

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective December 3, 2004.

The organization chart at 34 Pa.B. 6656 (December 18, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 04-2232. Filed for public inspection December 17, 2004, 9:00 a.m.]

#### [4 PA. CODE CH. 9]

#### Reorganization of the Department of Labor and Industry

The Executive Board approved a reorganization of the Department of Labor and Industry effective December 3, 2004.

The organization chart at 34 Pa.B. 6657 (December 18, 2004) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 04-2233. Filed for public inspection December 17, 2004, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### [58 PA. CODE CH. 57]

#### Publicizing Stocking of Fish

The Fish and Boat Commission (Commission) proposes a new statement of policy in Chapter 57 (relating to statements of policy). The proposed statement of policy relates to publicizing the stocking of fish. Although not required to publish a notice of proposed rulemaking to adopt a statement of policy, the Commission is publishing the proposed statement of policy in this manner and is seeking public comments because of the heightened public interest in this issue. The Commission is publishing this

proposal under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The proposed statement of policy, if approved, will go into effect upon publication of an order adopting the statement of policy in the *Pennsylvania Bulletin*.

#### B. Contact Person

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

#### C. Statutory Authority

The proposed statement of policy is published under the statutory authority of section 321 of the code (relating to administration and enforcement) that provides that the Commission shall administer and enforce the code and other laws of this Commonwealth relating to the protection, propagation and distribution of fish.

#### D. Purpose and Background

At the April 18, 1997, meeting, the Commission formally adopted modifications to its policy for publicizing the stocking of legal-size trout. This policy is set forth at § 57.9a (relating to publicizing stocking of legal-size trout). The proposed policy provides that:

- (1) All stockings are publicly announced.
- (2) Announcements of preseason and winter stockings may include the date, time and a description of the waters to be stocked.
- (3) Announcements of in-season stockings will include the week of stocking and the name of the waters to be stocked. The Executive Director may announce the date and time of certain in-season stocking on Saturdays on publicly owned or controlled lakes, with the owners' consent, when the announcement will enhance fishing opportunities and will not cause undue congestion and crowd control and traffic problems.
- (4) The Executive Director may announce the day of in-season stocking on publicly owned or controlled waters on a phased basis by establishing pilot sites and test announcements.

Because there is increased interest among the public to announce stocking to the fullest extent practicable, the Commission proposes changes to its policy as more fully described herein. The Commission will use field reviews by its staff, as well as responses from landowners, to identify waters where the announcement of stocking is advisable.

#### E. Summary of Proposal

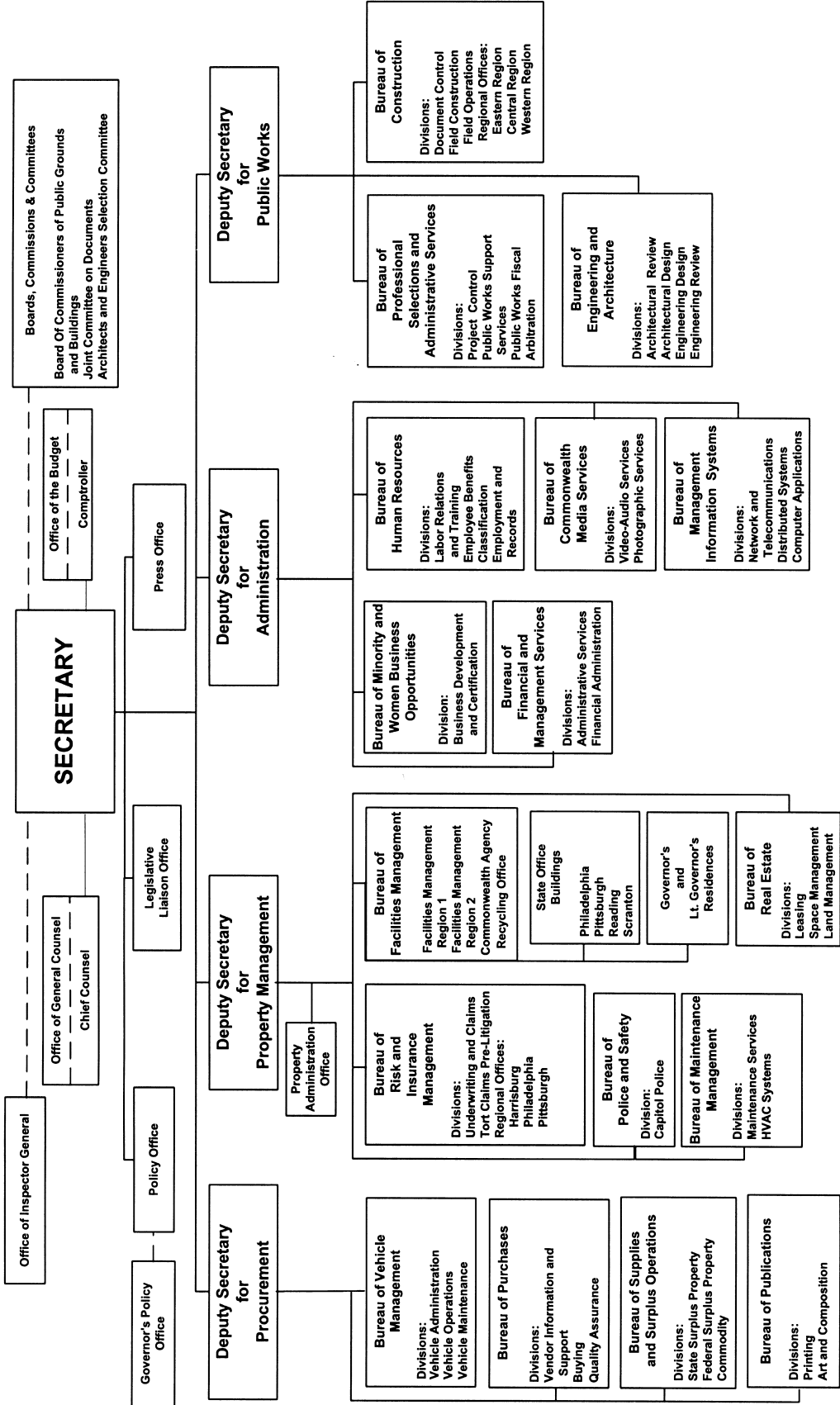
The Commission proposes a statement of policy under which all stockings will be publicly announced. Under the proposal, the Executive Director, in his discretion, may announce the date, time, location, number or weight of all fish stockings. The Executive Director may withhold announcements based on certain factors, including, but not limited to, safety.

#### F. Paperwork

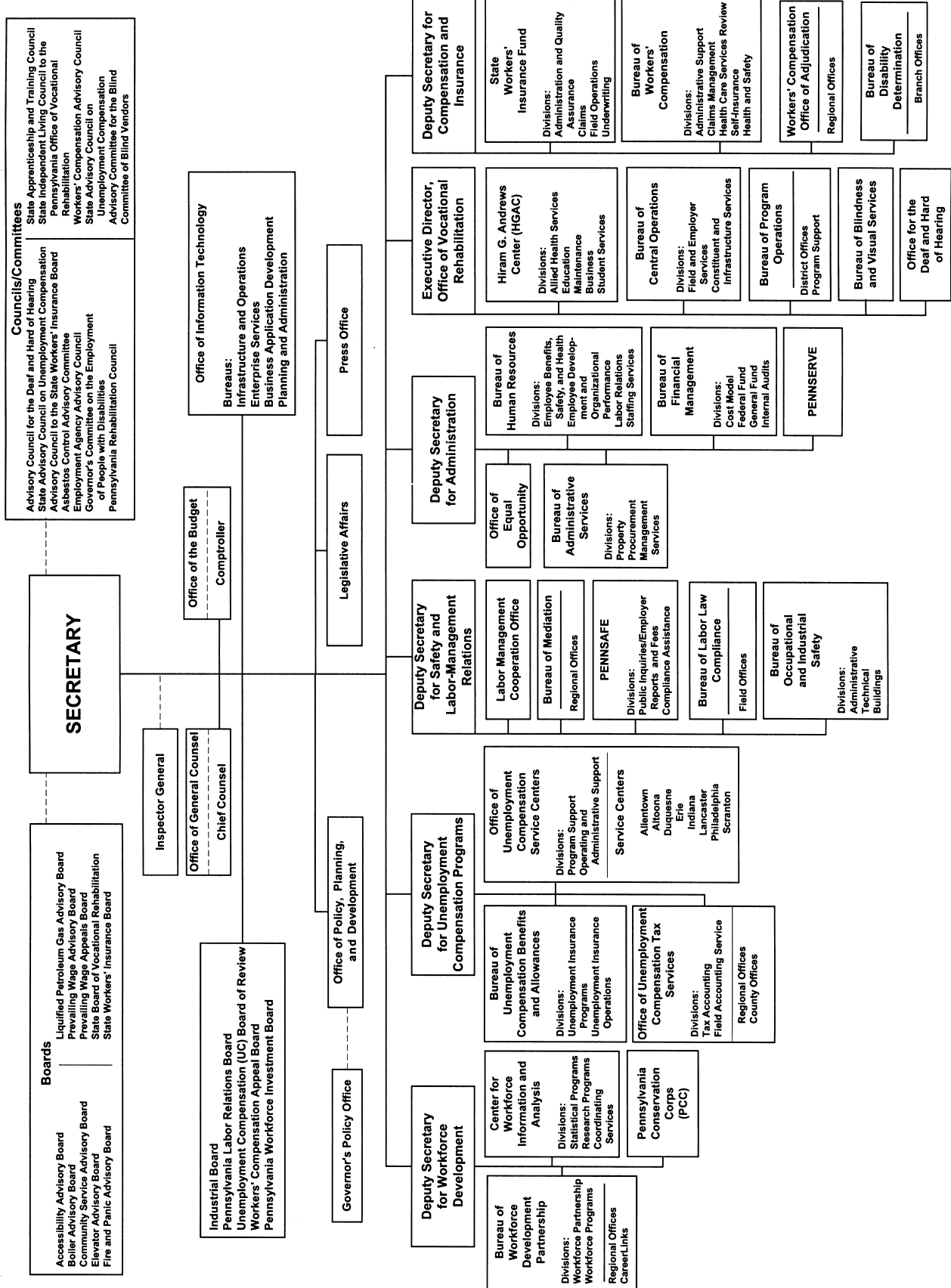
The proposed statement of policy will not increase paperwork and will create no new paperwork requirements.

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DEPARTMENT OF GENERAL SERVICES



DEPARTMENT OF LABOR AND INDUSTRY



G. *Fiscal Impact*

The proposed statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed statement of policy 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 statement of policy to the Executive Director, Pennsylvania 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 by completing the form at <http://www.state.pa.us/Fish/regcomments>. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** 48A-164. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart A. GENERAL PROVISIONS**

**CHAPTER 57. STATEMENTS OF POLICY**

§ 57.9a. Publicizing stocking of [ **legal-size trout** ] fish.

(a) [ **It is the policy of the Commission that all stockings of legal-size trout be publicly announced.**

**(b) Announcements of preseason and winter stockings of legal-size trout may include the date, time and a description of the waters to be stocked.**

**(c) Announcements of in-season stockings of legal-size trout will include the week of stocking and the name of waters to be stocked. The Executive Director or a designee may announce the day and time of certain in-season stocking of legal-size trout on Saturdays on lakes owned or controlled by the Commonwealth, Federal or local governments when an announcement will enhance fishing opportunities and will not cause undue congestion, crowd control or traffic problems. On lakes other than those under the direct control of the Commission, the day of in-season stockings will not be announced without the acquiescence of the government agency, official or officer responsible for ownership and control of the site of the stockings.**

**(d) The Executive Director may implement the policy stated in subsection (c) with regard to announcing the day of in-season stocking on publicly owned or controlled waters on a phased basis by establishing pilot sites and test announcements. ] All stockings will be publicly announced.**

**(b) The Executive Director, in his discretion, may announce the date, time, location, number or weight of all stockings and may withhold announcements based on certain factors, including but not limited to, safety.**

[Pa.B. Doc. No. 04-2234. Filed for public inspection December 17, 2004, 9:00 a.m.]