northampton	WWF, MF	None
3—Unnamed Tributaries to Lehigh River	Basins, Allentown Dam to Mouth	Lehigh-Northampton	CWF, MF	None
3—Little Lehigh Creek	Basin, Source to Jordan Creek	Lehigh	HQ-CWF, MF	None
4—Jordan Creek	Main Stem	Lehigh	TSF, MF	None
5—Unnamed Tributaries to Jordan Creek	Basins	Lehigh	HQ-CWF, MF	None
5—Switzer Creek	Basin	Lehigh	HQ-CWF, MF	None
5—Lyon Creek	Basin	Lehigh	HQ-CWF, MF	None
5—Mill Creek	Basin	Lehigh	CWF, MF	None
5—Hassen Creek	Basin	Lehigh	HQ-CWF, MF	None
3—Little Lehigh Creek	Basin, Jordan Creek to Mouth	Lehigh	HQ-CWF, MF	None
3—Monocacy Creek	Basin	Northampton	HQ-CWF, MF	None
3—Saucon Creek	Main Stem, Source to a point downstream of Chestnut Hill Road Bridge at 40°32'21.3"N; 75°26'28.1"W	Lehigh	HQ-CWF, MF	None
4—Tributaries to Saucon Creek	Basins, Source to SR 412 Bridge	Lehigh-Northampton	CWF, MF	None
3—Saucon Creek	Main Stem, from the point downstream of Chestnut Hill Road Bridge to Black River	Lehigh	CWF, MF	None
3—Saucon Creek	Main Stem, Black River to SR 412 Bridge	Northampton	HQ-CWF, MF	None
3—Saucon Creek	Basin, SR 412 Bridge to Mouth	Northampton	CWF, MF	None
3—Nancy Run	Basin, Source to SR 3007 Bridge	Northampton	CWF, MF	None
3—Nancy Run	Basin, SR 3007 Bridge to Mouth	Northampton	HQ-CWF, MF	None
3—Bull Run	Basin	Northampton	CWF, MF	None

§ 93.9e. Drainage List E.

Delaware River Basin in Pennsylvania
Delaware River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Delaware River	Main Stem, Lehigh River to Head of Tide	Bucks	WWF, MF	See DRBC regulations—Water Quality Zone 1E
2—Unnamed Tributaries to Delaware River (except UNT 03333 at 40°38'47.0"N; 75°12'6.6"W)	Basins, Lehigh River to Pidcock Creek	Northampton-Bucks	TSF, MF	None
2—UNT 03333 to Delaware River	Basin	Northampton	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Frya Run	Basin	Northampton	HQ-CWF, MF	None
	* * * *	*		

§ 93.9f. Drainage List F.

Delaware River Basin in Pennsylvania
Schuylkill River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *	*		
3—Pine Creek	Basin	Schuylkill	CWF, MF	None
3—Bear Creek	Basin, Source to UNT 02300 at 40°34'15.5"N; 76°11'25.6"W	Schuylkill	HQ-CWF, MF	None
4—UNT 02300 to Bear Creek	Basin	Schuylkill	CWF, MF	None
3—Bear Creek	Basin, UNT 02300 to UNT 02299 at 40°34'43.5"N; 76°9'33.6"W	Schuylkill	CWF, MF	None
4—UNT 02299 to Bear Creek	Basin	Schuylkill	HQ-CWF, MF	None
3—Bear Creek	Basin, UNT 02299 to Mouth	Schuylkill	CWF, MF	None
3—Stony Creek	Basin	Schuylkill	CWF, MF	None
	* * * *	*		
3—Maiden Creek	Basin, Lake Ontelaunee Dam to Willow Creek	Berks	WWF, MF	None
4—Willow Creek	Basin, Source to a point upstream of T 708 Bridge at 40°25'39.2"N; 75°55'26.3"W	Berks	CWF, MF	None
4—Willow Creek	Basin, from the point upstream of T 708 Bridge to Mouth	Berks	HQ-CWF, MF	None
3—Maiden Creek	Basin, Willow Creek to Mouth	Berks	WWF, MF	None
3—Laurel Run	Basin, Source to Upstream Border of Temple Borough	Berks	CWF, MF	None
3—Laurel Run	Basin, Upstream Border of Temple Borough to Mouth	Berks	WWF, MF	None
3—Bernhart Creek	Basin	Berks	WWF, MF	None
3—Tulpehocken Creek	Basin, Source to T 560 near Ramona	Lebanon	CWF, MF	None
3—Tulpehocken Creek	Main Stem, T 560 to Inlet of Blue Marsh Reservoir	Berks	TSF, MF	None
4—Tributaries to Tulpehocken Creek	Basins, T 560 to Owl Creek	Lebanon	TSF, MF	None
4—Owl Creek	Basin	Lebanon	WWF, MF	None
4—Tributaries to Tulpehocken Creek	Basins, Owl Creek to UNT 01950 at 40°22'23"N; 76°10'53.4"W	Lebanon-Berks	TSF, MF	None
4—UNT 01950 to Tulpehocken Creek	Basin, Source to SR 3002	Berks	TSF, MF	None
4—UNT 01950 to Tulpehocken Creek	Main Stem, SR 3002 to Mouth	Berks	HQ-CWF, MF	None
5—Tributaries to UNT 01950	Basins, SR 3002 to Mouth	Berks	TSF, MF	None
4—Tributaries to Tulpehocken Creek	Basins, UNT 01950 to Mill Creek (Stream Code 01936 at 40°25'2"N; 76°9'59.8"W)	Berks	TSF, MF	None

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<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Mill Creek (Stream Code 01936)	Basin	Berks	CWF, MF	None
4—Tributaries to Tulpehocken Creek	Basins, Mill Creek (Stream Code 01936) to Inlet of Blue Marsh Reservoir	Berks	TSF, MF	None
3—Tulpehocken Creek	Blue Marsh Reservoir * * * *	Berks	WWF, MF	None
3—Trout Run	Basin	Berks	WWF, MF	None
3—Allegheny Creek	Basin, Source to Sleepy Hollow Run	Berks	CWF, MF	None
4—Sleepy Hollow Run	Main Stem	Berks	HQ-CWF, MF	None
5—Tributaries to Sleepy Hollow Run	Basins	Berks	CWF, MF	None
3—Allegheny Creek	Basin, Sleepy Hollow Run to Mouth	Berks	CWF, MF	None
3—Seidel Creek	Basin	Berks	WWF, MF	None
3—Antietam Creek	Basin	Berks	CWF, MF	None
3—Indian Corn Creek	Basin	Berks	CWF, MF	None
3—Heisters Creek	Basin	Berks	WWF, MF	None
3—Hay Creek	Basin, Source to UNT 63882 at 40°12'8.5"N; 75°51'49.8"W	Berks	EV, MF	None
4—UNT 63882 to Hay Creek	Basin	Berks	CWF, MF	None
3—Hay Creek	Basin, UNT 63882 to UNT 62990 at 40°12'36.7"N; 75°50'26.4"W	Berks	HQ-CWF, MF	None
4—UNT 62990 to Hay Creek	Basin	Berks	CWF, MF	None
3—Hay Creek	Basin, UNT 62990 to Beaver Run	Berks	CWF, MF	None
4—Beaver Run	Basin	Berks	HQ-CWF, MF	None
3—Hay Creek	Basin, Beaver Run to Birdsboro Boundary at 40°15'17.5"N; 75°48'51.2"W	Berks	EV, MF	None
3—Hay Creek	Basin, Birdsboro Boundary to Mouth	Berks	CWF, MF	None
3—Sixpenny Creek	Basin, Source to UNT 64027 at 40°14'37.2"N; 75°46'40.3"W	Berks	HQ-CWF, MF	None
4—UNT 64027 to Sixpenny Creek	Basin	Berks	HQ-CWF, MF	None
3—Sixpenny Creek	Basin, UNT 64027 to Mouth	Berks	CWF, MF	None
3—Monocacy Creek	Basin, Source to UNT 01762 at 40°22'1.3"N; 75°48'35.3"W	Berks	WWF, MF	None
4—UNT 01762 to Monocacy Creek	Basin, Source to Alsace and Oley Township border at 40°22'18.6"N; 75°48'56.7"W	Berks	WWF, MF	None
4—UNT 01762 to Monocacy Creek	Basin, Alsace and Oley Township border to Mouth	Berks	HQ-CWF, MF	None
3—Monocacy Creek	Basin, UNT 01762 to Mouth	Berks	WWF, MF	None
3—Leaf Creek	Basin * * * *	Berks	WWF, MF	None

§ 93.9h. Drainage List H.

Susquehanna River Basin in Pennsylvania
Tioga River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Susquehanna River				
2—Tioga River	Basin, Source to Big Rift Creek	Tioga	CWF, MF	None
3—Big Rift Creek	Basin	Tioga	HQ-CWF, MF	None
2—Tioga River	Basin, Big Rift Creek to Mill Creek	Tioga	CWF, MF	None
3—Mill Creek	Basin	Tioga	TSF, MF	None
	* * * * *			

§ 93.9i. Drainage List I.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—French Run	Basin	Bradford	CWF, MF	None
3—South Branch Towanda Creek	Basin, Source to Satterlee Run	Bradford	CWF, MF	None
4—Satterlee Run	Basin	Bradford	HQ-CWF, MF	None
3—South Branch Towanda Creek	Basin, Satterlee Run to Mouth	Bradford	CWF, MF	None
2—Towanda Creek	Main Stem, South Branch to Mouth	Bradford	WWF, MF	None
	* * * * *			
2—Wyalusing Creek	Basin, Confluence of East and Middle Branches to North Branch	Bradford	WWF, MF	None
3—North Branch Wyalusing Creek	Basin, Source to Gaylord Creek	Susquehanna	CWF, MF	None
4—Gaylord Creek	Basin, Source to Bradford-Susquehanna County line at 41°53'4.6"N; 76°8'6.4"W	Bradford-Susquehanna	HQ-CWF, MF	None
4—Gaylord Creek	Basin, Bradford-Susquehanna County line to Mouth	Susquehanna	CWF, MF	None
3—North Branch Wyalusing Creek	Basin, Gaylord Creek to Mouth	Susquehanna	CWF, MF	None
2—Wyalusing Creek	Basin, North Branch to Mouth	Bradford	WWF, MF	None
2—Unnamed Tributaries to Susquehanna River	Basins, Wyalusing Creek to Lackawanna River	Bradford-Wyoming-Lackawanna-Luzerne	CWF, MF	None
2—Sugar Run Creek	Basin	Bradford	CWF, MF	None
2—Rocky Forest Creek	Basin	Wyoming	CWF, MF	None
2—Little Tuscarora Creek	Basin	Wyoming	CWF, MF	None
2—Tuscarora Creek	Basin	Wyoming	CWF, MF	None
2—Roaring Run	Basin	Wyoming	CWF, MF	None
2—Black Walnut Creek	Basin	Wyoming	CWF, MF	None
2—Meshoppen Creek	Basin	Wyoming	CWF, MF	None
2—Little Mehoopany Creek	Basin	Wyoming	CWF, MF	None
2—Mehoopany Creek	Basin, Source to North Branch Mehoopany Creek	Wyoming	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—North Branch Mehoopany Creek	Basin, Source to Burgess Brook	Wyoming	CWF, MF	None
4—Burgess Brook	Basin	Wyoming	HQ-CWF, MF	None
3—North Branch Mehoopany Creek	Basin, Burgess Brook to Mouth	Wyoming	CWF, MF	None
2—Mehoopany Creek	Basin, North Branch Mehoopany Creek to Mouth	Wyoming	CWF, MF	None
2—Tagues Creek	Basin	Wyoming	CWF, MF	None
2—Tunkhannock Creek	Basin, Source to UNT 29200 at 41°48'18.8"N; 75°34'50.6"W	Susquehanna	CWF, MF	None
3—UNT 29200 to Tunkhannock Creek	Basin	Susquehanna	EV, MF	None
2—Tunkhannock Creek	Basin, UNT 29200 to Rock Creek	Susquehanna	CWF, MF	None
3—Rock Creek	Basin	Susquehanna	HQ-CWF, MF	None
2—Tunkhannock Creek	Basin, Rock Creek to East Branch Tunkhannock Creek	Susquehanna	CWF, MF	None
3—East Branch Tunkhannock Creek	Basin, Source to Dundaff Creek	Susquehanna	CWF, MF	None
	* * * *			
2—Sutton Creek	Basin	Luzerne	CWF, MF	None
2—Lewis Creek	Basin	Luzerne	HQ-CWF, MF	None
2—Gardner Creek	Basin	Lackawanna	CWF, MF	None
2—Obendorfers Creek	Basin	Luzerne	CWF, MF	None
2—Hicks Creek	Basin	Luzerne	CWF, MF	None

§ 93.9k. Drainage List K.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
1—Susquehanna River	Main Stem, Lackawanna River to West Branch Susquehanna River	Northumberland	WWF, MF	None
2—Unnamed Tributaries to Susquehanna River	Basins, Lackawanna River to Mahoning Creek	Luzerne-Columbia-Montour-Northumberland	CWF, MF	None
2—Abrahams Creek	Basin	Luzerne	CWF, MF	None
2—Mill Creek	Basin, Source to Laurel Run	Luzerne	CWF, MF	None
3—Laurel Run	Basin, Source to UNT 62998 at 41°14'14.0"N; 75°48'33.5"W	Luzerne	CWF, MF	None
4—UNT 62998 to Laurel Run	Basin	Luzerne	HQ-CWF, MF	None
3—Laurel Run	Basin, UNT 62998 to Mouth	Luzerne	CWF, MF	None
2—Mill Creek	Basin, Laurel Run to Mouth	Luzerne	CWF, MF	None
2—Toby Creek	Basin, Source to Huntsville Creek	Luzerne	CWF, MF	None
3—Huntsville Creek	Basin	Luzerne	CWF, MF	None
2—Toby Creek	Basin, Huntsville Creek to the point where the stream is piped underground at Pringle	Luzerne	TSF, MF	None
2—Toby Creek	Basin, from the point where the stream is piped underground at Pringle to the Mouth	Luzerne	WWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
2—Brown Creek	Basin	Luzerne	CWF, MF	None
2—Wadham Creek	Basin	Luzerne	CWF, MF	None
2—Coal Creek	Basin	Luzerne	CWF, MF	None
2—Solomon Creek	Basin, Source to Pine Creek	Luzerne	HQ-CWF, MF	None
3—Pine Creek	Basin	Luzerne	CWF, MF	None
2—Solomon Creek	Basin, Pine Creek to Mouth	Luzerne	CWF, MF	None
2—Warrior Creek	Basin	Luzerne	CWF, MF	None
2—Nanticoke Creek	Basin	Luzerne	CWF, MF	None
2—Harvey Creek	Basin, Source to Pikes Creek	Luzerne	HQ-CWF, MF	None
3—Pikes Creek	Basin	Luzerne	HQ-CWF, MF	None
2—Harvey Creek	Basin, Pikes Creek to Mouth	Luzerne	CWF, MF	None
2—Hunlock Creek	Basin	Luzerne	CWF, MF	None
2—Shickshinny Creek	Main Stem	Luzerne	CWF, MF	None
3—Unnamed Tributaries to Shickshinny Creek	Basins	Luzerne	CWF, MF	None
3—Culver Creek	Basin	Luzerne	CWF, MF	None
3—Reyburn Creek	Basin	Luzerne	CWF, MF	None
3—Little Schickshinny Creek	Basin	Luzerne	HQ-CWF, MF	None
2—Black Creek	Basin	Luzerne	CWF, MF	None
2—Turtle Creek	Basin	Luzerne	CWF, MF	None
2—Rocky Run	Basin	Luzerne	CWF, MF	None
2—Little Wapwallopen Creek	Basin	Luzerne	CWF, MF	None
2—Big Wapwallopen Creek	Basin, Source to SR 437	Luzerne	CWF, MF	None
2—Big Wapwallopen Creek	Main Stem, SR 437 to a point upstream of Nuangola Road at 41°08'58.7"N; 75°54'48.1"W	Luzerne	HQ-CWF, MF	None
3—Tributaries to Big Wapwallopen Creek	Basins, SR 437 to the point upstream of Nuangola Road	Luzerne	CWF, MF	None
2—Big Wapwallopen Creek	Basin, from the point upstream of Nuangola Road to Bow Creek	Luzerne	CWF, MF	None
3—Bow Creek	Basin, Source to SR 309	Luzerne	CWF, MF	None
3—Bow Creek	Main Stem, SR 309 to Mouth	Luzerne	HQ-CWF, MF	None
4—Tributaries to Bow Creek	Basins, SR 309 to Mouth	Luzerne	CWF, MF	None
2—Big Wapwallopen Creek	Basin, Bow Creek to Balliet Run	Luzerne	CWF, MF	None
3—Balliet Run	Basin	Luzerne	HQ-CWF, MF	None
2—Big Wapwallopen Creek	Main Stem, Balliet Run to a point downstream of SR 3012 at 41°3'42.1"N; 76°5'51.2"W	Luzerne	HQ-CWF, MF	None
3—Tributaries to Big Wapwallopen Creek	Basins, Balliet Run to the point downstream of SR 3012	Luzerne	CWF, MF	None
2—Big Wapwallopen Creek	Basin, from the point downstream of SR 3012 to Mouth	Luzerne	CWF, MF	None
2—Walker Run	Basin	Luzerne	CWF, MF	None
2—Salem Creek	Basin	Luzerne	CWF, MF	None
2—Nescopeck Creek	Basin, Source to PA 309 Bridge	Luzerne	HQ-CWF, MF	None
2—Nescopeck Creek	Main Stem, PA 309 Bridge to Mouth	Luzerne-Columbia	TSF, MF	None
3—Tributaries to Nescopeck Creek	Basins, PA 309 Bridge to Long Run	Luzerne	CWF, MF	None
3—Long Run	Basin	Luzerne	HQ-CWF, MF	None

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<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Tributaries to Nescopeck Creek	Basins, Long Run to UNT 28152 at 41°0'45.8"N; 76°3'38.1"W	Luzerne	CWF, MF	None
3—UNT 28152 to Nescopeck Creek	Basin	Luzerne	HQ-CWF, MF	None
3—Tributaries to Nescopeck Creek	Basins, UNT 28152 to UNT 28138 at 41°0'40"N; 76°6'1.7"W	Luzerne	CWF, MF	None
3—UNT 28138 to Nescopeck Creek	Basin	Luzerne	HQ-CWF, MF	None
3—Tributaries to Nescopeck Creek	Basins, UNT 28138 to Kester Creek	Luzerne	CWF, MF	None
3—Kester Creek	Basin	Luzerne	HQ-CWF, MF	None
3—Tributaries to Nescopeck Creek	Basins, Kester Creek to Mouth	Luzerne	CWF, MF	None
2—Briar Creek	Basin	Columbia	CWF, MF	None
2—Tenmile Run	Basin, Source to UNT 28081 at RM 2.49	Columbia	HQ-CWF, MF	None
3—Unnamed Tributary 28081 to Tenmile Run	Basin	Columbia	CWF, MF	None
2—Tenmile Run	Basin, UNT 28081 to Mouth	Columbia	CWF, MF	None
2—Neals Run	Basin	Columbia	CWF, MF	None
2—Fishing Creek				
3—West Branch Fishing Creek	Basin, Source to Shingle Mill Run	Sullivan	HQ-CWF, MF	None
4—Shingle Mill Run	Basin	Sullivan	EV, MF	None
3—West Branch Fishing Creek	Basin, Shingle Mill Run to Elk Run	Columbia	HQ-CWF, MF	None
4—Elk Run	Basin	Columbia	EV, MF	None
3—West Branch Fishing Creek	Basin, Elk Run to Confluence with East Branch	Columbia	HQ-CWF, MF	None
3—East Branch Fishing Creek	Basin, Source to Confluence with West Branch	Columbia	HQ-CWF, MF	None
2—Fishing Creek	Basin, Confluence of East and West Branches to Coles Creek	Columbia	CWF, MF	None
3—Coles Creek	Basin, Source to Marsh Run	Columbia	HQ-CWF, MF	None
4—Marsh Run	Basin	Columbia	CWF, MF	None
3—Coles Creek	Basin, Marsh Run to UNT 27964 at 41°15'49.0"N; 76°20'28.1"W	Columbia	CWF, MF	None
4—UNT 27964 to Coles Creek (Fallow Hollow)	Basin	Columbia	HQ-CWF, MF	None
3—Coles Creek	Basin, UNT 27964 to UNT 27963 at 41°15'32.5"N; 76°20'50.7"W	Columbia	CWF, MF	None
4—UNT 27963 to Coles Creek (Hess Hollow)	Basin	Columbia	HQ-CWF, MF	None
3—Coles Creek	Basin, UNT 27963 to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Coles Creek to Huntingdon Creek	Columbia	CWF, MF	None
3—Huntingdon Creek	Basin, Source to Kitchen Creek	Luzerne	HQ-CWF, MF	None
4—Kitchen Creek	Basin	Luzerne	HQ-CWF, MF	None
3—Huntingdon Creek	Main Stem, Kitchen Creek to Mouth	Columbia	TSF, MF	None
4—Tributaries to Huntingdon Creek	Basins, Kitchen Creek to Pine Creek	Luzerne-Columbia	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Pine Creek	Basin, Source to Wasp Branch	Luzerne	CWF, MF	None
5—Wasp Branch	Basin	Luzerne	HQ-CWF, MF	None
4—Pine Creek	Basin, Wasp Branch to Mouth	Columbia	CWF, MF	None
4—Tributaries to Huntingdon Creek	Basins, Pine Creek to Mouth	Columbia	CWF, MF	None
2—Fishing Creek	Basin, Huntington Creek to Green Creek	Columbia	TSF, MF	None
3—Green Creek	Basin	Columbia	TSF, MF	None
2—Fishing Creek	Main Stem, Green Creek to Mouth	Columbia	WWF, MF	None
3—Unnamed Tributaries to Fishing Creek	Basins, Green Creek to Mouth	Columbia	CWF, MF	None
3—Stony Brook	Basin	Columbia	EV, MF	None
3—Little Fishing Creek	Basin, Source to Lick Run	Columbia	EV, MF	None
4—Lick Run	Basin, Source to UNT 27727 at 41°11'20.4"N; 76°31'18.0"W	Columbia	HQ-CWF, MF	None
5—UNT 27727 to Lick Run	Basin	Columbia	HQ-CWF, MF	None
4—Lick Run	Basin, UNT 27727 to Mouth	Columbia	CWF, MF	None
3—Little Fishing Creek	Basin, Lick Run to Mouth	Columbia	CWF, MF	None
	* * * * *			

§ 93.91. Drainage List L.

Susquehanna River Basin in Pennsylvania
West Branch Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Bald Eagle Creek	Basin, Source to Laurel Run (at Port Matilda)	Centre	CWF, MF	None
4—Laurel Run	Basin, Source to a point at 40°49'3.5"N; 78°5'52"W	Centre	HQ-CWF, MF	None
4—Laurel Run	Basin, from the point at 40°49'3.5"N; 78°5'52"W to Mouth	Centre	CWF, MF	None
3—Bald Eagle Creek	Main Stem, Laurel Run to Nittany Creek	Centre	TSF, MF	None
4—Unnamed Tributaries to Bald Eagle Creek	Basins, Laurel Run to Nittany Creek	Centre	CWF, MF	None
4—Mudlick Run	Basin	Centre	CWF, MF	None
4—Laurel Run	Basin	Centre	EV, MF	None
4—Dicks Run	Basin	Centre	CWF, MF	None
4—Dewitt Run	Basin	Centre	CWF, MF	None
4—Wallace Run	Basin, Source to Unnamed Tributary at Gum Stump	Centre	EV, MF	None
5—Unnamed Tributary at Gum Stump	Basin	Centre	EV, MF	None
4—Wallace Run	Basin, Unnamed Tributary at Gum Stump to Mouth	Centre	HQ-CWF, MF	None
4—Moose Run	Basin	Centre	CWF, MF	None
4—Spring Creek	Main Stem, Source to PA 550 Bridge	Centre	HQ-CWF, MF	None
5—Unnamed Tributaries to Spring Creek	Basins, Source to PA 550 Bridge	Centre	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
5—Galbraith Gap Run	Basin	Centre	HQ-CWF, MF	None
5—Cedar Run	Main Stem	Centre	HQ-CWF, MF	None
6—Tributaries to Cedar Run	Basins	Centre	CWF, MF	None
5—UNT 23057 to Spring Creek at 40°47'41.2"N; 77°48'16.6"W (locally Markles Gap Run)	Basin	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, Source to SR 26 at 40°43'46"N; 77°52'42.4"W	Centre	HQ-CWF, MF	None
5—Slab Cabin Run	Basin, SR 26 to UNT 23037 at 40°48'50"N; 77°50'8.9"W	Centre	CWF, MF	None
6—Unnamed Tributary 23037 (locally Thompson Run)	Basin	Centre	HQ-CWF, MF	None
	* * * *			
4—Harveys Run	Basin	Clinton	HQ-CWF, MF	None
3—McElhattan Creek	Basin, Source to Keller Reservoir Water Supply Intake	Clinton	HQ-CWF, MF	None
	* * * *			
5—Nickel Run	Basin	Tioga	EV, MF	None
5—Rock Run	Basin, Source to UNT 21760 at 41°38'16.2"N; 77°14'34.7"W	Tioga	HQ-CWF, MF	None
6—UNT 21760 to Rock Run	Basin	Tioga	CWF, MF	None
5—Rock Run	Basin, UNT 21760 to Mouth	Tioga	CWF, MF	None
5—Long Run	Basin, Source to Custard Run	Tioga	EV, MF	None
	* * * *			

§ 93.9n. Drainage List N.

Susquehanna River Basin in Pennsylvania
Juniata River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * *			
4—McDonald Run	Basin	Blair	WWF, MF	None
4—Halter Creek	Basin, Source to Plum Creek	Blair	WWF, MF	None
5—Plum Creek	Basin, Source to SR 164	Blair	WWF, MF	None
5—Plum Creek	Main Stem, SR 164 to Mouth	Blair	HQ-CWF, MF	None
6—Tributaries to Plum Creek	Basins, SR 164 to Mouth	Blair	WWF, MF	None
4—Halter Creek	Main Stem, Plum Creek to Mouth	Blair	HQ-CWF, MF	None
5—Tributaries to Halter Creek	Basins, Plum Creek to Mouth	Blair	WWF, MF	None
3—Frankstown Branch Juniata River	Main Stem, Halter Creek to Piney Creek	Blair	WWF, MF	None
	* * * *			
4—Homer Gap Run	Basin	Blair	WWF, MF	None
4—Sandy Run	Basin, Source to UNT 16026 at 40°32'53.2"N; 78°20'43.9"W	Blair	CWF, MF	None
5—UNT 16026 to Sandy Run	Basin	Blair	CWF, MF	None
4—Sandy Run	Basin, UNT 16026 to Mouth	Blair	HQ-CWF, MF	None
4—Riggles Gap Run	Basin	Blair	CWF, MF	None
4—Sugar Run	Basin	Blair	WWF, MF	None
4—Bells Gap Run	Basin	Blair	TSF, MF	None
4—Tipton Run	Basin	Blair	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Hutchinson Run	Basin	Blair	WWF, MF	None
4—Schell Run	Basin	Blair	WWF, MF	None
4—South Bald Eagle Creek	Main Stem	Blair	TSF, MF	None
5—Unnamed Tributaries to South Bald Eagle Creek	Basins	Blair	TSF, MF	None
5—Big Fill Run	Basin, Source to T-606 Bridge	Blair	EV, MF	None
5—Big Fill Run	Basin, T-606 Bridge to Mouth	Blair	HQ-CWF, MF	None
5—Vanscoyoc Run	Basin	Blair	CWF, MF	None
5—Decker Run	Basin	Blair	TSF, MF	None
5—Laurel Run	Basin	Blair	TSF, MF	None
5—Sink Run	Basin	Blair	TSF, MF	None
4—Logan Spring Run	Basin	Blair	WWF, MF	None
3—Little Juniata River	Main Stem, Logan Spring Run to McLain Run	Huntingdon	HQ-CWF, MF	None
3—Little Juniata River	Main Stem, McLain Run to Confluence with Juniata River and Frankstown Branch Juniata River	Huntingdon	CWF, MF	None
4—UNTs to Little Juniata River	Basins, Logan Spring Run to Confluence with Juniata River and Frankstown Branch Juniata River	Huntingdon-Blair	WWF, MF	None
	* * * * *			

§ 93.9o. Drainage List O.

Susquehanna River Basin in Pennsylvania
Susquehanna River

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *	*		
3—Muddy Run	Basin, Rowe Run to Mouth	Franklin	WWF, MF	None
3—Middle Spring Creek				
4—Furnace Run	Basin	Franklin-Cumberland	CWF, MF	None
4—Gum Run	Basin	Franklin-Cumberland	CWF, MF	None
3—Middle Spring Creek	Basin, Confluence of Furnace Run and Gum Run to T 303 (Avon Road)	Franklin-Cumberland	HQ-CWF, MF	None
3—Middle Spring Creek	Basin, T 303 (Avon Road) to Mouth	Franklin-Cumberland	CWF, MF	None
3—Paxton Run	Basin	Cumberland	WWF, MF	None
3—Newburg Run	Basin	Cumberland	WWF, MF	None
3—Pebbles Run	Basin	Cumberland	WWF, MF	None
3—Three Square Hollow Run	Basin	Cumberland	WWF, MF	None
3—Green Spring Creek	Basin	Cumberland	CWF, MF	None
3—Brandy Run	Basin	Cumberland	CWF, MF	None
3—Whisky Run	Basin	Cumberland	TSF, MF	None
3—Back Creek	Basin	Cumberland	WWF, MF	None
3—Doubling Gap Creek	Basin, Source to PA 944	Cumberland	HQ-CWF, MF	None
3—Doubling Gap Creek	Basin, PA 944 to Mouth	Cumberland	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
3—Big Spring Creek	Basin, Source to SR 3007 (T 333)	Cumberland	EV, MF	None
3—Big Spring Creek	Basin, SR 3007 (T 333) to Nealy Road	Cumberland	HQ-CWF, MF	None
3—Big Spring Creek	Basin, Nealy Road to Mouth	Cumberland	CWF, MF	None
3—Rock Run	Basin	Cumberland	WWF, MF	None
3—Bloser Creek	Basin	Cumberland	WWF, MF	None
3—Locust Creek	Basin	Cumberland	WWF, MF	None
3—Mount Rock Spring Creek	Basin	Cumberland	WWF, MF	None
3—Opossum Creek	Basin, Source to PA Fish Commission Dam	Cumberland	HQ-TSF, MF	None
3—Opossum Creek	Basin, PA Fish Commission Dam to Mouth	Cumberland	TSF, MF	None
3—Alexanders Spring Creek	Basin	Cumberland	CWF, MF	None
3—Meetinghouse Run	Basin	Cumberland	WWF, MF	None
3—Wertz Run	Basin	Cumberland	WWF, MF	None
3—Spring Run	Basin	Cumberland	WWF, MF	None
3—Letort Spring Run	Basin, Source to PA 34 Bridge	Cumberland	HQ-CWF, MF	None
3—Letort Spring Run	Basin, PA 34 Bridge to Railroad Bridge at Letort Park	Cumberland	EV, MF	None
3—Letort Spring Run	Basin, Railroad Bridge at Letort Park to Mouth	Cumberland	HQ-CWF, MF	None
3—Simmons Creek	Basin	Cumberland	WWF, MF	None
	* * * * *			

§ 93.9p. Drainage List P.

**Ohio River Basin in Pennsylvania
Allegheny River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
3—Reese Hollow	Basin	Potter	CWF	None
3—Mill Creek	Basin	Potter	HQ-CWF	None
3—Dingman Run	Main Stem	Potter	HQ-CWF	None
	* * * * *			

§ 93.9q. Drainage List Q.

**Ohio River Basin in Pennsylvania
Allegheny River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
4—Blood Run	Basin	Forest	HQ-CWF	None
4—Logan Run	Basin	Forest	HQ-CWF	None
4—Phelps Run	Basin	Forest	CWF	None
	* * * * *			
4—Sulphur Run	Basin	Venango	WWF	None
4—Little Sandy Creek	Basin, Source to UNT 51398 at 41°22'39.5"N; 79°55'5"W	Venango	HQ-CWF	None
5—UNT 51398 to Little Sandy Creek	Basin	Venango	CWF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
4—Little Sandy Creek	Basin, UNT 51398 to Mouth	Venango	CWF	None
4—South Sandy Creek	Basin, Source to Bear Run	Venango	CWF	None
5—Bear Run	Basin	Venango	HQ-CWF	None
4—South Sandy Creek	Basin, Bear Run to Mouth	Venango	CWF	None
4—Morrison Run	Basin	Venango	WWF	None
	* * * * *			

§ 93.9t. **Drainage List T.**

**Ohio River Basin in Pennsylvania
Kiskiminetas River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions To Specific Criteria</i>
	* * * * *			
7—Twomile Run	Basin	Somerset	CWF	None
7—Higgins Run	Basin, Source to UNT 45416 at 40°6'45.9"N; 78°59'50.6"W	Somerset	CWF	None
8—UNT 45416 to Higgins Run	Basin	Somerset	CWF	None
7—Higgins Run	Main Stem, UNT 45416 to Mouth	Somerset	HQ-CWF	None
8—Tributaries to Higgins Run	Basins, from UNT 45416 to Mouth (including UNTs 45406 and 45405)	Somerset	CWF	None
5—Stony Creek	Main Stem, Quemahoning Creek to Confluence with Little Conemaugh River	Cambria	WWF	None
	* * * * *			
5—Tubmill Creek	Basin, Source to Tubmill Reservoir Dam	Westmoreland	EV	None
5—Tubmill Creek	Basin, Tubmill Reservoir Dam to Freeman Run	Westmoreland	TSF	None
6—Freeman Run	Basin, Source to UNT 44808 at 40°22'14.1"N; 79°10'34.4"W	Westmoreland	TSF	None
7—UNT 44808 to Freeman Run	Basin	Westmoreland	HQ-CWF	None
6—Freeman Run	Basin, UNT 44808 to Mouth	Westmoreland	TSF	None
5—Tubmill Creek	Basin, Freeman Run to Mouth	Westmoreland	TSF	None
5—Roaring Run	Basin	Indiana	CWF	None
	* * * * *			

[Pa.B. Doc. No. 17-1878. Filed for public inspection November 17, 2017, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION [58 PA. CODE CH. 141]

Hunting and Trapping; General

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 26, 2017, meeting, amended § 141.18 (relating to permitted devices) to authorize the use of electronic decoys used to hunt waterfowl and doves, electronically heated scent or lure dispensers, and electronic devices that generate and distribute ozone gas for scent control purposes.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 4710 (August 12, 2017).

1. Purpose and Authority

Each year the Commission is asked to review the prospective use of certain devices for hunting or trapping purposes that are otherwise prohibited by statute or regulation. As part of the review process, the Commission generally reviews to what degree use of a given device might negatively impact principles of resource conserva-

tion, equal opportunity, fair chase or public safety. The Commission has recently been requested to formally review the use of electronic decoys used to hunt waterfowl and dove, electronically heated scent or lure dispensers, and electronic devices that generate and distribute ozone gas for scent control purposes. The Commission reviewed these devices and determined that their use will likely have no or negligible negative impacts to the previously mentioned principles. As a result, the Commission amends § 141.18 to authorize the use of electronic decoys used to hunt waterfowl and dove, electronically heated scent or lure dispensers, and electronic devices that generate and distribute ozone gas for scent control purposes.

Section 2102(a) of the code (relating to regulations) provides that “[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” Section 2102(b)(1) of the code authorizes the Commission to “promulgate regulations relating to seasons and bag limits for hunting or furtaking, the possession of certain species or parts thereof, the number and types of devices and equipment allowed, the identification of devices and the use and possession of devices.” The amendments to § 141.18 are adopted under these authorities.

2. *Regulatory Requirements*

This final-form rulemaking amends § 141.18 to authorize the use of electronic decoys used to hunt waterfowl and dove, electronically heated scent or lure dispensers, and electronic devices that generate and distribute ozone gas for scent control purposes.

3. *Persons Affected*

Persons wishing to hunt or take wildlife with electronic decoys, electronically heated scent or lure dispensers, and electronic devices that generate and distribute ozone gas for scent control purposes in this Commonwealth will be affected by this final-form rulemaking.

4. *Comment and Response Summary*

There were no official comments received regarding this final-form rulemaking.

5. *Cost and Paperwork Requirements*

This final-form rulemaking should not result in additional cost or paperwork.

6. *Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. *Contact Person*

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending § 141.18 to read as set forth in Annex A.

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

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-421 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.18. Permitted devices.

Notwithstanding the prohibitions in § 141.6 (relating to illegal devices), the following devices may be used to hunt or take wildlife:

(1) Firearms that use an electronic impulse to initiate discharge of ammunition. This provision is not intended to authorize use of these devices when these firearms are otherwise prohibited devices for the applicable hunting or trapping season.

(2) Electronic sound amplification devices that are incorporated into hearing protection devices and completely contained in or on the hunter’s ear.

(3) Electronic devices used for locating dogs while training or hunting, including devices such as e-collars, radio-telemetry dog tracking systems and beeper collars.

(4) Electronic illuminating devices that are affixed at the aft end of a bolt or arrow and used solely for the purpose of locating or tracking bolt or arrow flight after being launched from a crossbow or bow.

(5) Electronic crow decoys used solely for hunting crows.

(6) Electronic rangefinders, including hand-held devices and those contained within a scope or archery sight. This authorization may not be construed to permit a device that emits a light beam, infrared beam, ultraviolet light beam, radio beam, thermal beam, ultrasonic beam, particle beam or other beam that is visible outside of the device or on the target.

(7) Electronically heated scent or lure dispensers. This provision is not intended to authorize use of scents and lures when use is otherwise prohibited by section 2308 of the act (relating to unlawful devices and methods) or § 137.34 or § 137.35 (relating to Chronic Wasting Disease and emergency authority of Director; and Chronic Wasting Disease restrictions).

(8) Electronic devices that generate and distribute ozone gas for scent control purposes.

(9) Electronic waterfowl decoys used solely for hunting waterfowl.

(10) Electronic dove decoys used solely for hunting dove.

[Pa.B. Doc. No. 17-1879. Filed for public inspection November 17, 2017, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; General; Small Game; Big Game

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its September 26, 2017, meeting, amended §§ 141.1, 141.22, 141.43 and 141.67 to extend the use of air guns and semiautomatic rifles for small game and furbearers to special regulation areas, delete the limiting term “centerfire” from the manually operated or semiautomatic rifle authorization that was erroneously added at 47 Pa.B. 2710 (May 13, 2017), add the term “rimfire” to limit the type of .22 caliber or less firearms that may be used to hunt small game, and relocate and extend the use of air guns and semiautomatic rimfire rifles .22 caliber or less for dispatching legally trapped furbearers caught in a trap during the regular or special firearms deer seasons.

This final-form rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for this final-form rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

Notice of proposed rulemaking was published at 47 Pa.B. 4711 (August 12, 2017).

1. Purpose and Authority

In relevant part, the act of November 21, 2016 (P.L. 1317, No. 168) (Act 168) made two significant changes to section 2308 of the code (relating to unlawful devices and methods). Act 168 eliminated the Commonwealth’s historic prohibitions against the use of air guns and semiautomatic rifles for hunting. It is important to note that Act 168 did not authorize the use of semiautomatic handguns or eliminate the two-shell in the shotgun magazine restriction for small game, furbearers, and the like. On March 28, 2017, in an effort to implement Act 168 and expand hunting opportunities in this Commonwealth, the Commission amended §§ 131.2, 141.22, 141.43—141.45, 141.47 and 141.67 to authorize the use of air guns and semiautomatic rifles for small game and furbearers. These amendments became effective on May 13, 2017. See 47 Pa.B. 2710.

The Commission has completed a few housekeeping amendments to address concerns not addressed in the final-form rulemaking published at 47 Pa.B. 2710. First, the Commission amends § 141.1 (relating to special

regulations areas) to extend the use of air guns and semiautomatic rifles for small game and furbearers to special regulation areas. While this extension nearly matches the original Statewide proposal, it is important to note the existing limitation to rimfire ammunition in this section will be carried forward in the special regulations areas in this final-form rulemaking. The Commission also amends § 141.22 (relating to small game seasons) to: 1) delete the limiting term “centerfire” from the manually operated or semiautomatic rifle authorization that was erroneously added at 47 Pa.B. 2710; and 2) add “rimfire” to limit the type of .22 caliber or less firearms that may be used to hunt small game. These corrections will return the text to its intended structure and provide consistency in the regulations addressing these requirements. Lastly, the Commission amends §§ 141.43 and 141.67 (relating to deer seasons; and furbearer seasons) to relocate and extend the use of air guns and semiautomatic rimfire rifles .22 caliber or less for dispatching legally trapped furbearers caught in a trap during the regular or special firearms deer seasons.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to §§ 141.1, 141.22, 141.43 and 141.67 are adopted under this authority.

2. Regulatory Requirements

This final-form rulemaking amends §§ 141.1, 141.22, 141.43 and 141.67 to extend the use of air guns and semiautomatic rifles for small game and furbearers to special regulation areas, delete the limiting term “centerfire” from the manually operated or semiautomatic rifle authorization that was erroneously added at 47 Pa.B. 2710, add “rimfire” to limit the type of .22 caliber or less firearms that may be used to hunt small game, and relocate and extend the use of air guns and semiautomatic rimfire rifles .22 caliber or less for dispatching legally trapped furbearers caught in a trap during the regular or special firearms deer seasons.

3. Persons Affected

Persons wishing to hunt or take small game or furbearers with air guns, semiautomatic firearms or other firearms in this Commonwealth will be affected by this final-form rulemaking.

4. Comment and Response Summary

There were no official comments received regarding this final-form rulemaking.

5. Cost and Paperwork Requirements

This final-form rulemaking should not result in additional cost or paperwork.

6. Effective Date

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

7. Contact Person

For further information regarding this final-form rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statute.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 141, are amended by amending §§ 141.1, 141.22, 141.43 and 141.67 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

BRYAN J. BURHANS,
Executive Director

Fiscal Note: Fiscal Note 48-420 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter A. GENERAL

§ 141.1. Special regulations areas.

(a) *Name.* The areas shall be known and referred to as special regulations areas.

(b) *Descriptions.*

(1) *Southwest area.* Includes the County of Allegheny.

(2) *Southeast area.* Includes the Counties of Bucks, Montgomery, Chester, Delaware and Philadelphia and also includes Tyler and Ridley Creek State Parks and other publicly-owned lands therein.

(c) *Prohibitions.*

(1) Except as provided in subsection (d), it is unlawful to take, kill or attempt to take or kill wildlife through the use of a firearm of any description which discharges single-projectile ammunition, or, while hunting for wild birds or wild animals, to possess single-projectile ammunition, except for employees of political subdivisions and other persons who have a valid deer control permit issued under the authority of Chapter 29 of the act (relating to special licenses and permits).

(2) It is unlawful to use buckshot in Allegheny or Philadelphia Counties without specific authorization of the Director.

(3) It is unlawful to, except for normal or accepted farming, habitat management practices, oil and gas drilling, mining, forest management activities, or other legitimate commercial or industrial practices, intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals anywhere in the southeast special regulations

area for the purpose of feeding white-tailed deer, or to intentionally lay or place food, fruit, hay, grain, chemical, salt or other minerals that may cause white-tailed deer to congregate or habituate an area. If otherwise lawful feeding is attracting white-tailed deer, the Commission may provide written notice prohibiting this activity.

(d) *Permitted acts.* It is lawful to:

(1) Except in Philadelphia County, Ridley Creek State Park, Delaware County and Tyler State Park, Bucks County, hunt and kill deer and bear through the use of a muzzleloading long gun or a shotgun, at least .410 gauge (rifled barrels permitted), including semiautomatics which, upon discharge, propel a single projectile.

(2) Take deer with a shotgun 20 gauge or larger—including semiautomatic—using buckshot in the south-east area only.

(3) Take small game, furbearing animals, crows or wildlife with the following devices:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(4) Kill an animal legally caught in a trap with the following devices:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(5) Harvest more than one deer at a time when multiple harvests of deer per day are authorized without first lawfully tagging previous harvests, provided all deer harvested are lawfully tagged immediately thereafter.

(6) Hunt or take deer during any deer season through the use of or by taking advantage of bait on private property currently operating under a valid deer control permit where approval for limited baiting activities has previously been obtained under § 147.552 (relating to application). This limited authorization is valid only to the extent that persons comply with the standards and conditions in § 147.556 (relating to lawful devices and methods).

(7) Hunt or take deer in the southeast special regulations area during regular open hunting seasons for white-tailed deer through the use of or by taking advantage of bait on private, township or municipal property only under a deer attractant permit issued under Chapter 147, Subchapter R (relating to deer control).

Subchapter B. SMALL GAME

§ 141.22. Small game seasons.

(a) *Permitted devices.* It is lawful to hunt small game, except woodchucks, during any small game season with the following devices:

(1) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun. The firearm must be .22 caliber or less, that propels single-projectile ammunition.

(2) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels multiple-projectile shotgun

ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134 (relating to approval of nontoxic shot types and shot coatings). A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun. The firearm must be .40 caliber or less, that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A raptor. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act (relating to falconry permits).

(7) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting small game during any small game season, except woodchucks, it is unlawful to:

(1) Use or possess single-projectile ammunition larger than .22 caliber or multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(3) Discharge a firearm within 150 yards of a Commission vehicle releasing pheasants.

(4) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(5) Hunt in a party of more than six persons. This does not apply to waterfowl or dove hunters when hunting from a blind or other stationary position.

(c) *Woodchuck (Groundhog) season.*

(1) *Permitted devices.* It is lawful to hunt woodchucks during woodchuck season with the following devices:

(i) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(ii) A manually operated or semiautomatic centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less that propels multiple-projectile shotgun ammunition not larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134. A centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(iii) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(iv) A bow and arrow.

(v) A crossbow and bolt.

(vi) A raptor. The raptor shall be lawfully possessed under a falconry permit under section 2925 of the act.

(vii) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(2) *Prohibitions.* While hunting woodchucks during woodchuck season, it is unlawful to:

(i) Use or possess multiple-projectile shotgun ammunition larger than # 4 lead, # 2 steel, or # 4 of any other composition or alloy of nontoxic shot approved by the Director of the United States Fish and Wildlife Service or an authorized representative under 50 CFR 20.134, except as authorized under section 2525 of the act.

(ii) Possess a firearm while hunting with a raptor, except as authorized under section 2525 of the act.

(iii) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

Subchapter C. BIG GAME

§ 141.43. Deer seasons.

* * * * *

(e) *Cooperating while hunting during any deer season.* Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

Subchapter D. FURBEARERS

§ 141.67. Furbearer seasons.

(a) *Permitted devices.* It is lawful to hunt or take furbearers during any furtaking season with the following devices:

(1) A manually operated or semiautomatic rifle or manually operated handgun that propels single-projectile ammunition.

(2) A manually operated or semiautomatic, centerfire shotgun or muzzleloading shotgun. The firearm must be 10 gauge or less, that propels single-projectile ammunition or multiple-projectile shotgun ammunition not larger than # 4 buckshot. The centerfire shotgun's magazine capacity may not exceed two rounds. The shotgun's total aggregate ammunition capacity may not exceed three rounds.

(3) A muzzleloading rifle or handgun that propels single-projectile ammunition.

(4) A bow and arrow.

(5) A crossbow and bolt.

(6) A manually operated or semiautomatic air rifle or manually operated air handgun .22 caliber or larger that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

(b) *Prohibitions.* While hunting furbearers during any furbearer hunting or trapping season, it is unlawful to:

(1) Use or possess multiple-projectile shotgun ammunition larger than # 4 buckshot, except as authorized under section 2525 of the act (relating to possession of firearm for protection of self or others).

(2) Use or possess a device or ammunition not provided for in the act or in this section, except as authorized under section 2525 of the act.

(3) Use any firearm, other than authorized in this paragraph, to dispatch legally trapped furbearers during the overlap with the regular or special firearms deer seasons:

(i) A manually operated or semiautomatic rimfire rifle or manually operated rimfire handgun .22 caliber or less.

(ii) A manually operated or semiautomatic air rifle or manually operated air handgun between .177 and .22 caliber, inclusive, that propels single-projectile pellet or bullet ammunition. BB ammunition is not authorized.

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