

Notice of Proposed Rulemaking

COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation Part II. Fish and Boat Commission Chapter 65 Fishing

Preamble

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to 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 rulemaking, will go into effect on January 1, 2009.

B. *Contact Person*

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed addition of § 65.19 (relating to approved trout waters open to year-round fishing) is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Proposal*

Currently, there are a number of waters listed in the *Pennsylvania Fishing Summary* as approved trout waters open to year-round fishing. These waters are regulated the same as approved trout waters except that they are open to fishing from March 1 through the opening day of trout season. Fishing for trout is permitted during this period, but no trout may be taken or possessed. In a recent review of the Commission's regulations, Commission staff discovered that this special regulation program was never formally adopted by the Commission. The Commission therefore proposes that a new section in Chapter 65 (relating to special fishing regulations) be added, thereby formally establishing this regulatory program. The Commission proposes that §65.19 be added 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 have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Pennsylvania 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 by completing the form at 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.

For the Pennsylvania Fish and Boat Commission

Douglas J. Austen, Ph.D.
Executive Director

Annex A

Regulation No. 48A-200

Title 58. Recreation

Part II. Fish and Boat Commission

Subpart B. Fishing

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.19. Approved Trout Waters Open to Year-Round Fishing.

(a) The Executive Director, with the approval of the Commission, may designate waters as

Approved Trout Waters Open to Year-Round Fishing. The designation of waters as

Approved Trout Waters Open to Year-Round Fishing shall be effective upon publication of a

notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as Approved Trout Waters Open to Year-

Round Fishing except in compliance with the following seasons and size and creel limits. It

is not a violation of this section if a trout is immediately returned unharmed to the waters

from which it is taken.

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
<u>ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)</u>	<u>Regular Season: 8 a.m. first Saturday after April 11 (or the first Saturday after March 28 for waters in the Regional Opening Day of Trout Season Program) to midnight Labor Day</u>	<u>7 inches</u>	<u>5 (combined species)</u>
	<u>Extended Season: 12:01 a.m. day after Labor Day to midnight last day of February of the following year.</u>	<u>7 inches</u>	<u>3 (combined species)</u>
	<u>12:01 first day of March to first Saturday after April 11 (or the first Saturday after March 28 for waters in the Regional Opening Day of Trout Season Program)</u>		<u>NO HARVEST</u> <u>– Catch and immediate release only</u>

(c) It is unlawful to fish in waters designated as Approved Trout Waters Open to Year-Round

Fishing without a current trout/salmon permit.