

Order Adopting Amendment

COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation Part II. Fish and Boat Commission Chapter 111 Boating

Preamble

The Fish and Boat Commission (Commission) amends Chapter 111 (relating to special regulations counties). 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 immediately upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

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

C. *Statutory Authority*

The amendment to § 111.56 (relating to Somerset County) is published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the amendment is described in more detail under the summary of changes. The Commission's Boating Advisory Board previously considered the proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing the amendment.

E. *Summary of Changes*

A recent review of section 111.56 showed that subsections (c) (relating to Lake Somerset), (d) (relating to High Point Lake) and (e) (relating to Cranberry Glade Lake) were not included when the Commission reorganized its boating regulations in 1994. These subsections were inadvertently omitted at the time and thus were not part of the rulemaking package that was published in the *Pennsylvania Bulletin*. The Commission therefore has amended §111.56 to add these overlooked subsections as set forth in the notice of proposed rulemaking. It is noted that because these lakes are owned or controlled by the Commission, it is already illegal to operate boats with internal combustion motors under §53.8(a) (relating to boats).

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 have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

H. *Public Comments*

A notice of proposed rulemaking containing the proposed amendment was published at 39 Pa. B. 5916 (October 10, 2009). The Commission did not receive any public comments regarding the proposal.

FINDINGS

The Commission finds that:

(1) Public notice of intention to adopt the amendment 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, 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 amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

ORDER

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

(A) The regulations of the Commission, 58 Pa. Code Chapter 111, are amended by amending §111.56 to read as set forth in 39 Pa. B. 5916.

(B) The Acting Executive Director will submit this order and 39 Pa. B. 5916 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Acting Executive Director shall certify this order and 39 Pa. B. 5916 and deposit them with the Legislative Reference Bureau as required by law.

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

For the Pennsylvania Fish and Boat Commission

Brian P. Barner
Acting Executive Director