

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 97, 109, 111 AND 115 ]

### Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 97, 109, 111 and 115. 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.

#### 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](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The proposed amendments to §§ 97.1, 109.3, 109.4 and 115.11 are published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendments to Chapter 111 (relating to special regulations counties) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

#### D. *Purpose and Background*

The proposed rulemaking is designed to simplify and improve the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals. On February 12, 2015, the Boating Advisory Board considered these proposals and recommended that the Commission approve the publication of a proposed rulemaking containing the amendments.

#### E. *Summary of Proposals*

(1) On September 22, 2014, the United States Coast Guard (USCG) issued a final rule to delete references to type codes in its regulations on the carriage and labeling of USCG-approved personal flotation devices (PFD). Removing these type codes from USCG regulations facilitates future incorporation by reference of new industry consensus standards for PFD labeling that more effectively convey safety information. It is also a step toward harmonization of the regulations of the United States with PFD requirements in Canada and other countries. The final rule went into effect on October 22, 2014.

The USCG final rule deleted references to type codes in USCG regulations on the carriage and labeling of USCG-approved PFDs. This final rule deleted type code language from USCG carriage requirements and from USCG regulations for labeling of new PFDs, but it did not make changes to the number of wearable or throwable PFDs required. It also did not require changes to existing approved PFDs already purchased and in use. In the final rule, the USCG acknowledged that PFDs are typically carried on boats for several years and reaffirms that approved PFDs marked with type codes will still meet

carriage requirements as wearable or throwable PFDs, as appropriate, as long as they remain in serviceable condition.

The Commission therefore proposes to amend §§ 97.1, 109.3, 109.4 and 115.11 to read as set forth in Annex A.

(2) Currently, the Commonwealth's boating regulations require that a personal watercraft (PWC) must have a passenger capacity of three or more to be utilized in waterskiing/towing activities and that the PWC must have a competent observer onboard in addition to its operator. Additionally, no more than one person may be towed behind a PWC (regardless of whether the towed implement may be capable of holding multiple individuals). At the time that these regulations were adopted, it is likely that the largest PWCs manufactured and on the market had a maximum passenger capacity of three.

Since 1999, major manufacturers have produced larger four-person PWCs that are on average 12 feet long by 4 feet to 5 feet wide, weighing about 800 pounds. The power and stability of these larger PWCs is comparable to open motorboats that are also used for towed watersports. Commission regulations do not limit the number of persons that may legally be towed behind boats other than PWCs, except that the boat's maximum passenger capacity may not be exceeded.

In 2005, the National Association of State Boating Law Administrators (NASBLA) revised and adopted model acts for personal watercraft and maximum loading and horsepower capacity compliance. The model acts are intended to establish requirements for the safe operation of PWCs and prohibit the operation of recreational vessels when they exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the *Code of Federal Regulations*. In 2007, NASBLA revised and adopted a model act for safe practices for boat-towed watersports providing best practices for water skiing, wake surfing and tubing activities, and consistent language for adoption. The model acts do not limit the number of individuals to be towed by a PWC as long as the vessel's passenger capacity is not exceeded by the total number of persons operating, observing and being towed.

As defined in § 91.2 (relating to definitions), individuals being towed behind a boat (for example, conventional waterskiing, tubing, kneeboarding, parasailing, and the like) are considered to be passengers of the vessel and must be counted in regard to the boat's maximum passenger capacity. Under § 105.4 (relating to overloading and improper loading), a boat may not be operated when it is loaded with passengers or cargo beyond its safe carrying capacity.

The Commission therefore proposes eliminating the PWC towing regulation since passenger carrying capacity is addressed in other sections of the Commission's regulations. For all boats, the total number of persons being towed, when added to the occupants onboard the boat (that is, the operator, observer and other passengers), cannot exceed the maximum passenger capacity of the boat. The Commission proposes to delete § 109.3(f) (relating to personal watercraft) and renumber the remaining subsection to read as set forth in Annex A.

(3) The Little Beaver Creek originates in Ohio and there are two short sections that cross the border into western Beaver County. The uppermost section of the

creek in this Commonwealth is less than 200 feet wide and shallow. The lower section of the creek in this Commonwealth, from the State line to the creek's mouth on the Ohio River, flows through the Borough of Ohioville and varies in width. Some portions of this lower section are more than 200 feet wide and boats are not restricted to operating at slow, no wake speed. This lower section is used mostly for fishing, paddling and accessing the Ohio River by use of the Ohioville Borough access area. Since it is difficult for boaters to determine the width of this lower section and whether they may operate at greater than slow, no wake speed, the Commission proposes designating the lower section (from the mouth upstream to the State line) as a slow, no wake zone to minimize conflicts among the various user groups.

The Commission also proposes adding a provision in § 111.4 (relating to Beaver County) that the operation of boats powered by internal combustion motors is prohibited on Bradys Run Lake to conform with county regulations. Bradys Run Lake is a 28-acre lake in the center of the county, owned and operated by the Beaver County Recreation and Tourism Department.

The Commission proposes to amend § 111.4 to read as set forth in Annex A.

(4) Current § 111.9(b) (relating to Bucks County) is confusing since there is not a landmark or distinguishing characteristic (other than buoys during the boating season) to delineate the upstream boundary of the slow, no wake zone. The remainder of the stream is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. The Commission proposes simplifying the regulation by stating that the entire creek, from its headwaters to its confluence with the Delaware River, is a slow, no wake zone. This proposed amendment is a simplification of language and is not an expansion of the current slow, no wake restrictions.

The Commission proposes to amend § 111.9 to read as set forth in Annex A.

(5) Currently, § 111.21 (relating to Cumberland County) allows waterskiing on the Conodoguinet Creek in the vicinity of the Power Company Dam at Cave Hill. The measured stream width throughout a considerable portion of the current skiing area is approximately 200 feet and sometimes less at seasonal summer flow. Numerous staff who have patrolled this area over the years have expressed safety concerns as this area is not conducive to safe skiing activity. Therefore, the Commission proposes eliminating the water skiing zone. The Commission also proposes deleting the paragraph relating to swim zone areas since the Commission does not typically regulate these areas. Additionally, with the elimination of the water ski zone, boats will be prohibited from operating at greater than slow, no wake speed on the channel behind the island since it is less than 200 feet in width. The Commission proposes deleting paragraph (5) since it will be redundant.

The Commission proposes to amend § 111.21 to read as set forth in Annex A.

(6) Darby Creek is a tributary of the Delaware River in Delaware County, southwest of the City of Philadelphia. Darby Creek is currently posted by buoys and signage as a slow, no wake area under an existing Commission Permit to Install Floating Structures and Private Aids to Navigation. The permit includes slow, no wake buoys being placed at the mouth of Darby Creek with the designation continuing upstream to include a lagoon area

in front of the Ridley Township Marina and another lagoon area at the mouth of Long Hook Creek. The Commission is responsible for installation and maintenance of the buoys which are in place from Memorial Day through October of each year. The area upstream of Long Hook Creek is less than 200 feet wide. Therefore, boats are prohibited from operating at greater than slow, no wake speed. Approximately 1.5 miles upstream of Long Hook Creek is the refuge waters of the John Heinz National Wildlife Refuge at Tinicum. The refuge waters are tidal and navigable only within 2 hours before and after high tide.

The section of Darby Creek between the mouth and the lagoons is barely wider than 200 feet and can be congested with boat traffic from the Ridley Township Marina. Additionally, there are four sets of bridge piers in the water in this section (that is, railroad, drawbridge, Route 291 and I-95). The Commission therefore proposes that § 111.23(b) (relating to Delaware County) be amended to be consistent with the area delineated in the Permit to Install Floating Structures and Private Aids to Navigation and that the entire length of Darby Creek be designated as slow, no wake. This clarification does not significantly extend the current slow, no wake restrictions. Commission staff preliminarily consulted with the refuge manager at John Heinz National Wildlife Refuge at Tinicum who has indicated support for the slow, no wake designation on Darby Creek.

The Commission therefore proposes to amend § 111.23 to read as set forth in Annex A.

(7) Section 111.39 (relating to Lehigh County) currently prohibits water skiing on the Lehigh River at the Allentown Pool. This pool is between the Tilghman Street Bridge and the Hamilton Street Dam in Allentown. The City of Allentown owns and operates Bucky Boyle Park on the west shore of the river in this area. At one time the park had a swim beach, and safety concerns for the swimmers led to the restriction of water skiing in this area. The swim beach has since been eliminated from the park.

The Commission proposes elimination of the water skiing prohibition in this area since it unnecessarily restricts boating activity. The Commission therefore proposes to amend § 111.39 to read as set forth in Annex A.

(8) Under section 741 of the code (relating to control of property), the Commission may promulgate rules and regulations for the use and protection of all lands or waters owned, leased or otherwise controlled by the Commission. Accordingly, the Commission adopted § 53.8 (relating to boats) to, among other things, prohibit the use of internal combustion engines to propel a boat on Commission lakes. In § 107.2 (relating to electric motors), electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted and the operation of internal combustion engines is specifically prohibited, except as otherwise specified in Chapter 111.

The Commission's interpretation of § 107.2 is that exceptions to the prohibition shall be listed in Chapter 111, but it is redundant to list specific waters where internal combustion engines (sometimes simply referred to as "motors") are prohibited on Commission owned or controlled lakes and on State Park lakes in Chapter 111. Therefore, in an effort to simplify its boating regulations, the Commission proposes deleting redundant provisions from Chapter 111. Commission owned or controlled lakes where internal combustion engines are prohibited are posted onsite and listed on the Commission's web site.

Additionally, some State Park lakes where internal combustion engines are permitted and horsepower restrictions exist or where boating is prohibited are currently not included in Chapter 111. The Commission proposes that these lakes be added as part of the other amendments to this chapter.

The Commission therefore proposes that various sections in Chapter 111 be amended to read as set forth in Annex A.

#### F. Paperwork

The proposed amendments 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 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](http://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-265. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 58. RECREATION

#### PART II. FISH AND BOAT COMMISSION

#### Subpart C. BOATING

#### CHAPTER 97. OPERATOR PROVIDED EQUIPMENT

##### § 97.1. Personal flotation devices.

[ (a) A person may not use a boat unless at least one personal flotation device (PFD) of the following types is on board for each person:

- (1) Type I.
- (2) Type II.
- (3) Type III.

(b) A person may not use a boat 16 or more feet in length unless one Type IV PFD is on board in addition to the total number of PFDs required in subsection (a). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD.

(c) A Type V PFD may be carried in lieu of a PFD required under subsection (a) if:

(1) The approval label on the Type V PFD indicates the device is approved for one of the following:

(i) The activity in which the vessel is being used.  
(ii) As a substitute for a PFD of the type required on the vessel in use.

(2) The PFD is used in accordance with requirements of the approval label.

(3) The PFD is used in accordance with requirements in its owners manual, if the label makes reference to the manual. ]

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

**Immediately available**—A PFD that is within arm's reach of the operator or passenger while the boat is being operated. A PFD that is stored in a protective covering or sealed in its original packaging is not immediately available.

**PFD—Personal flotation device**—A life preserver that is approved by the Commandant of the United States Coast Guard under 46 CFR Part 160 (relating to lifesaving equipment).

**Readily accessible**—A PFD that is stowed where it can be easily reached or is out in the open ready for wear. A PFD that is stored in a protective covering or sealed in its original packaging is not readily accessible.

**Serviceable**—When a PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable.

**Throwable PFD**—A PFD that is intended to be thrown to a person in the water. A PFD marked as throwable, Type IV, or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

**Wearable PFD**—A PFD that is intended to be worn or otherwise attached to a person's body. A PFD marked as wearable, Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

(b) A person may not use a boat unless at least one wearable PFD is on board for each person and the PFD is used in accordance with requirements of the approval label.

(c) A person may not use a boat 16 feet or more in length unless one throwable PFD is on board in addition to the total number of PFDs required in subsection (b). Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional throwable PFD.

(d) Required PFDs shall be in good, serviceable condition, legibly marked showing the Coast Guard approval number and [ whether it is a Type I, II, III, IV or V ] displaying the PFD's intended or approved use. They shall be of an appropriate size, child or adult, for the person for whom it is intended.

(e) [ Types I, II and III ] When not worn, wearable PFDs shall be stowed so as to be readily accessible. [ Type IV, buoyant cushion and ring buoy designed for throwing or grasping rather than wearing, ] Throwable PFDs shall be immediately available.

[ (1) "Readily accessible" means that PFDs are stowed where they can be easily reached, or are out in the open ready for wear. A PFD that is sealed in its original packaging is not readily accessible.

(2) "Immediately available" means that the PFD cannot be in a protective covering and shall be within arm's reach of the operator or passenger while the boat is being operated.

(3) A PFD that is sealed in its original packaging is neither immediately available nor readily accessible. ]

(f) This section does not apply to racing shells, rowing sculls and racing kayaks, such as manually propelled boats recognized by National racing associations for use in competitive racing, where the occupants row, scull or paddle with the exception of the coxswain, if one is provided, and which are not designed to carry and do not carry equipment not solely for competitive racing.

(g) Coast Guard approved PFDs shall be acceptable as long as they are in good, serviceable condition with the approval clearly legible[ , even though the type number may not be contained in the marking because they are earlier approved lifesaving devices ]. [ "Serviceable" means the PFD is fully functional to carry out the purpose for which it was designed and free of tears or defects in the material over the flotation material and the buckles, straps, zippers and other closures are operable. ]

(h) Children 12 years of age and younger shall wear an approved [ Type I, II, III or V ] wearable PFD while underway on any boat 20 feet or less in length and all canoes and kayaks. The operator of the watercraft violates this subsection if he does not cause a child 12 years of age or younger to wear a PFD as required by this subsection.

(i) Beginning November 1 until midnight April 30 of the following year, a person shall wear a Coast Guard approved [ Type I, II, III or V ] wearable PFD while underway or at anchor on boats less than 16 feet in length or any canoe or kayak.

CHAPTER 109. SPECIALTY BOATS AND WATERSKIING ACTIVITIES

§ 109.3. Personal watercraft.

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(b) It is unlawful for a person to operate, or be a passenger onboard, a personal watercraft on the waters of this Commonwealth unless the person is wearing a [ Type I, II, III or V ] United States Coast Guard approved wearable personal flotation device in accordance with § 97.1 (relating to personal flotation devices). Inflatable personal flotation devices may not be used to meet this requirement.

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[ (f) The operator of a personal watercraft with a capacity of two or less persons as determined by the manufacturer, may not tow waterskiers or engage in waterskiing or similar activities while operating a personal watercraft. Other personal watercraft may tow no more than one skier.

(g) ] (f) Except as otherwise provided in this subpart, a person may not operate a personal watercraft on the waters of this Commonwealth unless the person has

obtained a Boating Safety Education Certificate as defined in § 91.6 (relating to Boating Safety Education Certificates).

§ 109.4. Waterskiing, aquaplaning, kiteskiing and similar activities.

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(f) PFDs. It is unlawful for a person to operate a boat on the waters of this Commonwealth for:

(1) Waterskiing unless each person being towed is wearing a [ Type I, II, III or V ] United States Coast Guard-approved wearable PFD in accordance with § 97.1 (relating to personal flotation devices). Inflatable PFDs may not be used to meet this requirement.

(2) Wake surfing unless the wake surfer is wearing a [ Type I, II, III or V ] United States Coast Guard-approved wearable PFD in accordance with § 97.1 or water ski wetsuit as defined in subsection (g). Inflatable PFDs may not be used to meet this requirement.

(g) Water ski wetsuits. A person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump or trick skiing, or wake surfing may elect to wear a wetsuit designed specifically for the activity in lieu of the United States Coast [ Guard approved ] Guard-approved wearable PFD required in § 97.1 [ (relating to personal flotation devices) ]. A United States Coast [ Guard approved PFD of a type ] Guard-approved wearable PDF described in § 97.1 shall be carried in the tow boat for each skier electing to wear a water ski wetsuit. The nonapproved water ski wetsuit device shall meet the following criteria:

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CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.4. Beaver County.

(a) Beaver River. Boats are limited to slow, no wake speed from the mouth upstream to Mile 2.3.

[ (b) Hereford Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Raccoon Lake—Raccoon Creek State Park. The operation of boats powered by internal combustion motors is prohibited. ]

(b) Bradys Run Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Little Beaver Creek (Ohioville Area). Boats are limited to slow, no wake speed from the mouth upstream to the State line.

§ 111.5. [ Bedford County ] (Reserved).

[ Shawnee Lake. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.6. Berks County.

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[ (b) Hopewell Lake—French Creek State Park. The operation of boats powered by internal combustion motors is prohibited.

(c) Kaercher's Creek Lake. The operation of boats powered by internal combustion motors is prohibited.

(d) *Scotts Run Lake—French Creek State Park.* The operation of boats powered by internal combustion motors is prohibited.

(e) ] (b) *Schuylkill River; Kernsville Pool.* Boats are limited to slow, no wake speed.

§ 111.7. [ Blair County ] (Reserved).

[ *Canoe Creek.* The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.8. [ Bradford County ] (Reserved).

[ *Stephen Foster Lake—Mt. Pisgah State Park.* The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.9. Bucks County.

[ (a) *Levittown Lake.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Neshaminy Creek.* Boats are limited to slow, no wake speed from the mouth of Neshaminy Creek to a point approximately 200 yards upstream from the Route 13 Bridge, a distance of approximately 1.5 miles. ]

(a) *Lake Nockamixon.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

(b) *Neshaminy Creek.* Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

(c) *Tyler State Park.* The operation of boats powered by internal combustion motors is prohibited.

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§ 111.10. Butler County.

[ *Glade Run Lake.* The operation of boats powered by internal combustion motors is prohibited. ]

*Lake Arthur—Moraine State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.11. Cambria County.

[ *Duman Lake.* The operation of boats powered by internal combustion motors is prohibited. ]

*Glendale Lake—Prince Gallitzin State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.12. [ Cameron County ] (Reserved).

[ *George B. Stevenson Dam—Sinnemahoning State Park.* The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.13. Carbon County.

(a) *Beltzville Lake—Beltzville State Park.*

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph.

[ (1) ] (2) Boats are limited to slow, no wake speed at Pine Run, Wild Creek and Pohopoco Creek Bays.

[ (2) ] (3) Waterskiing is prohibited except between sunrise and sunset in the designated ski zone. Boats in this zoned area shall operate in a counter-clockwise direction. Boats not engaged in waterskiing shall remain outside the ski zone area while waterskiing is in progress. A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

[ (3) ] (4) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

[ (4) ] (5) Kite skiing and parasailing are prohibited at all times.

[ (5) The speed of boats is limited to 45 mph.

(b) *Mauch Chunk Lake.* The operation of boats powered by internal combustion motors is prohibited.

(c) ] (b) *Francis E. Walter Dam.* The use of motors in excess of 10 horsepower is prohibited.

§ 111.14. Centre County.

[ (a) *Black Moshanon Lake—Black Moshanon State Park.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Colyer Lake.* The operation of boats powered by internal combustion motors is prohibited.

(c) *Poe Valley Lake—Poe Valley State Park.* The operation of boats powered by internal combustion motors is prohibited.

(d) *Foster Joseph Sayers Lake—Bald Eagle State Park.*

(1) Boats are limited to slow, no wake speed in the following areas:

(i) Hunters Run Cove inlet.

(ii) The southern end of Hunters Run Cove in the vicinity of boat launching areas.

(iii) The northern end of Hunters Run Cove from the inlet to the dam.

(iv) Within 100 feet of either side of the Route 26 highway bridge.

(v) From approximately 2,000 feet west of the Upper Greens Run launch ramp through the backwaters of the lake.

(2) Waterskiing is prohibited in Hunters Run Cove.

(3) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

(4) The speed of boats is limited to 45 mph. ]

*Foster Joseph Sayers Lake—Bald Eagle State Park.*

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph.

(2) Boats are limited to slow, no wake speed in the following areas:

(i) Hunters Run Cove inlet.

(ii) The southern end of Hunters Run Cove in the vicinity of boat launching areas.

(iii) The northern end of Hunters Run Cove from the inlet to the dam.

(iv) Within 100 feet of either side of the Route 26 highway bridge.

(v) From approximately 2,000 feet west of the Upper Greens Run launch ramp through the backwaters of the lake.

(3) Waterskiing is prohibited in Hunters Run Cove.

(4) It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

§ 111.15. [ Chester County ] (Reserved).

[ (a) Marsh Creek Lake—Marsh Creek State Park. The operation of boats powered by internal combustion motors is prohibited.

(b) Struble Lake. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.17. Clearfield County.

[ (a) Parker Lake—Parker Dam State Park. The operation of boats powered by internal combustion motors is prohibited.

(b) ] (a) Treasure Lake.

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[ (c) ] (b) Bimini Lake. The use of motors in excess of 10 horsepower is prohibited.

[ (d) ] (c) Curwensville Lake. Boats are limited to slow, no wake speeds in the following areas:

- (1) Upriver of the cliff at Ferguson.
- (2) Between the old viaduct pillars.

§ 111.18. [ Clinton County ] (Reserved).

[ Alvin R. Bush Dam—Kettle Creek State Park. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.19. [ Columbia County ] (Reserved).

[ Briar Creek Lake. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.20. Crawford County.

(a) Canadohta Lake. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(b) Conneaut Lake. The anchoring of boats is prohibited in the area along the western shoreline of the lake commonly referred to as the "sand bar." The no anchor zone will extend along the shoreline to a line of buoys.

(c) Pymatuning Reservoir—Pymatuning State Park. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

[ (c) ] (d) Sugar Lake. The use of motors in excess of 10 horsepower is prohibited.

[ (d) Tamarack Lake. The operation of boats powered by internal combustion motors is prohibited. ]

(e) Woodcock Creek Lake.

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§ 111.21. Cumberland County.

[ (a) Laurel Lake—Pine Grove Furnace State Park. The operation of boats powered by internal combustion motors is prohibited.

(b) Opossum Lake. The operation of boats powered by internal combustion motors is prohibited.

(c) Power Company Dam (Cove Hill) Conodoguinet Creek.

(1) Water skiing is permitted from 10 a.m. to 1 hour before sunset in a zoned area 500 feet below Pikes Pond on the east to Sandy Bottom on the west. Water skiing is prohibited at other times or in other areas.

(2) This zoned ski area is open for fishing and cruising during the skiing period. Fishing and cruising rafts or boats may not be more than 50 feet from the south shore if any skiers are operating during the ski period.

(3) Persons operating vessels in this ski area during the water skiing period shall operate in a counterclockwise fashion, insofar as it is reasonably possible, so as to pass a meeting boat on his own left side. Crisscrossing is forbidden.

(4) Permission is granted to establish swim zone areas in the water ski zone area of the creek, in accordance with Chapter 113 (relating to aids to navigation and obstructions to navigation) out to 50 feet from the north shore. Permission is granted to establish swim zone areas in the dam areas, in accordance with Chapter 105 out to 75 feet from shore.

(5) Boats are limited to slow, no wake speed in the channel behind the island from the breast of the dam to the inlet. ]

Fuller Lake—Pine Grove Furnace State Park. Boating is prohibited.

§ 111.23. Delaware County.

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(b) [ Tinicum Lagoons ] Darby Creek. Boats are limited to slow, no wake speed on the entire creek from its headwaters to its confluence with the Delaware River.

§ 111.24. Elk County.

East Branch Clarion River Lake—Elk State Park.

(1) The operation of boats powered by internal combustion motors is permitted. The speed of boats is limited to 45 mph. It is unlawful to operate boats equipped with inboard engines with over-the-transom or straight stack type exhausts.

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[ (3) The speed of boats is limited to 45 mph.

(4) ] (3) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.26. Fayette County.

[ (a) Dunlap Creek Reservoir. The operation of boats powered by internal combustion motors is prohibited.

(b) *Virgin Run Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) ] *Youghiogheny River Lake*. Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.29. [ *Fulton County* ] (Reserved).

[ (a) *Meadow Grounds Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Cowan's Gap Lake—Cowan's Gap State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.30. *Greene County*.

[ (a) *Ronald J. Duke Lake—Ryerson Station State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Ten Mile Creek*. It is unlawful to operate a boat in excess of slow, no wake speed.

§ 111.31. *Huntingdon County*.

(a) *Greenwood Lake—Greenwood Furnace State Park*. It is unlawful to operate a boat powered by a motor.

[ (a) ] (b) *Lake Raystown*.

\* \* \* \* \*

[ (b) *Whipple Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

(c) *Perez Lake*. The operation of boats powered by internal combustion motors is prohibited.

§ 111.32. *Indiana County*.

[ (a) *Hemlock Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] (a) *Conemaugh River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

(b) *Yellow Creek Lake—Yellow Creek State Park*. The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

§ 111.33. [ *Jefferson County* ] (Reserved).

[ (a) *Kyle Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Cloe Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.35. [ *Lackawanna County* ] (Reserved).

[ (a) *Lackawanna Lake—Lackawanna State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Ford's Pond*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.36. *Lancaster County*.

\* \* \* \* \*

[ (b) *Speedwell Forge Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) ] (b) *Susquehanna River*. Boats are limited to slow, no wake speed for both of the following:

\* \* \* \* \*

§ 111.37. [ *Lawrence County* ] (Reserved).

[ *Bessemer Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.38. *Lebanon County*.

[ (a) *Memorial Lake—Memorial Lake State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Stoevers Dam*. The operation of boats powered by internal combustion motors is prohibited.

§ 111.39. [ *Lehigh County* ] (Reserved).

[ (a) *Leaser Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Lehigh River Allentown Pool—East*. Water skiing is prohibited. ]

§ 111.40. *Luzerne County*.

[ (a) *Frances Slocum Lake—Francis Slocum State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Lake Jean—Ricketts Glen State Park*. The operation of boats powered by internal combustion motors is prohibited.

(c) ] (a) *Lily Lake*.

(1) Boats with greater than 60 horsepower engines or greater than 18 feet in length are prohibited.

(2) Boats are limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset between the Saturday preceding Memorial Day and September 30.

[ (d) *Mountain Spring Lake*. The operation of boats powered by internal combustion motors is prohibited.

(e) ] (b) *Francis E. Walter Dam*. The use of motors in excess of 10 horsepower is prohibited.

[ (f) ] (c) *Harveys Lake*.

(1) The operation of boats powered by internal combustion motors is permitted.

[ (1) ] (2) The speed of boats is limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day through Labor Day.

[ (2) ] (3) The speed of boats is limited to slow, no wake speed between sunset and sunrise.

§ 111.41. *Lycoming County*.

[ (a) *Little Pine Dam—Little Pine State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Rose Valley Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) [ (a) *Susquehanna River*. Boats are limited to slow, no wake speed between Swimmers Island and the south shore of the Susquehanna River.

[ (d) ] (b) *Pine Creek*. Only boats powered by motors of 10 horsepower or less are permitted from the county line downstream to the Route 220 bridge. After January 1, 1995, the operation of internal combustion engines is prohibited.

§ 111.43. Mercer County.

\* \* \* \* \*

(b) [ *Lake Wilhelm*. The operation of boats powered by internal combustion motors is prohibited ] *Lake Wilhelm—Maurice Goddard State Park*. The operation of boats powered by internal combustion motors is permitted except from a point approximately 200 yards north of the Interstate 79 causeway over Lake Wilhelm upstream to the Game Commission Propagation Area above the Sheakleyville Causeway (State Route 1018, Milledgeville Road).

§ 111.45. Monroe County.

[ (a) *Gouldsboro Lake—Gouldsboro State Park*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Tobyhanna Lake—Tobyhanna State Park*. The operation of boats powered by internal combustion motors is prohibited.

(c) *Brady's Lake*. The operation of boats powered by internal combustion motors is prohibited.

(d) [ *Delaware River*. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area.

§ 111.48. Northampton County.

[ (a) *East Bangor Dam*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Minsi Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) [ (a) *Delaware River*. The operation of personal watercraft is prohibited within the Delaware Water Gap National Recreation Area (upstream from mile 209.5).

[ (d) ] (b) *Lehigh River*. Boats are limited to slow, no wake speed in the main channel 150 feet upstream and 150 feet downstream from the Route 33 access ramp.

§ 111.50. [ Perry County ] (Reserved).

[ *Little Buffalo—Little Buffalo State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.52. Pike County.

[ (a) *Bruce Lake*. Motors are prohibited.

(b) *Twin Lakes*. Motors are prohibited.

(c) *Lake Wallenpaupack*.

(1) Water skiing is prohibited on weekends and holidays at the western end of the lake between a line about 200 yards east of Cairn's Island, as marked by buoys, and the Ledgesdale Recreation Area.

(2) Kite skiing and parasailing are prohibited on weekends and holidays at all locations. Kite skiing and parasailing are prohibited between the Ledgesdale Campsite and the Kipp Island/Wallenpaupack Lake Estates cement boat launch ramp.

(3) The area extending 100 feet out from the shoreline shall be considered a special anchorage area. Boats anchored or moored within this area shall be exempt from showing the all-around anchor light between sunset and sunrise, but shall be lighted sufficiently by a shore light to warn an approaching boat of their presence. Boats anchored within this special anchorage area not so lighted from the shore, and boats anchored outside this special anchorage area shall comply with § 97.4 (relating to signals to attract attention) and show the required light from sunset to sunrise. Shore lights shall be screened so that the operator of an approaching boat is not blinded.

(4) Boats are limited to slow, no wake speed in the following areas:

(i) On Wallenpaupack Creek.

(ii) From the Ledgesdale Bridge to a point approximately 1,000 feet downstream.

(iii) From the dam to a point approximately 600 feet south.

(iv) Between Cairn's Island and the Pike County shore line.

(5) Boats are limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day to Labor Day.

(6) Boats are limited to 25 miles per hour between sunset and sunrise.

(d) *Lower Lake/Upper Lake—Promised Land State Park*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Shohola Lake*. The operation of boats powered by internal combustion motors is prohibited.

(f) *White Deer Lake*. The operation of boats powered by internal combustion motors is prohibited.

(g) *Lake Minisink*. The operation of boats powered by internal combustion motors is prohibited.

(h) *Pecks Pond*. The operation of boats powered by internal combustion motors is prohibited.

(i) *Fairview Lake*. Boats are limited to slow, no wake speed from the Commission boat launch to the head of the cove.

(j) *Delaware River*. The operation of personal watercraft is prohibited in the following areas:

(1) Upper Delaware Scenic and Recreational River (upstream from mile 258.4).

(2) The Delaware Water Gap National Recreation Area (downstream from mile 250). ]

(a) *Twin Lakes*. It is unlawful to operate a boat powered by a motor.

(b) *Lake Wallenpaupack*.

(1) Water skiing is prohibited on weekends and holidays at the western end of the lake between a line about 200 yards east of Cairn's Island, as marked by buoys, and the Ledgesdale Recreation Area.



(2) Kite skiing and parasailing are prohibited on weekends and holidays at all locations. Kite skiing and parasailing are prohibited between the Ledgesdale Campsite and the Kipp Island/Wallenpaupack Lake Estates cement boat launch ramp.

(3) The area extending 100 feet out from the shoreline shall be considered a special anchorage area. Boats anchored or moored within this area shall be exempt from showing the all-around anchor light between sunset and sunrise, but shall be lighted sufficiently by a shore light to warn an approaching boat of their presence. Boats anchored within this special anchorage area not so lighted from the shore, and boats anchored outside this special anchorage area shall comply with § 97.4 (relating to signals to attract attention) and show the required light from sunset to sunrise. Shore lights shall be screened so that the operator of an approaching boat is not blinded.

(4) Boats are limited to slow, no wake speed in the following areas:

- (i) On Wallenpaupack Creek.
- (ii) From the Ledgesdale Bridge to a point approximately 1,000 feet downstream.
- (iii) From the dam to a point approximately 600 feet south.
- (iv) Between Cairn's Island and the Pike County shore line.
- (5) Boats are limited to 45 miles per hour from sunrise to sunset on weekends and holidays from the Saturday before Memorial Day to Labor Day.

(6) Boats are limited to 25 miles per hour between sunset and sunrise.

(c) *Fairview Lake*. Boats are limited to slow, no wake speed from the Commission boat launch to the head of the cove.

(d) *Delaware River*. The operation of personal watercraft is prohibited in the following areas:

- (1) Upper Delaware Scenic and Recreational River (upstream from mile 258.4).
- (2) The Delaware Water Gap National Recreation Area (downstream from mile 250).

§ 111.53. [ Potter County ] (Reserved).

[ *Lyman Lake—Lyman Run State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.54. [ Schuylkill County ] (Reserved).

[ (a) *Locust Lake—Locust Lake State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

(b) *Tuscarora Lake—Tuscarora Lake State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.55. [ Snyder County ] (Reserved).

[ *Walker Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.56. Somerset County.

[ (a) *Laurel Hill Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

(b) *Youghiogeny River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) Boats are limited to slow, no wake speed within the following areas:

(i) *Wilkins Hollow Cove*.

(ii) *Tub Run Cove*. From a line extending in a southwesterly direction between the outermost points of land on each side of the cove as marked.

(iii) *Somerfield Recreation Area*. As marked in the vicinity of the boat launch ramp and marina.

(iv) *Fall Run Cove*.

(v) *Hall Run Cove*.

(vi) *Braddocks Run Cove*.

(vii) *Reason Run Cove*.

(viii) *Off Somerfield Hill*.

(c) *Lake Somerset*. The operation of boats powered by internal combustion motors is prohibited.

(d) *High Point Lake*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Cranberry Glade Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

*Youghiogeny River Lake*.

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) Boats are limited to slow, no wake speed within the following areas:

(i) Wilkins Hollow Cove.

(ii) Tub Run Cove from a line extending in a southwesterly direction between the outermost points of land on each side of the cove as marked.

(iii) Somerfield Recreation Area as marked in the vicinity of the boat launch ramp and marina.

(iv) Fall Run Cove.

(v) Hall Run Cove.

(vi) Braddocks Run Cove.

(vii) Reason Run Cove.

(viii) Off Somerfield Hill.

§ 111.57. [ Sullivan County ] (Reserved).

[ *Hunters Lake*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.58. Susquehanna County.

\* \* \* \* \*

[ (g) *Stump Pond*. The operation of boats powered by internal combustion motors is prohibited. ]

(h) ] (g) *Tripp Lake*. The operation of boats powered by internal combustion motors is prohibited.

[ (i) *Upper Lake, New Milford Township*. Motors are prohibited. ]

(h) *Upper Lake, New Milford Township*. It is unlawful to operate a boat powered by a motor.

§ 111.59. *Tioga County*.

[ (a) *Beechwood Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] (a) *Cowanessque Lake*. Boats are limited to slow, no wake speed in the following areas:

- (1) Mapes Creek Cove.
- (2) Baldwins Creek Cove.
- (3) Between the buoy lines across the lake in the vicinity of East and West Boat Launch areas.
- (4) From the buoy line west of the South Shore Use Area upstream to the headwaters of the lake.

[ (c) ] (b) *Hammond Lake*. Boats are limited to slow, no wake speed from a buoy line across the lake in the vicinity of Ives Run to the extreme backwaters of the lake.

[ (d) *Hills Creek Lake—Hills Creek State Park*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Nessmuk Lake*. The operation of boats powered by internal combustion motors is prohibited.

(f) ] (c) *Tioga Lake*. Boats are limited to slow, no wake speed in the following areas:

- (1) Between the [ route ] **Route 15** bridge and the extreme backwaters of the Mill Creek Arm.
- (2) From the vicinity of Big Rift Creek to the extreme backwaters of the lake.

[ (g) ] (d) *Pine Creek*. Only boats powered by motors of 10 horsepower or less are permitted from the county line downstream to the Route 220 bridge. After January 1, 1995, the operation of internal combustion engines is prohibited.

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 111.60. *Union County*.

*Halfway Lake—R.B. Winter State Park*. Boating is prohibited.

§ 111.61. *Venango County*.

[ (a) *Kahle Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Two Mile Run County Park*.

(1) The operation of boats powered by internal combustion motors is prohibited.

(2) Sailboats greater than 14 feet in length and multihull sailboats are prohibited.

(3) Inflatable boats shall be greater than 7 feet in length, made of tough, reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.

§ 111.62. *Warren County*.

[ (a) ] *Allegheny River Reservoir (Kinzu Dam)*.

\* \* \* \* \*

[ (b) *Chapman Lake—Chapman State Park*. The operation of boats powered by internal combustion motors is prohibited. ]

§ 111.63. *Washington County*.

[ (a) *Canonsburg Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Dutch Fork Lake*. The operation of boats powered by internal combustion motors is prohibited.

(c) ] *Cross Creek Lake*. The use of motors in excess of 10 horsepower is prohibited.

§ 111.64. *Wayne County*.

[ (a) *Belmont Lake*. The operation of boats powered by internal combustion motors is prohibited.

(b) *Duck Harbor Pond*.

(1) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(2) The speed of boats is limited to slow, no wake speed between the hours of 6 p.m. and 10 a.m.

(c) *Long Pond*.

(1) Water skiing is permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed from sunset until sunrise.

(d) *Lower Woods Pond*. The operation of boats powered by internal combustion motors is prohibited.

(e) *Millers Pond*. The operation of boats powered by internal combustion motors is prohibited.

(f) *Prompton Lake*. The use of motors in excess of 10 horsepower is prohibited.

(g) *Upper Woods Pond*. The operation of boats powered by internal combustion motors is prohibited.

(h) *Lake Wallenpaupack*. Pike County special regulations applicable to Lake Wallenpaupack at § 111.52(c) (relating to Pike County) also apply to the Wayne County portion of Lake Wallenpaupack.

(i) *White Oak Pond*. The operation of boats powered by internal combustion motors is prohibited.

(j) *Delaware River*. The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River. ]

(a) *Duck Harbor Pond*.

(1) The operation of boats powered by internal combustion motors is permitted.

(2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(3) The speed of boats is limited to slow, no wake speed between the hours of 6 p.m. and 10 a.m.

(b) *Long Pond.*

(1) The operation of boats powered by internal combustion motors is permitted.

(2) Water skiing is permitted from 10 a.m. until 5 p.m. on weekends and holidays and from 10 a.m. until sunset on weekdays other than holidays.

(3) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

(4) The speed of boats is limited to slow, no wake speed from sunset until sunrise.

(c) *Prompton Lake—Prompton State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 10 horsepower is prohibited.

(d) *Lake Wallenpaupack.* Pike County special regulations applicable to Lake Wallenpaupack at § 111.52(b) (relating to Pike County) also apply to the Wayne County portion of Lake Wallenpaupack.

(e) *Delaware River.* The operation of personal watercraft is prohibited within the Upper Delaware Scenic and Recreational River.

§ 111.65. Westmoreland County.

[ (a) *Lake Donegal.* The operation of boats powered by internal combustion motors is prohibited.

(b) *Keystone Lake—Keystone State Park.* The operation of boats powered by internal combustion motors is prohibited.

(c) ] (a) *Conemaugh River Lake.*

(1) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

(2) The operation of boats powered by internal combustion motors is prohibited.

[ (d) ] (b) *Loyalhanna River Lake.* All persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.66. Wyoming County.

[ (a) *Stevens Lake.* The operation of boats powered by internal combustion motors is prohibited.

(b) ] *Lake Winola.*

(1) The operation of boats powered by internal combustion motors is permitted.

[ (1) ] (2) A boat may not tow more than one water ski device on weekends and holidays from the Saturday preceding Memorial Day through Labor Day.

[ (2) ] (3) The speed of boats is limited to slow, no wake speed from sunset to sunrise, 7 days a week, year-round, and from sunrise to 11 a.m. on Sundays from the day before Memorial Day until Labor Day.

[ (3) ] (4) The speed of boats is limited to 35 mph from sunrise to sunset on weekends and holidays.

§ 111.67. York County.

(a) [ *Pinchot Lake (Conewago Lake)—Gifford Pinchot State Park.* The operation of boats powered by

internal combustion motors is prohibited. ] *Lake Marburg—Codus State Park.* The operation of boats powered by internal combustion motors is permitted. The use of motors in excess of 20 horsepower is prohibited.

\* \* \* \* \*

CHAPTER 115. BOATS CARRYING PASSENGERS FOR HIRE

§ 115.11. Personal flotation devices.

It is unlawful to operate a boat carrying passengers for hire unless it carries sufficient, serviceable [ **Type I, II, III or V** ] **United States Coast Guard-approved wearable personal flotation devices in accordance with § 97.1 (relating to personal flotation devices)** to provide one for the maximum number of passengers and crew members indicated on the certificate. It is unlawful to operate a boat carrying passengers for hire unless it carries an additional number of personal flotation devices suitable for children equal to at least 10% of the maximum capacity of the boat. If more than 10% of the passengers are children, additional personal flotation devices sized for children are required.

[Pa.B. Doc. No. 15-1320. Filed for public inspection July 17, 2015, 9:00 a.m.]

[ 58 PA. CODE CH. 61 ]

Fishing; Seasons, Sizes and Creel Limits

The Fish and Boat Commission (Commission) proposes to amend Chapter 61 (relating to seasons, sizes and creel limits). 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.

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](http://www.fish.state.pa.us).

C. *Statutory Authority*

The proposed amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102 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 amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

The management plan for Striped Bass of the Atlantic States Marine Fisheries Commission (ASMFC) calls for management actions when the coastwide spawning stock biomass (SSB) or fishing mortality rates reach thresholds set within the management plan. The SSB threshold is 127 million pounds. The current SSB is just above this at

128 million pounds. At the current fishing mortality rates, there is concern that the SSB will fall below the threshold in the near future. In addition to these concerns, recruitment of young fish has been relatively low in many of the years since 2004. In response to these concerns, the ASMFC Striped Bass Management Board, which includes the Commonwealth as a member, has directed coastal states to reduce fishing mortality rates by 25% beginning in 2015.

ASMFC has directed that the reduction in harvest be implemented prior to the 2015 fishing season. In this Commonwealth, the Striped Bass fishery in the Delaware River and Estuary typically begins in early March. To meet this deadline, the Executive Director, acting under the authority of § 65.25 (relating to temporary changes to fishing regulations), took immediate action to amend § 61.2. Specifically, the Executive Director amended this section to decrease the creel limit for Striped Bass in the River Estuary (from the Pennsylvania line upstream to Calhoun Street Bridge) during the periods January 1 through March 31 and June 1 through December 31 to one fish and to change the slot limit during the period April 1 through May 31 to 21 to 25 inches. The Executive Director also amended the section to decrease the creel limit for Striped Bass in the Delaware River (from the Calhoun Street Bridge upstream) to one fish. The temporary changes went into effect on March 1, 2015, and will remain in effect until the Commission, by appropriate action, amends § 61.2.

The Commission proposes to amend § 61.2 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/reg](http://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-266. 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

§ 61.2. 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
	* * * * *		
STRIPED BASS and HYBRID STRIPED BASS	From Pennsylvania line upstream to Calhoun Street Bridge: January 1 until March 31 and June 1 until December 31 [ . ]	28 inches	1
	<b>April 1 through May 31</b>	<b>[ 20 to 26 ] 21 to 25 inches</b>	2
	From Calhoun Street Bridge upstream: open year-round	28 inches	1
	* * * * *		

[Pa.B. Doc. No. 15-1321. Filed for public inspection July 17, 2015, 9:00 a.m.]