

Notice of Proposed Rulemaking

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) proposes to amend Chapter 111 (relating to special regulations counties). 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 upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the proposed rulemaking, contact Jason E. Oyler, 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 amendments to § 111.56 (relating to Somerset County) are published under the statutory authority of section 5124 of the code (relating to particular areas of water).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission's boating regulations. The specific purpose of the proposed amendments is described in more detail under the summary of proposal. On June 9, 2009, the Commission's Boating Advisory Board considered this proposal and recommended that the Commission approve the publication of a notice of proposed rulemaking containing these amendments.

E. *Summary of Proposal*

A recent review of section 111.56 shows 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 proposes that §111.56 be amended to add these overlooked subsections as set forth in Annex A. 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 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, 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-214

Title 58. Recreation

Part II. Fish and Boat Commission

Subpart C. Boating

CHAPTER 111. SPECIAL REGULATIONS COUNTIES

§ 111.56. Somerset County.

* * *

(c) *Lake Somerset.* - The operation of boats powered by internal combustion motors is prohibited.

(d) *High Point Lake.* - The operation of boats powered by internal combustion motors is prohibited.

(e) *Cranberry Glade Lake.* - The operation of boats powered by internal combustion motors is prohibited.