

Order Adopting Amendments

COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation Part II. Fish and Boat Commission Chapter 69 Fishing in Lake Erie and Boundary Lakes

Preamble

The Fish and Boat Commission (Commission) amends Chapter 69 (relating to Fishing in Lake Erie and Boundary Lakes). The Commission is publishing this final-form rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code). The amendments update the Commission's season dates for walleye fishing in Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters.

A. *Effective Date*

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

B. *Contact Person*

For further information on this 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.fishandboat.com.

C. *Statutory Authority*

The amendments to § 69.12 (relating to seasons, sizes, and creel limits - Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

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

E. *Summary of Changes*

Past Commission actions gave authority to the Executive Director to adjust harvest limits for Walleye and Yellow Perch based upon adaptive management methods for Lake Erie, Lake Erie tributaries, and Presque Isle Bay, including peninsula waters. These flexible management strategies serve to maintain consistency in angler catch rate given the vagaries of weather and other biotic and abiotic influences upon recruitment or production of young for these species. Following that approval, staff identified a slight discrepancy in the start date of Walleye season for inland waters and Lake Erie waters. In both cases, the start date occurs within one week of one another. To maintain regulatory consistency and simplicity, staff recommend the Lake Erie, Lake tributaries, Presque Isle Bay, and peninsular water walleye seasonal opening days be the same as that for Commonwealth inland waters. This small housekeeping change is expected to be unnoticed by anglers and have negligible impact upon fishing opportunity but will serve to simplify and make clear harvest rules applicable to Walleyes across much of the Commonwealth.

A notice of proposed rulemaking was published at 49 Pa. B. 7298 (December 14, 2019). The Commission did not receive any public comments regarding the proposal.

The Commission therefore amends § 69.12 to read as set forth in the proposed rulemaking published at 49 Pa. B. 7298.

F. *Paperwork*

This final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

This final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions.

H. *Public Comments*

A notice of proposed rulemaking was published at 49 Pa. B. 7298. The Commission did not receive any comments regarding the proposal.

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 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 Chapters are amended in § 69.12 to read as set forth at 49 Pa. B. 7298.

(B) The Executive Director will submit this order and 49 Pa. B. 7298 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 49 Pa. B. 7298 and deposit them with the Legislative Reference Bureau as required by law.

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

For the Pennsylvania Fish and Boat Commission

Timothy D. Schaeffer
Executive Director

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter B. SPORT FISHING AND ANGLING

§ 69.12. Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters.

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * * * *		
WALLEYE	[January 1 to midnight March 14 and May 1 to December 31.] <u>January 1—March 14; and 12:01 a.m. first Saturday in May until midnight December 31</u>	15 inches	Established annually by April 15[*] **
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