

PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 107]

Boating; Boating Restrictions

The Fish and Boat Commission (Commission) proposes to amend Chapter 107 (relating to boating restrictions). 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 eliminating redundant 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 Renae Kluk Kiehl, Esquire, 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 amendment to § 107.5 (relating to streams less than 200 feet across) is published under the statutory authority of section 5123(a) of the code (relating to general boating regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

In § 103.3(a) (relating to restriction for special areas), "[b]oats are limited to slow, no wake speed when within 100 feet of the shore line; docks; launching ramps; swimmers or downed skiers or other boat-towed watersports participants; persons wading in the water; anchored, moored, or drifting boats; floats, except for ski jumps and ski landing floats; or other areas so marked. This subsection does not apply in a zoned ski area or authorized ski return areas when those areas are found within the areas described in this subsection." According to § 103.3(a), boats operating in a waterway less than 200 feet across would be within 100 feet of either shore line and restricted to slow, no wake speed operation. Therefore, § 107.5(a) of the Commission's regulations is redundant and can be deleted.

The Commission proposes that § 107.5 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 to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-344. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

CHAPTER 107. BOATING RESTRICTIONS

§ 107.5. Streams less than 200 feet across.

(a) [**A boat may not exceed slow, no wake speed on an area of a stream that measures less than 200 feet across except where special regulations have been promulgated by the Commission that provide for zoned areas where higher speeds are permitted under controlled conditions**] [Reserved].

(b) It is unlawful for a person to operate an air-propeller driven boat, an all-terrain vehicle, an air cushion effect vehicle or similar craft on an area of a stream that is less than 200 feet in width except when special regulations provide otherwise.

[Pa.B. Doc. No. 23-1117. Filed for public inspection August 18, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). 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 Allegheny River Reservoir, also known as Kinzua Dam located in both McKean County and Warren County.

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 Renae Kluk Kiehl, Esquire, 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 §§ 111.42 and 111.62 (relating to McKean County; and Warren County) 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 proposed amendments are described in more detail under the summary of proposal.

E. Summary of Proposal

Allegheny River Reservoir, also known as Kinzua Dam, is a 7,647-acre impoundment in McKean County and Warren County operated by the United States Army Corps of Engineers (USACE). Many of the controlled areas on the lake are indicated in the Commission's regulations and are marked with aids to navigation (that is buoys) by the USACE. The area near Elijah Run, in the southeastern portion of the reservoir in McKean County, is currently marked by USACE as slow, no wake to protect the boat launch area; however, it is not part of the Commission's regulations. Adding this location to the existing regulations for Allegheny River Reservoir in the *Pennsylvania Code* will assist with enforcement of this restriction. Commission staff also recommend adding §§ 111.42(1)(vii) and 111.62(1)(viii) to the McKean County and Warren County regulations that appear in regulations on other USACE waters which allow USACE to respond quickly to areas that become problematic by marking them accordingly.

The Commission proposes that §§ 111.42 and 111.62 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 to RA-pfbceregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-345. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION PART II. FISH AND BOAT COMMISSION Subpart C. BOATING CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.42. McKean County.

Allegheny River Reservoir (Kinzua Dam).

(1) Boats are limited to slow, no wake speed in the following areas:

(i) Chappel Bay.

(ii) Morrison Run Bay.

(iii) From the sewer plant at Kiasutha to the headwaters above Red Bridge.

(iv) Willow Bay.

(v) Sugar Bay.

(vi) Elijah Run boat launch.

(vii) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.

(2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

§ 111.62. Warren County.

Allegheny River Reservoir (Kinzua Dam).

(1) Boats are limited to slow, no wake speed in the following areas:

(i) In the vicinity of camping areas and boat launch areas.

(ii) Dew Drop Bay.

(iii) Wolf Run Bay.

(iv) Hodge Bay, North and South Branch.

(v) Cornplanter Bay.

(vi) Billies Bay.

(vii) Willow Bay beginning at the boat launch ramp.

(viii) Other coves, bays, inlets, arms and areas marked with slow, no-wake buoys.

(2) Persons shall wear a Coast Guard approved personal flotation device at all times when on board boats less than 16 feet in length or any canoe or kayak.

[Pa.B. Doc. No. 23-1118. Filed for public inspection August 18, 2023, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 111]

Boating; Special Regulations Counties

The Fish and Boat Commission (Commission) proposes to amend Chapter 111 (relating to special regulations counties). 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 Halfway Lake at R.B. Winter State Park, located in Union County.

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 Renae Kluk Kiehl, Esquire, 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 amendment to § 111.60 (relating to Union 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 proposed amendment is described in more detail under the summary of proposal.

E. Summary of Proposal

Boating has historically been prohibited at Halfway Lake at R.B. Winter State Park due to the small size of the lake (approximately 6 acres). In recent years, the Department of Conservation and Natural Resources agreed to allow unpowered boats to operate on the lake. Therefore, the Commission must update its regulations.

The Commission proposes that § 111.60 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 to RA-pfbcregulations@pa.gov. Electronic comments submitted in any other manner will not be accepted.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-346. No fiscal impact; recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart C. BOATING

**CHAPTER 111. SPECIAL REGULATIONS
COUNTIES**

§ 111.60. Union County.

Halfway Lake—R.B. Winter State Park. [**Boating is prohibited**] **It is unlawful to operate a boat powered by a motor.**

[Pa.B. Doc. No. 23-1119. Filed for public inspection August 18, 2023, 9:00 a.m.]