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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

[50 Pa.B. 5484]

[Saturday, October 3, 2020]

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 Fish and Boat Code) (code). The proposed amendments remove Lake Perez from the Commission's list of waters under miscellaneous special regulations.

A. *Effective Date*

This 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 this 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.fishandboat.com.

C. *Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) are published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of this proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Lake Perez, a 72-acre impoundment owned by the Pennsylvania State University, is located in Barree Township, Huntingdon County, approximately 3 miles northeast from the Village of Neffs Mills. The dam impounds Shavers Creek at river-mile 13.6 upstream from its confluence with the Juniata River. This reservoir was completely dewatered in late spring 2009 to complete dam and spillway repairs and modifications per Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred during 2014, and the Commission resumed annual adult trout stocking in 2015 to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2014 through 2018 with select fish species to establish a self-sustaining, high-quality warm-water and cool-water fishery.

Since 2015, Lake Perez has been managed with miscellaneous special regulations under § 65.24 that allow for the harvest of trout under Commonwealth Inland Waters angling regulations, but no harvest of other fish species. The intent of these temporary regulations is to facilitate rapid development of the warm-water and cool-water fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulation and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated during 2019 and 2020 to monitor progress towards development of a high-quality warm-water and cool-water fishery. Sportfish abundance and population size structure have improved to levels where populations can now sustain limited harvest. As such, it is recommended that Lake Perez be removed from miscellaneous special regulations under § 65.24 in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. If this regulation is removed, Lake Perez will be proposed for designation into the Panfish Enhancement program under § 65.11 (relating to panfish enhancement). All other fish species will be managed with Commonwealth Inland Waters angling regulations under § 61.1 (relating to Commonwealth inland waters).

The Commission proposes that § 65.24 be amended to read as set forth in Annex A.

F. *Paperwork*

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

G. *Fiscal Impact*

This proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

Interested persons are invited to submit written comments, objections, or suggestions about this 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.

TIMOTHY D. SCHAEFFER,
Executive Director

Fiscal Note: 48A-306. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

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
		* * * * *
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	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 Bass tournaments. Remainder of the year—Catch-measure-immediate release tournaments only. It is unlawful for an angler to repeatedly cast into a clearly visible bass spawning nest or bed in an effort to catch or take bass. A bass caught and immediately returned unharmed to the waters from which taken will not be considered a violation of this section.
[Huntingdon]	[Lake Perez]	[All species except trout—catch and release/no harvest; it is unlawful to take, kill, or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout—inland regulations apply. See § 61.1. This miscellaneous special regulation will remain in effect until June 16, 2018.]
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	Trout (all species)—no closed season. Daily limit: First Saturday after April 11 until Labor Day—5 trout per day; day after Labor Day to first Saturday after April 11 of the following year—3 trout per day. Size limits: Inland rules apply. Smelt may be taken from shore or by wading by means of dip nets not to exceed 20 inches in diameter or 20 inches square. The daily limit per person is the greater of 1 gallon of smelt by volume or 200 smelt by number.
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[Pa.B. Doc. No. 20-1344. Filed for public inspection October 2, 2020, 9:00 a.m.]

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