

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 4]

Corrective Amendment to 22 Pa. Code § 4.3

The State Board of Education has discovered a discrepancy between the agency text of 22 Pa. Code § 4.3 (relating to definitions) as deposited with the Legislative Reference Bureau, published at 40 Pa.B. 5903 (October 16, 2010) and the official text published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 434, January 2011). The words “stakeholders. The standards define the knowledge” were inadvertently omitted from the definition of “Common Core State Standards.”

Therefore, under 45 Pa.C.S. § 901: The State Board of Education has deposited with the Legislative Reference Bureau a corrective amendment to 22 Pa. Code § 4.3. The corrective amendment to 22 Pa. Code § 4.3 is effective as of January 1, 2011, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 22 Pa. Code § 4.3 appears in Annex A, with ellipses referring to the existing text of the regulation.

Annex

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 4. ACADEMIC STANDARDS AND ASSESSMENT

GENERAL PROVISIONS

§ 4.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Common Core State Standards—Academic standards for English language arts and mathematics developed through a Nationwide, state-led process coordinated by the National Governors Association and the Council of Chief State School Officers and in collaboration with teachers, content experts and other education stakeholders. The standards define the knowledge and skills students should have within their K-12 education careers so that they will graduate high school able to succeed in entry-level, credit-bearing academic college courses and in workforce training programs.

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[Pa.B. Doc. No. 12-606. Filed for public inspection April 6, 2012, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 71]

Fishing; Propagation and Introduction of Fish into Commonwealth Waters

The Fish and Boat Commission (Commission) amends Chapter 71 (relating to propagation and introduction of

fish into Commonwealth waters). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The amendments modify and update the Commission’s fishing regulations.

A. Effective Date

The final-form rulemaking will go into effect on July 1, 2012.

B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission’s web site at www.fish.state.pa.us.

C. Statutory Authority

The amendments to § 71.7 (relating to triploid grass carp) are published under the statutory authority of section 2904 of the code (relating to permits for protection and management of particular fish).

D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission’s fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

E. Summary of Changes

Under section 2904 of the code, the Executive Director, with the Commission’s approval, may require permits for the taking, catching, killing, possession, introduction, removal, importing, transporting, exporting or disturbing of fish when it is determined that the permits may be needed to insure proper protection and management of any species of fish. This section also authorizes the Commission to establish fees and to promulgate regulations. Under the section, the Commission may not establish a fee in excess of \$5 per permit for trout/salmon permits. There is no other restriction on fees. This section further provides that the Commission may not issue permits under the authority of the section for game fish other than trout or salmon.

The Commission adopted regulations at § 71.7 pertaining to the possession and introduction of triploid grass carp (white amur). This section provides that permits shall be required for possessing triploid grass carp, introducing them into Commonwealth waters and importing or transporting them into this Commonwealth to provide for proper protection and management of these fish and other fish in the waters of this Commonwealth. A pond owner, landowner or other person who wishes to possess triploid grass carp and introduce them into a pond or waters located on property owned, leased or otherwise controlled by the person shall, before placing triploid grass carp in the waters, obtain from the Commission a triploid grass carp possession/introduction permit. A person who wishes to import triploid grass carp into this Commonwealth shall obtain from the Commission a triploid grass carp importation/transportation permit.

This program was initiated by the Commission in January 1994. Two types of permits with associated fees were established and those fees are the same today. A triploid grass carp possession/introduction permit is \$20. A triploid grass carp importation/transportation permit is \$50.

For bodies of water that are more than 5 acres in surface area or are considered to be of special concern, an applicant is required to submit an environmental inspection report prepared by a biologist or fisheries or environmental scientist acceptable to the Commission. This is a detailed report that requires personal inspection of the body of water. Section 71.7 stated that the applicant may request the Commission to conduct the inspection and prepare the report upon payment of a fee of \$200. Today, this fee would not begin to cover costs that would be incurred by staff to perform an environmental inspection of a large body of water or a water of special concern.

The Aquatic Resource Section within the Commission's Bureau of Fisheries, Division of Environmental Services administers the triploid grass carp program. Administering the program requires staff to review permit applications, maintain a database, process and approve the permits. Reviewing the applications requires a technical review, some field views and clerical support.

In 2011, the Commission issued 289 triploid grass carp permits. In the past 5 years, approximately 1,500 triploid grass carp permits have been issued by the Commission. Staff time spent reviewing and processing triploid grass carp permits costs approximately \$75 per permit. The Commission therefore has increased the fees in § 71.7 to \$75 to help offset inflation and increasing program costs and to remove the option for applicants to request the Commission to perform the environmental inspection for a \$200 fee. The Commission has amended § 71.7 to read as set forth in the notice of proposed rulemaking published at 41 Pa.B. 5560 (October 15, 2011).

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking, however, will impose new costs on the private sector and the general public. The current fees for a triploid grass carp possession/introduction permit and an importation/transportation permit are \$20 and \$50, respectively. The Commission has increased the fee for both permit types to \$75. These

fee increases will affect the applicants for the approximately 300 to 400 permits that the Commission issues per year.

H. Public Comments

Notice of proposed rulemaking was published at 41 Pa.B. 5560. The Commission did not receive public comments concerning the proposed amendments.

Findings

The Commission finds that:

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

(2) A public comment period was provided and no public comments were received.

(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 71, are amended by amending § 71.7 to read as set forth at 41 Pa.B. 5560.

(b) The Executive Director will submit this order and 41 Pa.B. 5560 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 41 Pa.B. 5560 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on July 1, 2012.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-231 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-607. Filed for public inspection April 6, 2012, 9:00 a.m.]