

PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AFFAIRS

[16 PA. CODE CH. 15]

Neighborhood Assistance Program; Special Program Priorities and Enterprise Zone Tax Credit Program

The Department of Community Affairs (Department) proposes to amend §§ 15.41b and 15.49a (relating to special program priorities and Enterprise Zone Tax Credit Program-special program priorities). These amendments are proposed under the authority of Article XIX-A of the Tax Reform Code of 1971 (act) (72 P. S. §§ 8901-A—8960-A).

Summary and Purpose

The Department has the responsibility for administering Pennsylvania Neighborhood Assistance Act Tax Credit Programs under the act. Section 1905-A of the act (72 P. S. § 8905-A) directs the Secretary of Community Affairs, during each fiscal year, to promulgate, with the approval of the Governor, regulations establishing special program priorities for these programs.

Neighborhood Assistance Tax Credit Program

The objective of the NAP Tax Credit Program is to encourage private businesses to contribute toward improvements in impoverished neighborhoods throughout this Commonwealth. To meet this objective, section 1905-A of the act authorizes the Department of Revenue to grant tax credits to certain business firms approved by the Department which contribute to neighborhood organizations, or which engage directly in neighborhood improvement activities. Credits equivalent to 50% of a business firm's contribution for approved projects may be awarded for activities related to job creation, education, community services, crime prevention and other activities which tend to enhance the living conditions of people in impoverished areas. Under the Special Program Priorities of § 15.41b, contributors may earn an additional 20%, for an overall 70% tax credit.

Proposed priorities for FY 1995-96 have been amended to include a fourth priority while renaming the first priority of those established for FY 1994-95. With the addition of the fourth priority entitled Comprehensive Service Programs, which mirrors the Neighborhood Assistance Program's Comprehensive Service Program (NAP/CSP) (aka the Philadelphia Plan) established by the act in FY 1994, it became necessary to rename the former comprehensive service program priority as the Community Development Program Priority.

The community development priority is based on a project type activity which is a component of an overall community development plan for the prevention or elimination of physical blight and for education, social and economical services to aid impoverished people within an urban neighborhood or rural community. The new priority CSP proposes to transform an entire distressed community into a healthy stable community through the long term joint efforts of a neighborhood/community organization and a major corporate sponsor for the development and implementation of a Strategic Neighborhood Revitalization Plan over a minimum of a 5-year period. This new

priority is being included due to the over subscription to the NAP/CSP and the Department's goal of expanding NAP/CSP beyond the city of Philadelphia. By including this priority the Department will be able to expand the original NAP/CSP \$2 million tax credits to a total of \$3 million tax credits at the 70% rate.

The Low-Income Housing Program priority has been renamed the Affordable Housing Program, but no changes have been made in the program requirements.

Enterprise Zone Tax Credit Program (EZP)—Special Program Priorities

The EZP was established by section 1905-A of the act to encourage private companies to invest in enterprise zones that have been designated by the Department. Currently, 52 zones have been selected in various municipalities throughout this Commonwealth.

Special program priorities adopted for Fiscal Year 1995-96 continue the priorities that have been in effect for several years.

Benefits and Costs

The proposed amendments will continue the tax credits to corporations and businesses that contribute to or administer projects under the NAP and to private companies that rehabilitate land and buildings in impoverished areas designated as enterprise zones. Credits represent a proportionate reduction in State corporate tax revenues; however, the costs are substantially justified by the effect of the NAPs in creating and retaining jobs and ameliorating the factors which tend to cause poverty within this Commonwealth. The amendments have no measurable cost-effect upon local governments.

Paperwork Requirements

Organizations interested in participating in the Neighborhood Assistance Act Special Program for NAP shall submit an addendum to their original NAP proposal. The original proposal is submitted on an NAP form with supporting documentation.

Private companies and neighborhood organizations interested in participating in the EZP shall submit an addendum to their original EZP project application proposal using the Bureau of Human Resources' proposal format.

Consideration of Public Comment

Persons wishing to comment on the proposed amendments may do so within 30 days following publication in the *Pennsylvania Bulletin*. Written comments should be directed to Dennis Darling, whose address and telephone number are set forth in this Preamble.

Contact Person

For further information, contact Dennis Darling, Director, Bureau of Human Resources, Room 358 Forum Building, Harrisburg, PA 17120, (717) 787-1985.

Sunset Date

As long as authorization for tax credits is provided for by the act, these regulations will be needed. The regulations, by law, are monitored on an annual basis and updated as needed.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Department submitted a copy of

these proposed amendments on May 8, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Urban Affairs and the Senate Committee on Local Government. In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Department in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of these proposed amendments, it will notify the Department within 30 days from the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Department, the General Assembly and the Governor of objections raised.

WILLIAM C. BOSTIC,
Secretary

Fiscal Note: 5-61. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 16. COMMUNITY AFFAIRS

PART I. DEPARTMENT OF COMMUNITY AFFAIRS

Subpart C. BUREAU OF RECREATION AND CONSERVATION

CHAPTER 15. NEIGHBORHOOD ASSISTANCE PROGRAM

TAX CREDITS

§ 15.41b. Special program priorities.

For Fiscal Year [1994-95] 1995-96, the special program priorities will be accepted in [three] four categories: **Community Development**, **Comprehensive Services**, [**Low Income**] **Affordable Housing Programs** and **Enterprise Zone Programs**. Projects in each category shall relate to activities which will improve the physical and economic environment of low income neighborhoods or which will contribute to neighborhood stabilization by reversing patterns of deterioration and blight. The projects shall demonstrate the local commitment through partnerships of community based organizations, local government and the private sector. The following paragraphs set forth the requirements for the project to be eligible for tax credit valuation of 70%.

(1) [**Comprehensive Service**] **Community Development Program**. Required program characteristics include the following:

* * * * *

(ii) Project activities shall [**provide**] be included in a [**comprehensive**] **community development plan** for the prevention or elimination of physical blight and for educational, social and economic services to aid impoverished people within an urban neighborhood or rural community [**or be a component of the comprehensive plan**]. A [**comprehensive plan**] **Community Development Project** shall include the components of clauses (A) and (B), and two of the remaining components in clauses (C)—(F).

* * * * *

(2) [**Low-income**] **Affordable housing programs**. Applicants shall be limited to nonprofit neighborhood organizations who produce or preserve through renovation, repair, rehabilitation or new construction affordable housing for low-income persons meeting the following requirements:

* * * * *

(4) **Comprehensive Service Programs**. A program that proposes to transform a distressed community into a healthy stable community through the long term joint efforts of a neighborhood/community organization and a major corporate sponsor for the development and implementation of a Strategic Neighborhood Revitalization Plan. Required program characteristics include the following:

(i) Program activities shall be eligible for the 50% tax credit program as set forth in § 15.22 (relating to submission of proposals).

(ii) Program activities shall benefit low income persons whose family income is no more than 125% of the official poverty line established by the Federal Office of Management and Budget or residents of an economically distressed community. The distressed community shall be specified by geographic boundaries in the plan.

(iii) The program shall have a major corporate sponsor who makes a significant commitment of contributed cash as well as other in-kind services, such as financial advice, legal counsel, public relations, architectural assistance, managerial advice or other expertise that may be available within its corporate structure.

(iv) The program shall include the following areas of concern of the economically distressed neighborhood:

(A) **Housing**—To substantially improve housing for residents and provide for them both ownership and rental opportunities.

(B) **Education**—To raise the educational and job readiness levels of community residents.

(C) **Health & Social Services**—To build capacity of community/neighborhood based organizations and to work creatively with county and State agencies so that social and health services are available for all residents including senior citizens and children.

(D) **Community Development**—To encourage and assist neighborhood based community development, particularly along the commercial districts, which will create jobs for area residents.

(E) **Job Training**—To create job training and referral services for adults and young people, including summer job programs for "in-school" youth.

(F) **Crime Prevention**—To develop, in cooperation with State and local law enforcement agencies, local school districts, county and State health departments, an educational program for drug prevention and anti-violence initiatives.

(G) **Community Participation**—To enhance volunteer recruitment, training, placement and recognition to support comprehensive service project coalitions so that every resident becomes an active and effective citizen.

(v) The program shall include a Comprehensive Service Plan that contains four essential components for the revitalization of a distressed neighborhood.

(A) *Community Partnerships.*—This component explains how community/neighborhood based organizations will transform a distressed neighborhood into a healthy community by creating significant and lasting partnerships among community based organizations, the private sector, and local and State government and the respective resources available.

(B) *Strategic Neighborhood Revitalization Plan.*—This component is designed to provide a cohesive, coordinated plan of action, with strong community support for the project. The plan should include an assessment of needs, identification of resources, assignment of priorities and determination of appropriate course of action and be organized to support a plan of action over a minimum of a 5-year period.

(C) *Implementation of Revitalization Plan.*—This component sets forth the neighborhood's/community's vision for the future and identifies specific activities and resources needed to accomplish the tasks.

(D) *Evaluation.*—This component establishes an assessment mechanism for measuring the status and progress of proposed activities in meeting the overall comprehensive service goals for the revitalization of the distressed community.

(vi) The program shall include a detailed budget that is a coordinated plan of financial action that supports the development and implementation of the proposed revitalization plan for the community/neighborhood.

[(4)] (5) *Limitation.* During Fiscal Year [1994-95] 1995-96, the Department will allocate no more than \$ [1] 1.3 million of the available tax credits for valuation at 70%. No more than \$1 million dollars of the tax credits will be allocated to the combined applicants for Community Development and Affordable Housing Projects, and no more than \$300,000 will be awarded for Comprehensive Service Programs. Approval of projects under special program priorities will be contingent upon the availability of tax credits.

[(5)] (6) *Applicability.* The special program priorities in this section shall be applicable to programs implemented during Fiscal Year [1994-95] 1995-96.

TAX CREDITS FOR THE ENTERPRISE ZONE TAX CREDIT PROGRAM

§ 15.49a. Enterprise Zone Tax Credit Program—special program priorities.

(a) *Applicability.* The special program priorities in this section are applicable to projects for the Fiscal Year [1994-95] 1995-96.

(b) *Special program priority status.* For the Fiscal Year [1994-95] 1995-96 special program priority status may be granted for projects that will provide employment opportunities for low-income residents of this Commonwealth, or enhance public facilities. If approved under this section, projects will receive tax credits equal to 30% of eligible project costs, up to the maximum amount approved by the Department. The Commonwealth will

consider all 20% tax credit requests prior to consideration of 30% tax credit addendum requests for Fiscal Year [1994-95] 1995-96. To qualify for the 30% tax credit, projects shall submit an addendum that addresses the following requirements:

* * * * *

[Pa.B. Doc. No. 96-806. Filed for public inspection May 17, 1996, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CHS. 5, 37, 53, 56, 65, 69 AND 71]

[L-00950112]

Wastewater Utilities

The Pennsylvania Public Utility Commission (Commission) adopted a proposed rulemaking to amend relevant sections of Title 52 regarding sewer utilities and the provision of sewer service. The words "sewer" and "sewerage" shall be changed to reflect current industry standard terminology. The contact persons are Stanley E. Brown, Assistant Counsel, Law Bureau, telephone (717) 783-3968 and Shirley M. Leming, Regulatory Coordinator, Law Bureau, telephone (717) 772-4597.

Executive Summary

On December 14, 1995, the Commission adopted a proposed rulemaking to amend relevant sections of Title 52 regarding sewer utilities and the provision of sewer service. The words "sewer" and "sewerage" have been changed to reflect the current industry standard terminology.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Commission submitted a copy of these proposed amendments on April 30, 1996, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Consumer Affairs and the Senate Committee on Consumer Protection and Professional Licensure. In addition to submitting these proposed amendments, the Commission has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Commission in compliance with Executive Order 1982-2, "Improving Government Regulations." A copy of this material is available to the public upon request.

If the Committees have objections to any portion of the proposed amendments, they will notify the Commission within 20 days from the close of the public comment period. If IRRC has objections to any portion of the proposed amendments, it will notify the Commission within 30 days after the close of the public comment period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulations, by the Commission, the General Assembly and the Governor of any objections raised.

Two sections from Chapter 69, General Orders, Policy Statements and Guidelines (§§ 69.362 and 69.363) have been included with these regulations in order to reflect with changes in current industry standard terminology at the same time.

Public meeting held
December 14, 1995

Commissioners Present: John M. Quain, Chairperson;
Lisa Crutchfield, Vice Chairperson; John Hanger; David
W. Rolka; and Robert K. Bloom

Proposed Rulemaking Order

By the Commission:

The Public Utility Code gives the Commission broad authority to regulate all public utilities doing business within this Commonwealth. The Commission for many years has promulgated regulations to respond to changes in legislation, technology and the economy in order to meet the essential needs of the public and the utilities it regulates.

The Commission adopted an order on April 27, 1995, to proceed with an Advance Notice of Proposed Rulemaking to review regulations identifying obsolete and excessive requirements for the purpose of amending or deleting these regulations. A notice was published in the *Pennsylvania Bulletin* on June 3, 1995, 25 Pa.B. 2188. Comments were received from jurisdictional utilities, utility associations and the Office of Consumer Advocate. As a result of this action a number of proposed regulations were adopted by the Commission.

Also, a direct result of the above actions is this proposed regulation to amend relevant sections of Title 52 of the *Pennsylvania Code* regarding sewer utilities and the provision of sewer service. The words "sewer" and "sewerage" shall be changed to "wastewater" as in wastewater service or wastewater facility. This amendment will update these industry terms in the *Pennsylvania Code* to current industry standard terminology.

Accordingly, under section 501 of the Public Utility Code, 66 Pa.C.S. § 501, and the Commonwealth Documents Law (45 P.S. § 1201 et seq.) and regulations promulgated thereunder at 1 Pa. Code §§ 7.1—7.4, the Commission amends the regulations set forth in Annex A. *Therefore,*

It Is Ordered That:

1. A rulemaking docket is opened to update the nomenclature regarding sewer regulations as set forth in Annex A.
2. The Secretary shall submit this order and Annex A to the Office of Attorney General for preliminary review as to form and legality.
3. The Secretary shall submit a copy of this order, together with Annex A, to the Governor's Budget Office for review of fiscal impact.
4. The Secretary shall submit this order and Annex A for informal review and comment by the designated standing committees of both Houses of the General Assembly, and for informal review and comment by the Independent Regulatory Review Commission.
5. The Secretary shall duly certify this order and Annex A and deposit them with the Legislative Reference Bureau, *Pennsylvania Code* and *Bulletin* office for publication in the *Pennsylvania Bulletin*.
6. Within 30 days of this order's publication in the *Pennsylvania Bulletin*, an original and 10 copies of any comments concerning this order should be submitted to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JOHN G. ALFORD,
Secretary

Fiscal Note: 57-168. No fiscal impact; (8) recommends adoption.

Annex A

**TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION**

Subpart A. GENERAL PROVISIONS

CHAPTER 5. FORMAL PROCEEDINGS

APPLICATIONS

§ 5.14. Applications requiring notice.

* * * * *

(b) Except as set forth in §§ 3.361—3.363, 3.381, 3.501 and 57.71, 57.72, 57.74—57.77 or as otherwise provided by the Secretary, application to the Commission for the following types of authority [**shall**] **will** be published in the *Pennsylvania Bulletin* and, as directed by the Secretary, in a newspaper of general circulation serving the geographical territory affected by the application and shall be subject to a 15-day protest period:

(1) To initiate fixed utility service to the public, including [, **but not limited to**] the following:

* * * * *

(v) [**Sewer**] **Wastewater.**

* * * * *

(2) To initiate, in a different nature or to a different territory than is currently authorized, fixed utility service to the public, including [, **but not limited to**] the following:

* * * * *

(v) [**Sewer**] **Wastewater.**

* * * * *

(3) To abandon, in whole or in part, fixed utility service to the public, including [, **but not limited to**] the following:

* * * * *

(v) [**Sewer**] **Wastewater.**

* * * * *

**CHAPTER 37. SAFETY CODE FOR
TRANSPORTATION OF PROPERTY AND
PASSENGERS**

Subchapter A. GENERAL PROVISIONS

§ 37.202. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Direct assistance—Transportation and other relief services provided by a motor carrier or its drivers incident to the immediate restoration of essential services—such as, electricity, medical care, [**sewer**] **wastewater**, water, telecommunications and telecommunication transmissions—or essential supplies—such as food and fuel. The term does not include transportation related to long term rehabilitation of damaged physical infrastructure or routine commercial deliveries after the initial threat to life and property has passed.

* * * * *

CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS

INFORMATION FURNISHED WITH THE FILING OF RATE CHANGES

§ 53.52. Applicability; public utilities other than canal, turnpike, tunnel, bridge and wharf companies.

* * * * *

(b) Whenever a public utility other than a canal, turnpike, tunnel, bridge or wharf company files a tariff, revisions or supplement which will increase or decrease the bills to its customers, it shall submit in addition to the requirements of subsection (a), to the Commission, with the tariff, revision or supplement, statements showing [**all of**] the following:

* * * * *

(2) The operating income statement of the utility for a 12-month period, the end of which may not be more than 120 days prior to the filing. Water and [**sewer utilities**] **wastewater utilities** with annual revenues under \$100,000 and municipal corporations subject to Commission jurisdiction may provide operating income statements for a 12-month period, the end of which may not be more than 180 days prior to the filing.

* * * * *

CHAPTER 56. STANDARDS AND BILLING PRACTICES FOR RESIDENTIAL UTILITY SERVICE

Subchapter A. PRELIMINARY PROVISIONS

§ 56.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

* * * * *

Billing period—In the case of public utilities supplying gas, electric and steam heating service, the billing period shall conform to the definition of a billing month; in the case of water and [**sewer**] **wastewater** service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the utility. Ratepayers shall be permitted to receive bills monthly and shall be notified of their rights thereto.

* * * * *

Utility—A public utility or a municipality, subject to Commission jurisdiction, which provides electric, gas, steam heat, [**sewer**] **wastewater** or water service.

CHAPTER 65. WATER SERVICE

§ 65.1. Definitions.

The following words and terms, when used in this context, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Nonessential uses of water—Nonessential uses of water include:

* * * * *

(viii) The use of water to flush a [**sewer**] **wastewater** line or [**sewer**] **wastewater** manhole.

* * * * *

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

PENNVEST LOAN OBLIGATIONS FOR WATER AND [SEWER] WASTEWATER COMPANIES—STATEMENT OF POLICY

§ 69.361. General.

PENNVEST loans were established to provide funding to water and [**sewer**] **wastewater** companies for improvements of drinking water and [**sewage**] **wastewater** treatment facilities in this Commonwealth. The Commission is required to establish expedited practices, procedures and policies to facilitate and accomplish repayment of the loan obligations. See section 14 of the PENNVEST Act (35 P.S. § 751.14). Companies with outstanding PENNVEST loans not currently reflected in rates and companies that will receive PENNVEST loans in the future are encouraged to establish, under 66 Pa.C.S. § 1307(a) (relating to sliding scale of rates; adjustments) and subject to Commission approval, an automatic adjustment by means of a sliding scale of rates limited solely to the recovery of PENNVEST principal and interest obligations, instead of seeking recovery of these amounts under 66 Pa.C.S. § 1308 (relating to voluntary changes in rates) base rate filing.

§ 69.362. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

[**DER**] **DEP**—The Department of Environmental [**Resources**] **Protection** of the Commonwealth.

* * * * *

§ 69.363. Treatment of PENNVEST obligations.

(a) Water and [**sewer**] **wastewater** companies with outstanding PENNVEST obligations that have not been reflected in rates or future PENNVEST obligations, may establish under 66 Pa.C.S. § 1307(a) (relating to sliding scale of rates; adjustments) an automatic adjustment by means of a sliding scale of rates or other method limited solely to recovery of the company's PENNVEST principal and interest obligations.

* * * * *

(d) Rate recovery under a 66 Pa.C.S. § 1307(a) PENNVEST automatic adjustment by means of a sliding scale of rates or other method may be approved only after the receipt of the following:

(i) [**DER**] **DEP** inspection.

* * * * *

CHAPTER 71. FINANCIAL REPORTS

§ 71.1. Statement of purpose.

This chapter establishes uniform and industry-wide financial reporting requirements designed to improve the Commission's ability to monitor on a regular basis the

financial performance and earnings of the electric, gas, telephone, water and [sewer] wastewater public utilities subject to Commission jurisdiction.

[Pa.B. Doc. No. 96-807. Filed for public inspection May 17, 1996, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 69 AND 111]

Fishing and Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 69 and 111 (relating to fishing in Lake Erie and boundary lakes; and special regulation counties). The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments deal with fishing and boating.

A. *Effective Date*

These proposed amendments will, if approved on final rulemaking, go into effect on January 1, 1997, or upon publication of an order adopting the regulations, whichever comes later.

B. *Contact Person*

For further information on the proposed changes, contact Dennis Guise, Chief Counsel, (717) 657-4525, P. O. Box 67000, Harrisburg, PA 17106-7000.

C. *Statutory Authority*

These proposed amendments are published under the statutory authority of sections 2102 and 5124 of the code.

D. *Purpose and Background*

The proposed amendments are designed to update, modify and improve Commission regulations on fishing and boating. The specific purpose for the various amendments is described in more detail under the summary of proposal.

E. *Summary of Proposals*

(a) *Seasons, sizes and creel limits—Lake Erie and Lake Erie tributaries*, §§ 69.12 and 69.13. The Commission is proposing amendments that would change bass size to a minimum of 20" and the daily creel to one from the first Saturday after April 11 through midnight Friday preceding the first Saturday after June 11. The proposed changes also would prohibit bass tournaments during the trophy bass season on Lake Erie and Presque Isle Bay.

(b) *Bucks County, Delaware River*, § 111.9(e). The New Hope Borough Council and the Solebury Township Supervisors have joined forces to request that several slow, minimum height swell speed zones be created on the Delaware River in their respective municipalities. At its July 1995, meeting, the Commission accepted the petition and ordered the publication of a notice of proposed rulemaking to establish slow no wake zones under three Delaware River bridges and a 3,000 foot area near Lumberville. At the same time, staff was directed to investigate and prepare a report on the proposed no wake zone at New Hope Borough. Although there is little in the record that would indicate that the safety of boat opera-

tors is inordinately compromised in this area by high speed operation, the character of this historic community deserves consideration. The Delaware River is not a large water body. Boating has traditionally amounted to unpowered and small fishing boats. The influx of personal watercraft and other modified outboard driven boats and the resultant noise and congestion has raised the ire of community residents who are finding lifestyles adversely changed. It was therefore proposed that an additional slow, minimum height swell speed zone be established from the Lambertville wing-dam to the New Hope Lambertville Bridge. The Boating Advisory Board (Board) discussed this item at its January 1996 meeting. The Board recommended approval with one change. The Board recommended that the proposed slow, minimum height swell speed zone be effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

(c) *Luzerne County, Harveys Lake*, § 111.40(f). The Pennsylvania Marine Trades Association has submitted a petition asserting that the current regulations establishing a nighttime speed limit on Harveys Lake unnecessarily restrict the use of its boats and waterways and infringes upon its members' rights as free and responsible citizens. At its July 1995 meeting, the Commission accepted this petition and directed staff to prepare a report and make recommendations relative to the continuation of these regulations. Staff have reviewed the record concerning Harveys Lake. After considering the information contained in the file, staff recommend that the operation of boats during nighttime hours at slow, minimum height swell speed be replaced with a speed limit of 25 miles per hour. The Board reviewed this proposal at its January 1996 meeting and recommended approval.

(d) *Susquehanna County, Laurel Lake*, § 111.58(d). The Laurel Lake Association, Inc. Boating Committee has petitioned the Commission to reconsider the current 60 hp restriction on Laurel Lake, Susquehanna County. The petitioners cite the size of the lake (22 acres), more stringent restrictions on lakes of similar size, environmental concerns of the use of gasoline motors on such a small lake, the lack of enforcement by the Commission of current restrictions and interference with other uses of the lake caused by high speed operation of motorboats as valid reasons for the reconsideration. The Commission accepted the petition for further review at its July 1995 meeting and directed staff to prepare a report with recommendations for further action. After considering the use of the Laurel Lake and its physical constraints, staff recommend that additional restrictions on the operation of boats on this lake may be appropriate. The Board reviewed the report and staff recommendations at its January 1996 meeting. The Board voted to recommend that the Commission consider an alternative regulation. The Commission's Boating Committee then recommended that the Commission not approve the staff and Board recommendations. The Commission therefore proposes to keep the present regulations in effect with one change. The Commission is proposing to ban the operation of personal watercraft on Laurel Lake.

F. *Paperwork*

The proposed amendments will not increase paperwork and will create no new paperwork requirements.

G. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed

amendments to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the Pennsylvania Bulletin.

PETER A. COLANGELO, Executive Director

Fiscal Note: 48A-54. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

§ 69.12. Seasons, sizes and creel limits—Lake Erie.

* * * * *

(d) The following seasons, sizes and creel limits apply to Lake Erie and Presque Isle Bay, including peninsula waters:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	* * * * *		
BASS Largemouth Bass Smallmouth Bass	January 1 to Opening Day of trout season in April and first Saturday after June 11 until December 31	15 inches	4 (combined species)
	Opening Day of trout season in April until first Saturday after June 11.*	[—] 20 inches	[0 (closed season)] 1
	* * * * *		

*It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to seasons for fishing tournaments)) for bass on Lake Erie or Presque Isle Bay during the period from opening day of trout season in April until the first Saturday after June 11.

* * * * *

§ 69.13. Seasons, sizes and creel limits—Lake Erie tributaries.

* * * * *

(d) Except as provided in §§ 69.14 and 69.15 (relating to special regulations applicable during salmon season; and miscellaneous special regulations) and for those waters listed as nursery waters, the following seasons, sizes and creel limits apply to the tributary streams of Lake Erie in this Commonwealth:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	* * * * *		
BASS Largemouth Bass Smallmouth Bass	January 1 to Opening Day of trout season in April and first Saturday after June 11 until December 31	15 inches	4 (combined species)
	Opening Day of trout season in April until first Saturday after June 11.**	[—] 20 inches	[0 (closed season)] 1
	* * * * *		

*Smelt may be taken only in that portion of Lake Erie tributaries from the mouth of the stream on a southerly direction to State Highway No. 5, a distance of approximately 1/2 mile. In taking smelt from tributary streams, devices are limited to dip nets or seines not over 20 inches square or in diameter.

**It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to seasons for fishing tournaments)) for bass on Lake Erie tributaries during the period from opening day of trout season in April until the first Saturday after June 11.

Subpart C. BOATING

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

(iii) From the Lambertville wing-dam to the New Hope-Lambertville Bridge, effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

§ 111.9. Bucks County.

* * * * *

* * * * *

§ 111.40. Luzerne County.

(e) Delaware River.

* * * * *

(1) Boats are limited to slow minimum height swell speed in the following areas:

* * * * *

(f) Harveys Lake. The speed of boats is limited to [slow, minimum height swell speed] 25 miles per hour between sunset and sunrise.

* * * * *

§ 111.58. Susquehanna County.

(d) *Laurel Lake.*

* * * * *

(5) The operation of personal watercraft is prohibited.

[Pa.B. Doc. No. 96-808. Filed for public inspection May 17, 1996, 9:00 a.m.]
