

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61, 63, 65 AND 79]

Fishing; Simplification and Consolidation

The Fish and Boat Commission (Commission) proposes to amend Chapters 61, 63, 65 and 79. The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2016, except for the proposed changes to § 65.24 (relating to miscellaneous special regulations) for Opossum Lake, Cumberland County, and Leaser Lake, Lehigh County, which will go into effect on June 18, 2016.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, 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 §§ 61.1, 61.2, 61.7, 61.8, 63.3, 63.8, 63.48, 65.4a, 65.5, 65.7, 65.9, 65.11—65.19, 65.26 and 79.2 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The proposed amendment to § 63.20 (relating to permits for the protection and management of trout and salmon) is published under the statutory authority of section 2904 of the code (relating to permits for protection and management of particular fish). The proposed amendments to § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas) and § 65.24 are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

It has long been a concern that the complexity and number of the Commission's fishing regulations may be a deterrent to people fishing. In response to those concerns, several Commissioners expressed an interest in regulation simplification and consolidation, and Executive Director John A. Arway directed Commission staff to review existing fishing regulations. A workgroup comprised of staff across bureau and office lines was formed in 2013. Workgroup meetings were held and drafts were circulated throughout 2013 and 2014. At the September 2014 Commission meeting, a preliminary draft with proposed regulatory amendments was shared with the Law Enforcement Committee.

E. *Summary of Proposal*

As part of the regulation simplification and consolidation process, the Commission proposes a number of housekeeping and substantive changes. The housekeeping changes are to §§ 61.2, 61.8, 65.4a, 65.5, 65.7, 65.9, 65.11, 65.12, 65.14—65.19 and 65.21. The substantive changes are as follows.

(1) Because note 3 in § 61.1 (relating to Commonwealth inland waters) is not applicable to gizzard shad,

the Commission proposes that the reference to it (three asterisks after gizzard shad) be deleted. The Commission also proposes that because § 65.10 is reserved, references to this section and the program in note 2 of § 61.1 be deleted.

(2) In § 61.7 (relating to Susquehanna River and tributaries), the Commission proposes that the note be deleted because the harvest of baitfish in this note is applicable only to landlocked alewife harvested from inland lakes, ponds and reservoirs and does not apply to this section.

(3) In § 63.3 (relating to fishing in stocked trout waters), the current definition of "approved trout waters" is "designated waters that contain significant portions that are open to public fishing and are stocked with trout." The term, however, suggests a much broader category of trout waters, including both stocked and wild, and may cause confusion among the public. Therefore, the Commission proposes that "stocked trout waters" be used to more accurately describe the category of trout waters at issue and that the term be defined as "waters that are stocked with adult trout by the Commission." The Commission also proposes that other sections in Chapters 61, 63, 65 and 79 using "approved trout waters" be amended.

(4) In § 63.48 (relating to permit for the use of cast nets or throw nets), the Commission proposes that the restriction limiting baitfish to 8 inches in length be deleted because there is not a biological reason for the restriction.

(5) In §§ 65.5 and 65.7 (relating to catch and release artificial lures only; and trophy trout artificial lures only), the Commission proposes deleting the list of prohibited lures and substances in favor of naming the permitted items only to eliminate confusion and having to name or describe all prohibited lures and substances.

(6) In § 65.11 (relating to panfish enhancement), the Commission proposes amendments making the language consistent with the Summary Book and with the intent of the regulation when it went into effect.

(7) The Commission proposes deleting § 65.13 (relating to wild brook trout enhancement) because, based on peer reviewed and published scientific research on the waters within this program, the Commission's staff have determined that this regulation is ineffective. If the program is eliminated, waters currently in the program will be distributed to other programs.

(8) In § 65.14 (relating to catch and release fly-fishing only), the Commission proposes that the reference to single hooks be deleted to clarify that multiple hooks are permitted. The Commission also proposes that the reference to "fly line with a maximum of 18 feet in leader material or monofilament line attached" be deleted to eliminate a gray area regarding center-pinning techniques, which is becoming a popular technique to fish nymphs and utilizes a much longer leader. To eliminate confusion and having to name or describe all prohibited lures and substances, the Commission further proposes deleting the list of prohibited items in favor of naming the permitted lures and substances only.

(9) In § 65.24, the Commission proposes the following:

(a) The miscellaneous special regulation on Elk Creek (Big Elk Creek), Chester County, be deleted because the harvest of alewife and blueback herring is not allowed in the Susquehanna system.

(b) The miscellaneous special regulation on Opossum Lake, Cumberland County, be deleted as of June 18, 2016, because it specifically provides that it will remain in effect until that date.

(c) The miscellaneous special regulation on the West Branch, Clarion River, Elk County, be deleted because wading is now permitted.

(d) The miscellaneous special regulation on Lake Scranton, Lackawanna County, be deleted because the origin of this requirement was a lease agreement among Pennsylvania Gas and Water Company (now Pennsylvania American Water Company), Allied Services and the Commission, and the water company recently advised the Commission that it wishes to terminate the agreement. In addition, both Pennsylvania American Water Company and Allied Services have requested that the miscellaneous special regulation be deleted.

(e) The miscellaneous special regulation on Leaser Lake, Lehigh County, be deleted as of June 18, 2016, because it specifically provides that it will remain in effect until that date.

(f) The miscellaneous special regulation on the West Branch Delaware River, Wayne County, be changed to be consistent with other changes throughout this chapter related to the use of prohibited lures and substances in artificial lures only areas.

(g) The miscellaneous special regulation on Indian Lake, Westmoreland County, be deleted because the Commission has data to support designating this lake as big bass and panfish enhancement and the Commission has designated it accordingly.

(h) The miscellaneous special regulation on Lake Winola, Wyoming County, be deleted because there is no biological support for this regulation.

The Commission proposes to amend these sections to read as set forth in Annex A. In addition to these proposed amendments, the Commission will likely be proposing other changes in the future following implementation of the Musky and Black Bass management plans.

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 60 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-264. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogeny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday after April 11 to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))
	Extended Season: [Approved] Stocked trout waters and all waters downstream of [approved] stocked trout waters 12:01 a.m. day after Labor Day to midnight last day of February of the following year	7 inches	3 (combined species), except Class A wild trout streams, where the daily limit is 0, and areas with special regulations (see Chapter 65)

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	* * * * *		
GIZZARD SHAD[***]	Open year-round	No minimum	50
	* * * * *		

* For purposes of this subsection, power dam pools and recreational dam pools on the Susquehanna River and navigational dam pools in the Ohio drainage are “rivers.”

** Note: [**Approved**] **Stocked** trout waters are closed to all fishing from March 1 to the first Saturday after April 11 unless included in the [**Early Season Trout Stocked Waters Program (see § 65.10 (relating to Early Season Trout Stocked Waters Program)) or in the**] Regional Opening Day of Trout Season Program (see § 65.12 (relating to Regional Opening Day of Trout Season Program)). [**Waters included in the Early Season Trout Stocked Waters Program are closed to all fishing from April 1 to the first Saturday after April 11.**] Waters included in the Regional Opening Day of Trout Season Program are closed to all fishing from March 1 to the first Saturday after March 28.

*** Note: Unlawful to take, catch or kill American shad, hickory shad and river herring (alewife and blueback herring) in Susquehanna River and its tributaries. See §§ 61.4 and 61.7 (**relating to Conowingo Reservoir; and Susquehanna River and tributaries**).

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	* * * * *		
RIVER HERRING (alewife and blueback herring)	Closed [(no open season)] year-round	[Closed]	0
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§ 61.7. Susquehanna River and tributaries.

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(d) The following seasons, sizes and creel limits apply to the Susquehanna River and its tributaries, including the Juniata River, the West Branch, “North Branch” and other tributaries within the Susquehanna River Basin except the Conowingo Reservoir—see § 61.4 (relating to Conowingo Reservoir) and except for waters subject to special regulations (see Chapter 65 (relating to special fishing regulations)):

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
AMERICAN and HICKORY SHAD and RIVER HERRING (alewife and blueback herring)[*]	Closed (no open season)	Closed	0
	* * * * *		

[*Note: Landlocked alewife taken from inland ponds, lakes or reservoirs that are collected by legal means and measure less than 8 inches in length may be harvested for use as baitfish.]

§ 61.8. Lehigh River, Schuylkill River and tributaries.

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(d) The following seasons, sizes and creel limits apply to the Lehigh River upstream of the first dam in Easton, Pennsylvania and its tributaries and the Schuylkill River upstream of the I-95 Bridge and its tributaries:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
AMERICAN SHAD	Open year-round	No Minimum	Catch and Release Only
RIVER HERRING (alewife and blueback herring)	Closed (no open season)	Closed	0

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
OTHER SPECIES	Inland seasons, size and creel limits apply except for waters under special regulations (see Chapter 65 (relating to special fishing regulations)). See § 61.1 (relating to Commonwealth inland waters).		

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.3. Fishing in [approved] stocked trout waters.

It is unlawful to fish in [approved] stocked trout waters regulated under § 61.1 (relating to Commonwealth inland waters) from 12:01 a.m. on March 1 to 8 a.m. on the first Saturday after April 11 and in [approved] stocked trout waters regulated under § 65.12 (relating to [Regional Opening Day of Trout Season Program] regional opening day of trout season) from 12:01 a.m. on March 1 to 8 a.m. on the first Saturday after March 28. As used in this subpart, the term “[approved] stocked trout waters” means [designated] waters that [contain significant portions that are open to public fishing and] are stocked with adult trout by the Commission. A listing of [approved] stocked trout waters is published in the Commission’s “Summary of Fishing Regulations and Laws,” which is available from the Commission at Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000. The Executive Director or a designee may, from time to time, supplement or modify the list of [approved] stocked trout waters, and additions or deletions will be published in the *Pennsylvania Bulletin*.

§ 63.8. Long bows, crossbows, spears and gigs.

* * * * *

(c) *Restrictions.* Spears or gigs may not be mechanically propelled, may not have more than five barbed points, and may not be used in [approved] stocked trout waters.

§ 63.20. Permits for the protection and management of trout and salmon.

* * * * *

(d) *Fish for trout or salmon.* A person fishes for trout or salmon when one of the following applies:

* * * * *

(2) The person fishes in streams or rivers that are [approved] stocked trout waters as defined in § 63.3 (relating to fishing in [approved] stocked trout waters) or their tributaries during the period from 12:01 a.m. on March 1 until midnight May 31.

* * * * *

§ 63.48. Permit for the use of cast nets or throw nets.

(a) The Executive Director or a designee may issue permits for the use of cast nets or throw nets for the taking of gizzard shad [8 inches or less in length] and alewife only in waters to be determined by the Executive Director. A separate permit will be required for each body of water.

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CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.4a. All-tackle trophy trout.

(a) The Executive Director, with the approval of the Commission, may designate waters as all-tackle trophy

trout [areas]. The designation of waters as all-tackle trophy trout [areas] shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted all-tackle trophy trout areas except in compliance with the following requirements:

(1) [The program is open] Open to fishing year-round [; there is no closed season].

(2) There are no tackle restrictions.

[(2)] (3) Minimum size is 14 inches, caught on, or in possession on, the waters under regulation.

[(3)] (4) The daily creel limit is two trout-combined species [—from 8 a.m. on the first Saturday after April 11 until midnight Labor Day, except during the period from the day after Labor Day to the opening day of regular trout season of the following year, when no trout may be killed or had in possession on the waters under regulation] except for the period from the day after Labor Day to 8 a.m. of the first Saturday after April 11 of the following year, when trout may not be killed or had in possession.

[(4)] (5) A current trout/salmon permit is required.

(c) This section applies to trout only. Inland regulations apply to all other species.

(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 takes out his boat at an access point within the all-tackle trophy trout area.

§ 65.5. Catch and release [areas] artificial lures only.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release [areas]. The designation of waters as catch and release [areas] shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in areas designated and posted catch and release [areas] except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only constructed of metal, plastic, rubber or wood or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited.

[(2)] The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(3)] (2) No trout may be killed or had in possession.

[(4) The program is open] (3) Open to fishing year-round[; there is no closed season].

[(5)] (4) Wading is permitted unless otherwise posted.

[(6)] (5) Taking of baitfish or fishbait is prohibited.

[(7)] (6) A current trout/salmon permit is required.

(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 takes out his boat at an access point within the catch and release area.

§ 65.7. Trophy [**Trout Program**] trout artificial lures only.

(a) The Executive Director, with the approval of the Commission, may designate waters as trophy trout [**areas**] artificial lures only. The designation of waters as trophy trout [**areas**] artificial lures only shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in **areas** designated and posted trophy trout [**areas**] artificial lures only except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. [**Anything other than these items is prohibited.**] Use or possession of other lures or substances is prohibited.

[(2) The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or other edible substance is prohibited.

(3) The program is open] (2) Open to fishing year-round[; there is no closed season].

[(4)] (3) The minimum size is 14 inches, caught on or in possession on the waters under regulation.

[(5)] (4) The daily creel limit is two trout—combined species—except during the period from the day after Labor Day to 8 a.m. of the first Saturday after April 11 of the following year, when no trout may be killed or had in possession on the waters under regulation.

[(6)] (5) Taking of baitfish or fishbait is prohibited.

[(7)] (6) A current trout/salmon permit is required.

(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 takes out his boat at an access point within the trophy trout area.

§ 65.9. Big bass [**special regulations**].

(a) The Executive Director, with the approval of the Commission, may designate waters as [**“Big Bass Regulation”**] **“big bass”** waters. The designation shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to take, catch, kill or possess a largemouth, smallmouth or spotted bass on or in designated [**“Big Bass Regulation”**] **“big bass”** waters except in compliance with the following seasons and size and creel limits. It is not a violation of this section if the bass is immediately returned unharmed to the waters from which it is taken.

Seasons	Size (in)	Creel Limit
<i>Lakes:</i> January 1 to midnight the day before the first Saturday after April 11 and 12:01 a.m. the first Saturday after June 11 to midnight December 31	15	4 (combined species)
12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only [(No Tournaments Permitted)]	
<i>Rivers and Streams:</i> January 1 to midnight the day before the first Saturday after April 11 and October 1 to midnight December 31	18	2 (combined species)
12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11	NO HARVEST—Catch and immediate release only [(No Tournaments Permitted)]	
12:01 a.m. the first Saturday after June 11 to midnight September 30	15	4 (combined species)

Note: For purposes of this section, power dam pools and recreational dam pools on the Susquehanna River and navigational dam pools in the Ohio drainage are “rivers.”

(c) Other Commonwealth inland fishing regulations apply to designated [**“Big Bass Regulation”**] **“big bass”** waters.

(d) **Tournaments are permitted only during the designated harvest periods.**

§ 65.11. Panfish enhancement [**special regulation**].

(a) The Executive Director, with the approval of the Commission, may designate waters as [**“Panfish Enhancement Special Regulation”**] **“panfish enhancement”** waters. The designation may be limited to one, two or all three of the panfish species listed in subsection (b). The designation shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted [**“Panfish Enhancement Special Regulation”**] **“panfish enhancement”** waters except in compliance with the following seasons and size and creel limits:

<i>Species</i>	<i>Seasons</i>	<i>Minimum Size</i>	<i>Daily Limit</i>
Sunfish (bluegill, pumpkinseed and redear)	Open year-round	7 inches	20 [(combined species)]*
Crappie (black and white)		9 inches	20*
Yellow perch		9 inches	20*
Other species—inland seasons and size and creel limits apply.			

[* Anglers may catch and possess up to 30 (combined species) of catfish, rockbass, suckers, carp and white bass in addition to the daily limit of 20 (combined species) of sunfish, crappies and yellow perch.]

* When panfish enhancement regulations apply to more than 1 species in the same waterway, the creel limit is 20 for each species with the total creel not to exceed 50 panfish combined. For purposes of this section, panfish include catfish, rock bass, suckers, carp and white bass.

§ 65.12. [**Regional Opening Day of Trout Season Program**] **Regional opening day of trout season.**

(a) The Executive Director, with the approval of the Commission, may designate waters in certain regions as part of the [**Regional Opening Day of Trout Season Program**] **regional opening day of trout season**. The designation of waters as part of the [**Regional Opening Day of Trout Season Program**] **regional opening day of trout season** 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 [**Regional Opening Day of Trout Season Program**] **regional opening day of trout season** except in compliance with the following seasons, sizes and creel limits:

<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
Regular Season: 8 a.m. first Saturday after March 28 to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))
Extended Season: [Approved] Stocked trout waters and all waters downstream of [approved] stocked trout waters 12:01 a.m. day after Labor Day to midnight last day of February of the following year	7 inches	3 (combined species) except Class A wild trout streams where the daily limit is 0, and areas with special regulations (see Chapter 65)

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§ 65.13. [**Wild brook trout enhancement**] (Reserved).

[(a) The Executive Director, with the approval of the Commission, may designate waters as “Wild Brook Trout Enhancement Regulations” waters. The designation shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated “Wild Brook Trout Enhancement Regulations” waters except in compliance with the following requirements:

(1) Brook trout may not be killed or had in possession.

(2) There is no closed season for brook trout.

(3) There are no tackle restrictions.

(4) Other trout species shall be subject to State-wide regulations (including seasons, sizes and creel limits).

(5) A current trout/salmon permit is required.]

§ 65.14. Catch and release fly-fishing only [**areas**].

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release fly-fishing only [**areas**]. The designation of waters as catch and release fly-fishing only [**areas**] shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in **waters** designated and posted as catch and release fly-fishing only [**areas**] except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion [**on a single hook**] with components wound on or about the hook or hooks. [**Anything other than these items is prohibited.**] Use or possession of other lures or substances is prohibited.

(2) Fishing shall be done with tackle which is limited to fly rods[,] and fly reels [**and fly line with a maximum of 18 feet in leader material or monofilament line attached**]. Spinning, spincast and casting rods and reels are prohibited.

[(3) **The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.**

(4) [(3) No trout may be killed or had in possession.

[(5) **The program is open**] (4) **Open** to fishing year-round [; **there is no closed season**].

[(6)] (5) Taking of baitfish or fishbait is prohibited.

[(7)] (6) Wading is permitted unless otherwise posted.

[(8)] (7) A current trout/salmon permit is required.

(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 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**].

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release all-tackle [**areas**]. The designation of waters as catch and release all-tackle [**areas**] shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in **waters** designated and posted catch and release all-tackle [**areas**] except in compliance with the following requirements:

(1) **There are no tackle restrictions.**

[(1)] (2) No trout may be killed or had in possession.

[(2) **The program is open**] (3) **Open** to fishing [**year round**] **year-round**; there is no closed season.

[(3)] (4) A current trout/salmon permit is required.

(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 takes out his boat at an access point within the catch and release all-tackle area.

§ 65.16. Musky [**Enhancement Program**] **enhancement**.

(a) The Executive Director, with the approval of the Commission, may designate waters as [**part of the Musky Enhancement Program**] **musky enhancement**. The designation of waters as [**part of the Musky Enhancement Program**] **musky enhancement** will be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to take, catch, kill or possess muskellunge or muskellunge hybrids on or in waters designated as [**part of the Musky Enhancement Program**] **musky enhancement** except in compliance with the following season and size and creel limits: [**Open-year round**] **Open year-round**, minimum size of 45 inches and daily limit of 1. It is not a violation of this section if the muskellunge or muskellunge hybrid is immediately returned unharmed to the waters from which it is taken.

§ 65.17. Catch and [**Release Lakes Program**] **release lakes**.

(a) The Executive Director, with the approval of the Commission, may designate lakes as [**part of the Catch and Release Lakes Program**] **catch and release lakes**. The designation of lakes as [**part of the Catch and Release Lakes Program**] **catch and release lakes** will be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in the lakes designated as [**part of the Catch and Release Lakes Program**] **catch and release lakes** except in compliance with the following requirements:

(1) Fishing for all species is permitted on a catch and release/no harvest basis only.

(2) It is unlawful to take, kill or possess any fish taken from lakes designated under this [**program**] **section**.

(3) Fish caught shall be immediately returned unharmed to the lake from which taken.

§ 65.18. Brood [**Stock Lakes Program**] **stock lakes**.

(a) The Executive Director, with the approval of the Commission, may designate lakes as [**part of the Brood Stock Lakes Program**] **brood stock lakes**. The designation of lakes as [**part of the Brood Stock Lakes Program**] **brood stock lakes** will be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in the lakes designated as [**part of the Brood Stock Lakes Program**] **brood stock lakes** except in compliance with the following requirements:

(1) From 12:01 a.m. April 1 to midnight May 31, fishing for muskellunge and muskellunge hybrids, northern pike and pickerel is permitted on a catch and release/no harvest basis only.

(2) From 12:01 a.m. April 1 to midnight May 31, it is unlawful to take, kill or possess any muskellunge and muskellunge hybrids, northern pike and pickerel taken from lakes designated under this [**program**] **section**.

(3) From 12:01 a.m. April 1 to midnight May 31, all muskellunge and muskellunge hybrids, northern pike and pickerel caught shall be immediately returned unharmed to the lake from which taken.

§ 65.19. **[Approved] Stocked** trout waters open to year-round fishing.

(a) The Executive Director, with the approval of the Commission, may designate waters as **[approved] stocked** trout waters open to year-round fishing. The

designation of waters as **[approved] stocked** trout waters open to year-round fishing shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as **[approved] stocked** trout waters open to year-round fishing except in compliance with the following seasons and size and creel limits. It is not a violation of this section if a trout is immediately returned unharmed to the waters from which it is taken.

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday after April 11 (or the first Saturday after March 28 for waters [in the Regional Opening Day of Trout Season Program] designated as part of the regional opening day of trout season) to midnight Labor Day	7 inches	5 (combined species)
	Extended Season: 12:01 a.m. day after Labor Day to midnight last day of February of the following year.	7 inches	3 (combined species)
	12:01 first day of March to first Saturday after April 11 (or the first Saturday after March 28 for waters [in the Regional Opening Day of Trout Season Program] designated as part of the regional opening day of trout season)		NO HARVEST—Catch and immediate release only

(c) It is unlawful to fish in rivers and streams designated as **[approved] stocked** trout waters open to year-round fishing without a current trout/salmon permit. A trout/salmon permit is not required to fish in lakes and ponds that have been designated as **[approved] stocked** trout waters open to year-round fishing unless the person takes, kills or possesses, while in the act of fishing, a trout or salmon on or in these waters.

§ 65.21. **Waters limited to specific purposes—exclusive use fishing areas.**

* * * * *

(h) In designating an area for the exclusive use of children or special populations the Commission makes no representation that the areas are suitable for any particular purpose. The sponsors of the areas assume the responsibility for the suitability of the area.

[(i) Sponsors of all areas currently designated as being for the exclusive use of children or special populations, or both, shall reapply for designation by December 31, 2003.]

§ 65.24. **Miscellaneous special regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
Beaver	Hopewell Township Park Lake	Bass—15-inch minimum size limit and a 2 bass daily creel limit. Panfish (combined species): 10 fish daily creel limit. Use of live fish for bait is prohibited.
Blair, Huntingdon, Juniata, Mifflin and Perry	Juniata River and its tributaries	Rock bass—Daily creel limit is 10; open year-round; no minimum size limit.

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
Centre and Mifflin	Penns Creed, from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run	Open to fishing year-round. All [takle] tackle types are permitted. From 8 a.m. on the first Saturday after April 11 through Labor Day—the daily creel limit for trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed. From the day after Labor Day until 8 a.m. on the first Saturday after April 11, no trout may be killed or possessed. Inland regulations apply to all other species. This miscellaneous special regulation will remain in effect until December 31, 2020.
[Chester	Elk Creek (Big Elk Creek)	The maximum size limit for alewife and blueback herring is 8 inches. It is unlawful to take, catch, kill or possess, while in the act of fishing, blueback herring or alewife 8 inches or more in length.]
Clarion	Beaver Creek Ponds	Closed to fishing from 12:01 a.m. January 1 to 12:01 a.m. the first Saturday after June 11 of each year. Bass—15-inch minimum size limit and a 2 bass daily creel limit for the total project area. Panfish (combined species) 10 fish daily creel limit for the total project area. Other species-inland regulations apply.
Columbia and Northumberland	South Branch of Roaring Creek from the bridge on State Route 3008 at Bear Gap upstream to the bridge on State Route 42	This is a catch and release/no harvest fishery for all species. It is unlawful to take, kill or possess any fish. All fish caught shall be immediately returned unharmed.
Crawford	Pymatuning Reservoir	Only carp and suckers may be taken by means of spearing or archery in compliance otherwise with § 63.8 (relating to long bows, crossbows, spears and gigs). Minnow seines and dip nets are restricted to no more than 4 feet in size, and the mesh of the nets shall measure no less than 1/8 nor more than 1/2-inch on a side. Float line fishing is prohibited.
[Cumberland	Opossum Lake	All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—Inland regulations apply. See § 61.1 (relating to Commonwealth inland waters). This miscellaneous special regulation will remain in effect until June 18, 2016.]
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (smallmouth and largemouth)—From May 1 to 12:01 a.m. the first Saturday after June 11—Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters. Remainder of the year—No harvest—Catch and immediate release only; catch-measure-immediate release tournaments only.
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (smallmouth and largemouth)—From May 1 to 12:01 a.m. the first Saturday after June 11—Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters. Remainder of the year—No harvest—Catch and immediate release only; catch-measure-immediate release tournaments only.
[Elk	West Branch, Clarion River	The following additional restrictions apply to the “Catch and Release, Fly-Fishing Only” area located on a 1/2-mile stream section from the intersection of S. R. 219 and S. R. 4003, upstream to the Texas Gulf Sulphur Property: Wading prohibited. Fishing permitted from east shore only.]

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Daily limit: First Saturday after April 11 until Labor Day—5 trout per day; day after Labor Day to first Saturday after April 11 of the following year—3 trout per day. Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number.
[Lackawanna	Lake Scranton	It is unlawful for a person to fish from the fishing pier designated for use by persons with disabilities unless the person is: totally blind; or so severely disabled that the person is unable to cast or retrieve a line or bait hooks or remove fish without assistance; or deprived of the use of both legs; or participating in a special fishing event for persons with disabilities under conditions approved by the owner of the lake. The person may fish with only one legal device and shall be within 10 feet of the device being used. A person authorized to fish from the fishing pier under this section may be attended by another individual who may assist the person with the disability in using the fishing device.]
[Lehigh	Leaser Lake	All species except trout—Catch and release/no harvest; it is unlawful to take, kill or possess any fish except trout. All fish caught other than trout shall be immediately returned unharmed. Trout—Inland regulations apply. See § 61.1 (relating to Commonwealth inland waters). This miscellaneous special regulation will remain in effect until June 18, 2016.]
Luzerne	Harveys Lake	During the period from the first Saturday after April 11 through midnight March 31, the daily creel limit for trout (combined species) is 3, only one of which may exceed 18 inches in length. Fishing is prohibited from April 1 through 8 a.m. of the first Saturday after April 11. Warmwater/coolwater species, except as provided in this section-Inland regulations apply.
Monroe and Pike	Delaware Water Gap National Recreation Area	The use of eel chutes, eelpots and fyke nets is prohibited. The taking of the following fishbait is prohibited: crayfish or crabs, mussels, clams and the nymphs, larva and pupae of all insects spending any part of their life cycle in the water. The taking, catching, killing and possession of any species of amphibians or reptiles within the boundaries of the Delaware Water Gap National Recreation Area is prohibited.
Somerset, Fayette, Westmoreland and Allegheny	Youghiogheny River from confluence with Casselman River downstream to the confluence with Ramcat Run Youghiogheny River from the pipeline crossing at the confluence with Lick Run downstream to the mouth of the river.	Trout (all species)—no closed season. Daily limit: First Saturday after April 11 until Labor Day—5 trout per day; day after Labor Day to first Saturday after April 11 of the following year—3 trout per day. Inland regulations apply to warmwater/coolwater species.
Warren	Allegheny River—8.75 miles downstream from the outflow of the Allegheny Reservoir to the confluence with Conewago Creek	Trout—minimum size limit—14 inches; daily creel limit—2 trout per day (combined species) from 8 a.m. on the first Saturday after April 11 through midnight Labor Day, except during the period from the day after Labor Day to the first Saturday after April 11 of the following year, when no trout may be killed or had in possession. Other inland seasons, sizes and creel limits apply.

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
Washington	Little Chartiers Creek from Canonsburg Lake Dam approximately 1/2 mile downstream to mouth of Chartiers Creek	Fishing is prohibited from 12:01 a.m. March 1 to 8 a.m. the first Saturday after April 11.
Wayne	West Branch Delaware River	Trout: From the Pennsylvania/New York border downstream to the confluence with the East River Branch of the Delaware River: no-harvest artificial lures only season on trout from October 16 until midnight of the Friday before the first Saturday after April 11. During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited. [2. The use or possession of any natural bait, baitfish, fishbait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited. 3.] 2. The daily creel limit for trout is 0.
[Westmoreland	Indian Lake	The following size and creel limits apply: Bass—15 inch minimum size limit; 2 bass per day creel limit (combined species). Panfish: 10 fish per day creel limit (combined species). Other species—Inland regulations apply.]
[Wyoming	Lake Winola	Bass—It is unlawful to take, catch, kill or possess bass that are 12 to 18 inches in length. The daily creel limit for bass less than 12 inches in length and greater than 18 inches in length is 6, only one of which may exceed 18 inches in length. Closed to all fishing from 12:01 a.m. March 1 to 8 a.m. the first Saturday after April 11.]

§ 65.26. Extended trout season.

(a) *General rule.* The extended trout season is in effect from the day after Labor Day until the last day of February of the following year on [**approved**] **stocked** trout waters and all waters downstream of [**approved**] **stocked** trout waters. A creel limit of three trout per day and a minimum size limit of 7 inches apply during this season, except Class A wild trout streams where the creel limit is 0 and areas with special regulations.

(b) *Waters not [approved] stocked trout waters.* The Executive Director may grant a permit to apply extended trout regulations to waters that are not [**approved**] **stocked** trout waters upon written application of the owner or lessee of the lands on which the waters are located. Applications will be reviewed to ensure that applying extended trout season regulations to the waters in question is consistent with the best appropriate fisheries management of the waters in question, and to ensure that approval of the application will have no adverse effect on the preservation and expansion of public fishing opportunities within this Commonwealth. Approval or disapproval of applications shall be subject to review under Chapter 51, Subchapter E (relating to permit procedures). Permits for extended trout season on waters other than [**approved**] **stocked** trout waters will be valid until the last day of February of the 6th year after the year in which they are issued. For example, a permit issued in June 1984 will expire on February 28, 1990.

CHAPTER 79. REPTILES AND AMPHIBIANS

§ 79.2. Taking reptiles or amphibians.

* * * * *

(c) *Frogs.*

(1) Frogs may be taken with long bows and arrow, including compound bows, crossbows, spears or gigs. Spears or gigs may not be mechanically propelled, may not have more than five barbed points and may not be used in [**approved**] **stocked** trout waters.

(2) It is unlawful to take, catch or kill a frog by use of artificial light at night.

[Pa.B. Doc. No. 15-599. Filed for public inspection April 3, 2015, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 141]

Hunting and Trapping; Furbearers

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2015, meeting, proposed to amend §§ 141.63 and 141.66 (relating to definitions; and cable restraints) to redefine “cable restraints,” identify a list of approved locks and clarify that furtakers who possess a valid bobcat permit could only utilize an incidentally caught bobcat during the established bobcat trapping season.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 27, 2015, meeting of the Commission. Comments can be sent, until April 6, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

The proposed amendments to §§ 141.63 and 141.66 are designed to clarify the legal definition and use of cable restraints in this Commonwealth. The current definition of “cable restraint” in § 141.63 requires the use of “relaxing locks” in cable restraint construction. The term “relaxing lock” has caused confusion for trappers and enforcement personnel due to varying interpretations of lock designs that comply with the regulation. The proposed amendment to § 141.63 would allow all lock designs approved by the Commission. The National trap testing program, administered by the Association of Fish & Wildlife Agencies, has been conducting field testing on cable restraints and has currently identified six lock designs that have performed at acceptable levels in terms of efficiency, selectivity and animal welfare criteria. By maintaining a list of approved lock designs, the Commission will be able to regularly incorporate results from ongoing cable restraint research. Additionally, proposed amendments to § 141.66 would specify that furtakers who possess a valid bobcat permit could only utilize an incidentally caught bobcat during the established bobcat trapping season.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” The amendments to §§ 141.63 and 141.66 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 141.63 and 141.66 to redefine cable restraints, identify a list of approved locks and clarify that furtakers who possess a valid bobcat permit could only utilize an incidentally caught bobcat during the established bobcat trapping season.

3. Persons Affected

Persons wishing to utilize cable restraints to trap authorized species of furbearers within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-378. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 141. HUNTING AND TRAPPING

Subchapter D. FURBEARERS

§ 141.63. Definitions.

In addition to the definitions contained in the act and this part, the following words, when used in the enforcement of section 2361 of the act (relating to unlawful acts concerning taking of furbearers) have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Cable restraint—A galvanized stranded steel cable with a minimum diameter of 3/32 inches. The cable must be constructed of either 7 bundles comprised of 7 wires per bundle, 7 bundles comprised of 19 wires per bundle or 1 bundle comprised of 19 wires. The cable may not exceed 7 feet in length from the anchor point to the [**relaxing**] lock contacting the fully closed loop stop, must be equipped with at least one swivel device (which allows for 360° rotation) between the loop and the anchor and must have stops affixed to the cable to ensure that the circumference of the cable which makes up the loop may not be greater than 38 inches when fully open, or less than 8 inches when fully closed. Cable restraints must be equipped with [**a relaxing-type**] **an approved lock**. The [**relaxing-type**] lock may not be constructed with moving parts. A cable restraint must include a breakaway device affixed between the [**relaxing-type**] lock and cable or at the end of the cable that is rated at 375 pounds or less. The cable must be maintained in good condition so that all components operate properly.

* * * * *

§ 141.66. Cable restraints.

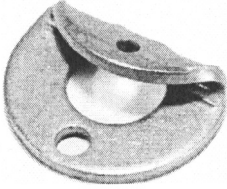
(a) Cable restraint devices may be used from December 26 until the end of the established trapping season to harvest red fox, gray fox and coyote. Nontarget furbearing species incidentally captured in cable restraint devices during an open **trapping** season for that species may be taken and utilized, provided the trapper possesses all applicable licenses and permits.

* * * * *

(f) Cable restraints will be considered traps for the purposes of the section 2361(a)(3), (4), (7), (8), (10), (12) and (14)—(16) of the act (relating to unlawful acts concerning taking of furbearers).

(g) The following locks are approved:

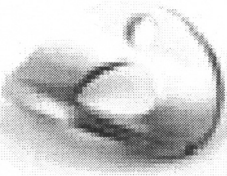
(1) Reichart 180° reverse bend washer.



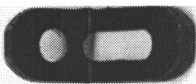
(2) Kaatz "Relax-a-Lock."



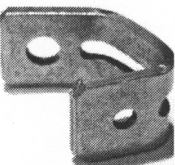
(3) Penny lock.



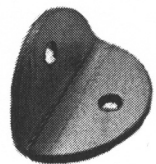
(4) MicroLock.



(5) BMI Slide Free Lock.



(6) Berkshire 90° bend washer.



[(g) *Unlawful acts.*] (h) It is unlawful to:

(1) [Use a bent washer as a relaxing lock that has an outside diameter less than 1 1/4 inches.] Use, set, tend or operate a cable restraint having any lock that has not been approved under this section.

* * * * *

[Pa.B. Doc. No. 15-600. Filed for public inspection April 3, 2015, 9:00 a.m.]

[58 PA. CODE CH. 147]

Special Permits; Mentored Hunting Program Permit

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its January 27, 2015, meeting, proposed to amend § 147.804 (relating to general) by eliminating the issuance of antlered deer and spring turkey harvest tags to mentored youth under 7 years of age at the time of application with their mentored permit, but allowing mentors to transfer antlered deer and spring turkey harvest tags issued to them to these younger youth.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the January 27, 2015, meeting of the Commission. Comments can be sent, until April 6, 2015, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. *Purpose and Authority*

The Commission received extensive public comment regarding concern over the appropriateness of young children's abilities to utilize high-powered firearms to harvest big game, as well as allegations of adults utilizing the harvest tags of mentored youth unlawfully. Wildlife Conservation Officers have encountered evidence of the allegations in several enforcement operations this past hunting season. The Commission is proposing to amend § 147.804 by eliminating the issuance of antlered deer and spring turkey harvest tags to mentored youth under 7 years of age at the time of application with their mentored permit, but allowing mentors to transfer antlered deer and spring turkey harvest tags issued to them to these younger youth.

Section 2701(a) of the code (relating to license requirements) states that "[e]xcept in defense of person or property or pursuant to exemptions authorized in this title or by regulation of the commission for implementing a mentored hunting program, every person, prior to engaging in any of the privileges granted by this title, shall first obtain the applicable license subject to any conditions or other requirements imposed by this title." Section 2102(a) of the code (relating to regulations) provides that "[t]he commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety

of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth.” The amendments to § 147.804 are proposed under this authority.

2. *Regulatory Requirements*

The proposed rulemaking will amend § 147.804 by eliminating the issuance of antlered deer and spring turkey harvest tags to mentored youth under 7 years of age at the time of application with their mentored permit, but allowing mentors to transfer antlered deer and spring turkey harvest tags issued to them to these younger youth.

3. *Persons Affected*

Persons under 7 years of age at the time of application wishing to hunt wild turkey or white-tailed deer under the mentored youth hunting program may be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

Fiscal Note: 48-381. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 147. SPECIAL PERMITS

Subchapter X. MENTORED HUNTING PROGRAM PERMIT

§ 147.804. General.

* * * * *

(c) *Species limitation.*

(1) A mentored youth’s hunting eligibility is restricted to the following species: squirrel, woodchuck, coyote, deer and wild turkey. **Except as provided in paragraph (2), mentored youth hunting permits will be issued with an antlered deer harvest tag and a spring turkey harvest tag. Harvest tags will not be issued**

to mentored youth applicants who are under 7 years of age at the time of application.

(2) A mentored adult’s hunting eligibility is restricted to the following species: squirrel, ruffed grouse, rabbit, pheasant, bobwhite quail, hares, porcupine, woodchuck, crow, coyote, antlerless deer and wild turkey. **Mentored adult hunting permits will be issued with a spring turkey harvest tag.**

* * * * *

(i) *Transfer of a Deer Management Assistance Program harvest permit.* Notwithstanding the prohibitions in § 147.676(2) and (3) (relating to unlawful acts), mentors are authorized to transfer Deer Management Assistance Program (DMAP) harvest permits issued to them to an eligible mentored youth or mentored adult. The DMAP harvest permit must be valid and in the possession of the mentor at all times while hunting antlerless deer. The transfer of the DMAP harvest permit may not occur until after the mentored youth or mentored adult has harvested the antlerless deer, but before tagging the carcass. A mentored youth or mentored adult may not receive by transfer more than one DMAP harvest permit each license year. Mentored youth and mentored adults are ineligible to make direct application for a DMAP harvest permit.

(j) *Transfer of an antlered deer harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer antlered deer harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The antlered deer harvest tag shall be valid and in the possession of the mentor at all times while hunting antlered deer. The transfer of the antlered deer harvest tag may not occur until after the mentored youth has harvested the antlered deer, but before tagging the carcass. A mentored youth may not receive by transfer more than one antlered deer harvest tag each license year.

(k) *Transfer of a spring turkey harvest tag.* Notwithstanding the prohibitions in section 2711(a)(3) and (5) of the act, mentors are authorized to transfer spring turkey harvest tags issued to them to a mentored youth who was under 7 years of age at the time of application. The spring turkey harvest tag shall be valid and in the possession of the mentor at all times while hunting spring turkey. The transfer of the spring turkey harvest tag may not occur until after the mentored youth has harvested the spring turkey, but before tagging the carcass. A mentored youth may not receive by transfer more than one spring turkey harvest tag each license year.

[Pa.B. Doc. No. 15-601. Filed for public inspection April 3, 2015, 9:00 a.m.]