

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CHS. 53 AND 107 ]

#### General Provisions; Commission Property; Boating; Boating Restrictions

The Fish and Boat Commission (Commission) amends Chapters 53 and 107 (relating to commission property; and boating restrictions). 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 update the Commission's regulations pertaining to allowable electric motor speeds and clarify horsepower restrictions.

##### A. *Effective Date*

This final-form rulemaking will go into effect on January 1, 2023.

##### B. *Contact Person*

For further information on this final-form rulemaking, contact Vienna Vasquez, 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](http://www.fishandboat.com).

##### C. *Statutory Authority*

The amendments to § 53.8 (relating to boats) are published under the statutory authority of section 741(a) of the code (relating to control of property) and the amendments to §§ 107.1 and 107.2 (relating to horsepower restrictions; and electric motors) are published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

##### D. *Purpose and Background*

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

##### E. *Summary of Changes*

Current regulations limit boat propulsion to electric motors only on Commission owned or controlled lakes, some State Park lakes and water bodies specified in Chapter 111 (relating to special regulations counties). These regulations were originally intended to reduce noise, excessive wakes, shoreline erosion and property damage, and reduce the risk of petroleum-based water pollution on certain water bodies. Boats powered by small electric motors (such as trolling motors) and unpowered boats are popular on Commonwealth bodies of water with electric motor only restrictions.

Some exceptions exist for State Park lakes and certain other waters specified in Chapter 111 where internal combustion motors are permitted but with horsepower limitations. Boats propelled by small gas outboard motors and unpowered boats are popular on these waterways.

Recent technological advancements with battery-powered electric boat motors have produced a variety of higher-powered options up to 180 horsepower (HP) and 60 miles per hour. While these new units are currently expensive and have limited battery capacity, it is anticipated they will become more affordable and widely available in the future. Boating stakeholders, partner organizations, other State agencies and staff have expressed

concern about the potential increased availability and popularity of high-powered electric motors, which would be legal to be operated on waters under current regulations that allow electric motors only. Additionally, law enforcement staff have expressed concern about the complexity of enforcing HP limitations for electric motors to meet the original intent of current regulations.

Manufacturer and retailer specifications for electric motors frequently refer to kilowatt (KW)-hours rather than HP, whereas Commission regulations refer only to HP. Therefore, Commission staff recommend adding clarification to § 107.1 that HP limitations in Chapter 111 apply to both electric and internal combustion motors. In enforcing HP limitations, Waterways Conservation Officers (WCO) typically rely on horsepower ratings that are marked on the boat's cowling (motor cover). If the HP rating is not marked on the cowling or the marking is not legible, WCOs may instead rely on documentation provided by the boat operator (such as an owner's manual), the results of an internet search of motor make and model, or, if the kW-hour rating is known, use a conversion calculation to determine HP. The widely accepted conversion calculation is  $\text{kW} \times 1.341 = \text{HP}$ . For example, a 15-kW-hour electric motor converts to approximately 20 HP, which is a common HP limitation across this Commonwealth.

During the comment period, it was discovered that to effect the changes in the proposal and avoid contradictory language, a parallel change is needed to Chapter 53. Chapter 53 establishes regulations for Commission property and indicates that internal combustion motors may not be used on Commission lakes. An exception to this rule is indicated in § 111.40 (relating to Luzerne County) for Lily Lake where internal combustion motors are permitted with a maximum HP of 60. In addition, seven State Park lakes are indicated in Chapter 111 as allowing internal combustion motors with a maximum HP limitation. On these eight waters, Commission staff recommend that electric motors must also comply with maximum HP limitations or equivalent kW-hour ratings (see the previous paragraph). On all other electric motor only lakes (that is, those that do not permit internal combustion motors or have HP restrictions in Chapter 111), Commission staff recommend that electric motors shall not be operated at greater than slow no wake speed. Therefore, Commission staff recommend that § 53.8 be amended to clarify and simplify that on Commission lakes that are electric motors only, operation is restricted to slow no wake speed.

The recommended amendments in Chapter 107 set the conditions by which Chapter 111 regulations are qualified, as noted in § 111.71 (relating to general requirements), therefore these amendments do not need to be incorporated into or repeated in each relevant subsection of that chapter.

The Commission proposes that § 53.8 be amended to read as set forth in Annex A.

##### 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 52 Pa.B. 5651 (September 3, 2022). The Commission received one public comment that did not pertain to the proposal.

*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, 1202), referred to 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 one public comment that did not pertain to the proposal was 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 Chapters 53 and 107, are amended by amending §§ 53.8, 107.1 and 107.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(B) The Executive Director will submit this order and Annex A 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 Annex A and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2023.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-336 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart A. GENERAL PROVISIONS****CHAPTER 53. COMMISSION PROPERTY****§ 53.8. Boats.**

(a) An internal combustion engine may not be used to propel a boat or to provide energy to the motor on Commission lakes. Boats propelled by battery-powered electric motors and nonmechanically propelled boats, subject to restrictions on sailboats and inflatables, may be used either with or without internal combustion engines attached. Boats propelled by battery-powered electric motors shall not be operated at greater than slow no wake speed. Notwithstanding this subsection, internal combustion engines may be used in the performance of official duties by persons authorized by the Commission.

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**Subpart C. BOATING****CHAPTER 107. BOATING RESTRICTIONS****§ 107.1. Horsepower restrictions.**

On waters where horsepower limitations are prescribed, as set forth in Chapter 111 (relating to special regulations counties), the use of internal combustion motors in excess of the prescribed horsepower limitation is prohibited.

**§ 107.2. Electric motors.**

Except as otherwise specified in Chapter 111 (relating to special regulations counties):

(1) Electric motors are permitted on Commission owned or controlled lakes and on State Park lakes where boating is permitted.

(1.1) Boats propelled by electric motors on Commission owned or controlled lakes, State Park lakes and water bodies specified in Chapter 111 shall not be operated at greater than slow, no-wake speed.

(2) On Commission and State Park owned or controlled lakes, internal combustion motors attached to or installed in boats need not be removed, but the operation of engines is specifically prohibited.

(3) Officers authorized to enforce the code and this part and, in the case of State Park lakes, officers and officials of the Bureau of State Parks and operators of emergency vessels may operate boats powered by internal combustion motors in the performance of their official duties on waters otherwise restricted to electric motors only.

[Pa.B. Doc. No. 22-1860. Filed for public inspection December 2, 2022, 9:00 a.m.]

**Title 58—RECREATION****FISH AND BOAT COMMISSION****[ 58 PA. CODE CH. 61 ]****Fishing; Seasons, Sizes and Creel Limits**

The Fish and Boat Commission (Commission) amends Chapter 61 (relating to seasons, sizes and creel limits). 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 update the Commission's regulations concerning Atlantic striped bass fishing in the Delaware River, West Branch Delaware River and River Estuary.

**A. Effective Date**

This final-form rulemaking will go into effect on January 1, 2023.

**B. Contact Person**

For further information on this final-form rulemaking, contact Vienna Vasquez, 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](http://www.fishandboat.com).

**C. Statutory Authority**

The amendments to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) are published under the statutory authority of 2102(b) of the code (relating to rules and regulations).

*D. Purpose and Background*

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

*E. Summary of Changes*

At its May 2022 quarterly meeting, the Atlantic States Marine Fisheries Commission (ASMFC), which includes the Commonwealth as a member, approved Amendment 7 to the Interstate Fishery Management Plan for Atlantic striped bass. The most recent striped bass stock assessment determined the stock was overfished and that overfishing was occurring. Based on these findings, the ASMFC's striped bass management plan calls for management actions to rebuild the stock. As part of Amendment 7, new requirements were established to address recreational release mortality, among other management plan components. Recreational release mortality is a large component of annual fishing mortality and Amendment 7 establishes a new gear restriction which prohibits gaffing striped bass when fishing recreationally. This new restriction, along with the existing circle hook requirement when fishing recreationally with bait, are intended to increase the chance of survival after a striped bass is released alive. To align with the provisions of Amendment 7, it is recommended to prohibit the use of a gaff when fishing for striped bass in the Delaware River, West Branch Delaware River and River Estuary.

In addition to the ASMFC mandated amendment, Commission staff identified an opportunity to further clarify language in § 61.2(b) pertaining to the legal harvestable size range for striped bass. The current language describes the minimum legal harvestable length but does not account for the maximum legal harvestable length in the striped bass slot limit. Although the harvest slot limit in the regulation chart clearly defines the upper and lower limits to the legal harvestable length range, it is recommended to add clarifying language to the body of the text in the regulation.

*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 52 Pa.B. 5649 (September 3, 2022). The Commission did not receive any public comments regarding the proposal.

*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), referred to 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 public 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 63, are amended by amending § 61.2 to read as set forth at 52 Pa.B. 5649.

(B) The Executive Director will submit this order and 52 Pa.B. 5649 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 52 Pa.B. 5649 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2023.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-339 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1861. Filed for public inspection December 2, 2022, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 63 ]**

**Fishing; General Fishing Regulations**

The Fish and Boat Commission (Commission) amends Chapter 63 (relating to general 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 amendment updates the Commission's regulations pertaining to bowfishing.

*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 Vienna Vasquez, 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](http://www.fishandboat.com).

*C. Statutory Authority*

This amendment to § 63.8 (relating to long bows, crossbows, spears and gigs) is 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 amendment is described in more detail under the summary of changes.

*E. Summary of Changes*

The Commission, specifically the Bureau of Law Enforcement, has received an increasing number of comments from bowfishing anglers who want to see snakehead added to the list of approved species that can be targeted with long bows, crossbows, spears and gigs. Snakeheads are an invasive species that are found in many Commonwealth waters and continue to spread across this Commonwealth. Many of the states surrounding this Commonwealth already allow this activity.

**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 52 Pa.B. 5650 (September 3, 2022). The Commission received one public comment opposing this proposal.

**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), referred to 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 one public comment opposing this proposal was 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 63, are amended by amending § 63.8 to read as set forth at 52 Pa.B. 5650.

(B) The Executive Director will submit this order and 52 Pa.B. 5650 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 52 Pa.B. 5650 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-338 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1862. Filed for public inspection December 2, 2022, 9:00 a.m.]

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

#### [ 58 PA. CODE CH. 97 ]

#### Boating; Operator Provided Equipment

The Fish and Boat Commission (Commission) amends Chapter 97 (relating to operator provided equipment). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to fire extinguishers.

**A. Effective Date**

This final-form rulemaking will go into effect on January 1, 2023.

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

**C. Statutory Authority**

The amendment to § 97.2 (relating to fire extinguishers) is published under the statutory authority of section 5123(a)(5) of the code (relating to general boating regulations).

**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**

In October 2021, the United States Coast Guard (USCG) published a final rule amending the fire extinguishing equipment regulations for recreational vessels propelled or controlled by propulsion machinery (33 CFR Parts 1 and 175, and 46 CFR Part 25 (relating to general provisions; equipment requirements; and requirements)). This rule relieves owners of these recreational vessels from certain inspection, maintenance and recordkeeping requirements that are more suited for commercial vessels and establishes that portable fire extinguishers on recreational vessels shall be maintained in "good and serviceable" condition. The "good and serviceable" standard of this rule maintains the substantive requirements of the National Fire Protection Association's Standard 10 without extra burdens and requirements for recreational boaters. The new standard will continue to ensure that portable fire extinguishers are in good working order and ready for immediate use without imposing unnecessary burdens on the public. The Commission updates their regulations to match the new USCG final rule.

**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 52 Pa.B. 3323 (June 11, 2022). The Commission did not receive any public comments regarding the proposal.

**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), referred to 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 public 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 97, are amended by amending § 97.2 to read as set forth at 52 Pa.B. 3323.

(B) The Executive Director will submit this order and 52 Pa.B. 3323 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 52 Pa.B. 3323 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2023.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-327 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 22-1863. Filed for public inspection December 2, 2022, 9:00 a.m.]

**Title 58—RECREATION**

**FISH AND BOAT COMMISSION**

**[ 58 PA. CODE CH. 97 ]**

**Boating; Operator Provided Equipment**

The Fish and Boat Commission (Commission) amends Chapter 97 (relating to operator provided equipment). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code) and other authorities described as follows.

*A. Effective Date*

This final-form rulemaking will go into effect immediately 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](http://www.fishandboat.com).

*C. Statutory Authority*

These amendments are published under the statutory authority of section 506 of The Administrative Code of 1929 (71 P.S. § 186). These amendments are also published in accordance with section 204 of the Commonwealth Documents Law (CDL) (45 P.S. § 1204), which provides that an agency may omit or modify the procedures specified in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202), if, among other things, the administrative regulation or change relates to agency organization, management, or personnel; agency procedure or practice; or Commonwealth property or the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefore in the

order adopting the administrative regulation or change therein) that the procedures specified in sections 201 and 202 of the CDL are under the circumstances impracticable, unnecessary or contrary to the public interest.

*D. Purpose and Background*

On July 22, 2016, the United States Coast Guard (USCG) published the final rule, "Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment" (the "Fire Protection Rule") in the *Federal Register* at 81 FR 48219 (July 22, 2016). The Fire Protection Rule revised USCG fire safety requirements throughout Titles 33 and 46 of the Code of Federal Regulations (relating to navigation and navigable waters; and shipping) for uninspected vessels to meet international and common industry standards.

One of the changes included in the final rule was the switch from the USCG's weight-based classification system for portable fire extinguishers (that is, B-I, B-II) to the Underwriters Laboratories (UL) fire performance rating classification system (that is, 5-B, 20-B). The UL's system has been in place for decades and is widely accepted as the most practical with regard to fire fighting performance. One 5-B is equivalent to one B-I extinguisher and one 20-B is equivalent to two 5-B extinguishers.

Most extinguishers on board vessels already have both a USCG rating and a UL rating. During the transition period between the USCG rating and UL rating, it is likely that recreational boats required to carry fire extinguishers will have devices with both ratings on their label. However, it is expected that boaters will replace USCG-rated fire extinguishers with UL-rated extinguishers over time due to the older devices being no longer serviceable or discharged. Without this final-form rulemaking, boaters in this Commonwealth would be technically out of compliance even while possessing a UL rated extinguisher satisfying the USCG Fire Protection Rule. Therefore, Commission staff recommend an administrative change to Title 58 (relating to recreation) in the *Pennsylvania Code* to reflect the new UL rating on fire extinguishers and avoid confusion for boaters in this Commonwealth.

*E. Summary of Changes*

The Commission amends Chapter 97 Appendix B because a recent review of the Commission's regulations by staff revealed that some of the information in the current regulation is inaccurate or no longer current and needs updating. The Commission therefore amends this section to read as set forth in Annex A.

*F. Paperwork*

This final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

*G. Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. This final-form rulemaking will impose no new costs on the private sector or the general public.

*H. Public Involvement*

Under section 204 of the CDL, an agency may omit the procedures specified in sections 201 and 202 of the CDL if they are impracticable, unnecessary or contrary to the public interest. The Commission, therefore, did not publish these amendments as a notice of proposed rulemaking or solicit public comment.

*Findings*

The Commission finds that:

(1) Under section 204(3) of the CDL (45 P.S. § 1204(3)), a final-form rulemaking is allowed when procedures specified in sections 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202), are impracticable, unnecessary or contrary to the public interest.

(2) Following the procedures, outlined in sections 201 and 202 of the Commonwealth Documents Law, is impracticable and unnecessary since the Commission is maintaining the fire extinguisher requirements of the USCG's Fire Protection Rule.

*Order*

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 97, are amended by amending Appendix B to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(C) The Executive Director shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

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

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** 48A-333. No fiscal impact; (8) recommends adoption.

**Annex A****TITLE 58. RECREATION****PART II. FISH AND BOAT COMMISSION****Subpart C. BOATING****CHAPTER 97. OPERATOR PROVIDED EQUIPMENT****APPENDIX B. FIRE EXTINGUISHERS**

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\*Note: Extinguishers required by the above table can either be one B-I or 5-B portable fire extinguisher. One B-II or 20-B portable fire extinguisher may be substituted for two B-I or 5-B portable fire extinguishers.

[Pa.B. Doc. No. 22-1864. Filed for public inspection December 2, 2022, 9:00 a.m.]

**Title 58—RECREATION****FISH AND BOAT COMMISSION****[ 58 PA. CODE CH. 111 ]****Boating; Special Regulations Counties**

The Fish and Boat Commission (Commission) amends Chapter 111 (relating to special regulations counties). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendment updates the Commission's regulations pertaining to Treasure Lake, located in Clearfield County.

*A. Effective Date*

This final-form rulemaking will go into effect on January 1, 2023.

*B. Contact Person*

For further information on this final-form rulemaking, contact Vienna Vasquez, 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](http://www.fishandboat.com).

*C. Statutory Authority*

The amendment to § 111.17 (relating to Clearfield County) is published under the statutory authority of section 5124(a) of the code (relating to particular areas of water).

*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*

Treasure Lake is a 379-acre lake within the grounds of a semi-private resort-style residential development of the same name. It is the largest of three lakes on the property and is designated for motorboats. It has a speed limit of 35 miles per hour. Treasure Lake is popular for boat-towed watersports, as well as fishing and kayaking. The lake has a marina with 200 boat rental slips and four boat launches.

In March 2022, the Treasure Lake Board of Directors voted to amend its policies to extend the maximum boat length on Treasure Lake from 25 feet to 26 feet, consistent with the United States Coast Guard's definition of a Class 1 vessel (16 feet to 25.9 feet). The Treasure Lake Board of Directors has requested the Commission adopt the same regulatory amendment in the *Pennsylvania Code* so that Waterways Conservation Officers can continue to assist in enforcement of this boating regulation.

During the comment period, a minor edit was suggested to the description of length to better align the change with the references to Class 1 vessels found elsewhere in Title 58 (relating to recreation).

*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 52 Pa.B. 5652 (September 3, 2022). The Commission did not receive any public comments regarding the proposal.

*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), referred to 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 public 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 111, are amended by amending § 111.17 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(B) The Executive Director will submit this order and Annex A 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 Annex A and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2023.

TIMOTHY D. SCHAEFFER,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-337 remains valid for the adoption of the subject regulation.

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**SUBPART C. BOATING**

**CHAPTER 111. SPECIAL REGULATIONS  
COUNTIES**

**§ 111.17. Clearfield County.**

(a) *Treasure Lake.*

\* \* \* \* \*

(3) Boats 26 feet in length or longer are prohibited.

\* \* \* \* \*

[Pa.B. Doc. No. 22-1865. Filed for public inspection December 2, 2022, 9:00 a.m.]

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