

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 53, 105 AND 111]

Boating

The Fish and Boat Commission (Commission) proposes to amend Chapters 53, 105 and 111 (relating to Commission property; operational conditions; and special regulations counties). 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 upon final-form publication in the *Pennsylvania Bulletin*.

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 amendment to § 53.8 (relating to boats) is published under the statutory authority of section 741 of the code (relating to control of property). The proposed amendment to § 105.4 (relating to overloading and improper loading) is published under the statutory authority of section 5123 of the code (relating to general boating regulations). The proposed amendment to § 111.40 (relating to Luzerne County) is 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 July 31, 2015, the Boating Advisory Board (BAB) considered these proposals and recommended that the Commission approve the publication of a proposed rulemaking.

E. Summary of Proposals

(1) Earlier this year, the Commission was contacted by numerous boaters and an outfitter regarding § 53.8 that prohibits the use of single-chambered inflatable boats on its lakes. The Department of Conservation and Natural Resources (Department) has a similar regulation that prohibits the use of these boats on State Park lakes. These regulations were promulgated prior to the manufacture and widespread availability of high-quality, durable inflatable canoes, kayaks and stand-up paddleboards.

The use of other inflatable devices is addressed in other sections of Chapter 53 as well. Section 53.16(c) (relating to special use) prohibits launching or retrieving swimming aids such as inner tubes from Commission-owned or Commission-controlled access areas. Float tubes on Commission-owned or Commission-controlled lakes are addressed in § 53.19 (relating to use of float tubes on Commission-controlled lakes). Specifically, they must have

a secondary bladder for additional emergency flotation and the user shall wear a Coast Guard-approved personal flotation device.

Thirty-three states responded to a survey administered by the National Association of State Boating Law Administrators (NASBLA) regarding special regulations relating to the use of inflatable boats. One of the respondents indicated that single-chambered air-inflated devices do not meet that state's definition of "vessel." Another respondent indicated that single-chambered inflatable vessels are prohibited from use statewide. There were no other responses regarding special regulations for recreational use of single-chambered inflatable boats. Additionally, NASBLA does not have a model act regarding inflatable vessels. Therefore, states may deal with specific issues as they see fit.

A review of recreational boating accident statistics in this Commonwealth reveals that there have not been reportable accidents regarding loss of inflation for incidents involving inflatable boats since 1985. With the recent advent of high-quality, durable inflatable boats with less than two separate buoyancy chambers, such as inflatable standup paddleboards, the Commission believes that the current regulation is overly restrictive and may be eliminated. The Commission therefore proposes to amend § 53.8 to read as set forth in Annex A.

(2) The Commission wishes to clarify its regulations regarding overloading and improper loading by adopting language recommended by NASBLA's Model Act for Maximum Loading and Horsepower Capacity Compliance. This model act prohibits the operation of certain recreational vessels when those vessels exceed their loading or powering capacities or exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the *Code of Federal Regulations*. The Commission therefore proposes to amend § 105.4 to read as set forth in Annex A.

(3) Lily Lake is a 160-acre impoundment situated on a 376-acre parcel owned by the Commission in southeastern Luzerne County. The Commission acquired Lily Lake in 1968. When the Commission initially acquired Lily Lake, there was controversy over what uses of the lake should be allowed. Cottage owners insisted on water skiing and high-speed motorboat operation. Staff were opposed to high-powered motorboat activity on the lake primarily because of the size of the lake (approximately 90 acres of boatable water) and concern that allowing water skiing and internal combustion motors would create a safety hazard. The Lily Lake Property Owners' Association (Association) retained legal counsel and sent the Commission a letter on June 29, 1970, detailing its request for a 60 horsepower limitation and other proposals. However, before negotiations with the property owners concluded, the Commission adopted regulations at its May 3, 1971, meeting prohibiting internal combustion engines on Commission lakes. The minutes from that meeting state that "the regulations adopted for all wholly owned Fish Commission lakes [are to] be applied to Lily Lake." The Association again submitted a proposal in 1972 that they believed would allow for compatible, multiple uses of boats for fishing and other activities, including water skiing.

On April 6, 1973, the Commission's Executive Director provided a report on the situation to the Commissioners and referred the matter to the BAB for study. On May 16,

1973, members of the BAB met with the Association to develop a consensus proposal. As a result, they mutually agreed to a high-speed operating zone where all ski operations would occur and that would be buoyed by the Commission. The high-speed operating zone was proposed as being 2,000 feet long and 650 feet wide and approximately 75 feet from the northern shore which was uninhabited.

In addition, the Association proposed a limit of 60 horsepower and maximum of 18 feet in length for all boats on the lake, as initially recommended by their attorney in 1970. The rationale provided at the time was "the 60 HP limitation will make it unattractive to the hard core water skier but would still permit the several cottage owners who own 60 HP boats now to continue to use them." Also expressed was a concern of attracting a large number of boats from outside the area, but it was believed that the horsepower limitation would minimize that.

During discussion of the consensus proposal at a BAB meeting on August 20, 1973, a Commissioner noted that the main reason for the Commission's allowing the use of only electric motors on its lakes was to "prevent noise and pollution." He further stated that since these elements were already present on Lily Lake when the Commission acquired it in 1968, this rationale had to be discounted at this lake.

The consensus proposal was advanced from the BAB to the Commission, and upon approval at its October 20, 1973, meeting, the Commission published a proposed rulemaking at 3 Pa.B. 2882 (December 15, 1973) to prohibit the use of boats with greater than 60 horsepower

engines or greater than 18 feet in length on Lily Lake. Additionally, boats were limited to slow, no wake speed except those operating within the buoyed high speed operating zone, between noon and sunset from the Saturday preceding Memorial Day to September 30. No public comments were received. The regulation went into effect upon final-form publication at 4 Pa.B. 133 (January 26, 1974).

The regulations for Lily Lake have seen minor amendments since 1973. However, there have not been changes to the horsepower or boat length limitations since adoption. The current Permit to Install Floating Structures and Private Aids to Navigation indicates the high-speed zone as 1,500 feet by 600 feet, mid-lake along the opposite shoreline from the boat launch and homes.

The Commission maintains a surfaced launch ramp and parking at Lily Lake that can accommodate 18 vehicle-trailer combinations and more than 25 cars. To date, there are no reportable recreational boating accidents recorded for Lily Lake.

On May 18, 2015, Commission representatives met with members of the Association. The purpose of the meeting was to discuss a request from the property owners association to increase the maximum allowable horsepower to 90 and boat length to 25 feet.

The Commission owns four lakes with horsepower or speed restrictions and the Department owns ten. A comparison of lake acreage to horsepower or mile-per-hour restrictions on these lakes indicates that Lily Lake is currently the second smallest lake and has the highest horsepower allowance.

<i>Name</i>	<i>County</i>	<i>Owner</i>	<i>Acreage</i>	<i>Horsepower or Mile-per-Hour Restriction</i>
Pymatuning Reservoir	Crawford	Department	17,088	20 horsepower
Lake Arthur	Butler	Department	3,225	20 horsepower
Foster Joseph Sayers Lake	Centre	Department	1,730	45 mile-per-hour
Lake Wilhelm	Mercer	Department	1,680	20 horsepower
Glendale Lake	Cambria	Department	1,635	20 horsepower
East Branch Clarion River Lake	Elk	Department	1,554	45 mile-per-hour
Nockamixon Lake	Bucks	Department	1,450	20 horsepower
Lake Marburg	York	Department	1,275	20 horsepower
Beltzville Lake	Carbon	Department	949	45 mile-per-hour
Yellow Creek Lake	Indiana	Department	720	20 horsepower
Harveys Lake	Luzerne	Commission	658	45 mile-per-hour
Lake Canadohta	Crawford	Commission	169	10 horsepower
Lily Lake	Luzerne	Commission	160	60 horsepower
Sugar Lake	Crawford	Commission	90	6 horsepower

The Commission's local law enforcement staff recommend a change to allow boats up to 20 feet in length but that the Commission maintains the horsepower limitation at 60 due to the small size of the impoundment. Boat registration records reveal that an increase in length will potentially allow for an additional 1,672 actively registered motorboats in Luzerne County and the 7 surrounding counties to operate on Lily Lake. It is predicted that the increased length allowance will enhance boating

opportunities for the lake residents and northeast region without having a significant impact on user conflicts or safety on this small impoundment. The Commission therefore proposes to amend § 111.40 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 amendments will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed amendments will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the Pennsylvania Bulletin. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/reg comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-268. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 53. COMMISSION PROPERTY

§ 53.8. Boats.

* * * * *

[(f) Inflatable boats used on Commission lakes shall be at least 7 feet in length, made of durable reinforced fabric and have at least two separate buoyancy chambers exclusive of any inflatable floor or bottom.

(g) (f) A boat using a Commission lake or access area must be registered and display the official registration number and current validation stickers described under Subpart C and Part III of the code.

* * * * *

Subpart C. BOATING

CHAPTER 105. OPERATIONAL CONDITIONS

§ 105.4. Overloading and improper loading.

(a) A person may not operate a boat when the boat is loaded with passengers or cargo beyond its safe carrying capacity[, taking into consideration weather and other existing operating conditions.] as determined by one of the following:

- (1) The boat's maximum weight capacity.
(2) The boat's maximum persons capacity.
(3) The boat's maximum horsepower.

(4) Capacity limits as identified on the boat's capacity label or through calculations provided by the United States Coast Guard through the Commission.

(b) A person may not operate a boat loaded in a manner that adversely affects its trim or stability, taking into consideration weather and other existing operating conditions.

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.40. Luzerne County.

(a) Lily Lake.

(1) Boats with greater than 60 horsepower engines or greater than [18] 20 feet in length are prohibited.

* * * * *

[Pa.B. Doc. No. 15-2046. Filed for public inspection November 20, 2015, 9:00 a.m.]

[58 PA. CODE CH. 75]

Fishing; Endangered Species

The Fish and Boat Commission (Commission) proposes to amend Chapter 75 (relating to endangered species). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The proposed amendments update the Commission's lists of endangered, threatened and candidate species.

A. Effective Date

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

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 §§ 75.1 and 75.2 (relating to endangered species; and threatened species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species). The proposed amendments to § 75.3 (relating to candidate species) are published under the statutory authority of 2102 of the code (relating to rules and regulations).

D. Purpose and Background

The specific purpose and background of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

(1) Hornyhead Chub (Nocomis biguttatus). The Hornyhead Chub is a medium sized minnow with a robust body. Adult length is typically 4 to 6 inches. Breeding males have a distinct bright red spot behind the eye. It is a nest building minnow, constructing large pebble mounds by transporting gravel with its mouth. It inhabits clear, small to medium-sized streams with clean gravel, rubble and sandy substrates. In general, the Hornyhead Chub is highly intolerant of increased siltation and intermittent flows.

The Hornyhead Chub occurs in North America from the Mohawk River system in New York, west to the Red River

system in Manitoba and North Dakota, and south to the Ohio River drainage. It also occurs in the Ozark drainages in Missouri and Arkansas and in an isolated section of West Virginia.

In this Commonwealth, it was historically reported from two locations in Cussewago Creek in Crawford County and a number of locations in the Shenango River drainage in Crawford, Lawrence and Mercer Counties. It was also reported in collections from the Shenango system as well as Conneaut Creek in Crawford and Erie Counties. Recent intensive field work that included surveys of historic sites as well as additional sites presenting suitable habitat in these historic drainages has demonstrated a precipitous decline in Hornyhead Chub populations in this Commonwealth. This species is now apparently confined to approximately 12 miles of Neshannock Creek in Lawrence and Mercer Counties and 2 miles of Conneaut Creek in Crawford County.

The Hornyhead Chub was initially listed as a candidate species in 1999. The current status of this species was reviewed using the Commission's documentation and objective listing/delisting process. Using the "Extent of Occupancy" criterion (B.3) within the Commission's listing process, the Hornyhead Chub's linear occupied stream distance exceeds the cutoff of 10 miles for endangered status by only 4 miles. However, significant threats to its continued existence remain, particularly in the Conneaut Creek. In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S1—meaning it is critically imperiled in this Commonwealth with a high to very high risk of extirpation due to its limited range and/or few populations or occurrences. The Fishes Technical Committee of the Pennsylvania Biological Survey (PABS) reviewed this documentation and rank assignment and recommended that the Hornyhead Chub be listed as endangered. Enough information is available to make the determination that it is endangered in this Commonwealth at present and to justify its addition to the Commonwealth's list of endangered fishes. Therefore, the Commission proposes that the Hornyhead Chub be removed from the Pennsylvania list of candidate species under § 75.3 and added to the list of endangered species under § 75.1.

(2) Mountain Brook Lamprey (*Ichthyomyzon greeleyi*). The Mountain Brook Lamprey is a small, nonparasitic lamprey. Adult sizes are small, generally 4 to 6 inches total length. Body color is dark olive on the back and sides, often mottled, transitioning abruptly to a white belly, giving a bicolored appearance. It is easily confused with the parasitic Ohio Lamprey (*Ichthyomyzon bdellium*), which is generally larger with a proportionally larger oral disc and has coloration that fades gradually toward the belly (not strongly bicolored).

The Mountain Brook Lamprey prefers clear, small-medium sized creeks but can be occasionally found in larger waters. In this Commonwealth, it frequently occurs in stocked trout streams and is seldom found in colder streams containing wild Brook Trout (*Salvelinus fontinalis*). Larvae, known as ammocoetes, generally prefer sluggish areas with deposits of mud, muck, silt, sand, detritus and coarse woody debris.

This species occurs in North America from the Ohio River drainage in southwestern New York to northern Alabama and Georgia, where it is highly localized. In this Commonwealth, it occurs throughout the Allegheny River drainage, including the Loyalhanna Creek, French Creek and Clarion River drainages, and the upper Allegheny

River. A small portion of Neshannock Creek in the Beaver River drainage is also occupied.

In 1999, the Mountain Brook Lamprey was listed as a threatened species. Since then, nearly all of this species' historic range in this Commonwealth has been resurveyed and retraction of its range was not noted. In fact, extensions of its known range have been documented, which now includes the Clarion River, Loyalhanna Creek and North Fork Redbank Creek.

The current status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds Criterion A.1 (Population Reduction) in that there has not been a reduction in historic distribution. Since the Mountain Brook Lamprey occupies more than 150 river miles of waterway, it significantly exceeds Criterion B.3 (Extent of Occupancy). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S4—meaning it is secure in this Commonwealth with a very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of the PABS reviewed this documentation and rank assignment and recommended that the Mountain Brook Lamprey be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that the Mountain Brook Lamprey be removed from the Pennsylvania list of threatened species under § 75.2.

(3) Ohio Lamprey (*Ichthyomyzon bdellium*). The Ohio Lamprey is a medium sized parasitic lamprey with a single dorsal fin and well developed teeth. Adult size is generally 5 to 10 inches total length. Body color is slate-gray to yellowish-gray, fading to a lighter belly.

The Ohio Lamprey occurs in large streams to large rivers during parasitic phase but enters smaller streams to spawn. Adults are generally found in riffles and runs over gravel, cobble and rubble. Ammocoetes generally prefer sluggish sections of small-medium sized streams with significant deposits of mud, muck, silt, sand, detritus and coarse woody debris. Ammocoetes generally burrow in substrate and filter feed on bacteria, protozoa, and decaying phytoplankton and plant material. Host fishes include Paddlefish, Common Carp, carsuckers, redhorses, black basses, larger catfishes, madtoms, Wall-eye and darters. There is no evidence to support the belief of some that Ohio Lampreys negatively impact game fish populations.

This species occurs in North America from the Ohio River basin from New York to Illinois, and south to northern Georgia. In this Commonwealth, it occurs in the Ohio River, Conewango Creek, Mahoning Creek, Potato Creek, Oswayo Creek and the Allegheny River and the following streams and their tributaries: French Creek, Oil Creek, Sandy Creek and Brokenstraw Creek.

In 1999, the Ohio Lamprey status was changed from threatened to candidate. Current data indicate little if any range reduction has occurred when historic and recent records are compared. It is evident that the Ohio Lamprey remains well-distributed in the Ohio River drainage and may have expanded somewhat, with its known range including Allegheny, Armstrong, Crawford, Erie, Forest, McKean, Potter, Venango and Warren Counties. Of the 150 records reviewed, 52 are post-1999. The Ohio Lamprey likely maintains a continuous distribution throughout the Allegheny River.

The current status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds Criterion A.1 (Population Reduction) in that there has not been a reduction in historic distribution. Since the Ohio Lamprey occupies more than 150 river miles of waterway, it also significantly exceeds Criterion B.3 (Extent of Occupancy). In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S4—meaning it is secure in this Commonwealth with a very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of PABS reviewed this documentation and rank assignment and recommended that the Ohio Lamprey be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of candidate fishes. Therefore, the Commission proposes that the Ohio Lamprey be removed from the Pennsylvania list of candidate species under § 75.3.

(4) Bowfin (*Amia calva*). The Bowfin is a large, stout-bodied fish, with an extended ribbon-like dorsal fin and rounded, caudal fin. The Bowfin is noted for its voracious feeding habits usually consuming other fishes. It is capable of breathing atmospheric oxygen, an important adaptation to life in swamps and marshes, where low dissolved oxygen levels, high water temperatures and low water conditions occur frequently. The Bowfin inhabits swamps, marshes, ditches, ponds and lakes, and sluggish sections of rivers and creeks, where it prefers areas with submerged vegetation, undercut banks and coarse woody debris.

This species occurs in North America from Quebec to northern Minnesota in the St. Lawrence River-Great Lakes and Mississippi River basins south to the Gulf of Mexico and on the Atlantic and Gulf Coastal Plain from Susquehanna River drainage in Pennsylvania to the Colorado River, Texas. It has been introduced elsewhere. In this Commonwealth, it is native to the Lake Erie and Ohio River drainages and introduced in the Susquehanna and Delaware River systems.

The Bowfin was listed as a Pennsylvania candidate species in 1991. It has persisted throughout the collection record in the Lake Erie drainage. It was reported from the Pittsburgh area prior to 1882 but was probably extirpated from the Ohio River drainage in this Commonwealth by 1900. There are no historic records from the Pymatuning Lake region or the French Creek drainage in Crawford and Erie Counties, but it was apparently introduced into these systems in the 1980s or 1990s. Those populations have significantly expanded since 2000, and it is now well established in suitable habitat there. The Bowfin is currently common to abundant in Presque Isle Bay, Erie County, and may now be taken regularly in Pymatuning Lake. It also occurs in French Creek and several tributaries, including Conneauttee Creek, Muddy Creek and Cussewago Creek. It is common to abundant in Conneaut Lake and Conneaut Marsh. In addition, it is now widely distributed in the Allegheny River below Kinzua Dam, and it has recently been found in the Ohio and Monongahela Rivers. Populations were known to have been stocked by the Commission in Buhl Lake, Mercer County; Lake Somerset, Somerset County; Glendale Lake, Cambria County; and Black Moshannon Lake, Centre County. As a result of this expansion, Commission staff consider the Bowfin to be recovered in the Ohio River system. This recovery, along with the

stable population in the Lake Erie drainage, justifies removing the Bowfin from the Commission's list of candidate species.

The current status of this species was reviewed using the Commission's documentation and objective listing/delisting process. It exceeds Criterion A.1 (Population Reduction) in that there has not been a reduction in historic distribution and Criterion B.3 (Extent of Occupancy) because it occupies more than 150 river miles of waterway. In addition, it was evaluated with NatureServe's Conservation Status Assessments Rank Calculator and received a State Conservation Rank of S4—meaning it is secure in this Commonwealth with a very low risk of extirpation due to its extensive range and/or many populations or occurrences. The Fishes Technical Committee of the PABS reviewed this documentation and rank assignment and recommended that the Bowfin be delisted. Enough information is available to make the determination that it is secure in this Commonwealth at present and to justify its removal from the Commonwealth's list of candidate fishes. Therefore, the Commission proposes that the Bowfin be removed from the Pennsylvania list of candidate species under § 75.3.

(5) Timber Rattlesnake (*Crotalus horridus*). The Timber Rattlesnake is a large, heavy bodied, venomous snake of the pit viper family (*Viperidae*). They typically have transverse "V" shaped dark bands on black or brown body color. The tail is black with a rattle and the head color distinguishes the color phase of the snake—black or yellow. Timber Rattlesnakes inhabit the forested, mountainous regions of this Commonwealth. They prefer upland forested areas where they forage for small mammals. Talus and/or scree slopes, rocky ledges, outcrops and boulder fields generally with southerly exposures contain the entrances to over-wintering dens.

The current National range of the Timber Rattlesnake encompasses 31 states from Vermont and New Hampshire south to northern Florida, west to eastern Texas and then north through eastern Oklahoma, Kansas and Nebraska, through Iowa into southeastern Minnesota. From southwestern Wisconsin the range retreats south, away from the Great Lakes, through western and southern Illinois and southern Indiana and Ohio.

Prior to European settlement, the range of the Timber Rattlesnake is thought to have spanned most of this Commonwealth. Today, Timber Rattlesnakes occur in 50 of 67 counties in this Commonwealth within forested, mountainous regions with strongholds mainly within the southwest, central and northeast region of this Commonwealth (for example, Ridge and Valley Province, Laurel Highlands, Allegheny Plateau and the Pocono Plateau).

Historically, overhunting and habitat loss have been major threats to Timber Rattlesnake populations. The conversion of forest to agricultural land during the settlement of this Commonwealth by Europeans was likely responsible for the early extirpation of Timber Rattlesnakes from many portions of this Commonwealth (Surface, 1906). Significant declines in Timber Rattlesnake populations were noted in the 1960s to 1970s, primarily due to overhunting. Many counties maintained bounties on Timber Rattlesnakes and held round ups, harvesting hundreds of these animals.

In 1978, the Commission listed the Timber Rattlesnake as a candidate species due to reported population declines from overhunting and habitat loss. Protective measures and regulations by the Commission gradually increased, including permitting of organized hunts (1982), bag limits

(1982, then reduced further in 1993), hunting season shortened to protect gravid females (1993), and minimum size limit and prohibiting take of females (2007). These regulations were designed to discourage harvest of Timber Rattlesnakes, especially gravid females and immature snakes. Also, oversight of organized hunts by Commission personnel and law enforcement has increased, and education and protection measures by the Commission, the Department of Conservation and Natural Resources and the Game Commission, the other land-holding agencies, have also improved.

For the past 20 years, the Commission has reviewed development projects throughout this Commonwealth for their potential to impact Timber Rattlesnake habitat. Recommendations to adjust alignments or modify project areas to avoid dens and gestation areas, seasonal work restrictions or having Timber Rattlesnake monitors onsite during construction to move snakes out of harm's way have avoided and minimized direct and indirect impacts to Timber Rattlesnakes and their sensitive habitats.

In the past decade, encroachment by oil and gas development into Timber Rattlesnake strongholds has increased significantly with the relatively new shale gas industry in this Commonwealth. The northcentral portions of the range, once considered the core undisturbed populations, have been subject to high volume of exploration, well pad construction, pipeline construction, associated roads and infrastructure. However, anecdotal evidence thus far shows that while there are increasing threats to Timber Rattlesnakes through exposure to human disturbance, some of the habitat alteration (for example, pipeline development) can provide important additional basking habitat in areas where canopy closure has posed problems for available basking and gestating habitat. Additionally, most of the well pads thus far are on the top of slopes and plateaus and do not interfere directly with den habitat (Commission observations).

In the last 25 years, Commission biologists began compiling more refined locational information from amateur and professional herpetologists concerned with the conservation of Timber Rattlesnake. Over 600 historic rattlesnake dens (without field checking, many were suspected to be basking areas) were mapped in this Commonwealth. In 2003, the Commission allocated State Wildlife Grant funding to begin a Statewide assessment of these historic Timber Rattlesnake sites, including determining habitat type, ranking the site quality and assessing threats for each site. Phase 1 of the project (2003-2006) resulted in visits to 467 historic sites with 39% (182) confirmed to harbor Timber Rattlesnake. More than 80% of these confirmed sites were ranked as moderate to good quality in terms of viability and habitat.

During Phase 2 of the project (2005-2011), 1,087 sites (both historic and previously unassessed) were assessed and 71% (770) was found to be occupied by Timber Rattlesnakes. An occupied site averaged 6 snakes observed during the assessment, with a range of 1 to 75 per site. The status of the assessed sites was as follows: 39.2% of the sites were ranked as above high to medium quality; 35.2% of the sites were ranked as lower quality sites; 25.3% of the sites were considered historic sites; and 0.3% of the sites were classified as extirpated. Additionally, 65% of the occupied sites surveyed during the site assessment project documented the presence of gravid females, neonates or juvenile timber rattlesnakes, and an additional 20% of occupied sites had snakes that were not examined for their reproductive status. Site assessments have continued annually as part of Phase 3

of the project (2011-present). To date, 1,742 sites have been assessed for the project (2003-2014), resulting in 35.8% of the sites considered high to medium quality sites, 35.5% of the sites represent lower quality sites and 28.4% of the sites were rated as historic or unoccupied at the time of the surveys (1,241 (71%) of assessed sites were occupied). Large portions (estimated 50%) of the Timber Rattlesnake range remain unassessed due to lack of landowner permissions or access difficulty.

A Species Action (recovery) Plan was developed for the Timber Rattlesnake in June 2011 (<http://fishandboat.com/water/amprep/species-plan-timber-rattlesnake.pdf>). Commission staff have been working with its conservation partners to implement actions towards the recovery of the species. Protection of the Timber Rattlesnake will continue, warranting no changes to the take regulations or venomous snake hunt program. Additionally, an external workgroup comprised of representatives from State and Federal landholding agencies and experts in Timber Rattlesnake natural history was convened to review current conservation practices for the Timber Rattlesnake as well as develop and enhance best management practices for the Timber Rattlesnake on State lands, public education programs promoting protection of Timber Rattlesnakes and cooperative agreements with industry likely to encounter critical Timber Rattlesnake habitat. Finally, the Commission is working with East Stroudsburg University to develop a robust long-term population monitoring program of the Statewide population to track changes in the population and continue the understanding of the conservation status of the Timber Rattlesnake in this Commonwealth.

The Amphibian and Reptile Committee of PABS reviewed the Heritage rank of the Timber Rattlesnake and found it be "vulnerable-apparently secure" (S3S4) status—uncommon but not rare and usually widespread in this Commonwealth. On June 22, 2015, the PABS Committee recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth.

The Timber Rattlesnake was listed in 1978 as a Pennsylvania candidate species based on limited knowledge of populations and reported declines due to overhunting and habitat alteration. After a 12-year Statewide assessment project was conducted, current data indicate the rattlesnake retains an extensive distribution across this Commonwealth, with large populations remaining in many areas, thus eliminating it from listing consideration based on Criteria B (Extent of Occurrence), Criteria C (Population Estimates and Decline), Criteria D (Small Population Size) or Criteria E (Probability of Extinction). The threat of overhunting has been significantly reduced through regulations and permit programs. Threats to habitat are ever-changing but may be managed through education and management of the species on public lands. Threats are not quantifiable enough to meet Criteria A2 (Projected Population Reduction). The Timber Rattlesnake exceeds minimum requirements needed for listing as candidate, threatened or endangered status. The Timber Rattlesnake currently appears secure within this Commonwealth, which justifies removal from Pennsylvania's list of candidate species. Therefore, the Commission proposes that the Timber Rattlesnake be removed from the Pennsylvania list of candidate species under § 75.3.

The Commission proposes to amend §§ 75.1, 75.2 and 75.3 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 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-267. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.1. Endangered species.

* * * * *

(b) Fish. The following species are endangered:

* * * * *

(28) Eastern sand darter, Etheostoma pellucidum.

(29) Hornyhead chub, Nocomis biguttatus.

(c) Reptiles and amphibians. The following species are endangered:

* * * * *

§ 75.2. Threatened species.

* * * * *

(b) Fish. The following species are threatened:

[(1) Mountain brook lamprey, Ichthyomyzon greeleyi.

(2)] (1) Bigmouth shiner, Notropis dorsalis.

[(3)] (2) Southern redbelly dace, Phoxinus erythrogaster.

[(4)] (3) Spotted sucker, Minytrema melanops.

[(5)] (4) Brindled madtom, Noturus miurus.

[(6)] (5) Chesapeake Logperch, Percina bimaculata.

(c) Amphibians and reptiles. The following species are threatened:

* * * * *

§ 75.3. Candidate species.

(a) General. The species listed in subsections (b) and (c) are considered candidate species which could achieve endangered or threatened status in the future. They are subject to seasons, size, creel—bag—and possession limits specified in this subpart. A person who catches these species is encouraged to release them immediately and unharmed to the waters or other area from which they were taken.

(b) [Fishes] Fish.

[(1) Ohio lamprey, Ichthyomyzon bdellium.

(2)] (1) Least brook lamprey, Lampetra aepyptera.

[(3) Bowfin, Amia calva.

(4)] (2) Central mudminnow, Umbra limi.

[(5)] (3) Eastern mudminnow, Umbra pygmaea.

[(6) Hornyhead chub, Nocomis biguttatus.

(7)] (4) Brook stickleback, Culaea inconstans.

(c) Amphibians and reptiles.

(1) Blandings Turtle, Emydoidea blandingii.

(2) Broadhead Skink, Plestiodon laticeps.

[(3) Timber Rattlesnake, Crotalus horridus.]

[Pa.B. Doc. No. 15-2047. Filed for public inspection November 20, 2015, 9:00 a.m.]

[58 Pa. Code Ch. 65]

Fishing; Special Fishing Regulations

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

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on June 19, 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 § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

D. Purpose and Background

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

E. Summary of Proposals

(1) Opossum Lake, a 47-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lower Frankford Township, Cumberland

County, approximately 6 miles west-northwest of the Borough of Carlisle. The dam impounds Opossum Creek at river mile 0.5. This lake was completely dewatered in October 2008 to make dam and spillway repairs and modifications per dam safety standards of the Department of Environmental Protection (Department). Following completion of the dam and spillway repairs and modifications as well as construction of numerous habitat enhancement devices, the impoundment was refilled and the Commission resumed annual adult trout stocking during spring 2013 to provide angling opportunities for stocked trout. Additionally, the Commission began to re-establish a high quality warmwater and coolwater fishery through fingerling plants of select fish species beginning in summer 2013. This process is ongoing.

Immediately upon refilling of the lake, the Commission opened the lake to fishing under a miscellaneous special regulation that allows for the harvest of trout under Commonwealth inland seasons, sizes and creel limits but allows catch and release fishing only for all other fish species. The Commission took this approach to allow a balanced fishery to develop under protective regulations while offering acceptable levels of recreational angling opportunities. This regulation will remain in effect until June 18, 2016.

Based on a recent assessment of the fish community, the fishery continues to develop. However, the fishery has not progressed to levels where the Commission believes that regulations should be relaxed at this time. Therefore, the Commission proposes that the current miscellaneous special regulation be extended until deemed appropriate for its removal. Commission staff will continue to monitor the fish populations as they develop and make the necessary adjustments to the species being stocked and the regulations governing the fishery to continually provide high quality recreational angling opportunities at Opossum Lake. Once the warmwater fishery has been re-established, the Commission will propose that the lake be removed from the miscellaneous special regulation and included in one of the Commission's existing warmwater regulation programs.

The Commission proposes to amend § 65.24 to read as set forth in Annex A.

(2) Leaser Lake, a 117-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lynn Township, Lehigh County, approximately 20 miles west-northwest of Allentown. The dam impounds an unnamed tributary to Ontelaunee Creek. This lake was completely dewatered in 2008-2009 to make dam and spillway repairs and modifications per Department dam safety standards. Following completion of the dam and spillway repairs and modifications as well as construction of numerous habitat enhancement devices, the impoundment was nearly refilled by spring 2013, then partially drained by 20 feet in late summer 2014 for additional repairs and fully refilled in 2015. The Commission resumed annual adult trout stocking during spring 2013 to provide angling opportunities for stocked trout. Additionally, the Commission began to re-establish a high quality warmwater and coolwater fishery through fingerling plants of select fish species beginning in 2013. This process remains on-going albeit with some cancellations, such as walleye fingerlings, required in 2014 due to the partial drawdown.

Immediately upon refilling of the lake, the Commission opened the lake to fishing under a miscellaneous special regulation that allowed for the harvest of trout under Commonwealth inland seasons, sizes and creel limits but allowed catch and release fishing only for all other fish species. The Commission took this approach to permit balanced fish populations to develop under protective regulations while offering acceptable levels of recreational angling opportunities. This regulation will remain in effect until June 18, 2016.

Based on the stocking delay that occurred, a recent fisheries management assessment of the fish community and information from Commission staff and anglers regarding their catches, the growth and abundances of warmwater/coolwater fish populations have not progressed to levels where staff believe that regulations should be relaxed at this time. Therefore, the Commission proposes that the current miscellaneous special regulation be extended until deemed appropriate for its removal. Commission staff will continue to monitor the fish populations as they mature, make necessary adjustments to the species and numbers being stocked, and select regulations governing the fisheries with the goal of providing high quality recreational angling opportunities at Leaser Lake. Once the warmwater/coolwater fish populations have been re-established, the Commission will propose that the lake be removed from the miscellaneous special regulation and included in one of the Commission's existing warmwater regulation programs.

The Commission proposes to amend § 65.24 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 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-269. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. 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>
		* * * * *
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.
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.
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.
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 must be immediately returned unharmed. Trout—Inland regulations apply. See § 61.1.
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.
		* * * * *

[Pa.B. Doc. No. 15-2048. Filed for public inspection November 20, 2015, 9:00 a.m.]

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 3] Management Contracts

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), proposes to amend §§ 3.141 and 3.143 (relating to management contracts; and Board approval and licensee responsibility).

Summary

In recent years, the Board has encountered a growing number of management contracts, that is, agreements between a licensee and a management company to operate, manage or supervise all or part of the operation of the licensed premises. These agreements, which can involve multilayered business organizations with fees and profits being exchanged among the constituent parts of the licensee and management company, are expressly permitted by the Board's regulation in § 3.141(a) and sections 102 and 447(g) of the Liquor Code (47 P. S. §§ 1-102 and 4-477(g)). In fact, "management company" is defined in section 102 of the Liquor Code as an entity that operates, manages or supervises all or part of a licensed business on behalf of a licensee. However, § 3.143(b)(2) currently precludes a management company from having a pecuniary interest in the licensed business despite the fact that management companies are held to the same standards as a person involved in the license. In response to comments from the regulated community, the Board believes amendments are needed to recognize the reality of the modern business environment in which licensees enter into negotiated management agreements that, while not structured as a formal partnership or joint venture, may involve the sharing of profits and control. The Board further believes that proposed amendments will be more consistent with the statutory definition of "management company" than the regulations.

This proposed rulemaking eliminates the blanket prohibition of a pecuniary interest being held by a management company in § 3.141(d) as well as a similar reference in § 3.143(b)(1). In view of the statutory definition of "management company," the requirement that a management contract reserve to the licensee the capability to direct its own business is proposed to be deleted from § 3.141(b).

Sections 404 and 436 of the Liquor Code (47 P. S. §§ 4-404 and 4-436) provide that only the applicant for, in the case of section 404 of the Liquor Code, the issuance, transfer or extension of a hotel, restaurant or club liquor license, or, in the case of section 436 of the Liquor Code, the issuance or transfer of a distributors', importing distributors' or retail dispensers' license, may have a pecuniary interest in the license. However, the Board believes this provision was not meant to prevent a management company from having control and receiving a share of the profits of the licensed business when the management company is on the license application, particularly given the fact that management companies are required to meet the same eligibility criteria as the applicant under section 470(a.1) of the Liquor Code (47 P. S. § 4-470(a.1)), that is, reputation, criminal history, and current or prior involvement in other licenses, and particularly since "management company" is statutorily defined as an entity that manages or operates a licensed business on behalf of a licensee. The proposed amendments will prevent placing an undue burden on the formation and reporting of management contracts by the

regulated community while remaining consistent with the Liquor Code by having the management company listed on the application, investigated by the Board's Bureau of Licensing and subject to refusal by the Board if the management company would not qualify for the license in its own name.

Affected Parties

The affected parties include present and future licensees that contract with management companies to operate licensed businesses.

Paperwork Requirements

The proposed rulemaking will not require additional paperwork. License applicants are required under § 3.142 (relating to reporting) to identify management companies on license applications, and current licensees are required to notify the Board in the event they enter into management contracts.

Fiscal Impact

There is no anticipated adverse fiscal impact from this proposed rulemaking. This proposed rulemaking is meant to ease the burdens of compliance for the regulated community. Therefore, by making its regulations more accommodating to businesses, the Board anticipates the proposed amendments will have a positive fiscal impact on licensees as well as the Commonwealth.

Effective Date

This proposed rulemaking will become effective upon final-form publication in in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments about the proposed rulemaking to Rodrigo Diaz, Executive Deputy Chief Counsel, or Justin Blake, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Public comments are posted on the Independent Regulatory Review Commission's (IRRC) web site. Personal information is not redacted from the public comments received.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 29, 2015, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

TIM HOLDEN,
Chairperson

Fiscal Note: 54-86. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 3. LICENSE APPLICATIONS

Subchapter M. MANAGEMENT CONTRACTS

§ 3.141. Management contracts.

(a) A licensee may contract with another person to manage its licensed premises.

[(b) A management contract must reserve to the licensee the capability to direct its own business.

(c)] (b) A management contract must be in writing, and a copy shall be maintained on the licensed premises where it shall be available for inspection by the Board.

[(d) A management contract may not give a pecuniary interest to a management company.]

§ 3.143. Board approval and licensee responsibility.

(a) The Board will notify the current licensee or applicant, in writing, of the Board's decision to either approve or refuse the involvement of a person providing services as a management company.

(b) The Board may refuse the involvement of a person providing services as a management company. The Board's refusal may be based upon **[the following:] facts upon which the Board could refuse a person's involvement in the license which may include reasons specified in section 4-470(a.1) of the Liquor Code (47 P.S. § 4-470(a.1)) such as reputation, criminal history, and current or prior involvement in other licenses.**

[(1) The creation by the management contract of a pecuniary interest in the license.

(2) Facts upon which the Board could refuse a person's involvement in the license which may include reasons specified in section 4-470(a.1) of the Liquor Code (47 P.S. § 4-470(a.1)) such as reputation, criminal history, and current or prior involvement in other licenses.]

(c) The licensee's use of a management company will not affect the licensee's responsibility for violations of the Liquor Code or this title.

[Pa.B. Doc. No. 15-2049. Filed for public inspection November 20, 2015, 9:00 a.m.]
