

## **Notice of Proposed Rulemaking**

### **COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION**

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

### **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). The proposed amendment adds Bald Eagle Creek to the Commission's list of waters under miscellaneous special regulation.

A. *Effective Date*

This proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2021.

B. *Contact Person*

For further information on this 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 web site at <https://www.fishandboat.com>.

C. *Statutory Authority*

The proposed amendment to § 65.24 (relating to miscellaneous special regulations) is published under the statutory authority of section 2307(a) of the code (waters limited to specific purposes).

D. *Purpose and Background*

The specific purpose and background of the proposed amendment is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Bald Eagle Creek is a 52.25-mile long stream that originates near the Borough of Port Matilda and flows northeast to its confluence with the West Branch Susquehanna River near the City of Lock Haven. The stream is currently managed as six stream sections for fisheries management purposes. Sections 02, 03, and 04, which total 28.5 miles in length, are currently included in the Stocked Trout Waters program.

To provide new and diverse angling opportunities for stocked trout, staff identified a portion of Bald Eagle Creek, Section 03, to implement an experimental miscellaneous special regulation designed to enhance stocked trout management. This regulation will be identical to the current Delayed Harvest Artificial Lures Only (58 Pa. Code §65.6) regulation; however, all tackle types will be permitted. As such, the regulation allows for year-round angling with all tackle types and harvest of up to three trout per day at least nine inches in length from June 15 through Labor Day, with no harvest permitted the remainder of the year. The regulation is designed to provide an extended period of catch and release angling with all tackle types for stocked trout; then, as stream conditions become less favorable for trout survival due to decreased flow and elevated water temperatures, harvest is permitted under a reduced creel limit. The objectives are to reduce fishing mortality during the catch and release period, maintain high trout population densities to provide for high angler catch rates,

recycle stocked trout to optimize their recreational benefit, provide high-quality angling opportunity for stocked trout in the absence of tackle restrictions, and evaluate the use of bait in a delayed harvest regulatory setting.

An 0.86-mile long section of stream located in the vicinity of Julian at the Soaring Eagle Wetland, which is owned and maintained by the Wildlife for Everyone Foundation, provides the ideal location to implement an experimental regulation as the foundation plans to construct an ADA-compliant boardwalk, fishing platform, and other amenities that make this reach of stream accessible to all anglers. Additionally, the recent habitat improvement projects enhanced instream habitat to provide suitable conditions to retain stocked trout in this reach throughout the spring and early summer.

The experimental regulation section will also be included in the Keystone Select Stocked Trout Waters program. In 2016, the Commission launched the Keystone Select Stocked Trout Waters program with eight stream sections. Due to its extreme popularity among trout anglers, the program was expanded to include 23 stream sections. Under the program, large trout, 14 to 20 inches in length, are stocked at a rate up to 250 trout per mile which is comparable to the abundance of similar-sized fish residing in Pennsylvania's best wild trout waters. By including this section of Bald Eagle Creek in the Keystone Select Stocked Trout Waters program, it will allow staff to compare angler use, catch, and preferences to other waters in the program that are managed with the traditional artificial lures only restrictions.

The Commission proposes that § 65.24 be amended 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 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 this 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

/s/ Timothy D. Schaeffer

Timothy D. Schaeffer  
Executive Director

**Annex A**

**TITLE 58. RECREATION**

**PART II. FISH AND BOAT COMMISSION**

**Subpart B. FISHING**

**CHAPTER 65. SPECIAL FISHING REGULATIONS**

**§ 65.24. Miscellaneous Special Regulations.**

The following waters are subject to the following miscellaneous special regulations:

<i>County</i>	<i>Name of Water</i>	<i>Special Regulations</i>
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<u>Centre</u>	<u>Bald Eagle Creek, from 0.38 miles upstream of Steel Hollow Run to 0.48 miles downstream of Steel Hollow Run</u>	<u>Open to fishing year-round. All tackle types are permitted. From June 15 through Labor Day – the daily creel limit for trout is three (combined species). Trout must be 9 inches in length to be killed or possessed.</u>  <u>From the day after Labor Day through June 14, no trout may be killed or possessed.</u>  <u>Inland regulations apply to all other species.</u>  <u>This miscellaneous special regulation will remain in effect until further notice.</u>
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