

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 63, 65 AND 93]

General Provisions; Fishing; Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 63, 65 and 93 (relating to general fishing regulations; special fishing regulations; and boat registration and numbering). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect upon publication of an order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed amendments to §§ 63.6, 63.10 and 63.15 (relating to authorized devices for game fish, baitfish and fishbait; ice fishing; and field dressing of fish) are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes). The proposed amendment to § 93.2 (relating to permanent and temporary registration) is published under the statutory authority of section 5122 of the code (relating to registration, licenses, permits, plates and statistics). The proposed amendment to § 93.13 (relating to issuing agents) is published under the statutory authority of section 5304(d.1) of the code (relating to issuing agents). A person violating any of these regulations commits a summary offense of the third degree for which a \$50 fine is imposed.

D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations pertaining to ice fishing; the field dressing of fish; a fishing pier for persons with disabilities at Lake Scranton, Lackawanna County; and temporary Internet boat registration renewals. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered the proposed amendments to §§ 93.2 and 93.13 and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendments.

E. Summary of Proposals

(1) *Sections 63.6 and 63.10.* New and different types of ice fishing devices have been developed for use during the past several years. Therefore, it has become increasingly difficult to determine whether some of these devices are truly tip-ups or just modifications to a fishing rod. The Commission is proposing amendments that will allow an angler while ice fishing to fish with a maximum of five

fishing devices that may consist of hand lines, tip-ups, fishing rods or any combination thereof. The Commission's Bureau of Fisheries indicates that this change will have no adverse effect upon the fishery. The Commission proposes to amend these sections to read as set forth in Annex A.

(2) *Section 63.15.* Subsection (d) does not apply to officially-recognized fishing cleaning stations except that for species of fish for which minimum size limits apply, the skin must remain attached to the fillet and the size of the fillet is subject to a size limit of 75% of the size limit for the species. Yellow perch taken from Lake Erie are subject to minimum size limits first established at 8 inches in 1996 and revised in 2002 to provide for a 7-inch limit during the ice fishing period.

Officially-recognized fish cleaning stations are in Erie County and they provide a valuable service to customers who engage in recreational fishing for sport fish in Lake Erie. Because yellow perch is subject to a minimum size limit, the requirement to leave the skin on these fish applies to officially-recognized fish cleaning stations. The Commission has been asked to provide some relief from this requirement that causes problems for the fish cleaning stations and their customers. Accordingly, the Commission proposes to amend this section to read as set forth in Annex A.

Officially-recognized fish cleaning stations are responsible for ensuring that the fish they clean are in compliance with regulation, and they must document compliance by giving their customers signed, dated receipts indicating the species and the number of fish dressed.

(3) *Section 65.24.* Under a 1994 agreement among Pennsylvania Gas and Water Company, Allied Services of Scranton, PA and the Commission, a special fishing pier for persons with disabilities was constructed and opened at Lake Scranton. The agreement provided that fishing from this pier would be subject to certain restrictions, which in turn were subject to some exceptions. These restrictions were, in turn, carried over into a miscellaneous special fishing regulation.

The Lake Scranton fishing pier for persons with disabilities was a model for similar facilities installed at State parks and other lakes under the leadership and encouragement of Commissioner Paul Mahon. The current miscellaneous fishing regulation on Lake Scranton needs to be updated to better reflect the use of the fishing pier by persons with disabilities. Both the owner of Lake Scranton and Allied Services have agreed to modifications to this section. The Commission proposes to amend this miscellaneous special fishing regulation to read as set forth in Annex A.

(4) *Sections 93.2 and 93.13.* The Department of Transportation currently allows most customers to renew their vehicle registrations online. The customer is then allowed to print a Temporary Internet Vehicle Registration from a computer. This temporary registration is valid for 15 days.

In the near future, the Commission may offer online renewals for its boat registration customers. The Commission is currently evaluating the costs of offering this service, and depending on the results of the evaluation, the Commission may be able to move forward with this project for at least part of the 2004 registration renewal cycle. If the project is approved, customers will be able to

renew their boat registrations online and print a temporary Internet registration that will be valid for 30 days. Customers who renew their boat registrations online will pay the Commission a \$2 issuing agent fee.

To implement the online boat registration renewals, the Commission proposes to amend §§ 93.2 and 93.13 to read as set forth in Annex A.

F. Paperwork

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

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendment to § 93.13 will impose new costs on the private sector and the general public in that individuals who renew their boat registrations online will have to pay the Commission a \$2 issuing agent fee. The other proposed amendments will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Deputy 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*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DENNIS T. GUISE, Deputy Executive Director

Fiscal Note: 48A-150. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.6. Authorized devices for game fish, baitfish and fishbait.

(a) It is unlawful to fish for game fish with more than two lines of any description, whether fished by rod or by hand, at any one time except while ice fishing in accordance with § 63.10 (relating to ice fishing). No more than three hooks may be attached to line used in

fishing for game fish. Rods, lines and hooks shall be under the immediate control of the person using them. A fishing device shall be deemed to be under the immediate control of the person using it if, when the terminal device (hook, bait or lure) is taken by a fish, the person using the device has direct control over it and it is not connected at that point to a casting or depth placement aid such as a casting boat or downrigger. Casting or depth placement aids such as downriggers or small remote controlled boats are not prohibited by this chapter.

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(d) It is unlawful to use more than two lines at any time, except while ice fishing in accordance with § 63.10, when fishing for game fish, baitfish or both.

§ 63.10. Ice fishing.

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(b) It is unlawful while ice fishing to [use more than five tip-ups or more than the quantity of other legal devices authorized by § 63.6 (relating to authorized devices for game fish, baitfish and fishbait) or to fish through holes that measure more than 10 inches between the farthest points as measured in any direction] use more than five fishing devices, which may consist of rods, hand lines, tip ups or any combination thereof. Each device shall contain a single fishing line with no more than three hooks attached to each line.

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(d) It is unlawful to fish through holes in the ice that measure more than 10 inches between the farthest points as measured in any direction.

§ 63.15. Field dressing of fish.

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(d) This section does not apply to fish filleted or dressed at an officially-recognized fish cleaning station. The skin shall remain attached to the fillet for a species, other than yellow perch, subject to a minimum size limit and the size of the fillet for a fish subject to a minimum size limit, including yellow perch, shall be at least 75% of the minimum size limit for that species. The operator of the fish cleaning station shall give the person who receives the filleted fish a signed, dated receipt indicating the species and the number of fish dressed. Operators of fish cleaning stations may apply for official recognition to:

Director, Bureau of Law Enforcement
Pennsylvania Fish and Boat Commission
Post Office Box 67000
Harrisburg, Pennsylvania 17106-7000

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

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

County	Name of Water	Special Regulations
* * * * *		
Lackawanna	Lake Scranton	It is unlawful for a person to fish from the fishing pier designated for use by persons with disabilities unless [such] the person is: totally blind; or so severely disabled that [he] the person is unable to cast or retrieve a line or bait hooks [and] or remove fish without assistance; or deprived of the use of both legs; or participating in a special fishing event for persons with disabilities under conditions approved by the owner of the lake. The person may fish with only one legal device and shall be within 10 feet of the device being used. A person authorized to fish from the fishing pier under this section may be attended by another individual who may assist the person with the disability in using the fishing device.
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Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.2. Permanent and temporary registration.

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(f) Temporary Internet registration renewals. Temporary Internet registration renewals shall be valid for 30 days from the date of issuance. A temporary Internet registration renewal shall be available at all times for inspection on the boat for which it was issued whenever the boat is in operation and shall be carried so that it can be presented upon request to an officer authorized to enforce the code.

§ 93.13. Issuing agents.

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(m) Commission offices. The Commission will collect and deposit in the Boat Fund the \$2 issuing agent fee for all temporary boat registrations issued by Commission offices **and boat registration renewals issued online.**

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[Pa.B. Doc. No. 03-2315. Filed for public inspection December 5, 2003, 9:00 a.m.]

[58 PA. CODE CH. 111]

General Provisions; Boating

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form, will go into effect upon publication of an order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Assistant Counsel, P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7815. This proposal is available electronically through the Commission's website (<http://www.fish.state.pa.us>).

C. Statutory Authority

The proposed amendment to § 111.48 (relating to Northampton County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water). A person violating this regulation commits a summary offense of the third degree for which a \$50 fine is imposed.

D. Purpose and Background

The proposed rulemaking is designed to update, modify and improve the Commission's regulations by imposing a "slow, minimum height swell speed" zone on the Lehigh River in the vicinity of the Route 33 access ramp, Northampton County. The specific purpose of the proposed amendment is described in more detail under the summary of proposal. The Commission's Boating Advisory Board considered the proposed changes to § 111.48 and recommended that the Commission publish a notice of proposed rulemaking containing the proposed amendment.

E. Summary of Proposal

A new Route 33 access launch area in Northampton County on the Lehigh River is now open. The Commission's District Waterways Conservation Officer (Officer) reports that wakes from boat traffic could potentially cause difficulties for boaters using the ramp. There are currently three slow-no-wake buoys at the access ramp placed approximately 100 feet from the shoreline. According to the Officer, this provides only limited protection to the ramp, boaters launching and retrieving watercraft and shoreline anglers. The Officer reports that boaters passing through this area outside of the buoys still create large enough wakes to impact the shoreline with sufficient force to do damage. The Officer has suggested that an expanded "slow, minimum height swell speed" zone be established on the river immediately in front of the Commission's ramp.

The Commission is proposing that this zone extend across the main channel of the Lehigh River to the shoreline of Turkey Island directly opposite the ramp. The zone is proposed to extend 150 feet upstream and 150 feet downstream from the boat ramp. The zone will have little impact on the unlimited horsepower boating in the area and should do a lot to protect boaters and anglers at the access area. Accordingly, the Commission proposes to amend this section to read as set forth in Annex A. The Commission will seek public comments regarding this proposal during an extended comment period of 60 days.

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Deputy Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 60 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically to ra-pfbcregs@state.pa.us. A subject heading of the proposal and a return name and address must be included in each transmission. In addition, all electronic comments must be contained in the text of the transmission, not in an attachment. If an acknowledgment of electronic comments

is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DENNIS T. GUISE,
Deputy Executive Director

Fiscal Note: 48A-151. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

**CHAPTER 111. SPECIAL REGULATIONS
COUNTIES**

§ 111.48. Northampton County.

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(d) *Lehigh River.* Boats are limited to slow, minimum height swell speed in the main channel 150 feet upstream and 150 feet downstream from the Route 33 access ramp.

[Pa.B. Doc. No. 03-2316. Filed for public inspection December 5, 2003, 9:00 a.m.]