

Notice of Proposed Rulemaking

COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation Part II. Fish and Boat Commission Chapter 51 General Provisions

Preamble

The Fish and Boat Commission (Commission) proposes to amend Chapter 51 (relating to administrative provisions). The Commission is publishing this proposed rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code). The proposed amendments update the Commission's regulations for display of permits.

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.

C. *Statutory Authority*

The proposed amendments to § 51.123 (relating to display of permits) and § 51.127 (relating to fishing licenses and permits) are published under the statutory authority of section 2907.3 of the code (relating to fishing guide and charter boat permits).

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*

As the Commission continues to modernize its business practices, several permit application procedures have been evaluated. An internal review of the Charter Boat/Fishing Guide permit application process revealed that the customer and the Commission would benefit greatly by handling the permitting process online.

Currently, to secure or purchase a permit, a written application, payment and numerous other supporting documents must be provided to the Commission for review, approval and processing. Once received by the Commission, it generally takes about 30 days to issue a permit, which is then mailed to the permittee.

The proposed plan moving forward is to allow application for and issuance of the permit online, exclusively through the Outdoor Shop. Waterways Conservations Officers would verify applicant provided information during standard field checks. As part of this transition, the requirement to display a guide sticker on the boat would be removed. Permits would be fulfilled at the point of purchase. The 30-day wait time for a permit and the time and expense associated with preparing a paper application would be eliminated. Through the automation process, the Commission would substantially lower the cost to review and issue a permit and would eliminate the

cost of producing and mailing permits, identification decals, patches, and other informational materials.

An additional change to Section 51.127 would require an individual guiding on Commonwealth Waters to have Commission issued fishing license and permits. Under the current language a loophole was created that allows some nonresidents to guide on Commonwealth Waters utilizing their out of state license with a Pennsylvania Nonresident guide permit.

The Commission proposes that §§ 51.123 and 51.127 be amended 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 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 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. 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

/s/ Timothy D. Schaeffer

Timothy D. Schaeffer
Executive Director

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 51. ADMINISTRATIVE PROVISIONS

§ 51.123. Display of permits.

(a) *Display of permit on outer garment.* While operating a charter boat or fishing guide operation, charter boat operators and fishing guides shall display their permits on a hat or an outer garment in plain view. The charter boat operator and fishing guide may carry and display the permit in the same holder containing a fishing license.

(b) *Officers designated to check permits.* Charter boat operators and fishing guides shall present their charter boat/fishing guide permits upon the request of an officer authorized to enforce the code.

[(c) *Display of decal on charter boats.* When a boat is used in the charter boat/fishing guide operation, the charter boat operator shall display a decal supplied by the Commission on both sides of the boat hull above the waterline and below the gunwale near the stern of the boat or on each side window of the cockpit of the boat. While onboard a boat displaying a decal, the charter boat operator is exempt from the permit display requirements of this section provided the permit is onboard the boat. When, due to exigent circumstances, a charter boat operator must use a boat that does not display a charter boat/fishing guide decal, the charter boat operator shall display the permit on a hat or outer garment as required by this section.]

§ 51.127. Fishing license and permits.

Charter boat operators and their crewmembers and fishing guides shall possess valid **Commission issued** fishing licenses and the stamps and permits required for the waters in which they fish. Charter boat operators and fishing guides are responsible for ensuring that their employees, passengers and customers possess a valid **Commission issued** fishing license and the appropriate stamps and permits.