

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

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 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).

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 final-form rulemaking is described in more detail under the summary of change.

E. *Summary of Change*

Opossum Lake, a 59-acre impoundment owned by the Commission, is located in Lower Frankford Township, Cumberland County, approximately 6 miles west-northwest of the Borough of Carlisle. This lake was completely dewatered in 2008 to make dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. The dam, constructed in 1960, impounds Opossum Creek approximately 1/2 mile upstream from the mouth at Conodoguinet Creek. Access to the shoreline is primarily from the eastern shore where a paved road parallels 75% of this shoreline. Additionally, two concrete boat ramps provide boat access for nonpowered and electric motor craft. Prior to the drawdown, the lake offered angling opportunities for multiple warm and coolwater fish species and adult stocked trout originating from Commission spring, fall and winter plants. This is the second time the lake has been subject to a full drawdown, the first occurring in 1985. A successful grass roots effort was launched to secure funding to assist in the rebuilding of the dam structure. As a result, refilling of the lake is anticipated to begin this spring.

The Commission will reclaim the lake and establish a high quality warm and coolwater fishery through fingerling plants of select fish species. Immediately upon refilling of the lake, the Commission will open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth inland seasons, sizes and creel limits but allow only catch

and release fishing for other fish species. The Commission believes that this approach will allow the fishery to develop under protective regulations while offering acceptable levels of recreational angling opportunities. Fisheries Management staff will monitor the fish populations as they develop and make the necessary adjustments to the species being stocked and the regulations governing the fishery to continually provide high quality recreational angling opportunities at Opossum Lake.

The Commission amends § 65.24 to read as set forth in the notice of proposed rulemaking published at 41 Pa.B. 6974 (December 31, 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 will not impose new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 41 Pa.B. 6974. The Commission did not receive public comments concerning the proposed rulemaking.

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 65, are amended by amending § 65.24 to read as set forth at 41 Pa.B. 6974.

(b) The Executive Director will submit this order and 41 Pa.B. 6974 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. 6974 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-233 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 12-1086. Filed for public inspection June 15, 2012, 9:00 a.m.]