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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61, 63, 65, 67 AND 69]

Fishing

[51 Pa.B. 5672]

[Saturday, September 4, 2021]

The Fish and Boat Commission (Commission) proposes to amend Chapters 61, 63, 65, 67 and 69. 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 will establish a single, Statewide opening day for the regular season for trout.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2022.

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 amendments to §§ 63.3, 65.6, 65.12, 65.14, 65.15, 65.19 and 65.20 are published under the statutory authority of section 2102(a) of the code (relating to rules and regulations). The proposed amendments to §§ 61.1, 61.2 and 69.12a (relating to Commonwealth inland waters; Delaware River, West Branch Delaware River and River Estuary; and special regulations applicable to Lake Erie tributary streams) are published under the statutory authority of section 2102(b) of the code. The proposed amendment to § 67.2 (relating to refuge areas) is published under the statutory authority of section 2306(a) of the code (relating to refuge areas). The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (relating to waters limited to specific purposes). The proposed amendment to § 63.20 (relating to permits for the protection and management of trout and salmon) is published under the statutory authority of section 2904(a) of the code (relating to permits for the protection and management of particular fish). The proposed amendment to § 65.26 (relating to extended trout season) is published under the statutory authority of sections 2102(b) and 2307(a) of the code.

D. *Purpose and Background*

The specific purpose and background of the proposed amendments are described in more detail under the summary of proposal.

E. *Summary of Proposal*

Under § 61.1, the opening day of the regular season for trout begins at 8 a.m. on the first Saturday after April 11 and continues through midnight of Labor Day. This regulation was in place for all of this Commonwealth's inland waters for many years and is a well-known, much anticipated tradition. However, on January 1, 2007, a new regulation went into effect under § 65.12 (relating to regional opening day of trout season). This regulation created a separate opening day for southeastern and southcentral counties where trout season opens at 8 a.m. on the first Saturday after March 28 and continues through midnight of Labor Day.

In late winter 2020, the novel coronavirus (COVID-19) pandemic reached this Commonwealth and on March 16, 2020, the Commonwealth eliminated most activities that were not considered essential for health and safety. Subsequently, there was substantial concern within the Commission that traditional stocking practices with large numbers of volunteers in close contact and traditional opening day crowds could lead to increased risk of virus transmission. As such, the decision was made to greatly accelerate trout stocking, eliminate the use of volunteers, deploy Commission staff from throughout the agency to perform the stockings, and announce the opening day without warning at 8 a.m. on Tuesday April 7, 2020. This unheralded opening was designed to reduce crowding, and a single, Statewide opening day was employed to reduce cross-boundary travel between the Statewide and regional opening day zones. In addition, public travel restrictions required more anglers to fish closer to home than they would under normal circumstances.

Planning for the 2021 trout stocking season began in early fall of 2020 in anticipation that COVID-19 restrictions and concerns about virus transmission may still be in effect. At the January 2021 quarterly Commissioners meeting, a single, Statewide opening day was established for 2021.

After experiencing 2 consecutive years of a single, Statewide opening day, Commission staff identified an opportunity to further consider the efficacy of the current Commission regulations that provide for a regional opening day of trout season. An ad hoc committee with representatives from the Bureaus of Fisheries; Hatcheries; Law Enforcement; Outreach, Education and Marketing; Administration; Policy and Planning; the Field Operations Deputy Executive Director; and Office of Chief Counsel for review was formed. The committee reviewed the history and summary of opening day designations for trout season. Following that review, the committee recommended the elimination of the regional opening day of trout season and a return to the more traditional single Statewide opener. Commission staff believe that a single opening day simplifies regulations, reduces confusion among the angling public, lessens landowner issues in border counties, gives Statewide anglers at least an extra week of fishing opportunity and better allows businesses to plan for any sales surge.

The elimination of a regional opening day also requires minor amendments to various sections referencing trout season. As such, Commission staff recommend reformatting the dates in regulations relating to trout season for clarification and simplification. Finally, consistent with the act of July 10, 2020, (P.L. 604, No. 56) staff recommend that any reference in the regulations to the trout/salmon permit be changed to trout permit.

The Commission proposes that §§ 61.1, 61.2, 63.3, 63.20, 65.5, 65.6, 65.12, 65.14, 65.15, 65.19, 65.20, 65.24, 65.26, 67.2 and 69.12a 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-318. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

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(d) Except as otherwise provided in this subpart, the following seasons, sizes, and daily limits apply to inland waters of this Commonwealth and the Youghioghny Reservoir:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday [after April 11] in April to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))
	Extended Season: Stocked trout waters and all waters downstream of stocked trout waters 12:01 a.m. day after Labor Day to midnight [last day of February] the third Monday in February of the following year.	7 inches	3 (combined species), except Class A wild trout streams, where the daily limit is 0, and

areas with special regulations

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§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

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(e) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

SPECIES SEASONS	MINIMUM SIZE	DAILY LIMIT
TROUT 8 a.m., [first Saturday after April 11] the opening day of the regular season for trout to midnight, October 15	North of I-84: 14 inches	North of I-84: 1 (combined species)
South of I-84: no minimum	South of I-84: 5 (combined species)	
	West Branch Delaware River:* 12 inches	West Branch Delaware River:* 2 (combined species)

* * * * *

* A special no-kill artificial lures only season is in effect on the West Branch of the Delaware River from October [1] 16 to midnight on the Friday before the **[first Saturday after April 11] opening day of the regular season for trout**. See § 65.24. **It is unlawful for any person to possess a female crab bearing eggs from which the egg pouch or bunion has been removed.

CHAPTER 63. GENERAL FISHING REGULATIONS

§ 63.3. Fishing in stocked trout waters.

It is unlawful to fish in stocked trout waters regulated under § 61.1 (relating to Commonwealth inland waters) from 12:01 a.m. on **[March 1] the third Monday in February** to 8 a.m. on the **[first Saturday after April 11 and in stocked trout waters regulated under § 65.12 (relating to regional opening day of trout season) from 12:01 a.m. on March 1 to 8 a.m. on the first Saturday after March 28] opening day of the regular season for trout**. As used in this subpart, the term "stocked trout waters" means waters that are stocked with adult trout by the Commission. A listing of stocked trout waters is published in the Commission's "Summary of Fishing Regulations and Laws," which is available from the Commission at Post Office Box 67000, Harrisburg, Pennsylvania 17106-7000. The Executive Director or a designee may, from time to time, supplement or modify the list of stocked trout waters, and additions or deletions will be published in the *Pennsylvania Bulletin*.

§ 63.20. Permits for the protection and management of trout **[and salmon]**.

(a) *Finding.* The Commission finds under section 2904 of the code (relating to permits for the protection and management of particular fish) that it is necessary for the protection and management of trout **[and salmon]** in the waters of this Commonwealth that persons who fish for trout **[or salmon]** have a permit for that activity.

(b) *Permit required.* It is unlawful for a person required by Chapter 27 of the code (relating to fishing licenses) to procure a fishing license to fish for trout **[or salmon]** unless that person has first procured a valid **[trout/salmon] trout** permit or a combination **[trout/salmon] trout** permit and Lake Erie permit.

(c) *Exceptions.*

(1) The Commission will issue a **[trout/salmon] trout** permit without fee to disabled veterans who possess a free fishing license under section 2707 of the code (relating to disabled veterans).

(2) A person who is exempt from the fishing license requirements of Chapter 27 of the code or who is issued an institutional fishing license under section 2708 of the code (relating to institutional licenses) is exempt from this section.

(3) A person who purchased a senior resident lifetime fishing license and a **[trout/salmon] trout** permit or a combination **[trout/salmon] trout** permit and Lake Erie permit prior to January 1, 2015, shall be exempt from the requirements of this section.

(4) A **[trout/salmon] trout** permit is not required to fish for trout **[or salmon]** on free fishing days designated by the Commission under section 2709(d) of the code (relating to exemptions from license requirements).

(5) A **[trout/salmon] trout** permit is not required to fish for trout **[or salmon]** on Class A regulated fishing lakes. A **[trout/salmon] trout** permit is not required to fish for trout **[or salmon]** on designated Class B regulated fishing lakes that have the following characteristics:

(i) The lake is a natural pond or impoundment located wholly on private property and constructed and maintained wholly with private funds.

(ii) The lake is operated by a private club or organization.

(iii) The lake is not open for fishing by the general public[,], and fishing is restricted to members only.

(iv) The trout/salmon population of the lake is composed entirely of trout or salmon stocked from private resources and contains no trout or salmon stocked by the Commission, the United States Government or cooperative nurseries recognized by the Commission.

(d) *Fish for trout or salmon.* A person fishes for trout or salmon when one of the following applies:

(1) The person fishes in waters under special trout regulations designated under those sections of Chapter 65 (relating to special fishing regulations) that require a **[trout/salmon] trout** permit, wilderness trout streams or their tributaries or Class A wild trout waters or their tributaries.

(2) The person fishes in streams or rivers that are stocked trout waters as defined in § 63.3 (relating to fishing in stocked trout waters) or their tributaries during the period from 12:01 a.m. on **[March 1] the third Monday in February** until midnight May 31.

(3) The person takes, kills or possess, while in the act of fishing, a trout or salmon on or in waters of this Commonwealth or boundary waters.

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.5. Catch and release artificial lures only.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release. The designation of waters as catch and release shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in areas designated and posted catch and release except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only constructed of metal, plastic, rubber, or wood or with flies and streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited.

(2) No trout may be killed or had in possession.

(3) Open to fishing year-round.

(4) Wading is permitted unless otherwise posted.

(5) Taking of bait fish or fish bait is prohibited.

(6) A current [**trout/salmon**] **trout** permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the catch and release area.

§ 65.6. Delayed harvest artificial lures only areas.

(a) The Executive Director, with the approval of the Commission, may designate waters as delayed harvest, artificial lures only areas. The designation of waters as delayed harvest, artificial lures only areas shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in designated and posted delayed harvest, artificial lures only areas except in compliance with the following requirements:

(1) Fishing may be done with artificial lures only constructed of metal, plastic, rubber, or wood or with flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear.

(2) The use or possession of any natural bait, bait fish, fish bait, bait paste and similar substances, fish eggs (natural or molded) or any other edible substance is prohibited.

(3) Minimum size is: 9 inches, caught on, or in possession on, the waters under regulation.

(4) The daily creel limit is: three combined species except during the period after Labor Day and before June 15 when the daily limit shall be zero trout combined species, caught on or in possession on the waters under regulation.

(5) Taking of bait fish or fish bait is prohibited.

(6) A current **[trout/salmon] trout** permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the delayed harvest artificial lures only area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the delayed harvest artificial lures only area.

§ 65.12. Regional opening day of trout season.

[(a)] The Executive Director, with the approval of the Commission, may designate waters in certain regions as part of the regional opening day of trout season. The designation of waters as part of the regional opening day of trout season shall be effective upon publication of a notice of designation in the *Pennsylvania Bulletin*.

[(b) It is unlawful to fish in waters designated as part of the regional opening day of trout season except in compliance with the following seasons, sizes and creel limits:

<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
Regular Season: 8 a.m. first Saturday after March 28 to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))
Extended Season: Stocked trout waters and all waters downstream of stocked trout waters 12:01 a.m. day after Labor Day to midnight last day of February of the following year	7 inches	3 (combined species) except Class A wild trout streams where the daily limit is 0, and areas with special regulations (see Chapter 65)

(c) It is unlawful to take, catch, kill, or possess trout except during the seasons specified in this section. It is not a violation of this section if a trout caught out of season from waters where fishing for other species is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(d) It is unlawful to take, catch, kill, or possess trout of less than the minimum size specified in this section. It is not a violation of this section if an undersized trout taken from waters where fishing is otherwise lawful is immediately returned unharmed to the waters from which it was taken.

(e) It is unlawful to take, catch or kill more than 1 day's limit of any species of trout as specified in this section during 1 calendar day. It is unlawful to possess more than 1 day's limit of any species of trout as specified in this section except under the following circumstances:

- (1) A person may possess any number of lawfully caught trout at the person's residence.**
- (2) A person who is engaged in a fishing trip away from home for 2 or more consecutive calendar days may possess, while transporting trout from the place where caught to his residence, a number of trout equal to no more than two times the daily creel limit for trout. In prosecutions for violations of this section, it shall be a rebuttable presumption that a person transporting trout from a fishing site caught all of the trout during 1 calendar day.**
- (3) A trout will not be considered to be caught in violation of this section if it is immediately returned unharmed to the waters from which it was taken.**
- (4) Any trout caught that is not to be counted in the creel limit shall be immediately released unharmed to the waters from which taken. Except as otherwise provided in § § 53.24 or 63.40 (relating to tournament and fishing derby permits; and fishing tournaments and fishing derbies), a trout placed on a stringer or confined by any type of container, structure or device or not returned immediately to the water will be considered as part of the daily creel or possession limits. Trout returned to the water shall be handled carefully and be returned unharmed to the waters from which taken.**
- (5) Trout may be given to another person, but the trout shall be counted in the donor's creel limit and neither donor nor the recipient may kill or possess (while in the act of fishing) more than the limit allowed.]**

§ 65.14. Catch and release fly-fishing only.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release fly-fishing only. The designation of waters as catch and release fly-fishing only shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated and posted as catch and release fly-fishing only except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion with components wound on or about the hook or hooks. Use or possession of any other lures or substances is prohibited.

(2) Fishing shall be done with tackle which is limited to fly rods, fly reels and fly line with leader material or monofilament line attached. Spinning, spincast, and casting rods and reels are prohibited.

(3) No trout may be killed or had in possession.

(4) Open to fishing year-round.

(5) Taking of baitfish or fishbait is prohibited.

(6) Wading is permitted unless otherwise posted.

(7) A current [**trout/salmon**] **trout** permit is required.

(c) Notwithstanding the requirements of this section an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release fly-fishing only area

without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the catch and release fly-fishing only area.

§ 65.15. Catch and release all-tackle.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release all-tackle. The designation of waters as catch and release all-tackle shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated and posted catch and release all-tackle except in compliance with the following requirements:

- (1) There are no tackle restrictions.
- (2) No trout may be killed or had in possession.
- (3) Open to fishing year-round; there is no closed season.
- (4) A current **[trout/salmon] trout** permit is required.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release all-tackle area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the catch and release all-tackle area

§ 65.19. Stocked trout waters open to year-round fishing.

(a) The Executive Director, with the approval of the Commission, may designate waters as stocked trout waters open to year-round fishing. The designation of waters as stocked 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 stocked 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 DAILY	
		SIZE	LIMIT
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. [first Saturday after April 11 (or first Saturday after March 28 for waters designated as part of the regional opening day of trout season)] of the opening day of the regular season for trout to midnight Labor Day	7 inches	5 (combined species)
Extended Season: 12:01 a.m. day after Labor Day to midnight [last day of	7 inches	3 (combined species)	

February] the third Monday in**February** of the following year

12:01 [first day of March to first Saturday after April 11 (or first Saturday after March 28 for waters designated as part of the regional opening day of trout season.)] a.m. the third Monday in February to 8 a.m. the opening day of the regular season for trout

NO HARVEST—Catch and immediate release only

(c) It is unlawful to fish in rivers and streams designated as stocked trout waters open to year-round fishing without a current [trout/salmon] trout permit. A [trout/salmon] trout permit is not required to fish in lakes and ponds that have been designated as stocked trout waters open to year-round fishing unless the person takes, kills or possesses, while in the act of fishing, a trout or salmon on or in these waters.

§ 65.20. Mentored Youth Fishing Day Program.

(a) The Executive Director may annually designate Mentored Youth Fishing Days. As part of the designation, the Executive Director will identify the species, waters, dates, creel and minimum size limits and other applicable limitations. The designation will be effective upon publication of a notice in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as part of the Mentored Youth Fishing Day Program except in compliance with the following requirements when participating in the Mentored Youth Fishing Day Program:

(1) Anglers shall adhere to the limitations as established by the Executive Director by notice in the *Pennsylvania Bulletin*.

(2) An angler 16 years of age or older shall be accompanied by a youth, less than 16 years of age, who has obtained a mentored youth permit or a voluntary youth fishing license from the Commission.

(3) A youth angler shall obtain a mentored youth permit or a voluntary youth fishing license from the Commission and be accompanied by an angler 16 years of age or older.

(4) A current [trout/salmon] trout permit is required for an angler 16 years of age or older when participating in a Mentored Youth Fishing Day Program that relates to trout.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the water designated as part of the Mentored Youth Fishing Day Program without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the water designated as part of the Mentored Youth Fishing Day Program.

§ 65.24. Miscellaneous special regulations.

The following waters are subject to the following miscellaneous special regulations:

County	Name of Water	Special Regulations
Centre and Mifflin	Penns Creek, from the confluence of Elk Creek downstream 7 miles to 600 meters downstream of Swift Run	<p>Open to fishing year-round. All tackle types are permitted. From 8 a.m. on the [first Saturday after April 11] opening day of the regular season for trout through Labor Day—the daily creel limit for trout is 2 (combined species). Trout must be at least 7 inches but less than 12 inches in length to be killed or possessed. From the day after Labor Day until 8 a.m. on the [first Saturday after April 11] opening day of the regular season for trout, no trout may be killed or possessed. Inland regulations apply to all other species. This miscellaneous special regulation will remain in effect until further notice.</p>
Huntingdon	Raystown Lake (includes Raystown Branch from the Raystown Dam downstream to the confluence with the Juniata River).	<p>Trout (all species)—no closed season. Daily limit: [First Saturday after April 11] opening day of the regular season for trout until Labor Day—5 trout per day; day after Labor Day to [first Saturday after April 11] opening day of the regular season for trout 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.</p>
Luzerne	Harveys Lake	<p>During the period from the [first Saturday after April 11 through midnight last day of] opening day of the regular season for trout through midnight the third Monday in February, the daily creel limit for trout (combined species) is 3, only one of which may exceed 18 inches in length. Warmwater/coolwater species, except as provided in this section—Inland regulations apply.</p>
Somerset, Fayette, Westmoreland and Allegheny	Youghiogheny River from confluence with Casselman River downstream to the confluence with Ramcat Run Youghiogheny River from the pipeline crossing at the confluence with Lick Run	<p>Trout (all species)—no closed season. Daily limit: [First Saturday after April 11] opening day of the regular season for trout until Labor Day—5 trout per day; day after Labor Day to [first Saturday after April 11] opening day of the regular season for trout of the following year—3 trout per day. Inland regulations apply to warmwater/coolwater species.</p>

Warren downstream to the mouth of the river.
 Allegheny River— 8.75 miles downstream from the outflow of the Allegheny Reservoir to the confluence with Conewago Creek
 Trout—minimum size limit—14 inches; daily creel limit—2 trout per day (combined species) from 8 a.m. on the **[first Saturday after April 11] opening day of the regular season for trout** through midnight Labor Day, except during the period from the day after Labor Day to the **[first Saturday after April 11] opening day of the regular season for trout** of the following year, when no trout may be killed or had in possession. Other inland seasons, sizes and creel limits apply.

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Washington Little Chartiers Creek from Canonsburg Lake Dam approximately 1/2 mile downstream to mouth of Chartiers Creek
 Fishing is prohibited from 12:01 a.m. **[March 1] the third Monday in February** to 8 a.m. the **[first Saturday after April 11] opening day of the regular season for trout**.

Wayne West Branch Delaware River
 Trout: From the Pennsylvania/New York border downstream to the confluence with the East River Branch of the Delaware River: no-harvest artificial lures only season on trout from October 16 until midnight of the Friday before the **[first Saturday after April 11] opening day of the regular season for trout**. During the no-harvest artificial lures only season: 1. Fishing may be done with artificial lures only, constructed of metal, plastic, rubber or wood, or flies or streamers constructed of natural or synthetic materials. Lures may be used with spinning or fly fishing gear. Use or possession of any other lures or substances is prohibited. 2. The daily creel limit for trout is 0.

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§ 65.26. Extended trout season.

(Editor's Note: The proposed amendments to § 65.26 incorporate the proposed amendments published at 51 Pa.B. 3140 (June 5, 2021).)

(a) *General rule.*—The extended trout season is in effect from the day after Labor Day until the **[last day of] third Monday in** February of the following year on stocked trout waters **[and all waters downstream of stocked trout waters]**. A creel limit of three trout per day and a minimum size limit of 7 inches apply during this season**[, except Class A wild trout streams where the creel limit is 0 and areas with special regulations]**.

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CHAPTER 67. NURSERY WATERS

§ 67.2. Refuge areas.

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(b) Refuge areas are closed to public fishing except during the period from June 15 until the **[last day of] third Monday in February** of the following year.

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CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter B. SPORT FISHING AND ANGLING

§ 69.12a. Special regulations applicable to Lake Erie tributary streams.

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(c) From 12:01 a.m. on the day after Labor Day, until the **[first Saturday after April 11] of the opening day of the regular season for trout** of the following year, all Lake Erie tributary streams are closed to fishing from 10 p.m. until 5 a.m. on the following day except for Walnut Creek north of Manchester Road Bridge and Elk Creek north of Route 5.

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