

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61 AND 75]

#### Delaware River Estuary; Endangered, Threatened and Candidate Species

The Fish and Boat Commission (Commission) by this order amends § 61.2 (relating to Delaware River and River Estuary). The Commission is publishing this amendment under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment concerns fishing.

##### A. Effective Date

This amendment will go into effect upon publication of an order adopting the regulation.

##### B. Contact Person

For further information on the amendment, 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

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

##### D. Purpose and Background

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

##### E. Summary of Changes

*Section 61.2 (relating to Delaware River and River Estuary).* There is a several hundred foot section of the Lehigh River between the Easton dam and the confluence with the Delaware River where a change in regulations is warranted. Differing seasons, sizes and creel limits on the Delaware River versus the Lehigh River have complicated enforcement of the regulations. The two major problems are with walleye and striped bass where the minimum sizes and creel limits differ. Individuals are catching fish in the Delaware River, which has larger minimum size requirements than the Lehigh River, and are claiming that they caught these fish in that short section of the Lehigh River. To provide uniformity for the enforcement officers as well as the angling public, the Commission has amended this section so that the existing Delaware River sizes, seasons and creel limits for all species of fish apply also to this short section of the Lehigh River.

(2) *Sections 75.1—75.3 (relating to endangered species; and threatened species; and candidate species).* As part of its proposed rulemaking package, the Commission also proposed changes to §§ 75.1—75.3. However, the Commission voted to extend the public comment period for these proposed amendments until March 15, 1999, and to schedule a public meeting/hearing so that additional

public input may be sought. The Commission will consider these amendments on final rulemaking at a later date. In addition, the Commission will solicit public comments on a separate notice of proposed rulemaking containing additional changes to the lists set forth in these sections.

##### 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 direct costs on the private sector or the general public.

##### H. Public Involvement

A notice of proposed rulemaking containing the proposed amendment was published at 28 Pa.B. 3591 (August 1, 1998). The Commission did not receive any public comments regarding the change to § 61.2.

##### 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 no comments were received regarding the amendment to § 61.2.

(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 61, are amended by amending § 61.2 to read as set forth at 28 Pa.B. 3591.

(b) The Executive Director will submit this order and 28 Pa.B. 3591 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 28 Pa.B. 3591 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-82. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 99-225. Filed for public inspection February 12, 1999, 9:00 a.m.]