

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 93 AND 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapters 93 and 111 (relating to boat registration and numbering; 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 on January 1, 2017.

B. *Contact Person*

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

C. *Statutory Authority*

The proposed amendment to § 93.3 (relating to application for boat registration) is published under the statutory authority of section 5122 of the code (relating to registrations, licenses, permits, plates and statistics). The proposed amendment to § 93.102 (relating to application procedure and contents of applications for certificates of title) is published under the statutory authority of section 5325 of the code (relating to rules and regulations). The proposed amendment to § 111.9 (relating to Bucks 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 improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposals. On February 25, 2016, the Commission's Boating Advisory Board considered the proposals and recommended that the Commission approve the publication of a proposed rulemaking.

E. *Summary of Proposals*

(1) On April 27, 2012, the United States Coast Guard (Coast Guard) amended 33 CFR Parts 173, 174, 181 and 187 regarding numbering undocumented vessels and reporting boat accidents. These changes: align and modernize terminology used in the Standard Numbering System (SNS), the Vessel Identification System and accident reporting; require verification of vessel hull identification numbers; require SNS vessel owners to provide personally identifiable information; and provide flexibility for states and territories in administering these regulations. Together, the changes are intended to improve boating safety efforts, enhance law enforcement capabilities, clarify requirements for stakeholders and promote the Coast Guard strategic goals of maritime safety and security. States have until January 1, 2017, to implement these changes.

Since 2012, the Commission has been working on effecting the necessary changes to its systems to be in compliance with the amended Coast Guard regulations. Significant changes needed to be coded into the registration and titling system and its accompanying database. Coordination with the Department of Revenue was required to revise the REV-336 Instruction for Application for Pennsylvania Boat Registration and/or Boat Title form.

The majority of the required updates reflect nomenclature and vessel data category grouping changes and are considered housekeeping. Among these changes is standardizing how all states will now define "vessel type." Hull material has been expanded to include rubber/vinyl/canvas instead of referring to this class of hull material as "other." The Coast Guard also relabeled data categories. What was previously referred to as propulsion type is now called engine drive type. This category, which identifies a boat's engine drive, includes inboard, outboard, pod drive, stern drive and other. In addition, the Coast Guard refined how states categorize the manner in which a boat will be operated. The Coast Guard now restricts a boat's reported usage as pleasure, commercial passenger, livery/rental, commercial fishing, dealer and other commercial operation.

While these required changes are administrative in nature, the Commission must also collect and provide to the Coast Guard personally identifiable information that uniquely ties a boat to an owner. This will be accomplished by creating a unique identification number for each boat owner by collecting and then combining the vehicle driver's license of the owner with his date of birth. This unique identifier once entered into the system will match the boat's hull identification number with a single individual instead of simply linking it to a name. This will greatly benefit law enforcement when dealing with lost or stolen boats.

The Commission proposes to amend §§ 93.3 and 93.102 to read as set forth in Annex A.

(2) In 1997, the Commission enacted several regulations on the Delaware River to mirror New Jersey law. One of those regulations was the slow, no wake zone on Paunacussing Creek from the mouth to the vicinity of Green Hill Road from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.

A recent review of this regulation found that the law was not enacted in New Jersey and is not being enforced by either state. In discussions with the New Jersey State Police, the agency with jurisdiction, the Commission learned that New Jersey has no desire to add this requirement to its boating law. Based on New Jersey's decision and the fact that this Commonwealth has not enforced this regulation in recent history, the Commission proposes to delete it.

The Commission proposes to amend § 111.9 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 impacts on the Commonwealth or its political subdivi-

sions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

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

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-270. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter A. REGISTRATION OF BOATS

§ 93.3. Application for boat registration.

(a) *New registration.* Application for a boat registration for a new boat or a used boat that was not previously registered in this Commonwealth shall conform with the following:

(1) *Forms.* The owner of a boat desiring registration shall apply on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Fish and Boat Commission, Division of Licensing and Registration.

(2) *Required information.* The applicant shall provide the following information on the application (REV-336) for a boat registration:

(i) The name, mailing address, residence address, phone number, county and zip code of the owner. If there is more than one owner, the principal owner shall be listed first.

(ii) If the owner is an individual, the driver's license number, if any. If the owner is a manufacturer, jobber or dealer, the tax identification number.

[(ii)] (iii) The name of the person from whom the boat was purchased.

[(iii)] (iv) The State registration number, if any, currently assigned to the boat.

(v) The make and model.

[(iv)] (vi) The hull material, such as [,] wood, steel, aluminum, plastic [or], fiberglass, **rubber/vinyl/canvas** or other.

[(v)] (vii) The full Hull Identification Number (HIN).

[(vi)] (viii) The [**make, model and**] year built, if known.

[(vii)] (ix) The length of the boat in feet and inches.

(x) The type of boat, such as air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

[(viii)] (xi) The type of [**propulsion**] engine drive, such as [,] outboard, inboard, sterndrive, **pod drive** or [**unpowered**] other.

[(ix)] (xii) The type of fuel, such as [,] gas, diesel, **electric** or other.

(xiii) The type of propulsion, such as propeller, waterjet, air thrust, manual, sail or other.

[(x)] (xiv) The temporary validation [**decal number**] expiration date, if one was issued.

[(xi)] (xv) The primary [**usage**] operation such as [,] pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, **charter fishing, commercial fishing, other commercial operation**, and the like.

[(xii)] (xvi) A certificate of ownership. For initial registration in this Commonwealth this shall be supported by title, bill of sale, a complete Form PFBC-734 "Affidavit of Purchase/Ownership" or other positive proof of ownership.

[(xiii)] (xvii) The date the applicant completed the form.

[(xiv)] (xviii) The signature of the owners and certification, under penalty of law, that they are the owners of the boat and that the information contained in the application is true and correct.

[(xv)] (xix) Complete Sales and Use Tax information.

[(xvi)] (xx) The date of birth of the primary registrant **and coregistrant**.

(3) *Manufacturers, jobbers or dealers.* Paragraph [(2)(iv)—(x) and (xvi) do] (2)(vi)—(xiv) and (xx) **does** not apply to manufacturers, jobbers or dealers.

(4) *Boat rental business.* Paragraph [(2)(viii) and (ix)] (2)(xi) and (xii) does not apply to a boat rental business if a motor is not rented with the boat.

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Subchapter B. TITLING OF BOATS

§ 93.102. Application procedure and contents of applications for certificates of title.

(a) Boat owners shall apply for a certificate of title on Form REV-336, provided by the Commission. The completed form shall be forwarded to the Commission at the address listed on the application.

(b) The applicant shall provide the following information on the application (REV-336) for a title:

(1) The name, mailing address, residence address, phone number and zip code of the owner. If there are co-owners, the applicants shall provide information relating to both owners and indicate whether the boat is owned as joint tenants with right of survivorship or as tenants in common.

(2) The date of birth of the primary purchaser and the co-owner.

(3) The name of the person from whom the boat was purchased.

(4) The State registration number, if any, currently assigned to the boat.

(5) The hull material, such as wood, steel, aluminum, plastic, fiberglass, rubber/vinyl/canvas or other.

(6) The full Hull Identification Number (HIN).

(7) The make, model and year built, if known.

(8) The length of the boat in feet and inches.

(9) The type of boat, such as air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only or other.

[(9)] (10) The type of [propulsion] engine drive, such as [,] outboard, inboard, sterndrive, pod drive or [unpowered] other.

[(10)] (11) The type of fuel, such as [,] gas, diesel, electric or [unpowered] other.

(12) The type of propulsion, such as propeller, waterjet, air thrust, manual, sail or other.

[(11)] (13) The primary [usage] operation such as [,] pleasure, rental/livery, manufacturer/dealer/jobber, commercial passenger, charter fishing, commercial fishing, other commercial operation, and the like.

[(12)] (14) For boats with outboard internal combustion motors, the serial number, the manufacturer's name and the horsepower rating. If there are two motors, the applicant shall provide information for both motors.

[(13)] (15) The names and addresses of each lienholder (in the order of priority).

[(14)] (16) The date of lien encumbrance.

[(15)] (17) The date the applicant completed the form.

[(16)] (18) The signature of the owner.

[(17)] (19) Complete Sales and Use Tax information.

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CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.9. Bucks County.

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(d) Delaware River.

(1) Boats are limited to slow, no wake speed in [the following areas:] Franklin Cove.

[(i) Franklin Cove.

(ii) From the mouth of Paunacussing Creek, approximately 3,000 feet to a point in the vicinity of Green Hill Road, effective from 12:01 a.m. on the Friday before Memorial Day until midnight on Labor Day.]

(2) Boats are limited to slow, no wake speed while passing through the following bridge spans:

* * * * *

[(3) The requirements in this subsection that affect waters of joint jurisdiction with New Jersey are effective May 1, 1997.

(4)] (3) The mooring of boats within 100 feet of the marina boat dock in Franklin Cove is prohibited.

[Pa.B. Doc. No. 16-862. Filed for public inspection May 20, 2016, 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 January 1, 2017.

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 § 65.24 (relating to miscellaneous special regulations) is 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 amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Foster Joseph Sayers Lake is located in Centre County and currently managed under § 65.11 (relating to panfish enhancement) for black and white crappie (9-inch minimum size limit and 20 fish/day creel limit). While there has been an increase in the trap net catch of legal-size crappie post panfish enhancement regulations, the proportion of legal-size fish is still relatively low at approximately 8%. The majority of adult fish are in the 7-inch and 8-inch length groups, just under the legal size limit. Age and growth analyses for crappie indicate an overall reduction in growth rates, especially for these size groups. Angler use, harvest and opinion surveys conducted at the lake indicate high angler effort directed towards crappie with high catch rates but reduced harvest under panfish enhancement regulations. In addition, angler satisfaction has slowly declined with both the number and size of crappie caught.

The current status of the crappie fishery is not satisfactory to many anglers and may be improved through an alternate regulation. Sayers Lake is one of the most productive reservoirs in this Commonwealth and has the ability to produce a higher quality crappie fishery than currently exists.

The Commission proposes that the daily creel limit be reduced from 20 fish/day to 10 fish/day and proposes a change in the number of fish both over and under 9

inches that can be harvested to better manage the population from overexploitation while also being acceptable to anglers. The proposed amendment will allow anglers to harvest 10 crappies/day, of which no more than 5 crappies may be greater than or equal to 9 inches in length. For example, anglers will be able to harvest 10 crappies less than 9 inches, or 9 crappies less than 9 inches and 1 crappie greater than or equal to 9 inches, or 8 crappies less than 9 inches and 2 crappies greater than or equal to 9 inches, and so on. Under this proposed amendment, anglers will have a reasonable expectation of harvesting 10 crappies/day should they choose to do so, while still providing some additional protection to the larger fish in the population. This is not the case under the current regulation. The creel limit reduction from 20 fish to 10 fish is designed to prevent an overharvest given the number of anglers that are expected to harvest fish under a less restrictive length limit.

In anticipation of a proposed change, Commission staff interviewed 111 ice anglers on January 30, 2016, to obtain their feedback. A significant majority (74%) were in favor of a new regulation. A public information session was also held on February 23, 2016, at Bald Eagle State Park to gain additional angler input. Attendees were split between regulation options and preferred those that allowed more crappies to be harvested. Following the meeting, Commission staff conducted data reviews and modeling of the various regulatory options and arrived at the proposed amendment. This will allow an increased opportunity for harvest while providing sufficient protection for an increased number of fish to reach quality size exceeding 9 inches.

The Commission proposes that § 65.24 be amended 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 impacts 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-271. 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>
	* * * * *	
Blair, Huntingdon, Juniata, Mifflin and Perry	Juniata River and its tributaries	Rock bass—Daily creel limit is 10; open year-round; no minimum size limit.
Centre	Foster Joseph Sayers Lake	Crappie—10 fish daily creel limit of which no more than 5 fish may be greater than or equal to 9 inches in length.
Centre and Mifflin	Penns [Creed] Creek , from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run	Open to fishing year-round. All tackle types are permitted. From 8 a.m. on the first Saturday after April 11 through Labor Day—the daily creel limit for trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed. From the day after Labor Day until 8 a.m. on the first Saturday after April 11, no trout may be killed or possessed. Inland regulations apply to all other species. This miscellaneous special regulation will remain in effect until December 31, 2020.
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[Pa.B. Doc. No. 16-863. Filed for public inspection May 20, 2016, 9:00 a.m.]