

## Order Adopting Amendments

### COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

#### Title 58. Recreation Part II. Fish and Boat Commission Chapter 53 Commission Property

### **Preamble**

The Fish and Boat Commission (Commission) amends Chapter 53 (relating to Commission property). The Commission is publishing this final-form rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

This final-form rulemaking will go into effect upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. *Statutory Authority*

The amendments to § 53.11 (relating to off-highway vehicles and snowmobiles) are published under the statutory authority of section 741 of the code (relating to control of property).

D. *Purpose and Background*

The final-form rulemaking is designed to simplify and improve the Commission's property regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

E. *Summary of Changes*

Section 53.11(c) currently allows persons who are exempt from the fishing license requirement under section 2709(b) of the code (relating to exemptions from license requirements) and persons who are deprived of the use of a leg or both legs in a manner that significantly limits mobility to apply for a permit to use an off-road motorized vehicle on Commission property for the purpose of gaining access to fishing or boating opportunities. A recent review of this section and the Commission's application disclosed that both are in need of updating so that they meet current requirements of the Americans with Disabilities Act of 1990 (ADA) (42 U.S.C.A. §§ 12101—12213) and United States Department of Justice regulations implementing the requirements of the ADA. In addition, to give the Commission more flexibility in adapting to future changes in the law, the Commission proposes deleting certain language from § 53.11 and relying on the application form and the conditions in the permit. The Commission also proposes housekeeping changes to subsection (a).

The Commission therefore amends § 53.11 to read as set forth set forth in the notice of final-form rulemaking.

F. *Paperwork*

The amendments will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The amendments will not have adverse fiscal impacts on the Commonwealth or its political subdivisions. The amendments will not impose new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 48 Pa. B. 2655 (May 5, 2018). The Commission received no public comment.

**FINDINGS**

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201, 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and no public comments were received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

**ORDER**

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 53, are amended in §§ 53.11 to read as set forth at 48 Pa. B. 2655.

(B) The Executive Director will submit this order and 48 Pa. B. 2655 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 48 Pa. B. 2655 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on upon publication in the *Pennsylvania Bulletin*.

For the Pennsylvania Fish and Boat Commission

John A. Arway  
Executive Director