

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 69]

Fishing in Lake Erie and Boundary Lakes

The Fish and Boat Commission (Commission) proposes to amend Chapter 69 (relating to fishing in Lake Erie and boundary lakes). 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 season dates for walleye fishing in Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters.

A. Effective Date

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

B. Contact Person

For further information on this 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.fishandboat.com.

C. Statutory Authority

The proposed amendments to § 69.12 (relating to seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters) are published under the statutory authority of section 2102(b) 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

Past Commission actions gave authority to the Executive Director to adjust harvest limits for walleye and yellow perch based upon adaptive management methods for Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters. These flexible management strategies serve to maintain consistency in angler catch rate given the vagaries of weather and other biotic and abiotic influences upon recruitment or production of young for these species. Following that approval, Commission staff identified a slight discrepancy in the start date of walleye season for Inland Waters and Lake Erie waters. In both cases the start date occurs within one week of one another. To maintain regulatory consistency and simplicity, Commission staff recommend the Lake Erie, Lake Erie tributaries, Presque Isle Bay and peninsular water walleye seasonal opening days be the same as that for Commonwealth Inland Waters. This small house-keeping change is expected to be unnoticed by anglers and have negligible impact upon fishing opportunity but will serve to simplify and make clear harvest rules applicable to walleyes across much of this Commonwealth.

The Commission proposes that § 69.12 be amended to read as set forth in Annex A.

F. Paperwork

This proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about this 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 notice 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.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-294. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter B. SPORT FISHING AND ANGLING

§ 69.12. Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters.

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SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
	* * *	* * *	
WALLEYE	[January 1 to midnight March 14 and May 1 to December 31.] January 1—March 14; and 12:01 a.m. first Saturday in May until midnight December 31	15 inches	Established annually by April 15 [*] **
	* * *	* * *	

* It is unlawful to conduct or participate in a fishing tournament (as defined in § 63.40 (relating to fishing tournaments and fishing derbies)) for bass on Lake Erie,

Lake Erie tributaries or Presque Isle Bay during the period from the first Saturday after April 11 until the first Saturday after June 11.

** See § 69.12b (relating to Lake Erie walleye and yellow perch adaptive management for establishing daily limits). After the Executive Director establishes the daily

limit for the year, the information will be posted on the Commission's web site and available from any Commission office.

[Pa.B. Doc. No. 19-1852. Filed for public inspection December 13, 2019, 9:00 a.m.]
