

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 51, 69, 91 AND 93]

Fishing; General Provisions

The Fish and Boat Commission (Commission) proposes to amend Chapters 51, 69, 91 and 93. 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 regulations pertaining to several categories of boat titles, licenses and permits.

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 §§ 51.61 and 69.19, and the proposed addition of §§ 51.131, 91.8 and 93.120 are published under the statutory authority of section 322.1 of the code (relating to power to set fees).

D. Purpose and Background

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

E. Summary of Proposal

The Commission has two legislatively-authorized Special Funds, the Fish Fund and the Boat Fund. These Funds receive money mainly from fishing license and permit fees, boat registration fees, fines and penalties, tax refunds of motorboat fuel and Federal funds paid for by anglers and boaters through the User Pays, User Benefits Model.

Commission staff regularly monitors the status and fiscal health of the Fish Fund and the Boat Fund to ensure that adequate funds are available to maintain and support programs designed to meet the expectations of anglers and other users of aquatic resources in this Commonwealth.

An adjustment to the fees for several categories of boat titles, licenses and permits is needed to cope with inflationary pressures, maintain and improve existing programs, address and meet anglers and boaters' needs and bring the price of these items in line with the administrative cost associated with issuing them. Fee levels for these items have not changed since the 1980's and 1990's and to maintain adequate funding to sustain these important programs, the Commission is seeking to adjust its fees for boat titles and the license and permit types shown in the following table:

<i>Title, License or Permit Type</i>	<i>Date Fee Established</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
License for operator of passenger-carrying boat	10/16/80	\$5	\$50
Permit for floating structures or private aids to navigation	12/12/91	\$10	\$20
Dealer registration	12/12/91	\$15	\$25
Transfer of a multi-year boat registration	12/22/89	\$5	\$10
Certificate of title	7/2/96	\$15	\$58
Duplicate certificate of title	7/2/96	\$5	\$28
Recording or changing the amount of security interest on a certificate of title	7/2/96	\$5	\$28
Copies of or information relating to a title or security interest	7/2/96	\$5	\$10
Issuing or providing copies of any other official document issued under the authority of Chapter 53	7/2/96	\$5	\$10
Uncollectable checks	10/16/80	\$15	\$40
Cast net permits	10/16/80	\$10	\$25
Permits for use of explosives	11/3/99	\$50	\$60
Commercial fishing license, resident trap net	10/16/80	\$80	\$100
Commercial fishing license, nonresident trap net	10/16/80	\$160	\$200

The Commission proposes that §§ 51.61 and 69.19 (relating to permits required for disturbance of waterways or watersheds; and permit for the use of cast nets, throw nets or dip nets by sport anglers) be amended and §§ 51.131, 91.8 and 93.120 (relating to service charge for uncollectible checks; and fees) be added 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.

This proposed rulemaking will increase fees for license and permit buyers as outlined in the summary of proposal.

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-335. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

Subchapter G. PERMIT REQUIREMENTS

§ 51.61. Permits required for disturbance of waterways or watersheds.

(a) A permit shall be deemed necessary under 30 Pa.C.S. § 2502 (relating to disturbance of waterways or watersheds) if the activity would be a violation of statutes or regulations administered by the Commission, the Department of Environmental Resources, the United States Environmental Protection Agency, the United States Army Corps of Engineers or local municipalities if the activity were performed without a permit. The failure of the agency charged with enforcement or issuance responsibility for a permit to prosecute or take civil action for failure to obtain a permit or other permit violation may not affect the validity of a prosecution under 30 Pa.C.S. § 2502.

(b) Examples of permits that may be required to undertake specific activities in the waters or watersheds of this Commonwealth include the following:

(1) Permits for use of explosives in waters of this Commonwealth (Fish and Boat Commission). The fee for the permits shall be \$60. This fee is effective beginning (Editor's Note: The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.).

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(Editor's Note: The following section is proposed to be added and is printed in regular type to enhance readability.)

Subchapter M. UNCOLLECTABLE CHECKS

§ 51.131. Service charge for uncollectible checks.

Whenever a check or similar instrument issued in payment of a fee, fine or for any other purpose under this title is returned to the commission as uncollectible, the person who makes, issues or presents the check or other

instrument shall be charged \$40. The service charge shall be credited to the Fish Fund or the Boat Fund, as appropriate. This fee is effective beginning (Editor's Note: The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.).

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter B. SPORT FISHING AND ANGLING

§ 69.19. Permit for the use of cast nets, throw nets or dip nets by sport anglers.

* * * * *

(1) It is unlawful for a holder of a permit under this section to use a cast net, throw net or dip net to interfere with sport anglers or boaters.

(m) The fee for any cast net issued under this section shall be \$25.

(n) The fee for any trap net issued to a resident of this Commonwealth under this section shall be \$100.

(o) The fee for any trap net issued to a nonresident of this Commonwealth under this section shall be \$200.

(p) The fees imposed under subsections (m), (n) and (o) are effective beginning (Editor's Note: The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.).

Subpart C. BOATING

CHAPTER 91. GENERAL PROVISIONS

(Editor's Note: The following section is proposed to be added and is printed in regular type to enhance readability.)

§ 91.8. Fees.

(a) Fees. The following fees apply to registrations, licenses, permits and certificates issued under this title and the fees collected shall be deposited into the Boat Fund:

- (1) Dealer registration, \$25 each per year.
(2) Commercial passenger boat registration, \$25 each.
(3) License for operator of passenger-carrying boat, \$50 each.
(4) Transfer of a multi-year boat registration, \$10.
(5) Permit for commercial floating structure or aids to navigation, \$50 each.
(6) Permit for private floating structure or aids to navigation, \$20 each.

(b) Effective date. The fees imposed under subsection (a) are effective beginning (Editor's Note: The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.).

CHAPTER 93. BOAT REGISTRATION AND NUMBERING

Subchapter B. TITLING OF BOATS

(Editor's Note: The following section is proposed to be added and is printed in regular type to enhance readability.)

§ 93.120. Fees.

(a) *Fees.* The following fees apply to certificates and documents issued under this subchapter and the fees collected shall be deposited into the Boat Fund:

- (1) The fee for issuance of a certificate of title shall be \$58.
- (2) The fee for a duplicate certificate of title shall be \$28.
- (3) The fee for recording or changing the amount of security interest on a certificate of title shall be \$28.
- (4) The fee for copies of or information relating to a title or security interest shall be \$10.
- (5) The fee for issuing or providing copies of any other official document issued under the authority of this chapter shall be \$10.

(b) *Effective date.* The fees imposed under subsection (a) are effective beginning _____ (*Editor's Note:* The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.).

[Pa.B. Doc. No. 22-1044. Filed for public inspection July 15, 2022, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 63]

Fishing; General Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapter 63 (relating to general 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 amendment updates the Commission's regulations pertaining to the fees of fishing licenses, permits and boat registrations.

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 addition of § 63.57 (relating to license, permit and issuing agent fees) is published under the statutory authority of section 322.1 of the code (relating to power to set fees).

D. Purpose and Background

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

E. Summary of Proposal

This Commonwealth's fishing and boating programs are paid for by anglers and boaters through the User Pays, User Benefits Model, primarily from the sale of fishing licenses, permits and boat registrations. Fee levels for these items have not changed since 2005.

The Commission has two legislatively-authorized Special Funds, the Fish Fund and the Boat Fund. These Funds receive money mainly from fishing license and permit fees, boat registration fees, fines and penalties, tax refunds of motorboat fuel and Federal funds.

By far, the largest source of revenue for the Fish Fund is from fishing license and permit fees. Since Fiscal Year (FY) 2005, these fees accounted for more than 67% of Fish Fund revenues.

Over a 16-year period (2005 to 2021), fishing license and permit fee revenues have remained relatively flat at about \$25 million per year on average. While the revenue derived from license and permit fees paid by anglers has remained stagnant, costs have not. Annual Fish Fund expenditures have increased from \$34.5 million in FY 2005 to \$41.6 million in FY 2020.

The Commission regularly monitors the status and fiscal health of the Fish Fund to ensure that adequate funds are available to maintain and support programs designed to meet the expectations of anglers and other users of aquatic resources in this Commonwealth.

An adjustment to the fees for fishing licenses and permits is needed to cope with inflationary pressures, maintain and improve existing programs and address and meet anglers and boaters' desires for:

- Strategic and timely fisheries management to protect, conserve and enhance the aquatic resources of this Commonwealth.
- Critical infrastructure improvements and maintenance efforts for State fish hatcheries, hazardous dams, boat launch access areas and ramps, and other Commission-owned facilities to improve and maintain fishing opportunities.
- Aquatic resource field and classroom education and angler information programs.
- Conservation law enforcement.

If new revenues are not in place for the 2022 license year, the Commission will not be able to maintain adequate levels of services to anglers in this Commonwealth, let alone respond to angler desires for expanded efforts in many program areas.

Without additional or new revenues in the Fish Fund, and as forecasted expenditures begin to further outpace existing revenues, the Commission may need to reduce program benefits to anglers.

To maintain adequate funding to sustain these important programs and invest in the future, the Commission is seeking a modest fee increase for all fishing license and permit categories as shown in the following table:

License Category	Fee		
	Current	Change	Proposed
Resident Annual	\$21	\$2.50	\$23.50
Nonresident Annual	\$51	\$4	\$55
Senior Resident Annual	\$10	\$1.25	\$11.25
Senior Resident Lifetime	\$50	\$25	\$75
3-Day Tourist	\$25	\$2.50	\$27.50
7-Day Tourist	\$33	\$2	\$35
1-Day Resident	\$10	\$1.25	\$11.25

	<i>Fee</i>		
1-Day Tourist	\$25	\$2.50	\$27.50
Trout Permit	\$8	\$2.50	\$10.50
Combination Trout/ Lake Erie Permit	\$14	\$2.50	\$16.50

The Commission proposes that § 63.57 be added 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. This proposed rulemaking will increase fees for license and permit buyers as outlined in the summary of proposal.

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/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.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-334. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 63. GENERAL FISHING REGULATIONS

(Editor's Note: The following section is proposed to be added and is printed in regular type to enhance readability.)

§ 63.57. License, permit and issuing agent fees.

(a) *License fees.* The following fees apply to fishing licenses issued under this chapter and shall be paid into the Fish Fund:

- (1) Resident Annual Fishing License, \$23.50.
- (2) Senior Resident Annual Fishing License, \$11.25.
- (3) Senior Resident Lifetime Fishing License, \$75.
- (4) Nonresident Annual Fishing License, \$55.
- (5) 7-Day Tourist Fishing License, \$35.
- (6) 3-Day Tourist Fishing License, \$27.50.
- (7) 1-Day Resident Fishing License, \$11.25.
- (8) 1-Day Tourist Fishing License, \$27.50.

(b) *Permit fees.* The following fees apply to permits issued under this chapter and shall be paid into the Fish Fund:

- (1) Trout permits, \$10.50.
- (2) Combination trout permit and Lake Erie permit, \$16.50.

(c) *Effective date.* The fees imposed under subsections (a) and (b) are effective beginning _____ (*Editor's Note:* The blank refers to the effective date of this rulemaking, when published as a final-form rulemaking.).

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