

Chapter 2: The Planning Process

The partners formulated the methodology and components that would make up this Strategy. Key questions were developed to focus this Strategy.

- Are current fishing and boating access points adequate to meet public demand?
- Where are fishing and boating accesses in relation to population centers?
- What are the criteria for a good fishing or boating access site?
- Are the needs of all the user groups being met?
- Why is private land being increasingly posted to limit traditional walk-in fishing access?
- How can the Commission better support fishing and boating access development and maintenance?

Several resources were used to answer these questions and provide additional information.

- Use of GIS to overlay and map a wide variety of data and information to aid in assessing the need for access across the Commonwealth.
- A series of stakeholder meetings held in each of the Commission's Bureau of Law Enforcement regions.
- Use of GIS to map and develop a database of stakeholder input on areas where access improved is perceived as needed.
- Review of related planning documents such as SCORP, the Commission's Strategic Plan, and angler surveys to understand recreational user preferences and needs. References to these documents will be found throughout this document.
- Review of existing Commission grant programs to determine resources currently available to improve access.
- Review of existing Commission partnerships with other entities.
- Review of current issues related to boating and fishing access to understand the challenges to providing access.
- Evaluation of fifty-two of the Hydrologic Unit Code 8 (HUC 8) watersheds in Pennsylvania for boating and fishing access using nineteen criteria.¹

Stakeholder Input for the Access Strategy

In 2008, the Commission and PEC hosted a series of six regional stakeholder meetings around the Commonwealth to gauge the community perception of access quality and quantity. Summaries from each regional meeting are found in Appendix A. Participants

¹ "A watershed is a geographic area of land, water and biota within the confines of a drainage divide. Watershed boundaries define the aerial extent of surface water drainage to a point. Watersheds are delineated by the U.S. Geological Survey using a national standard hierarchical system based on surface hydrologic features and are classified into four types of hydrologic units. HUC 8 watersheds are the fourth level of classification." *Watersheds, Hydrologic Units, Hydrologic Unit Codes, Watershed Approach, and Rapid Watershed Assessments, NRCS, USDA, June 18, 2007, p.1*

were asked if access was adequate in their region for boating (powered and unpowered) and fishing (walk-in) and to identify areas where additional access is needed. More than 600 specific sites or stretches of streams across the Commonwealth were listed and plotted on maps by the stakeholders. They also were asked to list the components of a 'great' access site. These components from the stakeholders listed in Chapter 4 became the starting point for developing criteria to select sites for access improvements.

Another group of stakeholders, Commission Waterways Conservation Officers and DCNR State Park Managers, were mailed input forms and asked to identify waterways that they believe need improved access.

The data from the all the stakeholders was entered into the Commission's GIS database. A map depicting both the stakeholders and state employees' improvement locations can be found in Chapter 3. The GIS database serves as a central repository for a wide variety of information and has been used for this plan. Future access analysis will be enhanced by the continued use of the information in the database.

Stakeholder Input Results in Early Access Strategy Successes

The development of this Strategy has not been simply about holding meetings and gathering data. It is about improving the process for evaluating and improving access. A number of suggestions made during the stakeholder meetings have been or are being implemented.

During the Southwestern Pennsylvania stakeholder meeting, representatives of non-profit groups recommended that non-profit land trusts, conservancies, and watershed organizations be allowed to directly apply for funding under the Boating Facility Grant Program. With land trusts, conservancies and watershed associations owning more than 50,000 acres statewide and growing, the group believed this would provide new opportunities for creating boating access. The Commission adopted their recommendation, opening the Boating Facility Grant Program to land trusts, conservancies, and watershed associations beginning with the 2008 application round. As a result of this change, Boating Facility Program grants were awarded to two land trusts and a watershed association in the 2008 application round.

With DCNR staff attending several of the regional meetings, discussions took place on how the Commission and DCNR could work together to achieve more access on DCNR lands which cover more than two million acres. A cooperative agreement was signed by the two organizations that will expedite the assessment and construction of fishing and boating access on DCNR lands with Commission assistance. See Appendix B for a copy of the agreement.

Review of Commission Methods and Grant Programs to Improve Access

As indicated earlier, the Commission owns over three hundred access sites. The Commission uses several methods to acquire or control property for the purpose of improving access.

These methods include:

- **Fee simple acquisition**
- **License, lease, and cooperative agreements**
- **Public Fishing Access and Conservation Easements** - the fishing access and conservation easements provide in perpetuity public access and a riparian buffer of up to thirty-five feet in width that must be maintained by the property owner.

Some examples of these methods utilized in 2008 were: (1) the Commission purchased fishing access and conservation easements in Erie County and Mifflin County; (2) the Commission acquired properties in Franklin County and Juniata County for public boating and fishing access; and (3) the Commission executed a cooperative agreement with Carbon County to improve access on a lake.²

Various funding sources, such as settlement funds; license, permit and registration fees; and grants to the Commission, provide the resources to improve access using these methods.

The Lake Erie fishing permit provides an example of how a dedicated funding source is used to improve access in a watershed. The Lake Erie fishing permit, created in 2004, requires anglers fishing in the Pennsylvania waters of Lake Erie, Presque Isle Bay, and their tributaries to obtain an annual permit. Anglers also have the option of purchasing a combination Lake Erie/trout/salmon permit. The proceeds from the sale of the Lake Erie fishing permit as well as \$6 from the combination trout/salmon/Lake Erie permit were initially required to be placed into a restricted account within the Fish Fund for five years. The funds had to be used to provide public access on or at Lake Erie and the watersheds of Lake Erie. The statute requiring the permit was recently amended to extend the depositing of the fees into a restricted account until 2014. The amendment also mandates anglers obtain a permit for waters that flow into the tributaries of Lake Erie and Presque Isle Bay and allows permit proceeds to be used to provide access and implement habitat improvements in those waters.

The Commission has an annual program to maintain and enhance the facilities at its own access locations. Enhancements range from parking lots, to boat ramps, to fishing piers to trails. In 2008, the Construction and Maintenance Division renovated fourteen Commission access areas.

The Commission engages other entities and individuals to improve access for boating and fishing throughout the Commonwealth through programs briefly outlined below.

- **Erie Access Improvement Grant Program**
Grants are awarded to Government agencies and non-profits organizations that identify acquisition and development needs that improve, promote, and protect fishing access in that watershed. Grants can be used for acquisition, easements, site design, engineering, development, expansion, and rehabilitation of sites.

² 2008 Annual Report, Pennsylvania Fish and Boat Commission, pages 11 and 15.

Payment to cover routine operation and maintenance is not permitted. A 50 percent match is required. For fee simple acquisition and construction projects, partners must keep the property open for public access for twenty-five years. Funding for this grant program comes from the Lake Erie fishing permit restricted account.

- **Boating Facility Grant Program**

The Boating Facility Grant Program provides funding for the planning, acquisition, development, expansion, and rehabilitation of public boating facilities. These facilities are not owned by the Commission when completed. The Boating Facility Grant Program is open to counties, municipalities, land trusts, conservancies, and watershed associations. Schools and other non-profit organizations can apply to the program through their local municipality. Grants can be used for acquisition, easements, site design, engineering, development, expansion, and rehabilitation of sites. Payment to cover routine operation and maintenance is not permitted. A 25 percent match is required and the property must remain open for public access for twenty-five years. Funding for this program comes from the Boat Fund.

- **Cooperative Habitat Improvement Program (CHIP)**

The Commission provides assistance, support, and guidance to organizations and individuals willing to enhance and restore particular waterways that would benefit from riparian and aquatic improvement projects. These projects may include the installation of fish habitat improvement structures and vegetative management. Waterways through public and private lands are eligible. This program takes place on streams through the Adopt-a-Stream program and on lakes through the Adopt-a-Lake program.

- **Sinnemahoning Creek Watershed Restoration Grant Program**

The Commission received \$3,675,000 under a settlement agreement with the Norfolk Southern Railroad and must utilize the funds for purposes of developing and implementing projects that benefit recreational fishing and boating and the aquatic resources of Cameron, McKean, Elk and Potter Counties. The Commission established a grant program to award funds to governmental entities and non-profit organizations for eligible projects, including the acquisition and development of property (fee simple or easements) for public access.

- **Technical Guidance Program**

The Technical Guidance Program provides public organizations with guidance on the construction of boat access ramps, docks, and fishing piers. Technical guidance may include complete design, drawings, permit applications, construction supervision, inspection, and some materials.

Review of Commission Partnerships

- **Water Trail Program**

The Pennsylvania Fish and Boat Commission is the sole agency to designate official Pennsylvania water trails. A water trail is a boat route suitable for canoes and kayaks and small motorized watercraft. They are recreational corridors between specific locations. Water trails are composed of access points, boat launches, day use sites, and in some cases over-night camping. Pennsylvania has

twenty water trails mapped or under development (see map in Chapter 3). Water trail corridors are conceived and maintained by a network of volunteers, property owners, civic groups and associations. Successful water trail programs use a variety of tools to inform the public about the waterway. These tools include websites, signage, and maps to promote the trail and underused access sites. Successful water trail programs rely on effective partnerships. To illustrate this point, the Commission signed the Statement of Purpose for the Pennsylvania Water Trails Partnership at the 2008 Pennsylvania Recreation and Parks Society Greenways and Trails Summit (see Appendix C). The Statement, also signed by DCNR, the National Park Service and the Pennsylvania Environmental Council, memorializes the commitment of the partner agencies in furthering the progress of Pennsylvania's water trail network through development of new trails, maintenance of existing trails, and tourism marketing of the entire network.

- **Department of Conservation and Natural Resources**

More than 120 DCNR River Conservation Plans and more than sixty County Greenway Plans are completed or underway. These plans identify natural resources, recreational facilities and needs, critical habitats, and recommendations to improve water quality and recreational opportunities. Projects identified in these plans are eligible for grants from the DCNR Community Conservation Partnership Program (C2P2), which provides grants for River Conservation Plan Implementation Projects (water access or water trail feasibility studies), Development Projects (access construction projects), and Acquisition Projects (for land titles or easements). When requested by DCNR, the Commission provides comments on the grant proposals, ensuring that the agencies are working efficiently at pursuing access improvements

DCNR has jurisdiction over two million acres of public park and forest lands. Within those lands, over 250 boating access sites are provided. These lands also provide countless opportunities for walk-in access for fishing. The State Park Survey conducted as part of the 2009-2013 SCORP reported 24 percent of the surveyed park visitors listed fishing as an activity they participated in with 12 percent indicating it was their primary activity.

It is clear that continued work with DCNR is critical to achieving the goal of access at multi-use sites. As noted earlier, the Commission and DCNR signed a cooperative agreement to focus on fishing and boating access resources and opportunities in State Parks and Forests. This agreement allows the Commission and DCNR to better focus on the access needs along these waterways and coordinate projects related to signage, parking, overall access, and other issues.

- **Pennsylvania Department of Transportation**

The Commission approves Aids-to-Navigation Plans for bridge construction or demolition projects that impact waterways. In 2008, five primitive access areas were constructed as part of Pennsylvania Department of Transportation (PennDOT) bridge projects. In 2009, PennDOT advised the Commission of 411

bridge projects. The Commission provided its local Waterway Conservation Officers with maps of the bridge projects in their areas requesting their feedback as to whether or not PennDOT should be asked to improve access at the site of the bridge project. To date, four primitive access areas have been constructed by PennDOT. Depending on the project, PennDOT constructs boat launches and/or fishing piers, improves parking areas, and provides signage. These new locations are added to Commission maps as they are developed.

- **Partnerships with Local Government and Non-profit Organizations**
Counties and local governments own more than two hundred public boating access locations. The Commission has developed a relationship with many of these governmental bodies to improve access by providing assistance through its Technical Guidance Program or the Boating Facility Grant Program. To date over sixty Boating Facility Grants have been awarded to governmental bodies.

Partnering opportunities with land trusts, conservancies and watershed associations continues to grow with the inclusion of these entities as eligible applicants to Commission grant programs. For example, three Boating Facility Grant Program awards were made to these types of organization in 2009.

Review of Current Issues Relative to Access

Numerous challenges and opportunities exist to secure access locations and maintain access improvements. Although many issues were discussed during the planning process of this Strategy, five issues are being highlighted due to their importance. These issues will be evaluated during the HUC 8 watershed access plan development process described in Chapter 4.

- **Public v. Private Ownership**
The right to access a waterway is a complex and confusing issue in Pennsylvania where most of the land is in private ownership. It is of particular concern to trout anglers since private lands hold approximately:
 - ✓ 83 percent of stocked trout waters,
 - ✓ 70 percent of wild trout waters, and
 - ✓ 59 percent of Class A trout waters.³

According to an 1826 court case (*Shrunk v. Schuylkill Navigation Company*), public waters in Pennsylvania include the Ohio, Monongahela, Allegheny, Youghiogheny, Susquehanna (and its north and west branches), Juniata, Schuylkill, Lehigh, and Delaware Rivers, plus all of those “legally navigable” rivers, streams, and lakes. Legally navigable streams are those that were used for

³ Stocked trout waters are those streams where the Commission places fingerlings and/or adult trout into the stream. Under 58 Pa. Code §57.11, the Commission classifies waters as wild trout streams based on the presence of trout populations that have resulted from natural reproduction and where the habitat supports wild trout. Class A wild trout waters are a class of wild trout streams that meet the highest biomass thresholds and represent the highest quality of this Commonwealth’s naturally reproducing trout populations.

commerce and travel (though not recreational travel) in the late 18th and early 19th centuries, regardless of their current use. The beds of navigable waters are held by the Commonwealth in trust for the benefit of the public. However, only the courts can determine the navigability of a waterway. Although the public's rights in public waters are quite broad and extend to fishing, boating, wading, floating, swimming and other recreational activities, the public does not have the right to cross privately owned land to get to a publicly owned waterway.

Private Waters are non-navigable rivers, streams, and lakes. The beds of these waterways are owned by the adjacent landowners and these landowners can prevent the public from fishing or wading in non-navigable waters. However, the public does have the right to use the water for the purposes of navigation only. That right does not extend to fishing.

- **Change in Landowner Perception**

The posting of private property limits public fishing and boating access to some of the Commonwealth's most popular streams and rivers. Anglers and boaters increasingly offer stories of losing their once favorite spot to enjoy their pastime. According to the *Pennsylvania Trout Fishing Survey (2008)*, 47 percent of the anglers indicated that private land posting is a problem. In many cases, the reason for posting has nothing to do with the angler. Bad behaviors by other users or the dumping of trash have created significant problems between land owners and land users.

The establishment of private fishing clubs and private leases also has restricted public fishing at locations that have previously been open to the public. At least twenty miles of prime fishing streams in Pennsylvania are leased to private interests according to the websites of some private fishing clubs. Some angler groups in Erie and Huntingdon Counties have reached out to the Commission looking for assistance to stem the tide of private leases in their communities. The existence of private leases is not unique to Pennsylvania. Private fishing clubs and companies are attempting to close waterways to public fishing in states such as Montana and Louisiana.⁴

Establishing and maintaining good relationships between landowners and land users can reduce the number of private property postings along waterways. The Trout Unlimited Stream Access Committee developed a white paper outlining ways to keep existing stream access open. Their recommendations include thanking the landowner, starting a trash collection program, educating their membership on proper conduct while fishing, and improving the access site with landowner permission.

- **Impact of Development**

In 2004, the United States Department of Agriculture, Natural Resource and Conservation Service estimated that 110,000 acres of land were being consumed

⁴ Monte Burke, "The Stream Grabbers," *Field and Stream*, June 2007, p. 33.

by development each year in Pennsylvania. According to the Pennsylvania Land Trust Association, only 40,000 acres are protected annually. In the past two decades, Pennsylvania consumed land at a much higher rate than its population growth rate. With thirty-one of the HUC 8 watersheds projected to increase their populations by 2020, additional development can be expected to take place. The subdivision of large land areas into residential developments often results in the loss of access to streams and rivers. In addition, significant increases in impervious coverage and loss of forested and other natural habitats in watersheds can result in the loss of the fish population. Trout Unlimited points to studies that indicate “degradation begins to occur when impervious surfaces cover 10 percent of a watershed. Above this percentage, fish species start to die off. Brown trout and brook trout generally are decimated at levels of 10-12 percent imperviousness. At 30 percent impervious watersheds are generally considered severely degraded. These levels are easily met by most commercial and residential subdivision developments.”⁵

- **Damaged and Emerging Waterways**

Pennsylvania has a legacy of damaged waterways. According to the *2008 Pennsylvania Integrated Water Quality Monitoring and Assessment Report*, 15,351 miles of the state’s waterways and 38,357 acres of lakes are impaired for aquatic life usage. The 2007 report *Economic Benefit Analysis for Abandoned Mine Drainage Remediation in the West Branch Susquehanna River Watershed, Pennsylvania* estimates \$22.3 million dollars in sport fishing revenues is lost annually in the AMD-impacted streams in the West Branch of the Susquehanna River Watershed alone. The degradation is due to abandoned mine drainage (AMD), acid rain or agricultural impacts. Since many of these waterways are so severely impaired that they could not support aquatic life, access had not been an issue.

Government agencies and citizen groups contribute time and resources to improve the quality of these waterways. For example, Trout Unlimited and other partners’ major investment in the Kettle Creek Watershed in Clinton County in the late 1990 have yielded positive results. A similar partnership is underway in the West Branch Susquehanna River Basin. Many partners work to make improvements in the Stony Creek and Conemaugh River basins. Many more examples of projects exist that improved the water quality of AMD-impacted streams. As these and other waterways improve, they have the potential to become recreation centers for both boaters and anglers. Addressing access on these waterways requires new partnerships and resources. Evaluating these improved waterways will occur as part of the watershed access plan process described in Chapter 4.

⁵ “Urbanization and Stormwater Runoff,” *Trout Unlimited*, November, 2009, Trout Unlimited, 8 Dec. 2009 < <http://www.tu.org>>. Note: Studies referenced by Trout Unlimited include “Measuring the Impact of Development on Maine Surface Waters”, Chandler Morse and Steve Kahl, University of Maine, Senator George J. Mitchell, Center for Environmental and Watershed Research and *Watershed Restoration Sourcebook*, T.R. Schueler, 1992.

- **Wild Trout Populations**

The Commission recently adopted a new *Strategic Plan for Management of Trout Fisheries in Pennsylvania*. The plan, developed by Commission staff, Commissioners and a thirty-seven member Trout Work Group, received the approval of the Commission in October 2009. The vision of the Commission for trout management is “to manage Pennsylvania’s wild and stocked trout fisheries through the protection, conservation and enhancement of these fisheries and to provide high quality, diverse angling opportunities for trout.”⁶ There are 3,411 designated wild trout streams comprising 12,677 miles. The *Strategic Plan for Management of Trout Fisheries in Pennsylvania* identifies several stressors and threats to wild trout waters. These include:

- ✓ An increase in erosion and elevated water temperatures due to development, road construction, and agricultural practices
- ✓ Acidification from acid mine drainage
- ✓ Water quantity and quality impacts from oil and gas extraction
- ✓ Posting of private property
- ✓ Lack of understanding by the public of the wild trout classification system

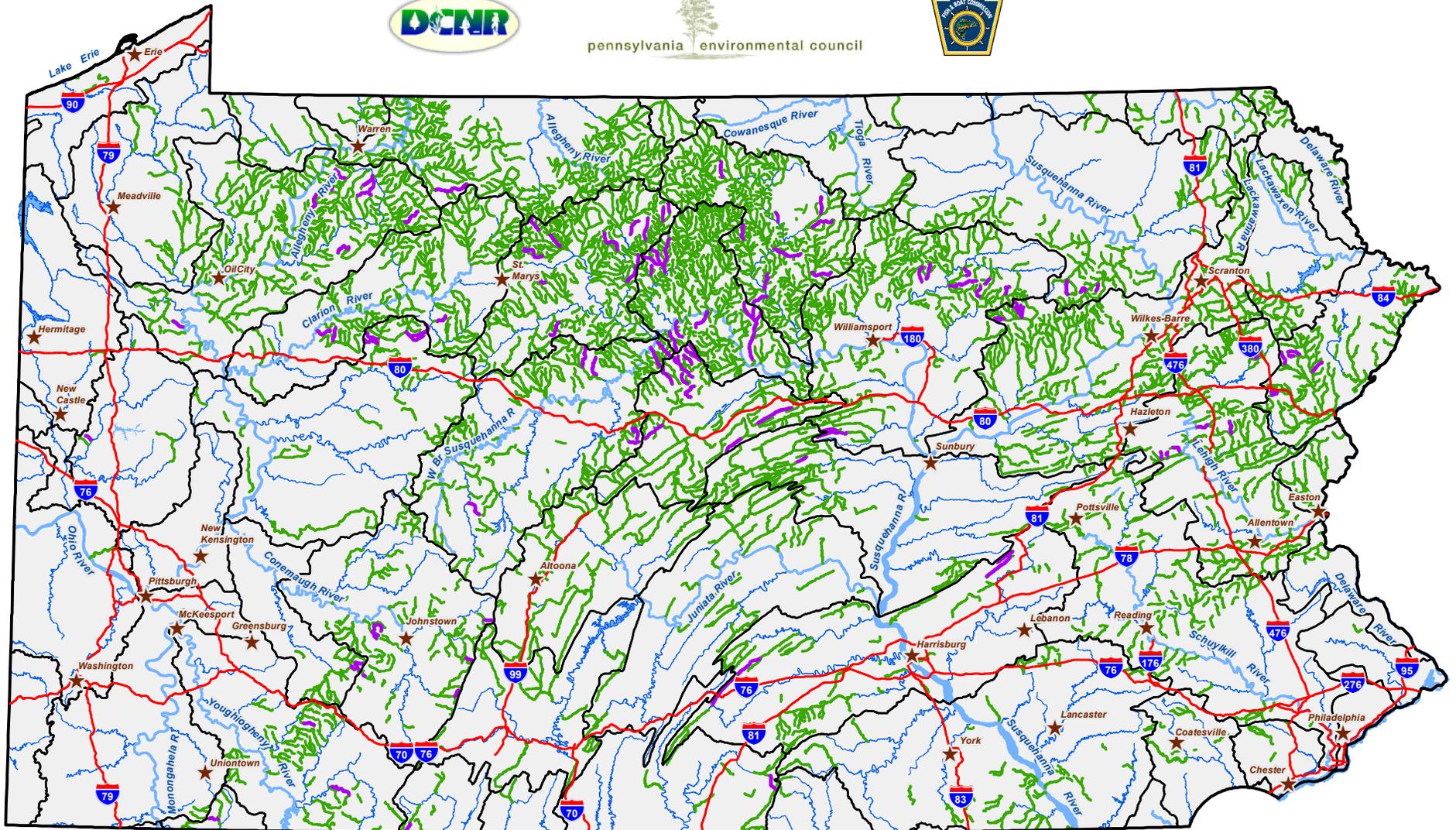
While many of these threats to wild trout waters mirror the threats to stocked streams and lakes, the wild trout streams are managed as a renewable natural resource and provide a unique fishing opportunity for anglers.

One of the twenty-four issue statements identified in the plan is “maintaining free public access to Pennsylvania’s wild trout fisheries is important to provide trout angling opportunities (Issue Number 7).”⁷ The plan also sets a goal of improving public access to at least ten Class A wild trout streams by December 2014. Streams classified as naturally reproducing trout and wilderness trout streams are identified on Map 1. Achieving this goal can be accomplished by incorporating a review of the Class A wild trout streams in the HUC 8 watersheds during the development of the access plans described in Chapter 4.

⁶ Strategic Plan for Management of Trout Fisheries in Pennsylvania, Pennsylvania Fish and Boat Commission, October 2009, page 6.

⁷ Strategic Plan for Management of Trout Fisheries in Pennsylvania, Pennsylvania Fish and Boat Commission, October 2009, p. 33

MAP 1. Pennsylvania Fishing and Boating Access Strategy Naturally Reproducing Trout & Wilderness Trout Streams



Legend

- HUC 8 Watersheds
- Naturally Reproducing Trout Streams
- Wilderness Trout Streams

