

**CHAPTER 67. NURSERY WATERS**

Sec.	
67.1	Nursery waters and exhibition areas.
67.2	Refuge areas.
67.3	Cooperative nurseries.

**Source**

The provisions of this Chapter 67 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051, unless otherwise noted.

**§ 67.1. Nursery waters and exhibition areas.**

(a) The Executive Director, with the approval of the Commission, may designate waters as nursery waters or exhibition areas to which the penalties of section 2106 of the code (relating to fishing in hatchery or nursery waters) applies. The designation of waters as nursery waters or exhibition areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*.

(b) A person commits a summary offense of the first degree as provided by section 2106 of the code if the person fishes or trespasses with intent to fish in designated nursery waters or exhibition areas.

(c) It is unlawful to disturb fish or other aquatic life in nursery waters or exhibition areas by throwing stones, rocks or other objects or otherwise agitating the waters.

**Source**

The provisions of this § 67.1 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended October 31, 1997, effective November 1, 1997, 27 Pa.B. 5609. Immediately preceding text appears at serial page (153789).

**Cross References**

This section cited in 58 Pa. Code § 67.3 (relating to cooperative nurseries).

**§ 67.2. Refuge areas.**

(a) The Executive Director, with the approval of the Commission, may designate waters as refuge areas to which section 2306 of the code (relating to refuge areas) shall apply. The designation of waters as refuge areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*.

(b) Refuge areas are closed to public fishing except during the period from June 15 until the third Monday in February of the following year.

(c) It is unlawful to disturb fish or other aquatic life in refuge areas by any means, including wading, throwing stones, rocks or other objects or otherwise agitating the waters. This subsection will not be construed to prohibit fishing in such areas during the extended trout season.

(d) A person violating this section or fishing or entering a refuge area when fishing is prohibited shall be punished as provided by section 2306 of the code.

**Authority**

The provisions of this § 67.2 amended under the Fish and Boat Code, 30 Pa.C.S. § 2306(a).

**Source**

The provisions of this § 67.2 adopted May 23, 1980, effective January 1, 1981, 10 Pa.B. 2051; amended January 6, 1984, effective January 7, 1984, 14 Pa.B. 46; amended March 2, 1990, effective March 3, 1990, 20 Pa.B. 1287; amended December 10, 2021, effective January 1, 2022, 51 Pa.B. 7691. Immediately preceding text appears at serial pages (236583) to (236584).

**Cross References**

This section cited in 58 Pa. Code § 63.21 (relating to designation of fishing regulations).

**§ 67.3. Cooperative nurseries.**

(a) The Executive Director with the approval of the Commission may designate cooperative nurseries throughout this Commonwealth.

(b) The waters of a designated cooperative nursery are considered nursery waters for purposes of § 67.1 (relating to nursery waters and exhibition areas).

(c) The Executive Director will cause a list of designated cooperative nurseries to be maintained for the Commission and will cause the list from time to time to be updated and revised.

**Source**

The provisions of this § 67.3 adopted January 6, 1984, effective January 7, 1984, 14 Pa.B. 46.

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