

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code). The proposed amendments modify and update the Commission's fishing regulations.

A. *Effective Date*

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

B. *Contact Person*

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

C. *Statutory Authority*

The proposed rescission of § 65.10 (relating to Early Season Trout Stocked Waters Program) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

As implemented for the 1995 season, the Early Season Trout Stocked Waters Program (Program) was intended to expand angling opportunities through March on a select group of trout stocked lakes and two tail water areas. Under this Program, approximately 30% of the preseason trout allocation is stocked during the late winter (January or February). During March, fishing is allowed under extended season regulations, which permit the harvest of three trout per day. The season closes at midnight March 31 and the remainder of the preseason allocation is stocked between April 1 and opening day. In 2012, a total of 45 waters (43 lakes and 2 tailwaters) were included in this Program. All of these waters are located within the region of this Commonwealth where the traditional opening day of trout season applies.

Before the implementation of the Program, most of these waters received their preseason stocking in early March. Currently, these waters require over 40 truck trips to provide a preseason stocking in the short time period between April 1 and opening day. By eliminating this Program, the distribution trips used to stock these waters in April will be better used to stock other waters that require stocking closer to opening day due to trout residency or water quality issues. Furthermore, trout regulations will be simplified by eliminating one special regulation program. The Commission therefore proposes that § 65.10 be rescinded to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose 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 Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/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. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-239. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.10. [Early Season Trout Stocked Waters Program] (Reserved).

[(a) **The Executive Director, with the approval of the Commission, may designate waters as part of the Early Season Trout Stocked Waters Program. The designation of waters as part of the Early Season Trout Stocked Waters Program shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.**

(b) **It is unlawful to fish in waters designated as part of the Early Season Trout Stocked Waters Program except in compliance with the following requirements:**

(1) **Notwithstanding § 63.3 (relating to fishing in approved trout waters), fishing is permitted from March 1 until midnight, March 31.**

(2) **The daily creel limit is: three combined species during the period from the day after Labor Day until midnight, March 31 of the following year. Except during this period, the Statewide creel limits apply (See § 61.1 (relating to Commonwealth inland waters)).**

(3) **Except as otherwise provided in this section, Statewide regulations (including size and creel limits) apply to waters in the Early Season Trout Stocked Waters Program.**

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the water designated as part of the Early Season Trout Stocked Waters Program without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the water designated as part of the Early Season Trout Stocked Waters Program.]

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