

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 65]

Fishing; Special Fishing Regulations

The Fish and Boat Commission (Commission) amends 58 Pa. Code Chapter 65 (relating to special fishing regulations). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). This final-form rulemaking modifies and updates the Commission's fishing regulations.

A. *Effective Date*

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

B. *Contact Person*

For further information on the 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 web site at www.fish.state.pa.us.

C. *Statutory Authority*

The rescission of § 65.10 is published under the statutory authority of section 2102(a) of the code (relating to rules and regulations).

D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of change.

E. *Summary of Change*

As implemented for the 1995 season, the Early Season Trout Stocked Waters Program (Program) was intended to expand angling opportunities through March on a select group of trout stocked lakes and two tail water areas. Under the Program, approximately 30% of the preseason trout allocation is stocked during the late winter (January or February). During March, fishing is allowed under extended season regulations, which permit the harvest of three trout per day. The season closes at midnight on March 31 and the remainder of the preseason allocation is stocked between April 1 and opening day.

Before the implementation of the Program, most of the waters received preseason stocking in early March. These waters required over 40 truck trips to provide a preseason stocking in the short time period between April 1 and opening day. By eliminating the Program, the distribution trips used to stock these waters in April will be better used to stock other waters that require stocking closer to opening day due to trout residency or water quality issues. Furthermore, trout regulations will be simplified by eliminating one special regulation program. The Com-

mission rescinds § 65.10 to read as set forth in the proposed rulemaking published at 42 Pa.B. 7693 (December 22, 2012).

F. *Paperwork*

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

G. *Fiscal Impact*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. *Public Involvement*

Notice of proposed rulemaking was published at 42 Pa.B. 7693. During the public comment period, the Commission received a total of four comments concerning the proposed rescission, two in favor and two opposed. The Commission received two comments opposing the proposed rescission and one comment supporting it after the formal comment period. Copies of the public comments were provided to the Commissioners.

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 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided and the public comments received were considered.

(3) The adoption of the final-form rulemaking 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 Chapter 65, are amended by deleting § 65.10 to read as set forth at 42 Pa.B. 7693.

(b) The Executive Director will submit this order and 42 Pa.B. 7693 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 42 Pa.B. 7693 and deposit them with the Legislative Reference Bureau as required by law.

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

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-239 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-1076. Filed for public inspection June 14, 2013, 9:00 a.m.]