

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

#### Statewide Daily Creel Limit of Trout

The Fish and Boat Commission (Commission) by this order amends Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment relates to fishing.

##### A. *Effective Date*

The amendment will go into effect on January 1, 2000.

##### B. *Contact Person*

For further information on the change, contact Laurie E. Shepler, Assistant Counsel, (717) 657-4546, P. O. Box 67000, Harrisburg, PA 17106-7000. This final rulemaking is available electronically through the Commission's Web site (<http://www.fish.state.pa.us>).

##### C. *Statutory Authority*

The amendment is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

##### D. *Purpose and Background*

The amendment is designed to update, modify and improve Commission regulations related to fishing. The specific purpose is described in more detail under the summary of change.

##### E. *Summary of Change*

The Commission has adopted an amendment to reduce the Statewide daily creel limit of trout from eight to five during the regular season. The three trout per day creel limit during the extended season remains unchanged, and the change does not apply to the Conowingo Reservoir, the Delaware River or Lake Erie and its tributaries.

The adoption of the reduced trout creel limits will have no distinct resource impacts. This is principally a social and policy issue based on perception. From a fisheries management perspective, the reduced creel limit will have few, if any, positive or negative impacts. However, this change may affect public perceptions about the value of these fish and the appropriate number of fish to be taken each day.

##### 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 will impose no new costs on the private sector or the general public.

##### H. *Public Involvement*

An advance notice of proposed rulemaking was published at 28 Pa.B. 5816 (November 21, 1998) in an effort to obtain public and angler input on the concept of reducing the regular season daily limit of trout from eight to five. The Commission received public comments by E-mail and by regular mail. Generally, the comments

received were in favor of the proposal. The Commission also conducted an online survey on its web site. About 300 individuals participated in this survey. Survey participants included individuals who submitted public comments. The majority of those responding to the survey favored reduction in the creel limit. This was not a scientific survey of public opinion, and it would not be accurate to characterize the participants' views as representative of a cross-section of trout anglers.

A notice of proposed rulemaking was published at 29 Pa.B. 1085 (February 27, 1999). Instead of the usual 30-day comment period, the notice of proposed rulemaking provided for a 60-day comment period. The Commission subsequently extended the comment period until May 31, 1999. During the formal comment period, the Commission received 563 comments by E-mail and regular mail. Of the 563 comments, 325 (or about 58%) supported the proposal, and 221 (or about 39%) opposed it. Two individuals suggested that the creel limit be reduced to 3; one suggested that it be reduced to 4; four suggested that it be reduced to 6; and one suggested that it be reduced to 7. Nine individuals presented miscellaneous comments.

In addition, the Commission held two public meetings/hearings on this issue—one in Harrisburg on May 4, 1999 (with four persons providing comments), and the other in Monroeville on May 6, 1999 (with seven persons providing comments).

Last, the Commission, through Responsive Management, conducted a telephone survey of 235 randomly selected, 1997 Pennsylvania fishing license holders who fished for trout in this Commonwealth in 1998: 62% of the anglers who were surveyed supported (moderately and strongly) a reduction in the creel limit; 27% of those surveyed opposed it. Copies of public comments, the online survey results, the transcripts from both public meetings/hearings and the results of the Responsive Management survey were provided to the Commissioners.

##### *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 all comments received were considered.

(3) The adoption of the amendments 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 61, are amended by amending § 61.1 to read as set forth at 29 Pa.B. 1085.

(b) The Executive Director will submit this order and 29 Pa.B. 1085 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 29 Pa.B. 1085 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect January 1, 2000.

PETER A. COLANGELO,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-95 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 99-1436. Filed for public inspection August 27, 1999, 9:00 a.m.]

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**GAME COMMISSION**  
**[58 PA. CODE CH. 143]**

**Sale of Surplus Antlerless Deer Licenses**

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) at its June 8, 1999, meeting, adopted the following changes:

Amend § 143.51 (relating to application and issuance of surplus tags) to allow for the sale of surplus antlerless deer licenses within the Southwest region.

This amendment is adopted under the authority of 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

*Amendment to § 143.51*

1. *Introduction*

To more effectively manage the wildlife resources of this Commonwealth, the Commission at its meeting held on January 12, 1999, proposed changing § 143.51 to allow the sale of surplus antlerless deer licenses in five regions of this Commonwealth in addition to counties in the Southwest region and to eliminate early issuance of these surplus licenses to muzzleloader hunters. At its April 9, 1999, meeting, the Commission failed to finally adopt the proposal to expand the sale of surplus antlerless deer licenses. At its June 8, 1999, meeting, the Commission adopted that part of its original proposal relating to eliminating language providing for the issuance of the surplus licenses to hunters with muzzleloader stamps prior to the issuance of the licenses to other hunters in counties in the Southwest region. This change was adopted under section 2722(g) of the code (relating to regulations).

2. *Purpose and Authority*

Sale of surplus antlerless deer licenses during the 1998-99 hunting license year was limited to counties in the Southwest administrative region and it had a significant impact on how close those counties came to antlerless goals. Efforts to expand the issuance of surplus antlerless deer licenses to the rest of this Commonwealth failed, however. Since the Commission has eliminated the requirement that muzzleloader hunters surrender their regular antlerless license application, there is no need to give hunters a 1 week advantage in obtaining surplus licenses. The adopted change will eliminate this advantage.

Section 2722(g) of the code directs the Commission to adopt regulations for the administration, control and performance of license issuance. The adopted change is made under that authority.

3. *Regulatory Requirements*

The adopted change merely puts muzzleloader hunters on a par with other hunters in obtaining surplus antlerless deer licenses.

4. *Persons Affected*

Muzzleloader hunters will not have an advantage in obtaining surplus antlerless deer licenses.

5. *Comment and Response Summary*

No written comments were received with regard to the adopted change.

6. *Cost and Paperwork Requirements*

The change will not result in any additional cost or paperwork.

7. *Effective Date*

The change will be effective on final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

8. *Contact Person*

For further information on the changes, contact Thomas R. Littwin, Acting Director, Bureau of Law Enforcement, (717) 783-6526, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the administrative amendments 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 thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

*Order*

The Commission, acting under authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 143, are amended by the amending of § 143.51 to read as set forth in Annex A.

(b) The Executive Director of the Game Commission shall submit this order and Annex A, and deposit them with the Legislative Reference Bureau as required by law.

(c) This order amending § 143.51 shall become effective upon final publication in the *Pennsylvania Bulletin*.

VERNON R. ROSS,  
*Executive Director*

*(Editor's Note: Amendments to §§ 141.41, 141.43 and 143.84, included in the proposal at 29 Pa.B. 1398, were adopted at 29 Pa.B. 2458 (May 8, 1999).)*

**Fiscal Note:** 48-109. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART III. GAME COMMISSION**

**CHAPTER 143. HUNTING AND FURTAKER  
LICENSES**

**Subchapter C. ANTLERLESS DEER LICENSES**

**§ 143.51. Application and issuance of surplus tags.**

(a) Except as provided in § 143.52 (relating to procedures for unlimited antlerless licenses), beginning on the fourth Monday in August, residents and nonresidents of this Commonwealth are eligible to receive a surplus tag

in one of the following counties: Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington and Westmoreland.

(b) An applicant for this tag may not use the regular antlerless deer license application. An applicant shall only use the surplus application contained in the "Hunting and Trapping Digest" or a reasonable facsimile thereof.

(c) The applicant shall use the official antlerless deer license application envelope.

(d) Remittance in the form of a negotiable check or money order for the total amount due as specified in the

act, payable to "County Treasurer," shall accompany the application.

(e) Surplus tags shall be validated by the addition of the county treasurer's signature or signature stamp, date of issue and the applicant's regular hunting license back tag number. The county treasurer shall write in ink the applicant's regular hunting license back tag number on the antlerless deer ear tag.

[Pa.B. Doc. No. 99-1437. Filed for public inspection August 27, 1999, 9:00 a.m.]

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