

**Commonwealth of Pennsylvania
Pennsylvania Fish and Boat
Commission Harrisburg,
Pennsylvania**

MINUTES

147th Meeting

Volume 73

**HARRISBURG, PENNSYLVANIA
June 10, 2022**

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Commonwealth of Pennsylvania
Pennsylvania Fish and Boat Commission

Minutes

The 147th Meeting of the Pennsylvania Fish and Boat Commission was held on Friday, June 10 at the Pennsylvania Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, PA 17110 and virtually via Webex.

The public session began on June 10 at approximately 1:00 p.m.

Call to Order

This meeting was called order by Commission President Richard S. Kauffman and was followed by the Pledge of Allegiance to the Flag.

Roll Call

Members Present

Richard Kauffman, President
Robert B.J. Small, Vice President
Donald K. Anderson
William C. Brock
Charles J. Charlesworth
William J. Gibney
Eric C. Hussar
Richard Lewis
John E. Mahn, Jr.
Daniel J. Pastore

Members Not Present

William C. Brock
Daniel J. Pastore

Public Comments to Commissioners and Staff

There were no public comments to Commissioners and Staff.

EXECUTIVE AND ADMINISTRATIVE PROPOSED RULEMAKING

A. Establishing Fees for Fishing Licenses and Permits.

Commentary:

Pennsylvania's fishing and boating programs are paid for by anglers and boaters through the User pays, User Benefits Model, primarily from the sale of fishing licenses, permits, and boat registrations. Fee levels for these items have not changed since 2005.

The Pennsylvania Fish and Boat Commission (Commission) has two legislatively-authorized Special Funds, the Fish Fund and the Boat Fund. These Funds receive money mainly from fishing license and permit fees, boat registration fees, fines and penalties, tax refunds of motorboat fuel, and federal funds.

By far, the largest source of revenue for the Fish Fund is from fishing license and permit fees. Since fiscal year 2005, these fees accounted for more than 67% of Fish Fund revenues.

Over a 16-year period (2005 to 2021), fishing license and permit fee revenues have remained relatively flat at about \$25 million per year on average. While the revenue derived from license and permit fees paid by anglers has remained stagnant, costs have not. Annual Fish Fund expenditures have increased from \$34.5 million in fiscal year 2005 to \$41.6 million in fiscal year 2020.

Commission staff regularly monitors the status and fiscal health of the Fish Fund to ensure that adequate funds are available to maintain and support programs designed to meet the expectations of anglers and other users of Pennsylvania's aquatic resources.

An adjustment to the fees for fishing licenses and permits is needed to cope with inflationary pressures, maintain and improve existing programs, and to address and meet anglers and boaters' desires for:

- Strategic and timely fisheries management to protect, conserve, and enhance the aquatic resources of Pennsylvania.
- Critical infrastructure improvements and maintenance efforts for state fish hatcheries, hazardous dams, boat launch access areas and ramps, and other Commission-owned facilities to improve and maintain fishing opportunities.
- Aquatic resource field and classroom education and angler information programs.
- Conservation law enforcement.

If new revenues are not in place for the 2023 license year, the Commission will not be able to maintain adequate levels of services to Pennsylvania's anglers, let alone respond to angler desires for expanded efforts in many program areas.

Without additional or new revenues in the Fish Fund, and as forecasted expenditures begin to further outpace existing revenues, the Commission may need to reduce program benefits to anglers.

To maintain adequate funding to sustain these important programs and invest in the future, the Commission is seeking a modest fee increase for all fishing license and permit categories as shown in the following table:

License Category	Fee		
	Current	Change	Proposed
Resident Annual	\$21.00	\$2.50	\$23.50
Non-resident Annual	\$51.00	\$4.00	\$55.00
Senior Resident Annual	\$10.00	\$1.25	\$11.25
Senior Resident Lifetime	\$50.00	\$25.00	\$75.00
3-Day Tourist	\$25.00	\$2.50	\$27.50
7-Day Tourist	\$33.00	\$2.00	\$35.00
1-Day Resident	\$10.00	\$1.25	\$11.25
1-Day Tourist	\$25.00	\$2.50	\$27.50
Trout Permit	\$8.00	\$2.50	\$10.50
Combination Trout/Lake Erie Permit	\$14.00	\$2.50	\$16.50

If approved, the license and fee permit package as described is estimated to provide the Fish Fund with additional, annual revenues of roughly \$2.5 million and will help sustain the Fish Fund through fiscal year 2022-23. The Commission has the authority to modify these fees pursuant to Section 322.1 (relating to power to set fees) of the Fish and Boat Code, 30 Pa.C.S. § 322.1.

Staff propose that 58 Pa. Code Chapter 63 be amended as follows:

§ 63.57. License, Permit, and Issuing Agent Fees.

(a) License fees.—The following fees apply to fishing licenses issued under this chapter and shall be paid into the Fish Fund:

- (1) Resident Annual Fishing License, \$23.50.**
- (2) Senior Resident Annual Fishing License, \$11.25.**
- (3) Senior Resident Lifetime Fishing License, \$75.**
- (4) Nonresident Annual Fishing License, \$55.**
- (5) Seven-Day Tourist Fishing License, \$35.**
- (6) Three-Day Tourist Fishing License, \$27.50.**
- (7) One-Day Resident Fishing License, \$11.25.**
- (8) One-Day Tourist Fishing License, \$27.50.**

(b) Permit fees.—The following fees apply to permits issued under this chapter and shall be paid into the Fish Fund:

- (1) Trout permits, \$10.50.**
- (2) Combination trout permit and Lake Erie permit, \$16.50.**

Briefer:

Brian P. Barner, Deputy Executive Director

Recommendation:

Staff recommend the Commissioners approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary. If approved on final rulemaking, these amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Hussar and seconded by Commissioner Small to approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary. If approved on final rulemaking, the amendments will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

**EXECUTIVE AND ADMINISTRATIVE
PROPOSED RULEMAKING**

B. Establishing Fees for Boat Titles and Other Fishing and Boating Related Licenses and Permits.

Commentary:

The Pennsylvania Fish and Boat Commission (Commission) has two legislatively-authorized Special Funds, the Fish Fund and the Boat Fund. These Funds receive money mainly from fishing license and permit fees, boat registration fees, fines and penalties, tax refunds of motorboat fuel, and federal funds paid for by anglers and boaters through the User pays, User Benefits Model.

Commission staff regularly monitors the status and fiscal health of the Fish Fund and the Boat Fund to ensure that adequate funds are available to maintain and support programs designed to meet the expectations of anglers and other users of Pennsylvania's aquatic resources.

An adjustment to the fees for several categories of boat titles, licenses, and permits are needed to cope with inflationary pressures, maintain and improve existing programs, address and meet anglers and boaters' needs, and bring the price of these items in line with the administrative cost associated with issuing them.

Fee levels for these items have not changed since the 1980's and 1990's, and to maintain adequate funding to sustain these important programs, the Commission is seeking to adjust its fees for boat titles and the license and permit types shown in the following table:

<i>Title, License or Permit Type</i>	<i>Date Fee Established</i>	<i>Current Fee</i>	<i>Proposed Fee</i>
License for operator of passenger-carrying boat	10/16/80	\$5.00	\$50.00
Permit for floating structures and private aids to navigation-COMMERCIAL	12/12/91	\$10.00	\$50.00
Permit for floating structures and private aids to navigation-PRIVATE	12/13/91	\$10.00	\$20.00
Dealer registration	12/12/91	\$15.00	\$25.00
Transfer of a multi-year boat registration	12/22/89	\$5.00	\$10.00
Certificate of title	7/2/96	\$15.00	\$58.00
Duplicate certificate of title	7/2/96	\$5.00	\$28.00
Recording or changing the amount of security interest on a certificate of title	7/2/96	\$5.00	\$28.00
Copies of or information relating to a title or security interest	7/2/96	\$5.00	\$10.00
Issuing or providing copies of any other official document issued under the authority of Chapter 53	7/2/96	\$5.00	\$10.00
Uncollectable Checks	10/16/80	\$15.00	\$40.00
Cast Net permits	10/16/80	\$10.00	\$25.00
Permits for use of explosives	11/3/99	\$50.00	\$60.00
Commercial fishing license, Resident trap net	10/16/80	\$80.00	\$100.00
Commercial fishing license, Nonresident trap net	10/16/80	\$160.00	\$200.00

If approved, the fee package as described is estimated to provide additional, annual revenues of roughly \$30,000 for the Fish Fund and nearly \$1.5 million for the Boat Fund.

The Commission has the authority to modify these fees pursuant to Section 322.1 (relating to power to set fees) of the Fish and Boat Code, 30 Pa.C.S. § 322.1.

Staff propose that 58 Pa. Code Chapters 51, 69, 91, and 93 be amended as follows:

§ 51.61. Permits required for disturbance of waterways or watersheds.

* * * * *

(b) Examples of permits that may be required to undertake specific activities in the waters or watersheds of this Commonwealth include the following:

- (1) Permits for use of explosives in waters of this Commonwealth (Fish and Boat Commission). **The fee for such permits shall be \$60.**

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Subchapter M. Uncollectable Checks

§ 51.131. Service charge for uncollectible checks.

Whenever any check or similar instrument issued in payment of any fee, fine or for any other purpose under this title is returned to the commission as uncollectible, the person who makes, issues or presents the check or other instrument shall be charged \$40. The service charge shall be credited to the Fish Fund or the Boat Fund, as appropriate.

§ 69.19. Permit for the use of cast nets, throw nets or dip nets by sport anglers.

(m) The fee for any cast net issued under this section shall be \$25.

(n) The fee for any trap net issued to a resident of the Commonwealth under this section shall be \$100.

(o) The fee for any trap net issued to a nonresident of the Commonwealth under this section shall be \$200.

§ 91.8. Fees.

(a) Fees.-- The following fees apply to registrations, licenses, permits and certificates issued under this Title and the fees collected shall be deposited into the Boat Fund:

- (1) Dealer registration, \$25 each per year.**
- (2) Commercial passenger boat registration, \$25 each.**
- (3) License for operator of passenger-carrying boat, \$50 each.**
- (4) Transfer of a multi-year boat registration, \$10.**
- (5) Permit for commercial floating structure or aids to navigation , \$50 each.**
- (6) Permit for private floating structure or aids to navigation , \$20 each.**

§ 93.120. Fees.

The following fees apply to certificates and documents issued under this subchapter and the fees collected shall be deposited into the Boat Fund:

(1) The fee for issuance of a certificate of title shall be \$58.

(2) The fee for a duplicate certificate of title shall be \$28.

(3) The fee for recording or changing the amount of security interest on a certificate of title shall be \$28.

(4) The fee for copies of or information relating to a title or security interest shall be \$10.

(5) The fee for issuing or providing copies of any other official document issued under the authority of this chapter shall be \$10.

Briefer:

Brian P. Barner, Deputy Executive Director

Recommendation:

Staff recommend the Commissioners approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary. If approved on final rulemaking, these amendments will go into effect upon publication in the *Pennsylvania Bulletin*.

Action:

A motion was made by Commissioner Small and seconded by Commissioner Hussar to approve the publication of a notice of proposed rulemaking containing the amendments described in the Commentary. If approved on final rulemaking, the amendments will go into effect upon publication in the *Pennsylvania Bulletin*. Motion carried by unanimous vote.

Other New Business

Time and Place of July 2022 Commission Meeting

Announcement of the July 25-26, 2022 Quarterly Commissioner Meeting in Harrisburg.

Adjournment

A motion was made by Commissioner Lewis and seconded by Commissioner Gibney to adjourn the meeting at 1:40 pm. Motion carried by unanimous vote.