

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of General Services

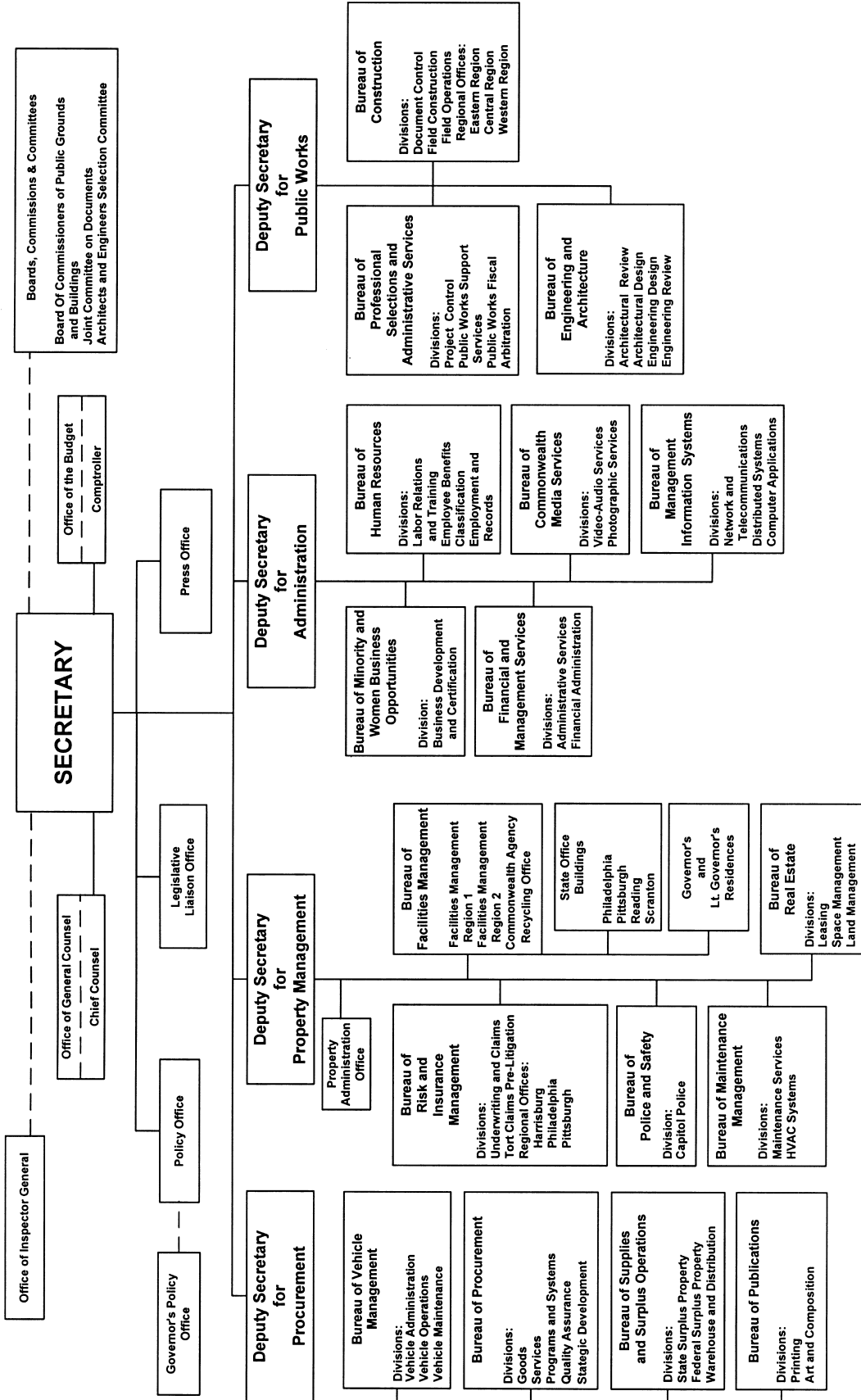
The Executive Board approved a reorganization of the Department of General Services effective April 6, 2005.

The organization chart at 35 Pa.B. 2415 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. 05-770. Filed for public inspection April 22, 2005, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES



Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Publicizing Stocking of Fish

The Fish and Boat Commission (Commission) adopts a statement of policy in Chapter 57 (relating to statements of policy). The statement of policy relates to publicizing the stocking of fish. The Commission is publishing the statement of policy under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The amendment will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the statement of policy, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This statement of policy is available on the Commission's website: www.fish.state.pa.us.

C. *Statutory Authority*

The amendment to the 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 administer and enforce the code and other laws of the Commonwealth regarding the protection, propagation and distribution of fish.

D. *Purpose and Background*

At the April 18, 1997, meeting, the Commission formally adopted modifications to its policy for publicizing the stocking of legal-size trout. That policy provided that:

- (1) All stockings are publicly announced.
- (2) Announcements of preseason and winter stockings may include the date, time and a description of the waters to be stocked.
- (3) Announcements of in-season stockings will include the week of stocking and the name of the waters to be stocked. The Executive Director may announce the date and time of certain in-season stocking on Saturdays on publicly owned or controlled lakes, with the owners' consent, when the announcement will enhance fishing opportunities and will not cause undue congestion and crowd control and traffic problems.
- (4) The Executive Director may announce the day of in-season stocking on publicly owned or controlled waters on a phased basis by establishing pilot sites and test announcements.

Because there is increased interest among the public to announce stocking to the fullest extent practicable, the Commission has changed its policy as more fully described herein. The Commission will use field reviews by its staff, as well as responses from landowners, to identify waters where the announcement of stocking is advisable.

E. *Summary of Change*

The Commission has adopted an amendment to the statement of policy in § 57.9a (relating to publicizing

stocking of fish) under which all stockings will be publicly announced. Under the new amendment, the Executive Director may announce the date, time, location, number or weight, or both, of all fish stockings. The Executive Director may withhold announcements based on certain factors, including safety.

F. *Paperwork*

The amendment will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Involvement*

Although not required to publish a notice of proposed rulemaking to adopt a statement of policy, the Commission published the proposed statement of policy at 34 Pa.B. 6655 (December 18, 2004) and sought public comments because of the heightened public interest in this issue. The Commission received two public comments opposing the announcement of in-season stockings. Copies of all public comments were provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment 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 promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the comments that were received were considered.

(3) The adoption of the amendment in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 57, are amended by amending § 57.9a to read as set forth at 34 Pa.B. 6655.

(b) The Executive Director will submit this order and 34 Pa.B. 6655 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 34 Pa.B. 6655 and deposit them with the Legislative Reference Bureau as required by law.

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

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: Fiscal Note 48A-164 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 05-771. Filed for public inspection April 22, 2005, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Allocation and Stocking of Trout

The Fish and Boat Commission (Commission) proposes changes to a statement of policy in Chapter 57 (relating to statements of policy) that relates to publicizing the stocking of fish. Although not required to publish a notice of proposed rulemaking to adopt a statement of policy, the Commission is publishing the proposed statement of policy in this manner and is seeking public comments because of the heightened public interest in this issue. The Commission is publishing this proposed statement of policy under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed statement of policy, if approved, will go into effect upon publication of an order adopting the statement of policy in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed statement of policy, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposed statement of policy is available on the Commission's website: www.fish.state.pa.us.

C. Statutory Authority

The proposed amendment 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 this Commonwealth regarding the protection, propagation and distribution of fish.

D. Purpose and Background

At the November 8, 1985, meeting, the Commission formally adopted a statement of policy for the allocation and stocking of adult trout. That statement of policy provides that trout are allocated to individual waters on a classification basis without regard to county lines and that the assignment of waters to stocking categories is based on biological and social factors. Eight stocking categories were identified, including "wild trout: no stocking," high yield, basic yield I, basic yield II, basic yield III, low yield, rivers and lakes. Although the statement of policy utilized the general term "wild trout," the term in practice included only Class A and wilderness trout streams. The names of the other categories were changed over the years.

The Commission's fisheries staff are committed to reengineering the Commission's trout management approach. Allocation of legal-size stocked trout is a major part of the agency's trout management plans. Adjusting this statement of policy will allow staff initiative without the burden of the eight resource categories identified in the original policy and will increase flexibility for consideration of public interests in the stocking of individual waters.

E. Summary of Proposal

The Commission proposes an amendment to the statement of policy under which the Commission will allocate trout, except fingerlings, to individual waters with the rate and frequency to be determined by the assignment of

each water to a resource category. Under the proposal, the Commission will assign waters areas to resource categories based on appropriately weighted biological and social factors.

F. Paperwork

The proposal will not increase paperwork and will create no new paperwork requirements.

G. Fiscal Impact

The proposal will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed statement of policy will impose no 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 proposal to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposal in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.state.pa.us/Fish/recomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: 48A-168. 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

§ 57.2. Allocation and stocking of legal-size trout.

(a) [Trout stocked will be allocated to individual water areas with no consideration of county lines. The rates and frequencies of stocking will be determined by assignment of each water area to an appropriate resource-based stocking category.

(b) Assignment of water areas to stocking categories will be based on consideration and rating of biological and social factors including: status of wild trout population; stream width or lake surface areas; recreational potential as indicated by public access, parking spaces and ownership; and proximity to urban areas.

(c) Stocking categories include:

- (1) Wild trout: no stocking.
- (2) High yield.
- (3) Basic yield I.
- (4) Basic yield II.
- (5) Basic yield III.
- (6) Low yield.
- (7) Rivers.

(8) Lakes.] The Commission will allocate trout, except fingerlings, to individual waters with the

rate and frequency to be determined by the assignment of each water to a resource category.

(b) The Commission will assign water areas to resource categories based on appropriately weighted biological and social factors, including the status of wild trout populations, stream width or lake area and recreational use potential as indicated by public access, parking spaces, ownership, proximity to roads, proximity to urban areas and activities of resource adoption organizations.

(c) The Division of Fisheries Management will maintain a current list of resource categories, trout allocation processes and trout allocations.

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