

RULES AND RULEMAKING

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 the Fish and Boat Code) (code).

A. *Effective Date*

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

B. *Contact Person*

For further information on the 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.fish.state.pa.us.

C. *Statutory Authority*

The amendments to §§ 65.4a, 65.5—65.7, 65.14, 65.15 and 65.20 are published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

E. *Summary of Changes*

A number of existing special regulation areas for trout occur on waters that may be large enough to permit boating. Sections 65.5—65.7 and 65.14 allow, notwithstanding the requirements of those sections, an angler in a boat to possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the waters from which taken, provided that the boat angler floats through the specially regulated area without stopping or engaging in the act of fishing, or the boat angler takes out his boat at an access point within the specially regulated area. Sections 65.4a, 65.15 and 65.20 (relating to all-tackle trophy trout; catch and release all-tackle areas; and Mentored Youth Fishing Day Program) contain similar language but do not mention bait. While these regulations reference anglers who take out their boats at an access area within a special regulation area, they formerly did not reference anglers who would put in their boats at an access area within a special regulation area. To address this omission, the Commission amends §§ 65.4a, 65.5—65.7, 65.14, 65.15 and 65.20 to read as

set forth in the notice of proposed rulemaking published at 44 Pa.B. 5972 (September 20, 2014).

F. *Paperwork*

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

G. *Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. *Public Involvement*

Notice of proposed rulemaking was published at 44 Pa.B. 5972. The Commission did not receive comments regarding the amendments.

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) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(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 statute.

Order

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

(a) The regulations of the Commission, 58 Pa. Code Chapter 65, are amended by amending §§ 65.4a, 65.5—65.7, 65.14, 65.15 and 65.20 to read as set forth at 44 Pa.B. 5972.

(b) The Executive Director will submit this order and 44 Pa.B. 5972 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 44 Pa.B. 5972 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-259 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 15-455. Filed for public inspection March 13, 2015, 9:00 a.m.]