

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments add Whipple Lake to the Commission's list of waters under miscellaneous special regulations.

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

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

E. Summary of Changes

Whipple Lake, a 17-acre impoundment owned by the Commonwealth and managed 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 warmwater and coolwater fish species, as well as adult trout stocked by the Commission. Sediment removal and dam structure improvements were completed in summer 2020 with refilling initiated soon after.

The Commission plans to initiate stocking the lake beginning in spring 2021, or as soon as refilling conditions allow, with catchable trout and fingerling plants of select fish species to establish a high quality, warmwater and coolwater fishery. Immediately upon refilling of the lake, Commission staff propose to open the lake to fishing under miscellaneous special regulations 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 warmwater and coolwater 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 warmwater fishery is re-established, the lake will be recommended for removal from miscellaneous special regulations and inclusion in one of the Commission's existing warmwater regulation programs.

The Commission therefore amends § 65.24 to read as set forth in the proposed rulemaking published at 50 Pa.B. 5487 (October 3, 2020).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

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

H. Public Comments

A notice of proposed rulemaking was published at 50 Pa.B. 5487. The Commission did not receive any public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided, and no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 50 Pa.B. 5487.

(B) The Executive Director will submit this order and 50 Pa.B. 5487 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 50 Pa.B. 5487 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal note 48A-304 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-509. Filed for public inspection April 2, 2021, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments remove Opossum Lake from the Commission's list of waters under miscellaneous special regulations.

A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. *Statutory Authority*

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

E. *Summary of Changes*

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, warmwater and coolwater 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 regulations was to facilitate rapid development of the warmwater 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 warmwater regulation programs.

The black bass and panfish populations were evaluated from 2015 through 2020 to monitor progress towards development of a high quality, warmwater and coolwater fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. As such, it is recom-

mended that Opossum Lake be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warmwater regulation programs that allow for limited harvest of warmwater and coolwater 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 therefore amends § 65.24 to read as set forth in the proposed rulemaking published at 50 Pa.B. 5485 (October 3, 2020).

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

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

H. *Public Comments*

A notice of proposed rulemaking was published at 50 Pa.B. 5485. The Commission did not receive any public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided, and no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 50 Pa.B. 5485.

(B) The Executive Director will submit this order and 50 Pa.B. 5485 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 50 Pa.B. 5485 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-305 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-510. Filed for public inspection April 2, 2021, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments remove Lake Perez from the Commission's list of waters under miscellaneous special regulations.

A. Effective Date

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on this final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fishandboat.com.

C. Statutory Authority

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

E. Summary of Changes

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, warmwater and coolwater 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 regulations is to facilitate rapid development of the warmwater and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from miscellaneous special regulations and moved to one of the Commission's existing warmwater regulation programs.

The black bass and panfish populations were evaluated during 2019 and 2020 to monitor progress towards development of a high quality, warmwater and coolwater 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 warmwater regulation programs that allow for limited harvest of warmwater and coolwater 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 therefore amends § 65.24 to read as set forth in the proposed rulemaking published as 50 Pa.B. 5484 (October 3, 2020).

F. Paperwork

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

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

H. Public Comments

A notice of proposed rulemaking was published at 50 Pa.B. 5484. The Commission did not receive any public comments regarding the proposed rulemaking.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), known as the Commonwealth Documents Law, and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2 (relating to notice of proposed rulemaking required; and adoption of regulations).

(2) A public comment period was provided, and no comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending § 65.24 to read as set forth at 50 Pa.B. 5484.

(B) The Executive Director will submit this order and 50 Pa.B. 5484 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 50 Pa.B. 5484 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: Fiscal Note 48A-306 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 21-511. Filed for public inspection April 2, 2021, 9:00 a.m.]