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Pennsylvania Fish & Boat Commission

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May 6, 2019

Secretary Patrick McDonnell
Department of Environmental Protection
Secretary's Office
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

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Re: Proposed Rulemaking

Dear Secretary McDonnell,

The Pennsylvania Fish and Boat Commission (PFBC) submits the following comments regarding the PA Bulletin Document Number 19-424 Proposed Rulemaking, Environmental Quality Board, [25 PA. Code Ch. 93], Water Quality Standards; Class A Stream Redesignations, [49 Pa.B. 1367], [Saturday, March 23, 2019].

For Class A streams not currently designated as High-Quality or Exceptional Value, the current 25 PA Code Chapter 93 Water Quality Standards listing does not adequately protect the existing flora and fauna present within these *basins*. Due to their significant wild trout resources, which meet Class A criteria, these stream sections and their tributaries should be designated as High-Quality Cold Water Fishes and Migratory Fishes (HQ-CWF, MF) as a *Basin* designation by the Department of Environmental Protection (DEP) upon listing by the Commission as a Class A wild trout stream under 25 PA Code Chapter 93 based on the Class A qualifier found in 93.4b(2)(ii).

The reasons for applying a *Basin* rather than *Main Stem* designation appear to be primarily administrative and subjective, with no specific guidelines or criteria included. As such, it is unclear what, if any, criteria DEP uses to assign only *Main Stem* instead of the entire *Basin* as the Zone of redesignation and why some waters are designated as *Main Stem* while others are designated as *Basin*. Of the 41 stream redesignations included in this package, 34 are proposed for *Basin* and the other 7 are only proposed as *Main Stem*. A review of the current package suggests substantive inconsistencies.

Our Mission:

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To protect, conserve and enhance the Commonwealth's aquatic resources and provide fishing and boating opportunities.

The following Class A wild trout waters included in the package currently have only the *Main Stem* listed as the Zone for recommended Designated Use upgrade and should have this Zone changed to *Basin*:

| Stream Name | County | Current Zone Listed for Redesignation in Proposed Rulemaking | Comment |
|---------------------------|----------|--|---|
| UNT 03913 to Lehigh River | Carbon | Main Stem | Zone should be <i>Basin</i> to account for tributaries to UNT 03913 not listed in Drainage list D. Also, <i>Basin</i> is consistent with the current designated use listing Zone for other Unnamed Tributaries in this reach of the Lehigh River. In addition, <i>Main Stem</i> only does not adequately protect this resource. |
| Fireline Creek | Carbon | Main Stem, UNT 03907 to Mouth | Zone should be <i>Basin</i> , Source to mouth to account for tributaries to Fireline Creek not listed in Drainage list D. Also, <i>Basin</i> is consistent with current designated use listing Zone for this water. In addition, <i>Main Stem</i> only does not adequately protect this resource. |
| Glen Brook | Columbia | Main Stem, UNT 2807 to Foundryville Road | Zone should be <i>Basin</i> , Source to Foundryville Road to account for tributaries to this reach of Glen Brook not listed in Drainage List K. In addition, <i>Main Stem</i> only does not adequately protect this resource. |
| Council Run | Centre | Main Stem | Zone should be <i>Basin</i> to account for tributaries to Council Run not listed in Drainage List L. Also, <i>Basin</i> is consistent with the current designated use listing Zone for this water. The PFBC has documented populations of wild Brook Trout in tributaries to Council Run. In addition, <i>Main Stem</i> only does not adequately protect this resource. |
| Gap Run | Centre | Main Stem, Source to the sink at 40°51'59"N; 77°44'4"W | Zone should be <i>Basin</i> to account for tributaries to Gap Run not listed in Drainage List L. Also, the PFBC has documented populations of wild Brook Trout in tributaries to Gap Run. In addition, <i>Main Stem</i> only does not adequately protect this resource. |
| Spencer Creek | Erie | Main Stem | Zone should be <i>Basin</i> to account for tributaries to Spencer Creek not listed in Drainage list Q. Also, <i>Basin</i> is consistent with nearby Beaver Run, which is designated as a Class A wild trout water. In addition, <i>Main Stem</i> only does not adequately protect the resource. |
| Benson Run | Erie | Main Stem | Zone should be <i>Basin</i> to account for tributaries to Benson not listed in Drainage list Q. Also, <i>Basin</i> is consistent with nearby Trout Run, which is designated as a Class A wild trout water. In addition, <i>Main Stem</i> only does not adequately protect this resource. |

The following streams have *Basin* as the listed Zone for recommended Designated Use upgrade but only for a reach of the stream. Rationale is given below for including the entire stream and its *Basin*:

| Stream Name | County | Current Zone Listed for Redesignation in Proposed Rulemaking | Comment |
|-------------|--------------------|--|--|
| Beaver Run | Cambria/Clearfield | Basin, Source to and including UNT 27182 | This should be <i>Basin</i> for the entire stream. The original report submitted to DEP only covered the reach from Source to UNT 27182 (PFBC management Section 01) but since that time, PFBC has designated the entire Stream as Class A wild trout water after evaluating Section 02. This report has been submitted to DEP and this stream section has been listed under DEP Stream Assessment Notifications for March 8, 2018. The entire stream is now designated as a Class A wild trout water and the entire stream and basin should be listed to account for all tributaries to Beaver Run not listed in Drainage list L. |
| Laurel Run | Centre | Basin, from a point 40°49'3.5"N; 78°5'52.0"W to mouth | This should be <i>Basin</i> for the entire stream. PA Code, Chapter 93, Drainage List L already lists the Laurel Run Basin as HQ-CWF, MF from Source to a point at 40°49'3.5"N; 78°5'52.0"W. To have two segments of Laurel Run upstream and downstream of the x,y coordinates listed will be confusing during navigation of the drainage lists by users and may result in errors. In addition, Drainage List L designates the upper portion of Laurel Run as HQ-CWF, MF; but eMapPA and available GIS layers from DEP continue to list this portion as CWF, MF. Designating the entire basin and correcting GIS layers will prevent further inaccuracies and confusion. |

The PFBC appreciates the opportunity to comment on this proposed rulemaking. Ensuring that streams are accurately classified in Chapter 93 is critical to their protection for current and future generations.

Sincerely,

A handwritten signature in black ink that reads "Heather Smiles". The signature is written in a cursive, flowing style.

Heather A. Smiles, Chief
Division of Environmental Services

cc: T. Schaeffer, A. Shiels, K. Kuhn, D. Nihart