

Notice Temporary Changes to Fishing Regulations

Possession and Use as Bait of Eggs Taken from VHS-Susceptible Species of Fish

Viral hemorrhagic septicemia (VHS) is an infectious disease found in a variety of fish species. In order to prevent the spread of the disease in the Commonwealth, the Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code §65.25 (relating to temporary changes to fishing regulations), has taken immediate action to make it unlawful to possess and use as bait unpreserved, refrigerated or frozen eggs taken from VHS-susceptible species of fish from a VHS-affected or VHS-at risk state or region in or along the waters of the Commonwealth except within the Lake Erie watershed.

For purposes of this temporary change, the following terms shall have the following meanings. "VHS-susceptible species" shall include the following species as well as any other fish species later designated by APHIS order or Commission notice published in the *Pennsylvania Bulletin*: Bluegill (*Lepomis macrochirus*); Bluntnose Minnow (*Pimephales notatus*); "Bullhead catfishes" (*Ictalurus spp.*); Brown Trout (*Salmo trutta*); Burbot (*Lota lota*); Channel Catfish (*Ictalurus punctatus*); Chinook Salmon (*Oncorhynchus tshawytscha*); Common Carp (*Cyprinus carpio*); "Crappies" (*Pomoxis spp.*); Emerald Shiner (*Notropis atherinoides*); Freshwater Drum (*Aplodinotus grunniens*); Gizzard Shad (*Dorosoma cepedianum*); Largemouth Bass (*Micropterus salmoides*); Lake Trout (*Salvelinus namaycush*); "Whitefishes" (*Coregonus spp.*); Muskellunge (*Esox masquinongy*); Northern Pike (*Esox lucius*); Pumpkinseed (*Lepomis gibbosus*); Rainbow Trout / Steelhead (*Oncorhynchus mykiss*); Rock Bass (*Ambloplites rupestris*); Round Goby (*Appollonia melanostomus*); "Redhorse Suckers" (*Moxostoma spp.*); Smallmouth Bass (*Micropterus dolomieu*); Spottail shiner (*Notropis hudsonius*); Trout-perch (*Percopsis omiscomaycus*); Walleye (*Sander vitreus*); White Bass (*Morone chrysops*); White Perch (*Morone Americana*); White Sucker (*Catostomus commersonii*); and Yellow Perch (*Perca flavescens*). A VHS-affected or VHS-at risk

state shall include Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or any other state that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk. A VHS-affected or VHS-at risk region shall include the Canadian provinces of Ontario and Quebec or any other region that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

The Executive Director also has taken immediate action to make it unlawful to possess and use eggs from VHS-susceptible species of fish from the Lake Erie watershed as bait in other watersheds of this Commonwealth. This action represents a change to §69.3 (relating to transportation of VHS-susceptible fish out of the Lake Erie watershed), which previously allowed for the possession and use as bait of eggs from VHS-susceptible species of fish from the Lake Erie watershed in other watersheds of the Commonwealth provided the fish were from a group of fish certified as having tested negative for VHS or were from an artificial propagation facility certified as having tested negative for VHS.

The Executive Director has found that these actions are necessary and appropriate for the protection, preservation and management of fish. These temporary modifications will go into effect immediately and will remain in effect until January 1, 2009, unless the Commission, by appropriate action, adopts the new regulation and amendment. The Commission, under a separate notice of proposed rulemaking, will seek public comments on permanent changes to the Commission's fishing regulations.

FOR THE PENNSYLVANIA FISH AND BOAT COMMISSION:

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Executive Director