

Guard approved Type I, II, III or V PFD while underway or at anchor on boats less than 16 feet in length or any canoe or kayak.

[Pa.B. Doc. No. 11-965. Filed for public inspection June 10, 2011, 9:00 a.m.]

[ 58 PA. CODE CHS. 63 AND 65 ]

**Fishing; General and Special Fishing Regulations**

The Fish and Boat Commission (Commission) proposes to amend Chapters 63 and 65 (relating to general fishing regulations; and special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

**A. Effective Date**

The proposed rulemaking, if approved on final-form, will go into effect on January 1, 2012.

**B. Contact Person**

For further information on the 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.fish.state.pa.us](http://www.fish.state.pa.us).

**C. Statutory Authority**

The proposed amendments to §§ 63.43 and 65.24 (relating to fishing for bass during spring season; and miscellaneous special regulations) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

**D. Purpose and Background**

At its April 12, 2011, meeting, the Commission amended § 65.24 to impose catch and immediate release regulations on smallmouth and largemouth bass in portions of the Susquehanna River and Juniata River that were regulated under § 65.9 (relating to big bass special regulations). The Commission also amended this section to provide that tournaments are prohibited during the bass spawning period in the spring and that during the remainder of the year, catch-measure-immediate release tournaments only are permitted. These amendments to § 65.24 went into effect on June 4, 2011.

To further address declining smallmouth bass populations as described in the order adopting the amendments to § 65.24 and as a result of the public comments received in response to the prior proposed rulemaking, the Commission proposes additional changes to this section. See 40 Pa.B. 7238 (December 18, 2010).

**E. Summary of Proposal**

The proposed changes include imposing a closed season for bass during the spawning period and extending the catch and release and closed season regulations into the tributaries to the Susquehanna and Juniata Rivers. Instituting a closed season from mid-April to mid-June on the lower Susquehanna and lower Juniata Rivers will reduce angling related stress during the spawning period which will provide additional protection to the bass populations of the main rivers. Extending the catch and release and closed season regulations into the tributaries will further protect the mainstem fisheries as Commission staff have documented that some bass do move into the tributaries from the rivers from time to time. This action will also

simplify enforcement of the regulations for anglers fishing near the tributary mouths. The Commission proposes that the regulations extend to a point 1/2 river-mile upstream from the mouth of all tributaries to the affected reaches of the Susquehanna and Juniata Rivers. The proposed amendments should be relatively easy to understand by anglers. The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

In light of these proposed changes, the Commission also proposes that § 63.43 be amended to clarify that it does not apply to these waters. The Commission proposes that § 63.43 be amended to read as set forth in Annex A.

**F. Paperwork**

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

**G. Fiscal Impact**

The proposed rulemaking will not have an adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the general public. Some members of the private sector have asserted that the proposed rulemaking closed season during the spring spawning period will have negative financial implications for bass fishing guides who conduct business on these rivers.

**H. Public Comments**

Interested persons are invited to submit written comments, objections or suggestions about the 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 proposed rulemaking 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](http://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.

JOHN A. ARWAY,  
Executive Director

(Editor's Note: See 41 Pa.B. 2950 (June 11, 2011) for a final-form rulemaking amending § 65.24.)

Fiscal Note: 48A-230. 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**

**§ 63.43. Fishing for bass during spring season.**

(a) During the period from 12:01 a.m. on the first Saturday after April 11 until 12:01 a.m. on the first Saturday after June 11:

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(b) This section does not apply to portions of the Susquehanna and Juniata Rivers and their tributaries that are regulated under § 65.24 (relating to miscellaneous special regulations).

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
Cumberland, Dauphin, Juniata, Lancaster, Northumberland, Perry, Snyder, York	Susquehanna River (98.0 miles) from the inflatable dam near Sunbury downstream to Holtwood Dam, including all tributaries to a point 1/2 mile upstream from the confluence	Bass (smallmouth and largemouth)—[ No harvest year-round—catch and immediate release only; ] From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—[ No tournaments; ] Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters.
Dauphin, Juniata, Perry	Juniata River (31.7 miles) from SR0075 bridge at Port Royal downstream to the mouth, including all tributaries to a point 1/2 mile upstream from the confluence	Remainder of the year—[ Catch ] No harvest—catch and immediate release only; catch-measure-immediate release tournaments only. Bass (smallmouth and largemouth)—[ No harvest year-round—catch and immediate release only; ] From 12:01 a.m. the first Saturday after April 11 to 12:01 a.m. the first Saturday after June 11—[ No tournaments; ] Closed season; no tournaments. During the closed season, it is unlawful to target or attempt to catch a bass. A bass that is accidentally caught during the closed season must be immediately released unharmed without being removed from the water. It is unlawful to possess bass in, on or along these waters. Remainder of the year—[ Catch ] No harvest—catch and immediate release only; catch-measure-immediate release tournaments only.

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[ 58 PA. CODE CH. 51 ]

General Provisions; Administrative Provisions

The Fish and Boat Commission proposes to amend Chapter 51 (relating to administrative provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code). The proposed amendments modify and update the Commission's regulations pertaining to public comments at meetings.

A. Effective Date

The proposed rulemaking, if approved on final form, will go into effect upon publication of an order in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P.O. Box 67900, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. Statutory Authority

The proposed amendments to § 51.7 (relating to public comments at Commission meetings) are published under the statutory authority of 65 Pa.C.S. § 710 (relating to rules and regulations for conduct of meetings) and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

D. Purpose and Background

The proposed rulemaking is designed to improve, enhance and update the Commission's administrative regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal.

E. Summary of Proposal

In 1994, the Commission adopted its current regulation pertaining to public comments at Commission meetings. Since that time, the way in which the Commission and its committees have handled public comments has changed and the present regulation does not reflect current Com-