

Pennsylvania Steelhead Association Position on PA House Bill No. 2357

August 24, 2014

It would be a dream come true if House Bill No. 2357 would be enacted, and anyone who buys a fishing license to fish the Commonwealth of Pennsylvania, and purchases a Lake Erie Permit in order to fish our Great Lake and its tributaries, would finally have complete access on our streams to the steelhead fishery we pay for through license fees and taxes on fishing equipment.

However, the Pennsylvania Steelhead Association (PSA) cannot support a law that appears to take away, without compensation, a private property owner's right to post his or her property to trespass.

Because none of our tributaries has ever been deemed navigable, the landowner owns the stream bed, even though the water flowing over it is considered Commonwealth domain. Therefore, we cannot fully support House Bill No. 2357 as it is currently written. A landowner has a right to lease his property for hunting, but more importantly, the State does not stock the deer that they pursue. The steelhead fishery is different, because all of the steelhead are stocked by PA Fish & Boat Commission (PFBC) and 3CU, a cooperative nursery. A select few should not profit from a fishery that is financed by the general angling public.

Steelhead trout are migratory, stocked as juvenile smolts in our tributaries. They then migrate downstream to Lake Erie where they grow to adulthood, returning to our streams from September through April as conditions allow, making our Lake Erie tributaries unique from a management perspective.

Recreational fishing in Erie and the surrounding counties has a huge, positive economic impact. According to the 2004 Creel Analysis and Economic Impact Study conducted by the PFBC and Pennsylvania Sea Grant, Pennsylvania tributary and shoreline fishing trips had nearly tripled in that last decade, from 72,413 trips in 1993, to 200,816 trips in 2003. Anglers spent nearly \$9.5 million on these trips, with another \$5.7 million in value added activity. At that time the stream and shoreline steelhead fishery supported 219 jobs. Another decade has passed that would exponentially increase these numbers.

Lately, the fishery we pay for has been privatized to the point that the general angling public is being sequestered into smaller and smaller areas creating, as one national fishing magazine put it, "a series of private fishing preserves stocked by the state of Pennsylvania" A large portion of Elk Creek is posted to public fishing, some of it by private "fishing clubs" that benefit from a fishery we've helped create. These leases and property postings have also expanded to other tributaries.

The PSA and other stakeholders, including 3CU, were instrumental in creating a new law that resulted in Lake Erie Permit funds being used exclusively for public access acquisition and improvement. After several years and the 2004 economic impact study, the end result was the Erie Access Improvement Grant Program which has been successful in funding more than 40 projects that acquired new or improved existing public access to Lake Erie and its tributaries.

With this the PFBC has done an excellent job. But we have paid for a perpetual easement that is upstream and south of Interstate 90 on the west bank of Elk Creek that we cannot even get to because it is surrounded by posted and leased property. This privatization of tributary fishing is undermining the Erie Access Improvement Grant Program.

The PSA applauds our state legislators who are trying to protect public access to our steelhead streams. Rather than the approach taken by House Bill No. 2357, the PSA believes the legislature should enact a law providing that if a landowner closes the stream to public fishing, then fishing is prohibited. This would prevent landowners from selling rights to fish for fish that are paid for by others. It does not “take” away any property rights, since landowners do not have any protected right to fish for steelhead, which is why the Commission can set seasons and limits on any water. A landowner can still prevent fishing, for everyone, or open it to fishing, for everyone; they just cannot open it to fishing for a select few. The PSA believes this strikes an appropriate balance by allowing landowners to prohibit fishing and trespassing on their property, while preventing landowners from profiteering off a fishery that is paid for by the angling public,

In addition, the PSA recommends that state legislators and local municipalities offer some form of property tax relief to landowners that allow public fishing. The PSA also recommends that, in addition to purchasing permanent fishing easements, the PFBC look at other avenues to create better access, such as purchasing shorter term leases, like those being obtained by the private fishing clubs. These leases, done in a way in which landowners can still retain personal privacy, could be funded through the grant program that relies on the Lake Erie Permits that we buy.

Pennsylvania Steelhead Association
www.pasteelhead.com
[Facebook Page](#)