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PROPOSED RULEMAKING

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

[51 Pa.B. 3139]

[Saturday, June 5, 2021]

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 Leaser Lake from the Commission's list of waters managed 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 amendments 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 the proposed amendments is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Leaser Lake, a 117-acre impoundment owned by the Commonwealth and managed by the Commission, is located in Lynn Township, Lehigh County, approximately 20 miles west-northwest of the City of Allentown. The dam impounds two unnamed tributaries to Ontelaunee Creek at river mile 0.38 upstream from its confluence with Ontelaunee Creek. This reservoir was completely dewatered in 2009 to complete dam and spillway repairs and modifications per the Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred in 2013 and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2020, with select fish species to establish a high quality, warmwater and coolwater fishery.

Since 2013, Leaser Lake has been managed under § 65.24 that allows 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 warmwater and coolwater fish populations in the absence of harvest, and once re-established, the lake would be recommended for removal from the special regulation and moved to one or more of the Commission's existing regulation programs.

The black bass and panfish populations were evaluated from 2016 through 2020 to monitor progress towards development of a high quality, warmwater and coolwater fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. It is recommended that Leaser Lake be removed from miscellaneous special regulations in favor of management with the Commission's existing warm water regulation programs that allow for limited harvest of warmwater and coolwater fish. Upon removal of this regulation, Leaser Lake may be proposed for designation into § 65.9 (relating to big bass) or § 65.11 (relating to panfish enhancement) programs, or both. Additionally, Leaser Lake may be considered for designation in § 65.19 (relating to stocked trout waters open to year-round fishing). To facilitate transition of Leaser Lake to the big bass, panfish enhancement or stocked trout waters open to year-round fishing programs, this water must first be removed from miscellaneous special regulations. All other fish species will be managed 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-312. 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
		* * * * *
Huntingdon	Whipple Lake	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 further notice.
[Lehigh	Leaser Lake	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.]
Luzerne	Harveys Lake	During the period from the first Saturday after April 11 through midnight last day of 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.
		* * * * *

[Pa.B. Doc. No. 21-891. Filed for public inspection June 4, 2021, 9:00 a.m.]

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