

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 91, 107 AND 111]

Commission Property; Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 91, 107 and 111. The Commission is publishing these amendments as a notice of proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments deal with Commission property and boating.

A. Effective Date

These proposed amendments will, if approved on final rulemaking, go into effect immediately upon publication of an order adopting these amendments.

B. Contact Person

For further information on the proposed amendments, 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 741, 5123 and 5124 of the code (relating to control of property; general boating regulations; and particular areas of water).

D. Purpose and Background

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

E. Summary of Proposal

A review of the Commission's property regulations and boating regulations has uncovered several sections that require minor word changes or correction. The Commission therefore is seeking public comment on proposed amendments that:

(a) Change the specific restriction relating to Lettorkenny Reservoir, Franklin County from hand powered boating only to electric motor only, § 53.13(c) (relating to domestic water supply reservoirs).

(b) Clarify the age of those individuals who may not operate a motorboat propelled by a motor of greater than 10 horsepower without obtaining a Boating Safety Certificate, unless there is at least one other person in the boat 16 years of age or older, § 91.4(b) (relating to age of operator).

(c) Clarify that law enforcement boats may violate certain boating restrictions when necessary in the performance of their official duties, § 107.8(b) (relating to vessels permitted on restricted waters).

(d) Clarify that no more than one waterskier may be towed behind a boat on Blue Marsh Lake, Bucks County, § 111.6(a)(3) (relating to Berks County).

(e) Delete the provision prohibiting the operation of boats powered by internal combustion motors at Mussers Dam, Snyder County, § 111.55(a) (relating to Snyder County).

(f) Delete the provision prohibiting the operation of boats powered by internal combustion motors on Reining's Pond, Wayne County, § 111.64(g) (relating to Wayne County).

(g) Clarify that no more than two waterskiers may be towed behind a boat on Lake Winola, Wyoming County, § 111.66(b)(1) (relating to Wyoming County).

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

(Editor's Note: Section 111.64 was amended at 26 Pa.B. 1822 (April 20, 1996) and will be codified in the June 1996 Pennsylvania Code Reporter.)

Fiscal Note: 48A-55. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. FISH AND BOAT COMMISSION PROPERTY

§ 53.13. Domestic water supply reservoirs.

* * * * *

(Editor's Note: The Commission is proposing to delete the current version of the chart which appears in § 53.13(c) (Pennsylvania Code serial page (205483)) and replace it with the version which follows:

(c) Specific restrictions are contained in the following table:

	Electric Motors Only	All Boating Prohibited	Hand Powered Boating Only	Ice Fishing Prohibited	Ice Skating Prohibited	Wading Prohibited	Hunting Prohibited	Area Closed 9 p.m.-5 a.m.	Overnight Mooring of Boats Prohibited
Birch Run Reservoir, Adams Co.		X		X	X	X			
Long Pine Reservoir, Adams Co.	X				X	X		X	
Ebensburg Reservoir, Cambria Co.		X		X					
Middletown Reservoir, Dauphin Co.			X		X	X*			
Laurel Run Reservoir, Elk Co.		X							
Eaton Reservoir, Erie Co.	X					X			
Waynesboro Reservoir, Adams Co.		X						X	
Letterkenny Reservoir, Franklin Co.	X				X		X		
Laurel Cr. Reservoir, Mifflin Co.		X		X					
Union City Authority Reservoir, Erie Co.						X*			X
Wisecarver Reservoir, Greene Co.		X			X	X*			
Lawrence B. Sheppard Reservoir, York Co.	X				X	X			
Sheppard and Myers Reservoir, York Co.		X			X	X			

*NOTE: Wading with hip boots is permitted.

Subpart C. Boating

CHAPTER 91. GENERAL PROVISIONS

§ 91.4. Age of operator.

* * * * *

(b) A person 12 [to] through 15 years of age may not operate a motorboat propelled by a motor of greater than 10 horsepower without obtaining a Boating Safety Certificate, unless there is at least one other person in the boat 16 years of age or older.

CHAPTER 107. BOATING RESTRICTIONS

§ 107.8. Vessels permitted on restricted waters.

(a) ***

* * * * *

(b) When compliance would impede performance of their official functions, law enforcement boats and emergency boats operated by Federal, state or local agencies may be operated in violation of Chapters 103 and 105 (relating to rules of the road; and operational conditions).

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.6. Berks County.

(a) Blue Marsh Lake. The following special regulations apply to Blue Marsh Lake:

(3) [A boat may not tow more than one water-skier at a time.] No more than one waterskier may be towed behind a boat.

§ 111.55. Snyder County.

[(a) Mussers Dam. The operation of boats powered by internal combustion motors is prohibited.

(b) Walker Lake. The operation of boats powered by internal combustion motors is prohibited.

§ 111.64. Wayne County.

* * * * *

[(g) Reinings Pond. The operation of boats powered by internal combustion motors is prohibited.

(h) (g) ***

[(i) (h) ***

[(j) (i) ***

§ 111.66. Wyoming County.

* * * * *

(b) Lake Winola.

(1) [A boat may tow only two waterskiers at a time.] No more than two waterskiers may be towed behind a boat.

* * * * *

[Pa.B. Doc. No. 96-921. Filed for public inspection June 7, 1996, 9:00 a.m.]
