

# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 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). The proposed amendments remove Lake Perez from the Commission's list of waters under miscellaneous special regulations.

#### 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](http://www.fishandboat.com).

#### C. *Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

#### D. *Purpose and Background*

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

#### E. *Summary of Proposal*

Lake Perez, a 72-acre impoundment owned by the Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately 3 miles northeast from the Village of Neffs Mills. The dam impounds Shavers Creek at river-mile 13.6 upstream from its confluence with the Juniata River. This reservoir was completely dewatered in late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred during 2014, and the Commission resumed annual adult trout stocking in 2015 to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2014 through 2018 with select fish species to establish a self-sustaining, high-quality warm-water and cool-water fishery.

Since 2015, Lake Perez has been managed with miscellaneous special regulations under § 65.24 that allow for

the harvest of trout under Commonwealth Inland Waters angling regulations, but no harvest of other fish species. The intent of these temporary regulations is to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulation and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated during 2019 and 2020 to monitor progress towards development of a high-quality warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that Lake Perez be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. If this regulation is removed, Lake Perez will be proposed for designation into the Panfish Enhancement program under § 65.11 (relating to panfish enhancement). All other fish species will be managed with Commonwealth Inland Waters angling regulations under § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 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](http://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-306. 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>
* * * * *		
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)—No harvest year-round—catch and immediate release only. From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No Bass tournaments. Remainder of the year—Catch-measure-immediate release tournaments only. It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.
[ Huntingdon ]	[ Lake Perez ]	[ <b>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. This miscellaneous special regulation will remain in effect until June 16, 2018. ]</b>
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.
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[Pa.B. Doc. No. 20-1344. Filed for public inspection October 2, 2020, 9:00 a.m.]

**FISH AND BOAT COMMISSION**

[ 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). The proposed amendments remove Opossum Lake from the Commission’s list of waters under miscellaneous special regulations.

*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](http://www.fishandboat.com).

*C. Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) are published under the

statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

*D. Purpose and Background*

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

*E. Summary of Proposal*

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 upstream from its confluence with Conodoguinet Creek. This reservoir was completely dewatered in October 2008 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred by spring 2013 and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2015 with select fish species to establish a high-quality warm-water and cool-water fishery.

Since 2012, Opossum Lake has been managed with miscellaneous special regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland

Waters angling regulations but no harvest of other fish species. The intent of these temporary regulations was to facilitate rapid development of the warm-water and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulations and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated from 2015 through 2020 to monitor progress towards development of a high-quality warm-water and cool-water fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. As such, it is recommended that Opossum Lake be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. If these regulations are removed, Opossum Lake will be proposed for designation into the Big Bass and the Panfish Enhancement programs in §§ 65.9 and 65.11 (relating to big bass; and panfish enhancement). All other fish species will be managed with Commonwealth Inland Waters angling regulations in § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 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](http://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-305. 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:

County	Name of Water	Special Regulations
		* * * * *
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)—No harvest year-round—catch and immediate release only. From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—No Bass tournaments. Remainder of the year—Catch-measure-immediate release tournaments only. It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.
		* * * * *

[Pa.B. Doc. No. 20-1345. Filed for public inspection October 2, 2020, 9:00 a.m.]

# FISH AND BOAT COMMISSION

[ 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). The proposed amendments add Whipple Lake to the Commission's list of waters under miscellaneous special regulations.

### 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](http://www.fishandboat.com).

### C. Statutory Authority

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

### D. Purpose and Background

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

### E. Summary of Proposal

Whipple Lake, a 22-acre impoundment owned by the Department of Conservation and Natural Resources, is located within Whipple Dam State Park, Jackson Township, Huntingdon County, approximately 6 miles south of the Borough of State College. This lake was completely dewatered in October 2019 to remove sediment and complete structural improvements to the dam. The earth-fill dam impounds Laurel Run at river-mile 4.6 upstream from its confluence with Standing Stone Creek. Prior to the drawdown in 2019, the lake offered angling opportunities for multiple warm-water and cool-water fish species, as well as adult trout stocked by the Commission. Sediment removal and dam structure improvements are expected to be complete by summer 2020 with refilling initiated soon after.

The Commission plans to initiate stocking the lake beginning in spring 2021, or as soon as refilling condi-

tions allow, with fingerling plants of select fish species to establish a high-quality warm-water and cool-water fishery. Immediately upon refilling of the lake, Commission staff propose to open the lake to fishing under a miscellaneous special regulation that will allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but allow only catch and release fishing for all other fish species. Commission staff believe that this approach will allow for the most rapid development of a balanced warm-water and cool-water fish community, while offering acceptable levels of recreational angling opportunities. Fisheries Management Division staff will monitor the fish populations while they develop, make necessary modifications to the species stocked and recommend adjustments to the regulations governing fish harvest to the Board of Commissioners to continually provide high-quality recreational angling opportunities at Whipple Lake. Once the warm-water fishery is re-established, the lake will be recommended for removal from the miscellaneous special regulation and inclusion in one of the Commission's existing warm-water regulation programs.

The Commission proposes that § 65.24 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](http://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-304. 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:

County	Name of Water	Special Regulations
		* * * * *

PROPOSED RULEMAKING

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Daily limit: First Saturday after April 11 until Labor Day—5 trout per day; day after Labor Day to first Saturday after April 11 of the following year—3 trout per day. Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number.
<b>Huntingdon</b>	<b><u>Whipple Lake</u></b>	<b><u>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.</u></b>  <b><u>Trout—inland regulations apply. See § 61.1. This miscellaneous special regulation will remain in effect until further notice.</u></b>
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.
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[Pa.B. Doc. No. 20-1346. Filed for public inspection October 2, 2020, 9:00 a.m.]