

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).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect 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 amendments to §§ 65.4a, 65.5—65.7, 65.14, 65.15 and 65.20 are published under the statutory authority of section 2102 of the code (related 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

A number of existing special regulation areas for trout occur on waters that may be large enough to permit boating. Sections 65.5—65.7 and 65.14 allow, notwithstanding the requirements of those sections, an angler in a boat to possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the waters from which taken, provided that the boat angler floats through the specially regulated area without stopping or engaging in the act of fishing, or the boat angler takes out his boat at an access point within the specially regulated area. Sections 65.4a, 65.15 and 65.20 (relating to all-tackle trophy trout; catch and release all-tackle areas; and Mentored Youth Fishing Day Program) contain similar language but do not mention bait. While these regulations reference anglers who take out their boats at an access area within a special regulation area, they do not reference anglers who would put in their boats at an access area within a special regulation area. To address this omission, the Commission proposes to amend §§ 65.4a, 65.5—65.7, 65.14, 65.15 and 65.20 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 amendments will not have adverse fiscal impact on the Commonwealth or its political subdivisions.

The proposed amendments 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/reg comments. 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-259. 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

§ 65.4a. All-tackle trophy trout.

* * * * *

(d) 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 all-tackle trophy trout area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the all-tackle trophy trout area.

§ 65.5. Catch and release areas.

* * * * *

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and 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 catch and release area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the catch and release area.

§ 65.6. Delayed harvest artificial lures only areas.

* * * * *

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and 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 delayed harvest artificial lures only area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the delayed harvest artificial lures only area.

§ 65.7. Trophy Trout Program.

* * * * *

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and 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 trophy trout area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the trophy trout area.

§ 65.14. Catch and release fly-fishing only areas.

* * * * *

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and 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 catch and release fly-fishing only area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the catch and release fly-fishing only area.

§ 65.15. Catch and release all-tackle areas.

* * * * *

(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 catch and release all-tackle area without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the catch and release all-tackle area.

§ 65.20. Mentored Youth Fishing Day 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 Mentored Youth Fishing Day Program without stopping or engaging in the act of fishing or the boat angler **puts in or** takes out his boat at an access point within the water designated as part of the Mentored Youth Fishing Day Program.

[Pa.B. Doc. No. 14-1959. Filed for public inspection September 19, 2014, 9:00 a.m.]