

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 amendments remove Opossum Lake from 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 upon publication in the *Pennsylvania Bulletin*.

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) are 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*

Opossum Lake, a 47-acre impoundment owned by the Commonwealth of Pennsylvania and managed by the Pennsylvania Fish and Boat Commission (Commission), is located in Lower Frankford Township in Cumberland County approximately six miles west-northwest of the Borough of Carlisle. The dam impounds Opossum Creek at river-mile 0.5 upstream from its confluence with Conodoguinet Creek. This reservoir was completely dewatered in October 2008 to complete dam and spillway repairs and modifications per Pennsylvania Department of Environmental Protection dam safety standards. Following completion of these repairs and modifications, refill occurred by spring 2013 and the Commission resumed annual adult trout stocking to provide immediate angling opportunities. Additionally, the Commission stocked the lake from 2013 through 2015 with select fish species to establish a high-quality warm-water and cool-water fishery.

Since 2012, Opossum Lake has been managed with miscellaneous special regulations (58 Pa. Code § 65.24) that allow for the harvest of trout under Commonwealth Inland Waters angling regulations but no harvest of other fish species. The intent of these temporary regulations was to facilitate rapid development of the warm-water and cool-water fish populations in the absence of

harvest, and once re-established, the lake would be recommended for removal from the miscellaneous special regulation and moved to one of the Commission's existing warm-water regulation programs.

The black bass and panfish populations were evaluated from 2015 through 2020 to monitor progress towards development of a high-quality warm-water and cool-water fishery. Sportfish abundance and population size structure have steadily improved to levels where populations can now sustain limited harvest. As such, it is recommended that Opossum Lake be removed from miscellaneous special regulations (58 Pa. Code § 65.24) in favor of management with the Commission's existing warm-water regulation programs that allow for limited harvest of warm-water and cool-water fish. If these regulations are removed, Opossum Lake will be proposed for designation into the Big Bass (58 Pa. Code § 65.9) and the Panfish Enhancement (58 Pa. Code § 65.11) programs. All other fish species will be managed with Commonwealth Inland Waters angling regulations (58 Pa. Code § 61.1).

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. 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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[Cumberland]	[Opossum Lake]	[All species except trout – catch and release/no harvest; it is unlawful to take, kill, or possess any fish except trout. All fish caught other than trout must be immediately returned unharmed. Trout – inland regulations apply. See §61.1 (relating to Commonwealth inland waters). This miscellaneous special regulation will remain in effect until further notice.]
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