

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fish and Fishing

The Fish and Boat Commission (Commission) by this order amends § 65.24 (relating to miscellaneous special regulations). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendment deals with fish and fishing.

A. *Effective Date*

This amendment will take effect upon publication of this order.

B. *Contact Person*

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

C. *Statutory Authority*

The amendment is published under the statutory authority of sections 2102 and 2307 of the code (relating to rules and regulations; and waters limited to specific purposes).

D. *Purpose and Background*

The amendment updates a Commission fishing regulation.

E. *Summary of Changes*

Miscellaneous special regulations, § 65.24. The Commission adopted a change to the miscellaneous special fishing regulation applicable to the Little Juniata River in Blair and Huntingdon Counties. The change involves year-round angling with a 14" minimum length limit and a two trout daily creel limit during the period from the opening day of the regular trout season through Labor Day. When this regulation was published on final rulemaking at 26 Pa.B. 1706 (April 13, 1996), the Commission inadvertently omitted certain language. The Commission is now correcting this error by adding the omitted language. This correction is made under § 51.5 (relating to correction of regulations).

F. *Paperwork*

The amendment will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The amendment imposes no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking containing the proposed amendment was published under Regulation 48A-52 at 25 Pa.B. 5738 (December 16, 1995). The Commission received 14 comments concerning the proposed change to § 65.24. In addition, prior to the formal comment period, the Commission received a petition, signed by 488 individuals, asking for no new regulations on the Little Juniata River. Since the petition was dated prior to consideration of this item by the Commission at its October, 1995 meeting, it is unclear whether the signers objected to the specific proposals. On December 18, 1995, the Commission held a public information meeting on the proposed regulation change. Of the more than 25 anglers in attendance, only two indicated opposition to the proposed change. Many of the commentators had suggestions for other regulatory schemes, but with the two exceptions, all favored this amendment as at least a first step. An order adopting the amendment on final rulemaking was published at 26 Pa.B. 1706.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and that the comments received were considered.

(3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24, to read as set forth at Annex A, with ellipses referring to the existing text of the regulation.

(b) The Executive Director will submit this order and Annex A to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

PETER A. COLANGELO,
Executive Director

Fiscal Note: 48A-57. No fiscal impact; (8) recommends adoption.

RULES AND REGULATIONS

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
	* * *	* * *
Blair and Huntingdon	Little Juniata River from the mouth of Bald Eagle Creek (near Tyrone) downstream to the railroad bridge at the east (downstream) border of Ironville	No closed season on trout. Daily limit: Opening day of trout season to Labor Day—eight trout. Labor Day to succeeding opening day of trout season—three trout. Inland regulations apply to warmwater species.
	From the railroad bridge at the east (downstream) border of Ironville downstream to the mouth	Trout: Opening day of trout season in April until midnight, day before Labor Day. Minimum size limit: 14 inches. Daily creel limit: 2 trout (combined species) except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under the regulation. Other species: inland regulations apply.
	* * *	* * *

[Pa.B. Doc. No. 96-1046. Filed for public inspection June 28, 1996, 9:00 a.m.]