

## Notice of Proposed Rulemaking

### COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

#### Title 58. Recreation Part II. Fish and Boat Commission Chapter 65 Fishing

### **Preamble**

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 the Fish and Boat Code) (code).

#### A. *Effective Date*

The 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 the 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 website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. *Statutory Authority*

The proposed amendment to § 65.21 (relating to waters limited to specific purposes – exclusive fishing areas) is published under the statutory authority of section 2307 of the code (relating to waters limited to a specific purpose).

D. *Purpose and Background*

The proposed rulemaking is designed to improve, enhance and update the Commission’s fishing regulations. The specific purpose of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Under Section 2307 of the code, the Commission has the authority to promulgate regulations for Exclusive Use Fishing Areas. Those regulations are laid out in § 65.21. In sub-section (b) the term children is defined as a person “12 years of age or under.”

In recent discussions Commissioners and staff have questioned why the age is set at twelve when an individual is not required to purchase a license until they have reached sixteen years of age. The Commission has explored the history of the age determination and has not found evidence suggesting why the lower age was adopted in § 65.21. Additionally, the Commission has been looking for additional opportunities to get more youth interested in fishing. The rationale in changing the age to 15 and under for these areas is to bring more angling opportunities to a broader range of youth.

The Commission proposes to amend § 65.21 to read as set forth in Annex A

F. *Paperwork*

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

G. *Fiscal Impact*

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

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the 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](http://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.

For the Pennsylvania Fish and Boat Commission

John A. Arway  
Executive Director

## Annex A

### Regulation No. 48A-281

#### Title 58. Recreation

#### Part II. Fish and Boat Commission

#### *Subpart B. Fishing*

#### CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.21. Waters limited to specific purposes – exclusive use fishing areas.

\* \* \*

(b) As used in this section, the term “children” means persons [12] 15 years of age or under. The term “special populations” means persons who are exempt from the fishing license requirement by section 2709(b) of the code (relating to exemptions from license requirements), persons whose visual acuity with best correcting lens is 3/60 or 10/200 or poorer in the better eye, persons whose vision is such that the widest diameter of the visual field of the better eye has contracted to such an extent that it subtends an angular distance of not greater than 20° or persons permanently deprived of the full use of a leg or both legs.

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